

Papatimnanáxa Tíinma ku Tiichám / The People and the Land Tell Each Other's History:
Strengthening Tribal Sovereignty on the Western Columbia Plateau, 1854-1940

by

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Abstract

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This dissertation uses primary source documents, linguistic analysis, and secondary sources to closely examine tribal leadership in the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Bands and Tribes of the Yakama Indian Reservation from 1854 to 1940. I aim to examine sovereignty in the terms and with the goals that tribal leaders in 1854-1855 used, and carry that definition forward through leadership and activism on both reservations. Plateau tribal leaders, I argue, defined sovereignty as a web of reciprocal relationships between people and land, in which people had rights – but so did land, and so did the other-than-human relatives who also resided on the Plateau.

Although the context on and around the Plateau changed politically from 1855 to 1940, Plateau tribes adapted their strategies to that context without changing their core goals. The first decades of American settler-colonialism on the Columbia Plateau, from the 1840s to the 1880s, were catastrophically violent. Leaders of the Cayuse, Umatilla, Walla Walla, and Yakama bands adopted multiple strategies, sometimes at odds with one another, to survive. Between the 1870s and 1910s, however, it is clear that band leaders worked together to protect each other, their land, and their people from American violence. Over the early 20th century, more grassroots activism becomes clear, particularly in labor, religion, and education. The determination of Plateau leaders and people to maintain their sovereign relationships shaped their political context at least as much as Federal Indian policy did, by the middle of the 20th century.

Dedicated to the teachers who I can no longer thank in this life: átway Tuxámshish, Dr. Virginia Beavert, whose lifelong work and legacy means the world to so many; átway Sanúuk, Jermayne Tuckta, whose teaching, friendship, and example we are all poorer without; átway Sharon Conner, whose lectures, conversation, and advice meant the world to many; and my grandfather, Marvin Collier, who first taught me to pay attention to the land I stood on.

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This work owes a great deal to talented and kind linguists and teachers who had a great deal of patience with my clumsiness; I am deeply grateful to átway Tuxámshish Virginia Beavert for her tireless instruction, keen sense of humor, and peerless, brilliant language work, to Regan Anderson for her patience, kindness, and endless pedagogical and linguistic example, Tualatin Greg Sutterliect for his thorough instruction and help, and átway Sanúuk Jermayne Tuckta, Joana Jansen, Walimxuxux Keegan Livermore, and Brittany Parham. I also owe much to Alissa Hartig, who talked me through these concepts at an early stage, and whose friendship and insight has been invaluable. My classmates and colleagues in Ichishkíin were a welcoming community, and I am grateful for their friendship, camaraderie, and brilliant insight over the years – to Taysiki Allyson Alvarado, Mitchell Lira, Sonara Malumaleumu, Shianne Walker, Silas Hoffer, Kata Autobee, Shayleen Macy, Damian White Lightning, Karlie Scott, and Jessica Douglas. Crystal Shurley and Wendy Standley provided invaluable help navigating the National Archives at Seattle, and Scott Daniels and Renato Rodriguez have been helpful, supportive, and collegial over months of work at the Oregon Historical Society.

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Introduction

Ink nash waníksha Patience Collier. Skuuliłá nash wachá Xwiimitxaw Skuulitpamápa Úlikanpa, Kalapuyamamípa tiichámpa, anwíkt níiptit ku putímt ku ptáxninshknik haay anwíkt níiptit ku níiptit ku páxaatyaw. Shuyápu nash wa. Connecticutknik nash wa, Narragansettmamíknik tiichámknik. Nisháykinxana K'títaspa páxaat anwíkt. Aw nash nisháykinxa Pokagon Potawatomimamípa tiichámpa. Timnanaxtlá nash wa.

My name is Patience Collier. I was a student at the University of Oregon, on Kalapuya land, from the year twenty-sixteen to the year twenty-twenty-five. I'm non-Native and white. I'm from Connecticut, on Narraganset land. I lived in Kittitas Valley for five years. Now I live on Pokagon Potawatomi land. I'm a historian.

The first several months in Ichishkiin language class, my second year in Oregon, I mumbled and muttered whenever I introduced myself, stumbling over consonant clusters and feeling extremely out of place. But our elder and teacher, átway Sapsikw'alá Tuxámshish, Dr. Virginia Beavert, would shake her head at us when we sat at the dinner table with her and mumbled our names with our heads down. "Tútik!" she would tell us, "Stand up!" As soon as we could pronounce the introductions, she told us we must introduce ourselves standing up, speaking loudly and clearly. I still feel nervous and sometimes out of place when I stand up to introduce myself in both traditional and academic contexts, but I try to pitch my voice loudly, because I can picture the face of átway Sapsikw'alá, and I never wanted her to shake her head at me in disappointment.

Several elders have mentioned that the first time you make something, when you are learning how, you should give it away. That is how I have come to look at this dissertation: as the first real history I have written, in the process of learning how. This is also, in part, why I feel

strongly about making it publicly available. I owe a great debt to the Columbia Plateau, to the land and to many people; this does not really address that debt, but I hope that as a gift, it can serve both as something useful, and as an invitation for people who know better to tell me where it is wrong – since the other purpose of giving one’s first work to an elder, is in hopes that they can show the maker the flaws in the work for next time.

Although I started working on a PhD in 2018, the beginning of this project was sometime in 2012, K’títaspa, in Kittitas Valley, when I first saw the Columbia Plateau. I thought, then and now, that I had never seen any land as beautiful as the Plateau and the High Desert. But when I asked about the history of the area. I got histories of Ellensburg, the town, going back just to the late 19th century – to my ears, a short and shallow narrative. Over the next years, I grew to love the land even more – the canyons, sagebrush, and the rivers which were so unlike any I’d ever seen before. But the more I looked for real history, the less satisfying I found the settler narratives. There were whispers and rumors of treaties and wars in some books, but they were all handwaved away by a silence about almost anything before 1860.

When I came to the University of Oregon, I was determined to do more honest history, and when my advisor mentioned the Ichishkiin class, I leapt at the opportunity. It changed my life. My classmates invited me into a community, and our teacher, a giant in the language, the field, and the linguistic world, showed us a path. Language, she told us, is more than words, it is a system of knowledge. We were learning how to speak, but also how to see and hear the world. Whenever I went back to the Plateau, through those classes, I saw things differently. I had struggled to explain to my family how the rivers were different, on this land, or ways the hills and sagebrush and cliffs seemed to fit together. Only after beginning to learn Ichishkiin did I begin to feel like I had, occasionally, adequate language to talk about the Plateau. One of the

things that did settle deep into my mind and heart was the knowledge that this language *belongs* to this land. And so, I hope, does this history.

In 1977, the Confederated Bands and Tribes of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe formed a coalition to protect and restore the salmon runs all four tribes had relied on since time immemorial: The Columbia River Inter-Tribal Fish Commission (CRITFC).¹ The spring and fall spawning runs are well-known cornerstones of Pacific Northwest ecosystems, economies, and cultures, but the commodification of land, salmon, and even the flow of the rivers themselves, has been steadily eroding the salmon population for over a century. The tribes that founded the CRITFC, and all tribes on the Columbia Plateau, have been fighting not only to save the salmon, but against the commodification and privatization that has led to their demise, since their arrival on the land.

There are two stories that go a long way to explaining the historical and practical significance of this tribal activism to the Columbia Plateau – defined more or less as the watershed of Nch’í Wána, the Columbia River, bordered by the Cascade Mountains to the West, and the Rocky Mountains to the East, and fading into the Great Basin to the South. The first is the story of Pyaxí/Bitterroot, brought into the Plateau for Native people by Spilyáy. Spilyáy, legendary Coyote (often called Old Man Coyote), is one of the most important figures in Plateau oral history. The story begins, as many do, with Spilyáy’s hunger. Spilyáy, following the advice of his older sisters, travels up to a place with large and very bitter pyaxí blossoms, bundles them

¹ Columbia River Inter-Tribal Fish Commission, “Who We Are,” May 2025, <https://critfc.org/about-us/who-we-are/>.

up, and plants them near Kw'ákw'aylim, where the pyaxí was small and tasteless, mixing the plants all over the hills, so that Native people would have pyaxí in many places, and in different varieties for different tastes.² The second story is Spilyáy Breaks the Dam: in this story, people on Nch'í Wána, the Columbia River, were suffering because these sisters had built a dam at a critical point to trap all the salmon for themselves. Spilyáy, using his powers of transformation, cunning, and some sharp tools, breaks the dam and releases the salmon to feed all the people (and himself).

Pyaxí and núsux/salmon are both fundamental to life on the Columbia Plateau – and tínma, Indian people, are fundamental to their survival. Both of these stories show the land of the Columbia Plateau as a dynamic environment which requires management: pyaxí grows in the hills around Kw'ákw'aylim not by happenstance, but because it is planted and managed. Anywhere that núsux still swim up the rivers to feed the people – along with every omnivore and carnivore in the Northwest – they do so because there are people keeping the rivers clear and undammed for them, often at great personal risk. These stories could have been written in the 21st century about the activism of the Plateau tribes, which have been fighting to bring back the roots and undam the rivers for over a century – but the elders who agreed to record them had heard them from their elders, and their elders likewise. Plateau oral histories are a record of sovereignty, and the struggles to keep it alive since long before the onset of settler-colonialism.

In the 1830s, the United States of America was a distant shadow on the Columbia Plateau, but it grew longer over the 1840s, and Plateau tribes increasingly saw their people, their land, and their sovereignty threatened by the growing tide. The Americans did not respect land

² Virginia Beavert, Michelle Jacob, and Joana Jansen, eds., *Anakú Iwachá: Yakama Legends and Stories*, 2nd ed. (Seattle: University of Washington Press, with the Confederated Bands and Tribes of the Yakama Nation, 2021), 52-59.

nor water as relatives, and they showed no evidence of respecting the legal sovereign relationships that Plateau tribes had with either. Further, from early on, they did not respect the lives of Native people as equal to their own – nor even as equal to their own declared property rights, at times. When Native leaders expressed anger over murder and trespassing by white miners, the response by white authorities was to hold a council asking them to avow that they would not attack white people or property.³ By 1855, violence from Americans across the Pacific Northwest had increased to a fever pitch, and tribes faced drastic options – to eject all Americans from their land, to cede most of their homelands to the Americans and reside in small areas where white trespassers would not be allowed. Even then, the preferred solution of the Yakama leaders who took up arms against the US was neither – they wanted, instead, for incoming Americans to take only the land they needed to live on, rather than all of it, and to live with their people in peace.⁴

Over the following decades, as Americans broke with not only the Plateau understanding of their sovereignty as they had explained it, but their own treaties and promises, Plateau bands adapted their methods to the changing political landscape – but not the core of their sovereign law. The dissertation looks at the arguments and choices of those leaders, when possible, but also strives to include the agency and perspective of families in less visible – to the American policy-makers, at least – situations. What emerges is a narrative of difficult choices, relationship-building and alliance-making against all odds, and complex, multi-faceted politics that carried a

³ Hubert Howe Bancroft, *History of the Pacific States of North America Vol. 24: Oregon* (San Francisco: The History Company, 1886), 268-272, n2.

⁴ K'amáyaḱin et al to Isaac I. Stevens and Granville O. Haller, Sept. 7, 1855, in Scheuerman and Finley, *Finding Chief Kamiakin* (Pullman, WA: Washington State University Press, 2008), 48-49, and Edward J. Kowrach, *Mie. Charles Pandosy, O.M.I.: A Missionary of the Northwest* (Veradale WA: Kowrach, 1992), 95-97.

struggle over seven generations – though due to the constraints of time and space, the dissertation closes on the fourth.

This dissertation focuses primarily on the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Bands and Tribes of the Yakama Nation, but because of the nature of confederated tribes, and the inter-related status of most bands on the Plateau, it necessarily also follows people and families who may have been enrolled in other Plateau tribes, or not enrolled in any tribe, at various times – by accident or intent – or, especially in the first few decades of the treaties, enrolled in multiple tribes.⁵ From long before the early 19th century, intermarriage between Plateau bands was a normal part of society.⁶ Across the Columbia Plateau, bands shared access to places where fish, or roots, or game lived, and gathered and met seasonally there.⁷ This overlapping and intermingling was an important aspect of the seasonal rounds; families saw relatives who had married into other bands, or simply been on their own rounds, re-established reciprocal relationships with their distant and close relatives, and reinforced their relationship to the land they traveled over, cared for, and lived on.

Family in this context means more than direct nuclear households, but aunties and uncles on both sides, cousins, and knowing not only grandparents but great and great-great grandparents – relative, in this context, means someone connected through this web of relationships. But relative could also refer to the other beings who lived on and cared for the land, and on whom all

⁵ Virginia Beavert, *The Gift of Knowledge: Tnúwit Átawish Nch'inch'imami: Reflections on Sahaptin Ways* (Seattle: University of Washington Press, 2017), 15; Patrick Lozar, “‘My Home is on Both Sides’: Indigenous Communities and the US-Canadian Border on the Columbia Plateau, 1880s-1910s,” *Ethnohistory* 65, no. 3 (July 2018): 391-415; Andrew Fisher, *Shadow Tribe: The Making of Columbia River Indian Identity* (Seattle: University of Washington Press, 2010), 195-196.

⁶ Lillian Ackerman, *A Necessary Balance: Gender and Power among Indians of the Columbia Plateau* (Norman: University of Oklahoma Press, 2003).

⁷ Eugene S. Hunn, E. Thomas Morning Owl, Phillip E. Cash Cash, and Jennifer Karson Engum, *Cáw Pawá Láakni / They Are Not Forgotten: Sahaptin Place Names Atlas of the Cayuse, Umatilla, and Walla Walla* (Pendleton, OR: Tamástklikt Cultural Institute, 2015).

people on the Plateau relied: salmon, elk, deer, bear, camas, bitterroot, tule, cedar – in real, practical terms, every living thing in the land was connected to the land, and to each other. This is functionally true of every ecosystem, though easier to trace in some than others.⁸ The high desert has a clear through-line that highlights the ecological interdependences, reminiscent of the way caloric energy connects life in the Arctic circle: chúush/water. Plateau tribes both depend on, and maintain, this web of life; from early on in their conversations with American authorities, they explained this, telling the American treaty-makers that they belonged to the land in the same way the land belonged to them. Sovereignty did not only mean that Native people had a right to the land, but that *the land itself* had rights.

As I am neither Native, nor from the Columbia Plateau, I have relied on an understanding of historic Plateau epistemologies and sovereignty based on works by Native and non-Native authors of the Plateau in order to construct these perspectives and situate them in the context of the 1854-1934 landscape. In particular, this dissertation reexamines some of the original texts around the 1855 treaties with an emphasis on linguistic analysis, using Ichishkiin – which most Plateau nations spoke some dialect of – to unpack the original intent of the speakers. I rely on the work of linguists and previous Plateau historians throughout this work to do so.⁹ In addition, examining some of the events of the following decades with the lens of Ichishkiin language and Plateau oral histories has provided frameworks that situate the decisions and actions of Plateau

⁸ Bathsheba Demuth, *Floating Coast: An Environmental History of the Bering Strait* (New York: W. W. Norton & Co, 2019), 10-11.

⁹ Virginia Beavert and Sharon Hargus, *Ichishkiin Sinwit Yakama/Yakima Sahaptin Dictionary* (Seattle and Toppenish: Heritage University with University of Washington Press, 2009); Confederated Tribes of the Umatilla Indian Reservation, *Umatilla Dictionary* (Seattle: University of Washington Press, 2014); Joana Worth Jansen, “A Grammar of Yakama Ichishkiin/Sahaptin” (PhD diss., University of Oregon, 2010); Eugene Hunn and James Selam, with family, *Neh’i Wána / The Big River: Mid-Columbia Indians and their Land* (Seattle: University of Washington Press, 2010); Isaac Ingalls Stevens, *A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley 1855*, Darrell Scott, ed., (Fairfield, WA: Ye Galleon Press, 1985).

leaders and peoples in a richer context than simply looking at the American political landscape and reservation economies.¹⁰ While my construction of this history is doubtless imperfect and limited, I hope it will add to the overall literature of not only Pacific Northwest history, but the history of tribes and treaties in the U.S.

The majority of the work on sovereign praxis in the Northwest has, perhaps understandably, focused on salmon fishing rights – both the fight to hold onto them against state pressures to prioritize sports and industry fishing, and the fight to protect the continued existence of the salmon from dams and pollution.¹¹ Other issues – the right to bury ancestral remains with dignity, the right to self-rule, and the legal power of treaties themselves – have also increasingly drawn focus from historians of sovereignty and historians of the Northwest.¹² But in the general historiography of tribal sovereignty in the U.S. and elsewhere, the Columbia Plateau is underrepresented, and in American historiography broadly, the Plateau is generally swallowed up by the history of the Pacific Northwest, blending the well-watered coasts and the high desert into

¹⁰ Beavert, Jacob, and Jansen, *Anakú Iwachá*, 7-9; Richard D. Scheuerman and Michael O. Finley, *Finding Chief Kamiakin: the Life and Legacy of a Northwest Patriot* (Pullman, WA: Washington State University Press, 2008).

¹¹ Charles Wilkinson, *Treaty Justice: The Northwest Tribes, the Boldt Decision, and the Recognition of Fishing Rights* (Seattle: University of Washington Press, 2024); Charles Wilkinson, *Messages from Frank's Landing: a Story of Salmon, Treaties, and the Indian Way* (Seattle: University of Washington Press, 2000); Joseph E. Taylor III, *Making Salmon: An Environmental History of the Northwest Fisheries Crisis* (Seattle: University of Washington Press, 1999); Richard White, *The Organic Machine: The Remaking of the Columbia River* (New York: Hill and Wang, 1995); Daniel L. Boxberger, *To Fish in Common: The Ethnohistory of Lummi Salmon Fishing* (Lincoln: University of Nebraska Press, 1989); Joseph Dupris, Kathleen S. Hill, and William H. Rodgers Jr., *The Si'lailo Way: Indians, Salmon, and Law on the Columbia River* (Durham, NC: Carolina Academic Press, 2006); Bradley G. Shreve, "From Time Immemorial': The Fish-In Movement and the Rise of Intertribal Activism," *Pacific Historical Review* 78 no. 3 (Aug. 2009): 403-434; Andrew Fisher, "Tangled Nets: Treaty Rights and Tribal Identities at Celilo Falls," *Oregon Historical Quarterly* 105 no. 2 (June 2004): 178-211; Fay Cohen, *Treaties on Trial: The Continuing Controversy over Northwest Indian Fishing Rights* (Seattle: University of Washington Press, 1986).

¹² Alexandra Harmon, ed., *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest* (Seattle: University of Washington Press, 2008); Katrine Barber, *Death of Celilo Falls* (Seattle: University of Washington Press, 2005); Katrine Barber, *In Defense of Wyam: Native-White Alliances and the Struggle for Celilo Village* (Seattle: University of Washington Press and Center for the Study of the Pacific Northwest, 2018); Laurie Arnold, *Bartering with the Bones of Their Dead: The Colville Confederated Tribes and Termination* (Seattle: University of Washington Press, 2012); Benedict J. Colombi, "Dammed in Region Six: The Nez Perce Tribe, Agricultural Development, and the Inequality of Scale," *American Indian Quarterly* 29, no. 3-4 (Summer/Fall 2005): 560-589; Andrew D. Fisher, "This is What Land Back Looks Like: The Yakama Nation's 160-Year Fight for Tract D," *Oregon Historical Quarterly* 125 no. 4 (Dec. 2024): 326-359.

one region, and often emphasizing the former. More frustratingly, histories of the Pacific Northwest that are not specifically focused on Native history and sovereignty have in the past followed settler-colonial narratives structures closely, suppressing the facts of genocidal violence and tribal resistance alike. Although American settlers fought violent, genocidal wars against most, if not all, tribes in the Pacific Northwest between 1840 and 1880, the most frequently assigned textbook on the Pacific Northwest only specifically mentions the Cayuse War, briefly, and the Nez Perce War, in the tone of an epilogue.¹³ All other conflict disappears into a single sentence on warfare – and this has carried into the narrative of the Pacific Northwest into U.S. history textbooks.¹⁴

More recent histories have done better, including Native people throughout the 20th century, though agency and the continuity of tribal sovereignty are still relegated to before the 1870s and after the 1970s, overshadowed by individualism.¹⁵ Increasingly over the past few decades, historians of the Pacific Northwest have fought to overturn the master narrative, highlight and expand Native agency and sovereignty, and expose settler violence.¹⁶ But there is a frustrating lack of representation of the generations of tribal leadership, activism, and fights for sovereignty between the 1870s and 1970s. More historians have begun to take a closer look at

¹³ Carlos Arnaldo Schwantes, *The Pacific Northwest: An Interpretive History* Revised ed. (Lincoln: University of Nebraska Press, 1996).

¹⁴ Eric Foner, *Give Me Liberty!: An American History*, 6th ed. (New York: W. W. Norton & Co, 2023). Most of the wars between tribes and Americans are glossed over in, not only in the Northwest – but the use of Chief Joseph to turn the page away from Native sovereignty continues the narrative of vanishing, even as the text has shifted towards a survivance narrative in later editions.

¹⁵ David J. Jepsen and David J. Norberg, *Contested Boundaries: A New Pacific Northwest History* (New York: Wiley & Blackwell, 2017).

¹⁶ Coll Thrush, *Native Seattle: Histories from the Crossing-Over Place* (Seattle: University of Washington Press, 2008); Gray H. Whaley, *Oregon and the Collapse of Illahee: U.S. Empire and the Transformation of an Indigenous World, 1792-1859* (Chapel Hill: University of North Carolina Press, 2010); Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2011); Harmon, ed., *The Power of Promises*; Lozar, “My Home Is On Both Sides”; Cassandra Tate, *Unsettled Ground: The Whitman Massacre and Its Shifting Legacy in the American West* (Seattle: Sasquatch Books, 2011); Marc James Carpenter, *The War on Illahee: Genocide, Complicity, and Cover-Ups in the Pioneer Northwest* (New Haven: Yale University Press, forthcoming 2025).

the Progressive Era and the continuity of late 20th century activism with its precursors, but much more work here is needed.¹⁷

Another area that has been chronically underrepresented in literature about Native Plateau history is both gender overall, and women specifically. Although part of the reason for the focus on salmon in Northwest history is its importance to both Native and settler cultures economies, I am convinced that part of the reason why salmon has so fully eclipsed the importance of roots in academic Plateau history is that fishing salmon was historically primarily men's work, and digging roots, women's work. While some men did also dig roots, and women had important roles in preparing and preserving salmon, the focus of settler observers and academics for the last century or so has been on men.¹⁸ When Americans observed women's work in Plateau tribes, they frequently assumed that the work was entirely for men's economic benefit, and that women in Plateau society were mostly unfree. Despite the frequent clear testimony and evidence to the contrary by generations of Plateau women and men, this misconception has warped academic literature on the Plateau for many years.¹⁹ I have tried to avoid the instinct to over-correct by down-playing the importance of salmon, or of men, while

¹⁷ Tom Holm, *The Great Confusion in Indian Affairs: Native Americans and Whites in the Progressive Era* (Austin: University of Texas Press, 2005); Zada Ballew, "'The Indian Side of the Question': Settling the Story of Potawatomi Removal in the Twentieth-Century Midwest," *The Journal of the Gilded Age and Progressive Era* 23 no. 2 (April 2024): 170-189; Marc James Carpenter, "Justice and Fair Play for the American Indian: Harry Lane, Robert Hamilton, and a Vision of Native American Modernity," *Pacific Historical Review* 87 no. 2 (April 2018): 305-332; Kyle T. Mays and Kevin Whalen, "Decolonizing Indigenous Education in the Postwar City: Native Women's Activism from Southern California to the Motor City," in Linda Tuhiwai Smith, Eve Tuck, and K. Wayne Yang, eds., *Indigenous and Decolonizing Studies in Education: Mapping the Long View* (New York: Taylor & Francis, 2019).

¹⁸ Michelle M. Jacob, *Yakama Rising Indigenous Cultural Revitalization, Activism, and Healing* (Tucson: University of Arizona Press, 2013), 89-98 Ackerman, *Necessary Balance*, 72-75.

¹⁹ More recent books, particularly Ackerman, *A Necessary Balance*, Barber, *In Defense of Wyam*, and books authored by Plateau people themselves, such as Jacob, *Yakama Rising*, Beavert, *Tnúwit Átawish Nch'inch'imamí*, and the CTUIR-published *Ćaw Pawá Láakni* and *Wiyáxayxt / Wiyáakaa'awn* have done much to correct this.

still ensuring that women's work and roles in sovereignty keep a prominent place in the narrative.

Other scholars of Plateau tribes and tribal sovereignty have made many of these points, particularly the need for histories of sovereignty that treat the Columbia Plateau as a distinct region.²⁰ Notably, some Plateau tribal governments, especially the Confederated Tribes of the Umatilla Indian Reservation, have published their own histories and geographies, pointing out that their histories can do things that documentary histories by outside scholars, such as this one, cannot.²¹ It is my hope, nonetheless, that by reading carefully the available oral histories, documentary sources, and linguistic resources, this dissertation can help to fill that gap in the historiography, by putting history that centers sovereignty on the western Plateau in the context of broader Pacific Northwest history.

Throughout this dissertation, my primary narrative goal has been to describe the intricate political planning, intense labor, and intentional relationship-building that ensured that the bands and tribes of the Columbia Plateau who came to comprise the confederated nations of the Umatilla and Yakama not only survived, but built the reservations that had been intended to destroy them into centers of tribal strength and power. Frankly, this narrative covers less than half of the necessary ground to accomplish that. Instead, it has become a series of connected stories, focusing in on several inter-connected people and places, and considering their actions and reactions through the lens of not only survival, but sovereignty.

²⁰ Hunn and Selam, *Nch'í Wána*; Fisher, *Shadow Tribe*; Ackerman, *Necessary Balance*.

²¹ Jennifer Karson, ed., *Wiyáxayxt / Wiyáakaa'awn / As Days Go By: Our History, Our Land, Our People – the Cayuse, Umatilla, and Walla Walla* (Pendleton, OR: Tamástklikt Cultural Institute, 2006); Hunn, Morning Owl, Cash Cash, and Karson Engum, *Cáw Pawá Láakni*.

That focus on sovereignty underpins the theoretical goal of the dissertation, which is to re-examine the principle as a legal concept in the framework of the Plateau. I have tried to avoid the distinct, opposing problems of either watering down the concept of tribal sovereignty into a nebulous, meaningless abstraction, a spiritual idea without any legal weight in the modern world, or defining it solely through and within the European and American definitions constructed through imperialism and settler-colonialism. This becomes more complicated as the narrative moves through time, since by necessity, political leadership in the 20th century navigated federal systems of government, and used those American definitions and ideas to their own ends. But fundamentally, as E. Thomas Morning Owl, Roberta L. Conner, and Bruce Rigsby pointed out, the concept of land as property, or private property altogether, is also a cultural construct, not some core truth of the universe.²²

My contention remains the same after grappling with the strategies Plateau leaders adopted to fight for sovereignty in the federal context: that *tamánwit*, sovereignty, articulates a reciprocal relationship, including both responsibilities and rights, between people and land – not only describing a spiritual belief, but also defining a legal relationship. The negotiations and treaties of 1855 did not create that sovereignty, but recognized it, thanks to the tireless efforts of Plateau leaders to argue, articulate, and explain their legal rights and responsibilities to the American negotiators, and their refusal to allow those negotiators to harrify them into silence. Bands who were not present at the treaty negotiations – but had almost certainly attended the intertribal council of 1854 preceding it, which included no American witnesses – may have

²² Hunn, Morning Owl, Cash Cash, and Karson Engum, *Cáw Pawá Láakni*, 53-58.

disagreed with the American interpretation of their sovereignty, as did the signatories themselves, but could still be included in the framework that their relatives had insisted on.

This dissertation is divided into four chapters, each focusing on a different period of time, and the associated struggles and triumphs thereof. The first chapter picks up in 1854, and focuses on the treaty negotiations at Walla Walla in 1855, but uses the negotiations and treaty to draw out a political concept of sovereignty that had been in place since time immemorial. Through linguistic analysis of the speeches made by Native leaders at the treaty council, and use of the correspondence and observations from neighbors and allies, however few, in the early 1850s, I attempt to ground the definition and the political moment in a rich and complicated context. The chapter continues through to the beginning of the Yakima War, and considers the given reasons for the war from the Yakama leadership – and the potential reasons from those who broke with them – in that same context.

The second chapter begins at the end of the war, as the bands and tribes began to migrate onto reservation lands, or other chosen sites. It examines the choices made by everyday women and families, and more visible political and legal activism, to follow the thread of sovereign relationships. Through the 1850-70s, via everyday resistance – migration, occupation, and simply continuing to maintain their relationships – families across the western Plateau refused to follow the BIA script and assimilate or die. At the same time, some people fought for hunting and fishing rights, and others fought for access to local and national politics in order to improve life on the reservations.

The third chapter looks at the more visible such fights on national scales, and in particular, the deliberate choices by leaders on both the Umatilla and Yakama reservations to fight for traditional political structures in the 1870s-90s, choosing confederation with band

leadership even while the Indian Agents tried to push them into monolithic blocs led by single leaders. Between and throughout these political struggles, however, settlers encroached on reservations, stole from both tribes and individuals, and at times, murdered Native people with impunity. This chapter delves into the struggles and hurdles of settler violence, and the constraints they placed on tribal politics.

In the fourth chapter, the focus shifts back again to families, and the choices of individuals. Particularly, this chapter looks at allotments and education. Over the course of the 1910s-30s, both legal and illegal leases and sales of Indian allotments carved away chunks of the Umatilla and Yakama reservations. At the same time, families continued to both resist the system, and to use malicious compliance to subvert its goals. The boarding school system imposed in the 1880s-90s lost ground in this period, as families fought to keep their children home, pushing to enroll them in local public schools instead. At the remaining regional boarding schools, students built new relationships and fought for their identities.

Before the treaty councils, Plateau leadership had organized to discuss their options regarding the invaders on their homelands; the methods their grandchildren and great-grandchildren used were in some ways starkly different - but the treaty signers would have recognized many of their tactics, and would certainly have understood their goals, which had not changed all that much. The tactics settlers used, after all, also changed – though not as much, nor as quickly, as it might have seemed.

The focus of this dissertation remains, to the extent I can keep it, the struggle for sovereignty on the western Columbia Plateau. But most of the mainstream frameworks about that struggle seem inadequate to capture the strength it took, at the time of writing. The nostalgic pioneer's lens, written by the perpetrators of the genocides and their children, paints the struggle

of Northwest tribes in general as both doomed, and primarily internal – caught between two worlds, abandoned by bureaucracy, corrupted by the “low class” non-Natives on the margins – all focusing on a demoralization, a death of the spirit that would be followed by a natural death of the people themselves, leaving only their imperfect memories on the conquered land. The more sympathetic political history might see a material struggle to survive and cling to tradition in an increasingly besieged and shrinking land base and state of extreme scarcity, saved primarily by the goodwill of the federal government through John Collier.

It is true that tribes struggled to survive – and clung to tradition – in the midst of deliberate policies calculated to engender their assimilation, poverty, and loss. And it is true that the Plateau tribes were both abandoned and betrayed, in varying ways, by the bureaucracy whose mission was in theory to keep the treaties. But the struggle to survive from 1855 to 1940 was not primarily against immorality or despair, nor was it wholly for material means of subsistence amidst deprivation. In the very same years that the pioneers and their successors wrote that Indians were fading, that the immoral low-class white and Black immigrants around the reservation corrupted them and sapped their spirits, Native leaders used relationships in the community to demand justice for the victims of waves of murders on and around the reservations. The fight was not abstract, and if it was internal, those internal factors – depression, addiction, neglect, trauma – were the products of not only past, but *ongoing* and unpunished violence.

And the fight was not only to survive, but to survive as wholly as possible – as a sovereign people who could continue their relationship to the land. Even in the midst of poverty and ongoing theft, Native leaders refused point-blank to betray their relatives by disenfranchising bands or defrauding them of their land. Couples threatened with legal disinheritance of their

children still chose to have traditional marriages, sometimes deliberately holding ceremonies before obtaining their marriage licenses.

It would be wrong to tell this story as one of unmitigated triumph, victory without loss or compromise, an inversion of the false story of pure declension. Even after the war, Plateau tribes faced violence and theft constantly, both on and off of reservations; the victims of that violence, each a loss to their family and people, must not be discounted. The fraud and corruption and betrayal of the treaties and the sovereignty they recognized, too, both exacerbated old enmities and forced leaders to sacrifice alliances and relatives, at times. To pretend that the current survival and sovereignty of the confederated tribes of any Plateau nation was an easy, bloodless victory would be a betrayal of those who fought their whole lives for it. But it would be as wrong to undermine that victory by pretending that it was not their brilliant work, impossible choices, hard-won alliances, and, at times, great sacrifices, that won it.

Chapter 1: Coercion, Conditions, and Contingent Ratification of the Treaties at Walla Walla

On the cusp of summer in 1855, political delegates from nations across the Columbia Plateau reluctantly agreed to meet the United States political appointees who had proposed a treaty council, and traveled from a span of hundreds of miles across the Plateau to attend. Every attending leader understood why the Americans had called this council. While Plateau leaders were meeting the American leaders as a group for the first time, they had already held at least one major council amongst themselves to discuss the problem.¹ The delegations of families all had been traveling across this land for time immemorial, and every landmark they passed was enmeshed in a web of history and relationships – with them, and with every non-human life on the Plateau, articulated in a rich tapestry of traditional stories, from contemporary history and Legendary time.² Every family had a deep and reciprocal relationship with the lands they traveled through, and the relatives who lived there.

The bands across the Plateau were independent, but deeply interconnected, sovereign peoples who shared overlapping culture, languages, and relatives. Bands spoke a variety of dialects of Ichishkíin, a widespread language now known in English as Sahaptin, as well as other languages: Nimiputímt, the Nez Perce language, closely related to Ichishkíin; Kiksht, spoken by the Wasco along Nch'í Wána, the Columbia river; Numu, spoken by the Upper Paiute. While bands kept different traditions and leaders, all followed sacred Tamánwit, a word in Ichishkíin

¹ Richard D. Scheuerman and Michael O. Finley, *Finding Chief Kamiakin: the Life and Legacy of a Northwest Patriot* (Pullman, WA: Washington State University Press, 2008), 33; Edward J. Kowrach, *Mie. Charles Pandosy, O.M.I.: A Missionary of the Northwest* (Veradale WA: Kowrach, 1992), 78.

² Hunn, Morning Owl, Cash Cash, and Karson Engum, *Čaw Pawá Láakni*, 31. See also Beavert, Jacob, and Jansen, 7-9, on Legendary Time.

meaning law, rule, government, judgement.³ The concept of Tamánwit goes deeper, however, than regulations passed down by any local government. Ichishkiin is a verb-centered language, and the noun form, tamánwit, comes from the verb tamánwi-, which means not only to rule or make law, but to create. The Creator of people and the world, in Ichishkiin, is Tamanwílá; the issuing of sacred law is inextricable from creation itself.⁴ Both this law that articulated their relationship to their land, and the character of the Americans who wanted to terminate both, could not have been far from the minds of the Plateau leaders as they neared Walla Walla.

The Nez Perce, riding in from the east, attended in the greatest numbers by far, estimated at about 2500 people at the start of the council, though even official accounts vary – leaders and their bands and families arriving together.⁵ At the time, the most powerful Nez Perce leader, Aleiya or Halhal-Teostsot, known by the Americans as Lawyer, seemed to favor the treaty, but other leaders also attended and gave their thoughts: Joseph, U-u-san-mal-e-con, James, Timothy, Red Wolf, Spotted Eagle, Three Feathers, Jason, Jacob, Cow-pook, Is-coh-im, Kay-kay-maps, Tei-peo-lan-its-a-kum, Billy, The Snipe, Bold Eagle. Their political contingent would grow in numbers, but fracture in intent, by the end of the council, as the political elder and opposition leader, Apashwiyákaikt, known as Looking Glass, arrived directly from a successful raid on a historic enemy of the Nez Perce, the Blackfeet. Riding into the council with both the appropriate

³ Virginia Beavert and Sharon Hargus, *Ichishkiin Sínwit Yakama/Yakima Sahaptin Dictionary* (Seattle and Toppenish: Heritage University with University of Washington Press, 2009), 197; Confederated Tribes of the Umatilla Indian Reservation, *Umatilla Dictionary* (Seattle: University of Washington Press, 2014), 310; Patrick Lozar, “‘An Anxious Desire of Self Preservation’: Colonialism, Transition, and Identity on the Umatilla Indian Reservation, 180-1910,” MA Thesis, University of Oregon, 2013.

⁴ Thomas Morning Owl, “Tamánwit,” in Jennifer Karson, ed., *Wiyáxayxt Wiyáakaa’awn As Days Go By: Our History, Our Land, and Our People, The Cayuse, Umatilla, and Walla Walla* (Pendleton, OR: Tamásklikt Cultural Institute with University of Washington Press, 2006), 76-78.

⁵ Isaac Stevens, *A True Copy of the Official Proceedings at the Council in the Walla Walla Valley, 1855*, Darrell Scott, ed., (Fairfield, WA: Ye Galleon Press, 1985), 30-34; James Doty, *Journal of Operations of Governor Isaac Ingalls Stevens of Washington Territory in 1855*, Edward Kowrach, ed., (Fairfield, WA: Ye Galleon Press, 1978); Lawrence Kip, *Indian Council at Walla Walla* (New York: William Abbat, 1915), entry May 24th.

diplomatic pomp and ceremony, and the evidence of his ability to lead successful warriors clearly evident, the seventy-year-old Apushwa-hite framed his vehement arguments against the treaty with a strong demonstration of his political authority.⁶

From the Cayuse bands, who lived nearby Walla Walla, The Young Chief, Steachus, and Camaspelo took the lead, though leaders of smaller bands attended as well. Most Cayuse had probably not fought in what Americans called “The Cayuse War,” or “The Whitman Massacre,” in 1847-8, but had nonetheless suffered the consequences of American reactions and overreactions to Native resistance. Cayuse leaders opposed accommodation with the invaders vociferously, both at council talks with the American delegation, and, according to later testimony, at internal councils.⁷ As they had less force to bring to bear than Aleiya’s delegation, however, the leaders could not effectively bring the council to a quick end. Piyópiyo Maqsmáqs/Peo Peo Mox Mox/Yellow Bird, as well, in particular, set himself clearly up in opposition to the Nez Perce by publicly instructing Walla Walla youth not to make themselves comfortable in the American camps as Nez Perce youth had.⁸

The Walla Wallas had less distance to cover, and Piyópiyo Maqsmáqs, an experienced diplomat who had been dealing regularly with American authorities and settlements since the 1830s, led them. He clearly opposed the treaty, and brought with him the clearest evidence against good faith arguments for the treaty – eyewitness to federally-approved murder, genocide, slavery, and theft.⁹ Having also seen the sheer numbers Americans could attack with, however, it

⁶ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 11, 93, 98-99.

⁷ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 31-32, 36-37, 57, 77; Kip, *Indian Council at Walla Walla*, June 11th.

⁸ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 33.

⁹ Cassandra Tate, *Unsettled Ground: The Whitman Massacre and its Shifting Legacy in the American West* (Seattle: Sasquatch Books, 2020), 158.

is likely that Piyópiyo Maqsmáqs would not have agreed with any plan of direct warfare against them. His poignant and thoughtful opposition to the treaty did not lead him to side with the Yakama resistance a few months later, but at the council, he made his disdain for the Americans' plans clear.

The Yakama and Pshwánapam also came prepared to push back against the treaty – K'amáyaqin/Kamiakin, Áwɣay/Owhi, Shklúum/Skloom led, but the leaders of several smaller bands and villages: Sk'in, a village upstream from Siláylu/Celilo, Si'áywa, Winátshapam/Wenatchi, attended as well.¹⁰ A non-Native advisor, the Catholic missionary and Oblate Charles Marie Pandosy, traveled with them; he had warned K'amáyaqin at least a year prior that the Americans planned to take their land, and his disapproval of American conquest was noticeable enough that American traders commented on his unfriendly demeanor and suspected him of stirring up trouble.¹¹ Nonetheless, like Piyópiyo Maqsmáqs and Aleiya, Pandosy counseled against warfare with the Americans even through a united confederation, insisting that such a plan could not succeed.¹²

The American delegates, led by Isaac Stevens, governor of Washington Territory, and Joel Palmer, superintendent of Indian Affairs in Oregon Territory, brought their designated subordinates, fifty followers of various positions, and a smaller official armed escort. Much like the political leaders they came to meet, they had already made their plans and decided on their goals for the council; unlike the rest of the delegations, they did not enter the council with

¹⁰ While I know of K'amáyaqin, Áwɣay, Shklúum, and Tecolekun, a Winátshapam leader, several other recorded names have been difficult to track. The published proceedings edited by Darrell Scott note that the latter three were added in a different hand than the first three. There is an important Wáyampam village a little above Celilo on the other side of the Columbia called Sk'in; this was probably meant to refer to all of the people at Sk'in, represented by an unnamed leader.

¹¹ Kowrach, *Pandosy*, 182.

¹² Kowrach, *Pandosy*, 75-79.

appropriate diplomatic ceremony, merely setting up a camp and meeting the other delegations as they arrived. Neither did Stevens and Palmer particularly care whether the outcome of the council was consensual, mutual, or honest – so long as it ended in a signed treaty. Stevens and Palmer took turns cajoling, promising, threatening, and lying flagrantly; at points, their ignorant misunderstandings of their opponents’ political arguments surpassed mere obtuseness into deliberate misconstruction.

Along with leaders on all sides of this conflict, Plateau families and American settlers brought their own concerns. American Indian Policy at the time stipulated the creation of reservations for the goal of assimilation, but those involved in local politics knew all too well that federal oversight of reservations was loose or non-existent; their primary purpose for involvement in treaty councils and the Office of Indian Affairs was probably hope for future personal gain.¹³ Few referred to this goal directly in writing, but many settlers who complained to local OIA and territorial authorities, or who joined the murderous volunteer militias that enforced their authority, later became Indian Agents or Superintendents, or contractors for reservations. When OIA officials gave their justifications for appointing sub-agents, agents, or superintendents of reservations, states, or territories, they often cited citizens in good standing, a subjective quality, and experience dealing with Native people; few scholars as yet have carefully considered the implications of how often that experience consisted of genocidal violence and warfare for the selfsame motivations of profit and land.¹⁴

¹³ Ryan Hall, “Patterns of Plunder: Corruption and the Failure of the Indian Reservation, System, 1851-1887,” *The Western Historical Quarterly* 55, no. 1 (Nov. 2024): 21-38.

¹⁴ Umatilla Indian Agency Letterbook, Records of the Oregon Superintendency of Indian Affairs: Letter Books, 1848-1872, vol. D, March 1854 - Jan. 1856, Microfilm Reel, slides 7, 52.

Plateau families, on the other hand, had experienced increased encroachment onto and across their lands, and had grown concerned about the threats of violence that Europeans and Americans dispensed quickly and with little to no provocation. After Congress passed the Oregon Land Donation Act in 1850, Native families encountered more settlers traveling across the Plateau towards the green valleys west of the Cascades – particularly the rich Willamette Valley, belonging to the Kalapuyan people.¹⁵ From early on, unwritten U.S. policy had followed long-established patterns – Native people were presumed guilty on any accusation by a white citizen, and neither law enforcement where it existed, nor the military, would enforce consequences for white violence or theft against Native people. Between soldiers and the unrestrained violence of these emigrants, Plateau people had much cause for concern. K'amáyą́kin had finally been worried enough in 1853 to question Pandosy about the Americans' intent after George McClellan asked him to supply some guides to survey for a road across the Plateau.¹⁶ The scattered travelers were already a problem, but the road indicated that they would soon be coming in greater numbers. Further, no leader had held any appropriate councils to discuss or request permission for the construction of a new road with any of the leaders or bands whose land it would pass through. This clearly indicated that the Americans had no intent to respect Plateau Tamánwit, and the bands from every group between the Nisqually, just west of the Cascade Mountains, and the Blackfeet, just east of the Rocky Mountains, began to consider their options.

¹⁵ James M. Bergquist, "The Oregon Donation Land Act and the National Land Policy," *Oregon Historical Quarterly* 58, no. 1 (March 1957):17-35; Kenneth R. Coleman, "'We'll All Start Even': White Egalitarianism and the Oregon Donation Land Claim Act," *Oregon Historical Quarterly* 120, no. 4 (Winter 2019): 414-439; Gray H. Whaley, *Oregon and the Collapse of Illahee: U.S. Empire and the Transformation of an Indigenous World, 1792-1859* (Chapel Hill: University of North Carolina Press, 2010), 161-216.

¹⁶ Kowrach, *Pandosy*, 78.

Thus in 1854, most, if not all, of the Plateau leaders who would later meet the Americans at Walla Walla first met without them at the Grand Ronde to discuss their concerns about American incursions. They planned to develop a strategy for the invitation to a treaty council they expected the Americans to call.¹⁷ Many of the leaders had already had extensive experience with the American leaders, and most had found them duplicitous and violent. After a series of minor conflicts, several leaders had met with Elijah White, the sub-agent for Oregon Territory, and he had presented them with a series of laws imposing various punishments on those who trespassed against white property or lives, and putting jurisdiction for white offenders who stole from or attacked Native people in the hands of American authorities.¹⁸

In the 1830s, Piyópiyo Maqsmáqs, already an important Walla Walla band leader, had sent his son to a Methodist school in the Willamette Valley for an education, and he had returned with the name Elijah Hedding. In 1844, at eighteen years old, Elijah Hedding had accompanied his father to California to trade for cattle, and a white American, Grove Cook, had accused him of stealing a mule and demanded it back; though Hedding defended himself in the moment, the man accosted him a few days later, in Sutter's fort, and shot him in cold blood.¹⁹ When Piyópiyo Maqsmáqs returned to the Plateau, demanding justice from White under the laws he had insisted were binding, White said he could do nothing.²⁰ Ellis, a Nez Perce leader who had similarly traveled in his youth to the mission school at Red River, spoke English, and likely had an easier

¹⁷ Kamiakin et al. to Stevens and Haller, Sept. 7, 1855, in Kowrach, *Pandosy*, 95-97; and Scheuerman and Finley, *Finding Chief Kamiakin*, 48-49.; James G. Swan, *The Northwest Coast; or Three Years' Residence in Washington Territory* (New York: Sampson Low, Son, & Co, 1857), 425.

¹⁸ Andrew Fisher, *Shadow Tribe: The Making of Columbia River Indian Identity* (Seattle: University of Washington Press, 2010), 33-36; Tate, *Unsettled Ground*, 144-145.

¹⁹ Hubert Howe Bancroft, *History of the Pacific States of America, Vol. 24: Oregon* (San Francisco: The History Company, 1868), 285-288; Bancroft, *History of the Pacific States of America, Vol. 22: California* (San Francisco: The History Company, 1886), 297-302; Tate, *Unsettled Ground*, 145-148, 155-156.

²⁰ Tate, *Unsettled Ground*, 148.

time communicating with the Americans, brought the matter to White again shortly afterwards, trying to make it clear to him that between trespassing, theft, disrespect, and now murder, multiple Plateau bands were seriously angry.²¹ This time, White promised to reach out to other authorities and try to get them to arrest and try Cook, and to personally remedy other broken promises he had made in the last few years, by the coming autumn. Shortly afterwards, White left Oregon, and did not return for five years; the sub-Agent in California never followed up on White's request to arrest Cook.²²

Although Ellis passed away before 1854, his influence remained strong, particularly in Nez Perce bands, and Slough-Keetcha/Spokane Garry had also attended the Red River school for four years in the 1820s.²³ They knew both the extent of American numbers, and the frequency with which they betrayed their word. Perhaps more importantly, Native leaders and peoples communicated frequently across significant distances, and both recently-forged connections, such as the Métis traders who had sometimes traveled in their territory, and more long-standing relationships, such as Klickitat and Kalapuya dialogues or K'amáyąqin's relationship with Leschi, a Nisqually leader, contributed to a network of information that informed political discourse and reactions.²⁴

Pandosy likely misrepresented the Grand Ronde council when he wrote of it to his colleague in warning, seeing it as primarily an attempt to create a wartime alliance and drive the Americans out altogether. Contemporary American observers often drew parallels between

²¹ Josephy, *Nez Perce Country*, 55.

²² Bancroft, *Oregon*, 287-289 and *California*, 300-302; Charles Camp, ed., "James Clyman: His Diaries and Reminiscences," *California Historical Society Quarterly* 5, no. 1-3, (1926), 76-80, 255.

²³ Robert H. Ruby and John A. Brown, *The Spokane Indians: Children of the Sun* (Norman: University of Oklahoma Press, 1970), 59; Jim Kershner, "Local Historians Find Proof of Chief Garry's Original Tribal Name," *Spokesman Review*.

²⁴ Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815*; Hunn, Morning Owl, Cash Cash, and Karson, eds., *Caw Pawá Láakni*, 7-9.

K'amáyak̄in and Smoholla, the prophet and founder of the Wáshani faith, and Tecumseh and Tenskwatawa's political and religious movement fifty years prior.²⁵ While reports after the Walla Walla Council seemed to indicate that the Cayuse, and perhaps others, had hoped for such a confederation and fight, one Yakama attendee later told Andrew Jackson Splawn, in his search for oral histories, that the leaders who met in 1854 had decided to put their efforts into delaying the treaty, rather than fighting the Americans off entirely.²⁶ The Nez Perce led by Aleiya likely followed the influence of átway Chief Ellis, and supported making peace with the Americans.²⁷ While Pandosy seemed to believe such a meeting of so many bands was unprecedented, this seems somewhat unlikely given Plateau norms and traditions of semi-nomadic life, marriages between bands, visits between in-laws, and the importance of inter-band political discourse and trade.²⁸ Meetings including representatives from so many bands in addition to neighbors from over the mountains in both directions might have been quite rare, but large diplomatic and political gatherings could not have been a new phenomenon.

Plateau families and bands traveled and met for many reasons – to visit traditional digging, gathering, fishing, and hunting places, to consider political questions including war, to socialize with relatives, friends, and neighbors, and to trade. While American officials saw this as reason to consider their sovereignty over their lands weak or loose, the network of relationships that connected different bands led Plateau peoples to a greater sense of home and belonging on

²⁵ Clifford E. Trafzer and Margery Ann Beach, "Smohalla, the Washani, and Religion as a Factor in Northwestern Indian History," *American Indian Quarterly* 9 no. 3 (Summer 1985): 309-324.

²⁶ Andrew Jackson Splawn, *Kamiakin: Last Hero of the Yakimas* (Portland: Kilham Stationery & Printing Co., 1917), 43, 54.

²⁷ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 32; Átway is a term that translates to honored, respected, and passed away – the colloquial English equivalent might be "the late" or "of beloved memory." Chief Ellis had passed away in 1848, but his counsel remained important after his passing.

²⁸ Ackerman, *Necessary Balance*, 62-65; Karson, ed., *Wiyáxayxt Wiyáakaa'awn*, 24-25.

their lands, as the geography of the Plateau became inextricable from the relationships and histories around it.

Plateau communities maintained a network of reciprocal relationships that comprised their sovereignty, both between families and bands of people, and between people – *tínma* – and land – *tiichám*. They maintained these relationships through long tradition, including songs, ceremonies, and a rich tapestry of knowledge and stories – *timnanáxt*. *Timnanáxt* means, most literally, “speech from the heart,” but also history, or stories. When sovereignty is maintained through relationships, the personal is inherently part of the political tapestry, and for Plateau sovereignty, *timnanáxt* covers both.

The United States, on the other hand, expressed the idea of sovereignty in very different terms: ownership and domination, albeit with a veneer of paternalism over the violence which upheld that domination. The language barrier between Plateau languages and dialects, Chinook *wáwa*, and English, ran deep, and perhaps more importantly, US representatives simply were not willing to accommodate the concept of sovereignty as Plateau leaders meant it. Ultimately, the choices Plateau leaders considered were not “accept subjugation, or go on fighting for complete sovereignty,” but “add this new people to your web of relationships – much as they had added fur traders – or refuse, and push them out of your land.”

The enormous level of coercive violence the US brought to bear, of course, complicated this choice. Soldiers, well-armed and intimidating, attended every treaty council in force. But war and raiding with neighboring peoples could be a part, however unpleasant, of a reciprocal relationship; historically, Plateau warriors and armed raiders did not intend, in their actions, to

wipe out or subjugate the entire people who they attacked.²⁹ Complete subjugation, unlike this historic pattern, could not be part of the reciprocal web of relationships.

Thus, the United States became a serious political problem very quickly for Plateau leaders, as both American leaders and settlers refused to enter a reciprocal relationship and instead insisted on a relationship of dominance over both *tiichám* and *tínma*: land and people. Early interactions with Americans, officials and travelers alike, could only have strengthened the impression of Americans as would-be conquerors. George McClellan, representing the US Army, had just the previous year passed through the Plateau to survey the best route for a railroad, requesting assistance and guides along the way.³⁰ Author and would-be adventurer Theodore Winthrop had travelled across the Northwest the same guide, bragging in his travel memoir of the physical abuse he had meted out to Native peoples who did not meet his demands for assistance, and unaware that one of the young men he mocked and kicked had very nearly killed him for his casual disrespect.³¹ Americans passed through Native land across the Northwest as if they already owned it, making requests and demands, and responding to disagreements with violence, severe or minor. Office of Indian Affairs (OIA) Commissioner George Washington Manypenny proposed a goal for this relationship in 1855, instructing Joel Palmer, Oregon Superintendent of Indian Affairs, Isaac Stevens, Territorial Governor of Washington, to carry it out.³² In the plans devised by American policy, *tínma* became prisoners confined to a guarded reservation, and *tiichám* became a commodity, divided into parcels and destroyed for its mineral

²⁹ Karson, ed., *Wiyáxayxt Wiyáakaa'awn*, 32-33; Hunn, Morning Owl, Cash Cash, and Karson, eds., *Caw Pawá Láakni*, 22-24, 38-39.

³⁰ "Reports of Explorations and Surveys to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean," Secretary of War (Washington: Beverly Tucker, 1855), 69-73.

³¹ Splawn, *Kamiakin*, 126-127; Theodore Winthrop, *The Canoe and the Saddle or Klalam and Klickitat* (Franklin-Ward Company, Portland OR: 1917).

³² George Washington Manypenny, letter to Joel Palmer, Aug. 18, 1854, in Records of the Oregon Superintendency of Indian Affairs: Letter Books, 1848-1872, vol. D, March 1854 - Jan. 1856, 34-38.

or agricultural value. American settlers could then destroy land and rivers without interference, both in devastating explosions, hydraulic erosion, and excavation that disrupted ancestral bones and foundational roots, and in more benign-seeming large-scale agriculture, plowing up broad swathes of beautiful sagebrush, meadows, and hills, and redirecting streams and rivers to irrigate single-species croplands. While Americans had not yet found gold or minerals in the Northwest, the California Gold Rush had led authorities to consider mining alongside agriculture and ranching as potential goals of settlement. Alongside this destruction of Plateau country, American people would be free, by the terms of subjugation, to trespass, steal, rape, and murder Plateau people with no fear of reprisal, on or off the reservations, until their eventual disappearance.³³

The American vision of sovereignty, indeed, cast any reciprocity or reprisals as “depredations,” a capital offense against absolute American sovereignty.³⁴ While American settlers could sexually assault, physically assault, or murder Native people for insults or theft with impunity, a Native person, even a leader, who avenged American insults, theft, or indeed assault, in the same way had no legal recourse in the American legal system. Further, if Native authorities refused to surrender an alleged perpetrator for punishment, which usually meant summary execution, Americans considered them to be in open rebellion, and the crime became a depredation, for which the whole nation could be held liable. This unequal consideration of rights to safety and self-defense played out many times, both in the East and across the Northwest.³⁵

³³ Donald W. Meinig, *The Great Columbia Plain: A Historical Geography, 1805-1910* (Seattle: University of Washington Press, 1968), 155-160.

³⁴ Prucha, *The Great Father*, 720-721; “Treaty with the Walla Walla, Cayuse, etc., 1855” and “Treaty with the Yakima, 1855,” in Kappler, *Indian Affairs: Laws and Treaties* vol. 2., 694-698, 698-702.

³⁵ Carpenter, *War on Illahee*, 77-99, 165-185.

Plateau *timnanáxt* has a well-defined and articulated role for powers or people who destroy the land, or who commit crimes of violence and then change the rules to avoid punishment and outlaw their victims' vengeance: monsters.³⁶ The “Legend about Winaawayáy ([Warm] Chinook Wind)” explicitly spells out this principle: North Wind, cold and murderous, establishes one set of rules in his first wrestling contests with the Warm Wind brothers, but when he realizes the rules will give Winaawayáy, the last brother, an advantage, he tries to change the rules, and is prevented by Spilyáy, legendary Coyote.³⁷ Similarly, “Race Between Rattlesnake and Eel” establishes deceit, even against opponents, as immoral: when Waxpúya, legendary Rattlesnake, wants to beat Asumyáy, legendary Lamprey Eel, in a race, he tries to cheat by showing Asumyáy a route home that is much longer than the one he’s using, claiming it will be a shortcut.³⁸ By even considering entering a tentative relationship with the Americans, Plateau leaders were already giving their commissioners the benefit of the doubt. Despite the bad faith with which the Americans entered negotiations, the majority of Plateau leaders heard their offers, discussed their options, and proceeded with the council on their own sovereign terms.

Most leaders opposed the treaties, but as they came to understand they were not dealing with fellow sovereigns hashing out a solution to mutual problems in accordance with *tamánwit*, but the willing leaders of the monstrous invaders who caused their people’s problems, they faced a new set of choices. Stevens and Palmer, despite their brief attempts to sound friendly – offering food, telling them their so-called great father in the East only wanted the best for them – quickly

³⁶ Beavert, Jacob, and Jansen, *Anakú Iwachá*, 26-42, 47-51, 77-81; Virginia Beavert and Sharon Hargus, Yakama Ichishkíin Dictionary, 76: **kw’aalí** (*n*) monster; 121: **panashlá** (*n*) monster, from **násh-** (*v*) to carry inside; 127: **panukw’klá** (*n*) monster, from **nukw’k-** (*v*) to swallow; 220: **patkwatalá** (*n*) monster, from **tkwáta-** (*v*) to eat. The suffix **-lá** makes a verb in Ichishkíin into a noun, conferring an identity or role centered on that verb. On their own, verbs like **nukw’k-**, **násh-**, and **tkwáta-** don’t have negative connotations, but a being that is identified primarily by its consumption not only defies traditional values and teachings, but poses an active danger.

³⁷ Beavert, Jacob, and Jansen, *Anakú Iwachá*, 37.

³⁸ *Ibid.*, 43.

showed that they had called the council not to consider tamánwit in good faith and find their place within it, but to bully, cheat, and coerce compliance with a monstrous new order. Simply explaining that they did not want the treaties might have worked against reasonable people: against the Americans, with their tendencies towards violence and cheating, Plateau leaders had to adopt new strategies. If they could not outright refuse the treaties, how could they make them more fair to people who did not or could not fight the soldiers and allies who might enforce them? How might they find ways to resist?

Settlers were already coming onto their land in greater numbers, and the tide did not seem to be slowing. The Americans had started surveying for the railroad long before they had any title or right to the land where they wanted it. While few settlers had entered the Plateau in numbers prior to 1854, those in the area had certainly felt free to construct buildings and roads as they pleased. As Plateau leaders put together the implications of these attitudes, they understood American goals far better than the treaty negotiators realized.³⁹

Crucially, despite a handful of friendly relationships with isolated parties, Plateau nations had no reason to be anything but suspicious of American intentions. Settlers brought racism, paranoia, and pre-emptive violence against Native people with them from the East, and victimized Native women traveling or digging, and attacked and plundered Native men. A few months later, in explanation for everything that would follow the Walla Walla Council, K'amáyak̄in would explain in a letter to his enemies: "For a long time, they hanged us without knowing if we are right or wrong, but they have never killed or hanged one American, though

³⁹ Scheuerman and Finley, *Finding Chief Kamiakin*, 25-26.

there is no place where Americans have not killed Indians.”⁴⁰ As early as 1813, white settlers on the Plateau responded to minor, petty incidents, insults, or offenses with lethal violence.⁴¹

The Cayuse people, in particular, had suffered enormously for their brush with American missionaries and schemes.⁴² Initially, in 1836, Cayuse leaders had not opposed the Whitman mission; Plateau nations might tolerate, even welcome, newcomers who traveled as families and did not take up enormous amounts of land, murder, or steal.⁴³ However, the Whitmans acted with increasing arrogance about Cayuse land and people, took for granted their ability to do as they pleased, refused to participate in any kind of reciprocity with their neighbors, and rather than sharing the fruits of their garden with those who had given up a winter village in good hunting and fishing grounds to let them garden and build there, poisoned some of their own produce, in order to prevent anyone else from eating it.⁴⁴ They helped more white American settlers cross the land without permission, and treated them with far more kindness, generosity, and welcome, than they did the Cayuse people to whom they owed so much and had returned so little.⁴⁵ Finally, after several thorough violations of tamánwit, and medical care that killed, rather than saved, Cayuse men who had caught smallpox from the passing settlers the Whitmans welcomed, Cayuse leaders had executed the adults at the settlement who had been involved in and responsible for these many, and increasingly serious, violations of the laws that governed the land and people. In response, the Americans had demanded vengeance, declared war on the Cayuse, and raged across the land killing any Native people they found, and executing five

⁴⁰ Letter from Kamiakin and other Yakama leaders to Isaac Stevens and Granville O. Haller, dictated to Charles Marie Pandosy, Oct. 7 1855, reproduced in Kowrach, *Pandosy*, 95-97, and Scheuerman and Finley, *Finding Chief Kamiakin*, 48-49.

⁴¹ Scheuerman and Finley, *Finding Chief Kamiakin*, 16.

⁴² Hunn, Morning Owl, Cash Cash, and Karson, eds., *Caw Pawá Láakni*, 51.

⁴³ Tate, *Unsettled Ground*, 8-12.

⁴⁴ Tate, *Unsettled Ground*, 149-157.

⁴⁵ *Ibid.*; Josephy, *Nez Perce Country*, 56-58.

Cayuse men before they would end the war they had started. Even then, some Americans continued to kill any Native people they found, still considering themselves soldiers; American leaders made no effort to stop nor punish them, with execution or otherwise.⁴⁶ This encounter with American concepts of justice and right law had certainly left an impression on not only the Cayuse people, but anyone who had witnessed it.

When the leaders of bands and tribes across the Columbia Plateau arrived at Walla Walla in May of 1855 to meet with Stevens, Palmer, and their armed escort, most probably intended to tell Stevens that they were standing by the boundaries of their lands as they were.⁴⁷ Pandosy, as an ally – or at least friend – of K'amáyāqin, had already told him the truth: The Americans were coming to take his people's land, they had done so before to tribes in the East, and they were too many to fight.⁴⁸ The Klickitat, Yakama, Pshwánapam, Winátshapam, Walla Walla, Cayuse, and some Niimípu seemed to oppose the treaty directly at the start of the council. The Nez Perce and Cayuse, however, still entered the treaty council with all the diplomatic ceremony required for a serious discussion between sovereigns.⁴⁹ Even if their purpose was to re-assert their refusal to sell land to the Americans, they approached Walla Walla as a serious political council.

International politics – particularly, according to Lawrence Kip, tension between the Nez Perce and Cayuse – and a deliberate show of force and threat on the part of Stevens – stood in the way of this plan.⁵⁰ From the start of the council, significant and numerous delegations from each nation attended, sitting back from the inner ring, hearing every word the leaders exchanged, which interpreters shouted across the group in two dialects so all understood. Kip, and likely the

⁴⁶ Carpenter, *War on Illahee: Genocide*, 2-4.

⁴⁷ Scheuerman and Finley, *Finding Chief Kamiakin*, 37.

⁴⁸ Kowrach, *Pandosy*, 78.

⁴⁹ Kip, *Indian Council at Walla Walla*, May 29th, 30th; Josephy, *Nez Perce Country*, 59-62, 70.

⁵⁰ Kip, *Indian Council at Walla Walla*, June 11th.

rest of the American observers, missed the importance of both the size of the group, and the insistence on all information being disseminated to all. While the American soldiers commented on the dancing, drumming, bone games, and races that the council attendees engaged in, they could not see the political discourse that the tribes held as they met for one council in confederation or in smaller groups throughout the meeting, both like and unlike the councils Plateau groups had held since time immemorial. Leaders' authority rested on popular consent; every discussion of what to reply to the proposed treaty, what to ask for, whether to accede this point or that, had to include the voices of those affected, men and women alike.⁵¹

Several other historians have examined both the Walla Walla treaties and the records of the council itself.⁵² The lasting legal importance of the 1855 Northwest treaties, especially in establishing off-reservation rights, cannot be understated.⁵³ I believe, however, that in order to understand the impact the treaties had on Plateau tribes, one must also examine the ways Plateau bands and tribes shaped the treaties themselves. Both during the council, on and off the record, and in the generations after, the sovereign relationships between Plateau bands and their land shaped how the treaty was written and interpreted. Band and tribe leaders certainly adapted their political approaches to the settler bureaucracy over generations, but their political constructions – political confederations, and formalized versions of pre-existing general and tribal councils – were not created by the treaties, nor by the Americans, but by Plateau peoples long before their

⁵¹ Ackerman, *Necessary Balance*, 26-30, 105-113.

⁵² Fisher, *Shadow Tribe*, 36-61; Alvin Josephy and Jeremy Five Crows, *Nez Perce Country* (Lincoln: University of Nebraska Press, Bison Books, 2007), 65-76. Chris Friday, "Performing Treaties: The Culture and Politics of Treaty Remembrance and Celebration" in Alexandra Harmon and John Borrows, eds., *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest* (Seattle: University of Washington Press, 008): 157-185; Andrew Fisher, "Reserved for Whom?: Defending and Defining Treaty Rights on the Columbia River, 1880-1920," in Harmon and Borrows, eds., *The Power of Promises*, 186-214; Bruce Rigsby, "The Stevens Treaties, Indian Claims Commission Docket 264, and the Ancient One Known as Kennewick Man," in Harmon and Borrows, eds., *The Power of Promises*, 244-276.

⁵³ Clifford Trafzer, "The Legacy of the Walla Walla Council, 1855," *Oregon Historical Quarterly* 106 no. 3 (Fall 2005): 398-411.

interactions with Americans. Thus, though the 1855 treaties are an important and foundational moment in the American legal system, their importance comes from the work tribal leaders did to shape them, both before and after the council.

As May turned to June, the American camp began to notice “a more hostile feeling towards the whites getting up among some of the tribes...”. Kip and a friend, Archibald Gracie, tried to ride through the Cayuse delegation, and found that young Cayuse warriors would not let them enter. In a nearly perfect microcosm of the overall problems of the council, the officers determined that they had no choice but to ride through anyway, as “to show any signs of being intimidated, would have been ruinous with the Indians.”⁵⁴ Undoubtedly, if Kip and Gracie had been asked or told not to ride through a settler camp, or possibly even an allied camp of white soldiers, they would have acquiesced, and perhaps complained later about ill manners. And as undoubtedly, if a young Cayuse or Nez Perce leader had wanted to ride through their camp while Stevens and his aides were discussing complex political issues touching on their nation, or had been feeling hostile towards them, the American officers and soldiers would have been called on to stop them and turn them aside. American protocol dictated that Native concerns, boundaries, and practices be ignored or subject to American approval – any show of equality would ruin their attempt at dominance. It is possible, perhaps even likely, that Kip and his comrades believed the Native leaders were also vying for dominance, waiting for a moment of weakness to subjugate all those around them, including the Americans; hence, looking intimidated would be ruinous. But that was an assumption that brought the logic of the battlefield onto the council grounds, where – as the attention to diplomacy showed – it did not belong.

⁵⁴ Kip, *Indian Council at Walla Walla*, June 5th.

The tension between Native diplomacy on the Plateau, and American diplomacy with regards to Native nations, shows clearly in every aspect of the Walla Walla Treaty Council. As Native leaders met with the families with whom they held and negotiated their leadership, discussed the provisions of the treaties, and tried to find a way forward through double-speak and a process clearly designed to harm them, American leaders came with only soldiers. The tribes across the Plateau, whether they were in accord or not, saw each other as equals in sovereignty; just one year earlier they had met to ensure that this council would inform the Americans of the boundaries of their lands; each of them only had authority over their own homelands.⁵⁵ The presence of the treaty itself attests to the fact that from the beginning, Stevens and Palmer refused to let Plateau diplomacy set the agenda. At the same time, the Plateau nations maintained their practices, and did not accede to American treaty policies.

Throughout the treaty council, the American delegation grew frustrated with the Native political method of discussing matters thoroughly, taking their time. Stevens and Palmer had been instructed to conclude the matter quickly and cheaply, but other than Halhal-teostsot, also called Aleiya or Lawyer, of the Niimípu, few or no Plateau leaders were inclined to agree with them.⁵⁶ Even Halhal-teostsot, while approving of the treaty, insisted that “the whites should act towards them in good faith.”⁵⁷ The rest of the leaders pushed back against not only the terms of the treaty, but the very idea of a treaty of sale at all. Several also implied that they could not trust that the Americans would act in good faith – shrewdly, as Palmer’s official instructions quite thoroughly belied any good faith. Manypenny had passed along some money, but also explained throughout his letter authorizing Palmer to make treaties that the parcels of land reserved should

⁵⁵ Scheuerman and Finley, *Finding Chief Kamiakin*, 33; Kowrach, *Pandosy*, 74-77.

⁵⁶ Kip, *The Indian Council at Walla Walla*.

⁵⁷ *Ibid.*, June 7th.

be small, that as many tribes should be concentrated on as small a piece of land as possible, that annuity payments should be small and limited in number, not paid in perpetuity, and, perhaps most damningly, that Plateau people themselves should have almost no say, as individuals or nations, in how the payment for the land was spent.⁵⁸ The assumption of the Americans at the outset was that Plateau lands were already a commodity for the taking, and they would do as little as possible for the people to whom they belonged, so long as they stopped owning them under American law.

The idea of land ownership in fee simple, to be sold as a commodity, however, was not only wrong, but against every concept of Plateau *tamánwit*. Cayuse leader Young Chief put this plainly in the council:

I wonder if the ground has anything to say? I wonder if the ground would come alive and what is on it? Though I hear what the ground says. The ground says, 'It is the Great Spirit that placed me here. The Great Spirit tells me to take care of the Indians, to feed them aright. The Great Spirit appointed the roots to feed the Indians on. ... The ground, water, and grass say, The Great Spirit has given us our names. We have these names and hold these names. Neither the Indians nor the Whites have a right to change these names. The ground says, The Great Spirit has placed me here to produce all that grows on me, trees and fruit. The same way the ground says, It was from me man was made.'⁵⁹

Young Chief argued that there was a central problem with the treaty: the Americans had not taken the agency of *tiichám* into consideration. But *tiichám* spoke: *tiichám* took care of *tínma*, fed them with roots, fed game and horses with grass, and rivers cared for them as well. "Neither the Indians nor the Whites have a right to change these names," as a concept, simply did not

⁵⁸ George Washington Manypenny, letter to Joel Palmer, Aug. 18, 1854, in Records of the Oregon Superintendency of Indian Affairs: Letter Books, 1848-1872, vol. D, March 1854 - Jan. 1856, 34-38

⁵⁹ Kip, June 7th. The interpreter, according to Kip, was a Lenape man; I believe it more likely that a Plateau translator would have said "Creator" than "Great Spirit," since most Plateau prayers and conversations use "Creator," and "Great Spirit" is a term more associated with the concept and etymology of *manitou* from Algonquian country than with Plateau belief systems, though it was also adapted to describe the *Oceti Sakowin* term, *Wakan Tanka*. Jeffrey Ostler, *The Plains Sioux and US Colonialism from Lewis and Clark to Wounded Knee*, p. 26.

mesh with American concepts of land ownership. Historical discourse has occasionally flattened the concepts of Native sovereignty to a caricature glossed as “Native people did not have a concept of ownership,” but it might be more accurate to say, in this case, that American people did not have a concept of tamánwit.

Áwɣay expressed similar sentiments, but – perhaps trying to accommodate the Americans’ oft-expressed religious beliefs, placed more emphasis on the relationship between the people and the Creator than the people and the land:

The Great Spirit gave us the land and measured the land to us. This is the reason I am afraid to say any thing about this land. I am afraid of the laws of the Great Spirit. This is the reason of my heart being sad. This is the reason I cannot give you an answer. I am afraid of the Great Spirit. Shall I steal this land and sell it? Or, what shall I do? This is the reason why my heart is sad. The Great Spirit made our friends, but the Great Spirit made *our* bodies from the earth, as if they were different from the whites. What shall I do? Shall I give the land which is a part of my body and leave myself poor and destitute?⁶⁰

While Áwɣay emphasized the religious aspect of the Plateau tamánwit, he also made it clear that a primary concern was the potential loss of the land where his people were *made*, that tiichám was not fungible. His use of the term fear to describe his concern about sacred law may have been to explain via the only rhetoric Americans seemed to understand, punishment from dominant authorities, but the fact that he followed it by explicitly saying that the land he lived on was part of his body, and giving it up would leave him destitute, is inextricable. Hell might as easily be expressed as life on a land which had no relationship to him.

Piyópiyo Maqsmáqs pushed back on multiple fronts: the idea of the treaty, the order of operations the Americans seemed to insist on – settlers first, then treaties, conducted too hastily – and on the second point Young Chief had made, concerning abstract payment.

⁶⁰ Ibid. Emphasis in original.

I do not see the offer you have made to the Indians. I never saw these things which are offered by my Great Father. . . . Let your heart be, to separate as we now are and appoint some other time. We shall have no bad minds. Stop the whites from coming up here until we have this talk. Let them not bring their axes with them. The whites may travel in all directions through our country, we will have nothing to say to them, provided they do not build houses on our lands. Now I wish to speak about Lawyer. I think he has given his land. That is what I think from his words. I request another meeting. It is not in one meeting only that we can come to a decision.

Echoing the frustrations that spread over the previous years, Piyópiyo Maqsmáqs specifically condemned the ways that white settlers had begun to build not just roads but houses and towns on Native land before they had so much as sat down to hold a council. Since the council at Grand Ronde in 1854, many of the Plateau bands had decided not to sell their land, and to use this council as a way of pushing back on the pressure to sell.⁶¹ Piyópiyo Maqsmáqs's aside on Lawyer reinforces that original purpose – while Lawyer and his people might willingly give or sell the Americans their lands, they could not reach across the boundaries and sell anyone else's, and the Walla Wallas were not inclined to sell at all. No wonder that the American attitude made them uneasy: Stevens and Palmer had acted from before the beginning of the council as if their signatures were a formality to be dispensed with as quickly as possible.

Palmer and Stevens, frustrated and hurried, answered them with a combination of promises, assurances, and lies. Palmer complained – perhaps fairly – that the annuities, including saw mills and grist mills and blacksmiths, could not be shown at council grounds. But, he insisted, the money allotted to the purpose of paying for the land thus was so great that all the horses of any one tribe could not carry it to council – a blatant lie, as he had been told both to limit the amounts, because the OIA considered Plateau tribes too nomadic to hold full title to their land, and to stipulate that annual payments should be few, and as many of them as possible

⁶¹ Scheuerman and Finley, *Finding Chief Kamiakin*, 33.

made in the form of goods (cheaply acquired), not money.⁶² Stevens complained about leaders who wanted to maintain sovereignty over all their lands that composed their seasonal rounds, rather than just pick one part, and accused K'amáyak̄in of denying his people a voice in council by refusing to speak. His refusal to grapple with the concept of tamánwit is clear:

Where is the heart of the Young Chief? ... Owhi is afraid lest God be angry at his selling his land. Owhi, my brother! I do not think God will be angry if you do your best for yourself and your children. Ask yourself this question to-night. Will not God be angry with me if I neglect this opportunity to do them good?⁶³

Áw̄x̄ay and Young Chief had asserted that it was against tamánwit, their sovereign and sacred law, to sell their land. Papatamánw̄ix̄a t̄inma ku tiichám: the land and the people have sovereignty over, with, and to each other. The Creator made the land to take care of the people, the people to take care of the land – there was no stipulation for dealing that reciprocal responsibility away. Stevens' re-framing of their objections once again demonstrates the fundamental disconnect, and the futile frustration that led to some of the acquiescence. When Plateau leaders said it was against their laws to sell their land, that the Creator would be angry with them, Stevens replied that their only responsibility was to their children, and when they sold it, God would want them to do their best and get the best they could. There is no indication that any of the leadership there agreed with him, then or after.

While Plateau leaders did shift their positions during the council, the shift was not from opposition to subjugation, but adapting their reactions to American forces to their relationship with tamánwit: with each other as well as with tiichám. Throughout the council, leaders who

⁶² Manypenny to Palmer, August 12th, 1854, in Records of the Oregon Superintendency of Indian Affairs: Letter Books, 1848-1872, vol. D, March 1854 - Jan. 1856, 34-38

⁶³ Kip, *The Indian Council at Walla Walla*, June 7th. Note both that while Kip or the interpreter read Áw̄x̄ay as referencing the "Great Spirit," they read Stevens as referencing "God." Note also that Isaac Stevens is encouraging Áw̄x̄ay to negotiate like a capitalist for the best deal for his children, while Stevens and Palmer both tried their best to ensure they got a bad deal.

opposed the treaty clearly began to press the commissioners between sessions, and also, most likely, to make plans with each other in private. Stevens and Palmer clearly thought they would dominate any Native groups who attended the treaty council with their show of force. Stevens informed K'amáyak̓in, at least, that he would "walk in blood knee-deep if he did not sign," at the close of the council, demonstrating both the limits to American pretense of paternal benevolence, and sheer ignorance about what kind of authority K'amáyak̓in actually wielded; even had he wanted to sign for his own people, he could only sign for those who followed him, not on behalf of every related band in the area.⁶⁴ But the relationships that Stevens and Palmer refused to understand throughout the council were, in fact, shaping and guiding it – as the signatures by band leaders, rather than simply "head chiefs," at the end of the treaty showed.⁶⁵ The Americans saw what they wanted to see: acquiescence, willing or coerced. They missed entirely the political strategies that leaders and families were developing over the council, strategies emerging from relationships that had grown over thousands of years across shared and unshared land.

One of the most crucial concessions Plateau leaders fought for was the right to fish, hunt, dig roots, and gather berries not only on the reservations, but at their usual and accustomed places off the reservations as well.⁶⁶ This undermined the unspoken purpose of the reservations generally, to confine and imprison Native people as much as possible, and keep them segregated far from the white populations around. With access to their sacred foods built into the treaties, Plateau peoples maintained the explicit right to continue their sovereign relationships with their country. These built-in reasons to leave reservation grounds also gave bands the opportunity to

⁶⁴ Isaac Ingalls Stevens, Darrell Scott, ed., *A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley 1855*. (Ye Galleon Press, Fairfield WA: 1985), 93; Scheuerman and Finley, *Finding Chief Kamiakin*.

⁶⁵ "Treaty with the Walla Walla, Cayuse, etc., 1855" and "Treaty with the Yakima, 1855," in Kappler, *Indian Affairs: Laws and Treaties* vol. 2., 694-698, 698-702.

⁶⁶ *Ibid.*

maintain relationships with each other across boundaries. Agents and superintendents often complained that Native people frequently left or entered reservations without warning or note to the agents or superintendents.⁶⁷

To be sovereign on the Plateau was to know and understand what tiichám offered, and what it expected, and what relatives, human and non-human, wanted and offered. Water, roots, salmon, elk and deer, tule, clay, berries, medicines – all bolstered by tiichám, wána, Winaawayáy, tীনma, and each other, served crucial roles in traditional Plateau life. First foods feasts were – and are – a critical part of understanding this relationship. Salmon, elk, bitterroot, camas, and huckleberries returned to the Plateau by migration or growth to greet their relatives, human and other, who greeted them in return with songs and thanksgivings. Taking too many elk or salmon, unnecessarily disturbing the ground, not reseeding harvested roots, or failing to honor the lives of these living relatives with proper ceremony and thanks would be greedy, against traditional values, and threaten the time-honored relationship.⁶⁸

The destruction of any one relationship, whether between groups of human relations or between humans and their non-human relatives on the land, would be an emotional loss. But more importantly, the web of tradition weaving all of these together comprised a whole greater than the sum of its parts: tamánwit, sacred law. Traditions in Ichishkíin reinforce these bonds, and every introduction, a cornerstone in the foundations of language and speech, drew and draws the attention of the speaker and listeners into that web:

⁶⁷ Letterbook of the Umatilla Indian Agency, 1860-1880, 20, 124, 154; Fisher, *Shadow Tribe*, 55-77.

⁶⁸ Beavert, *Átawit tniúwit N'chinchimami*, 18-20; Hunn and Selam, *Nch'i Wána*; Robin Wall Kimmerer, *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (Minneapolis: Milkweed Editions, 2013) 156-166, 175-190. I refer to Kimmerer here despite the geographical distance, partly because of the similarities in Anishanaabe methodologies and Tiinmamí methodologies, and partly because of her work in demonstrating the inestimable importance of gratitude and respect – foundations of a reciprocal relationship rather than subjugation – in those methodologies.

Shin nam waníksha? Who are you? (or) What are you named?

This question situates the speaker, first, as an actor in their own right with their own breath. As I was taught introduction, names are often followed by a reference to one's relationship or role – not just ink nash waníksha, my name is, but natútas iwaníksha, na'ílas iwaníksha, and so on: who my father is, who my mother is, who my paternal and maternal grandparents are. And lastly, often: wash nash ... what I am, what I do.

Miník nam wa? Where are you from?

What place, what landmarks, where in tiichám, and whose dialect and songs shaped you? What peopled connection, in other words, does the speaker carry with them in their very presence?

These are the most important questions of introduction, the questions that open every important discussion, and they carry with them some of the most important reminders of the foundations of sovereignty. Each relationship held within it an inherent understanding of reciprocal obligation, to people, to place, and to land.

Americans, then, were people – shyápuma or páshtin in Ichishkiin, non-Native people, not tীনma – anáttknik, from the east, who sought a relationship with Plateau tীনma. American leaders had, at least in the days of early settlement, less control over the actions of their people than did Plateau leaders. They had relationships with their superiors in Washington D.C., who they referred to almost without exception as the Great Father in relation to Indian country, partly due to the relationships that had formed early diplomacy in the East – though there was no reason then Plateau leaders should consider the president a relative, symbolic or otherwise. The relationships they sought were financial – connecting the resources they hoped to exploit with

markets in the East.⁶⁹ And, without a doubt, they disagreed with Plateau leaders on nearly every point of how the treaty should be written, how its articles should be interpreted, and its core goals and priorities.

Ultimately, the Plateau leaders who were most wary of the treaty council were correct in their assessment of Palmer's and Steven's goals. They intended, through the treaty, to end Plateau sovereignty, which they viewed as mere ownership, and not well-established at that, since they believed that moving between village sites rather than having permanent, immobile settlements, weakened the claims Native people could make to any single place. They also saw the way different groups shared land as weakening their claims further. Manypenny had reiterated this argument about the Plateau land claims' theoretical weakness primarily as an explanation for why he wanted Palmer to offer less money for the lands. Realistically, the pragmatic reason that American negotiators argued that Plateau people had weak claims to their land, however, was because they believed that American armed forces could take it from them without much trouble. The transfer of land to the US was the most important, and indeed the most valid part of the treaty for their purposes. The removal of Native people to reservations would make way for settlement and industry, utilize the land to its full economic potential, and extract the resources necessary for American imperial expansion. They described Plateau relationships to land and their occupation as passive, non-productive, and primitive. Further, as land hunger and manifest destiny drove American expansion further and faster west, railroads and highways became powerful and urgent for western governments and populations, connecting the US's planned acquisitions with the political centers of the Midwest and East.

⁶⁹ Meinig, *The Great Columbia Plain*, 253-261; Donald L. Cutler, *Hang Them All: George Wright and the Plateau Indian War* (Norman: University of Oklahoma Press, 2016), 59-61.

Stevens in particular was impatient to finish taking full title of Washington and Oregon so they could be profitable parts of the growing United States, and extremely disinterested in Native perspectives or rights.⁷⁰ He saw Plateau nations standing in the way of that connection – the shortest path through to the coast goes directly through the Plateau and over the Cascade Mountains. Native nations would rightly see the influx of railroad construction crews and their labor as trespassing and react accordingly – possibly with violence. Since the majority-male crews would pose a threat to Native people and particularly women, and the excavation and grading required for railroads would pose a threat to the land, this might have been correct. The goal, then, for Stevens in particular, was to extinguish any claim Native people had on their lands, thus clearing the way for a railroad as soon as possible, and settlement on a timeline dictated by political and economic demand.

Thus, regardless of whatever he might say to placate Native people in council, Stevens did not care at all about their sovereignty, their relationships, or their futures. He had clearly categorized all Native people as obstacles to his goals, and would, without any qualms, do or say anything that could help remove them more quickly. At the treaty council, that consisted of a combination of lies, promises, and threats – any truths were few and far between. Stevens and Palmer both emphasized what they saw as the benefits of “civilization,” the ostensible goal of assimilation and higher quality of life: schools, blacksmiths, carpenters, farmers, mills, houses, and protection from “bad white men.”⁷¹ They gave a skewed, mostly-false narrative of removal in the East, insisting that removal of Native nations had avoided bloodshed and led to friendship between nations. They argued that the violence between Native people and whites came from

⁷⁰ Cutler, *Hang Them All*, 60-62; Carpenter, *War On Illahee*, 45-46.

⁷¹ Isaac Ingalls Stevens, Darrell Scott, ed., *A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley 1855*. (Ye Galleon Press, Fairfield WA: 1985), 41-42.

mere proximity and unavoidable misunderstandings, rather than the trespassing and attacks by whites that had characterized nearly every war and conflict in Indian country. Stevens, in particular, distorted Eastern Native history to the point of outright lies:

Let us go back to old times across the mountains and see what was there done. The red man received the white man gladly, but after a while difficulties arose. The blood of the red man was spilled and the blood of the white man. ... William Penn and the Indians came together as we now come together. They made a treaty. There was peace and no white man's blood and no red man's blood has been shed, and there has been peace to this day. This was in olden times. ... It was found that when the white man and the red man lived together in the same ground the white man got the advantage and the red man passed away.⁷²

In addition to his barefaced lies – the assertion that no blood, particularly of Delaware people, had been shed after their 1686 treaty with William Penn, stands out as particularly flagrant.⁷³

Stevens tried to use passive voice around violence in order to obscure the nature, cause, and perpetrators of warfare and violence in the East, but very probably in vain. Both Ichishkíin and Nimpitúimt are verb-centric languages; while one can construct passive sentences in Ichishkíin, I have heard elders refer to passive-only speech as sounding infantile, since the language tends more towards active voice. Perhaps the translator for the Pshwánapam gave “The blood of the red man was spilled and the blood of the white man” as “Tiinmamí tilíwalnan iyáxtana ku iyáxtana shuyapumamí tilíwalnan,” the most direct one-to-one translation (Native people's blood spilled out, and white people's blood spilled out). But whether or not the translator said it, Native leaders and Americans alike understood the truer summary: Tíinma ku shuyápuma papashapáyaxtana tilíwalnan: Native people and white people spilled each other's (lit. to each other, they caused to spill) blood. This, of course, implicitly raised the question of which side

⁷² *Ibid.*, 39-40.

⁷³ Karin L. Huebner, ““Brother, after this conduct, can you blame me?”: The Echo of Native American Memory of the 1782 Massacre at Gnadenhutten,” *Journal of the Early Republic* 42, no. 1 (Spring 2022): 53-81.

started the violence, and basic chronology – colonists having made the first move by their invasions – pointed to the Americans.

The translator would also have needed to decide when to add directional suffixes to the verbs, indicating towards or away from, figuratively, the speaker, particularly for Níimipu dialects, and perhaps most importantly, whether to add aspects to any verbs they used, particularly when Stevens or Palmer switched into the present tense. In addition to verb tense, Ichishkíin and Nez Perce use aspects for all present-tense verbs, and often for past and future tense verbs as well: -*x̄a* and -*sha*, which denote whether a verb is progressive or habitual; -*sha* is the progressive aspect, placing a verb in the category of an action done or in progress and not necessarily repeated, while -*x̄a* is the habitual aspect, categorizing a verb as done habitually, regularly.⁷⁴ This would have been especially important when Stevens spoke the following day, responding to some of the critiques of his gloss on past treaties.

On the third day of the council, Stevens told Native leaders in his opening remarks: “We want you to sell the land you do not need to your Great Father.”⁷⁵ This sentence is particularly tricky to translate, partly because, as language teachers have explained to me, such a construction (we want you to do...) does not follow normal conventions in Plateau Ichishkíin-speaking culture; it would be more traditional for a speaker to simply ask or tell someone to do what they wanted, not to make their desire or want the central verb of the sentence.⁷⁶ In Yakama Ichishkíin, there are at least two verbs that might be translated as “to want,” *t̥k̥’íx̥(n)*-, to want or desire, and

⁷⁴ Joana Worth Jansen, “A Grammar of Yakima Ichishkíin/Sahaptin,” (PhD diss., University of Oregon, 2010), 97-98; The most straightforward academic example I know is *sápsikw’a-*: *Ink nash sápsikw’asha* íkuuk, or “I’m teaching today,” vs. *Ink nash sápsikw’ax̄a máytskipa*, “I usually teach in the mornings.”

⁷⁵ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 43.

⁷⁶ Átway Sanúuk Jermayne Tuckta, personal communication; the specific comment was that English constructions like the “I want you to...” phrase have shifted some Ichishkíin norms in the younger generations of speakers, because traditionally, the phrase would be spoken in the [command] form, with an understanding that the person hearing would either do what was being asked/told or not.

lúkluḵw'a(n)-, to crave or want something unattainable; a suffix, -(p)át'a, also modifies any verb to indicate want.⁷⁷ If the translators at Walla Walla tried to be as close to Stevens's language as possible, they might have said "Tk'íxshatash, áwítaymatapam tun chaw pam wáayawíxa tiichámnan Nch'imí Itutmíyaw." Directly, this comes out "We want, you will sell what you don't [habitually] need land, to/for the benefit of your Big Father."⁷⁸ The translators might also have worked the sentence into English by shortening it, making the "we want you to..." into a command or vocative form, which would have been more traditional: "Áwítaymatk imamínk áwtik'a tiichámnan Nch'imí Itutmíyaw," which translates as: Sell (command, plural) your unimportant land to Your Big Father.⁷⁹ While my own linguistic limitations doubtless render this translation more difficult than it would have been to any fluent speaker in 1855, the awkward construction of the sentence, combined with several embedded assumptions, certainly present some problems.

The most obvious assumption embedded there is the description of the land Stevens proposed to buy as unneeded, or at least unneeded by the Plateau nations; the rest of the council, as well as testimony before and since, has amply demonstrated that falsehood. But Stevens also – as he and Palmer often did, throughout the council – insistently referred to the office of the President as "your Great Father."⁸⁰ Palmer and Stevens also referred to the assembled leaders and people as "my children," or occasionally, "my Brothers," using both condescending and

⁷⁷ Beavert and Hargus, *Ichishkiin Sinwit* 101, 224.

⁷⁸ Translation notes: constructions like "this is what we want: for you to sell..." etc., would be more unwieldy, not less, since Ichishkiin does not use helper verbs the way English does. The reason land is at the end of the middle phrase is that order is flexible in Ichishkiin sentences, but convention dictates that descriptions pertaining to nouns usually precede them. Lastly, there is no listed word for "great," but translators might have used "Nch'i" for big, or "Shix" for good – but shix might have needlessly confused things, since a plurality of the attendees were Catholic, or were familiar with Catholic traditions, and the Christian god is also translated into Ichishkiin as father.

⁷⁹ I have used "áwtik'a" for "unimportant, valueless" here instead of "tun chaw pam wáayawíxa," or "what you (pl.) do not habitually need," as a potential choice, but it seems less likely.

⁸⁰ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 38-45, 53.

intimate terms that neither had a legitimate claim to. This unearned familiarity likely irritated many of their audience, and Páaxat Qooqóoxnim or Five Crows, a Cayuse leader and devout Christian, explicitly rebuked them:

Do you speak true that you call me brother? We have but one Father in Heaven. ... He said, my children you must do no evil, you must not steal, you shall not take any thing without payment. The Great Father says he will send the thief into fire--into hell.⁸¹

Páaxat Qooqóoxnim's reply openly rejected the Americans' attempt to use the language of fictive kinship. He first questioned Stevens and Palmer's honesty, drawing attention to their attempt to swindle enormous amounts of land while claiming brotherly love, and then accused them of blasphemy in referring to a political leader as the Great Father of nations he had not begotten, nor indeed ever met. The attempt to declare the settler-colonial project a mission of affection and piety, particularly through twisting their rhetoric to imply that they all wanted the same things, clearly left most of the targets with a bad taste in their mouths. Throughout, both Americans used duplicitous rhetoric to not only conceal their goals, but to try and twist the position of Plateau leaders into what would be more convenient for their purposes. A more honest version of Stevens's sentence, "We want to buy your land," would have been far more direct: Itamyatát'ashatash imamínk tiichám. But Stevens was still operating from the script of benevolent paternalism, and clearly preferred rhetoric which foregrounded the lie that Native people not only wanted to sell their land, but should sell it willingly because they did not need it. Unfortunately for this secondary goal of manufacturing enthusiastic consent, Plateau leaders would not play along with his script.

⁸¹ Ibid., 55.

While some narratives of treaties insist that Native people were incapable of fully understanding the ideas behind treaties, Plateau leaders' responses to Stevens and Palmer, where they were recorded, clearly demonstrate that not only did they clearly comprehend both the concept of treaties of sale and Stevens's and Palmer's goals, but they also argued their own points and frequently exposed and confronted the lies twisted throughout the Americans' rhetoric and policy. But Plateau leaders were caught between the express goal of the 1854 Council to avoid a treaty entirely, and the insistence – backed by armed troops – of Stevens and Palmer on signing one, not just that year, but immediately. K'amáyak̄in, Shklúum, Áw̄xay, Piyópiyo Maqsmáqs, and other Plateau leaders faced not only the usual challenges of maneuvering in a complex political situation, but also the changing balance of power, as the majority of the Nez Perce followed Aleiya, who had chosen to support the Americans and the treaty, though not without modification. The bands whose people opposed the treaties had to shift their positions and goals extemporaneously in the council, responding to both the Americans and their neighboring allies, enemies, and relatives. Several of the days that Stevens and Kip recorded as breaks from the treaty talks were almost certainly nothing of the kind, but sessions wherein Native leadership not only discussed the treaties – potential benefits and problems – but their overall strategy.

The Americans came to believe, shortly after the treaty, that the Cayuse and some others had been planning a surprise attack in the middle of the treaty, and only the strength of the Nez Perce prevented them.⁸² Americans usually saw all Native politics through a simplistic lens, believing leaders to be primarily self-interested and focused on power and enrichment, and in the

⁸² Kip, *Indian Council in the Valley of Walla Walla*, June 11th; Scott, ed., *Official Proceedings at the Council in Walla Walla*, 11.

immediate aftermath of the treaty, this led them to believe that the Plateau nations, particularly the Cayuse, were inherently treacherous and incapable of understanding the nature of a peaceful council – a hypocritical perspective, since Americans had at the very least attacked Native nations in California under the guise of council or truce.⁸³ By the turn of the century, American historians sometimes implied that in fact, the Nez Perce leaders had lied in order to keep the Americans convinced that they were important allies, and used the U.S. to further their interests against former enemies in the other Plateau tribes.⁸⁴ This reflects a shift in American perspective towards romanticization of the wars in the Northwest in an effort to justify and glorify what violence could not be disappeared, but not a deeper understanding of tamánwit or Plateau political structures.⁸⁵

While it is possible that some groups or leaders did discuss attacking the Americans during the treaty council, their reasoning was certainly more complex than some inherent tendency towards deceit. Americans had shown their approval of attacking Native groups after declaring parley or council, and so those who had argued for war with them in 1854 might well consider it a legitimate act of war by the standards of the Americans themselves. The treaty council minutes show a deep frustration with American deceit and double-standards throughout the proceedings; Americans had not shown themselves to have any concept of tamánwit and certainly had no relationships that made them a part of the political world in the Plateau. Would an attack on these men, who had been unwilling to engage in basic forms of diplomacy and good faith, who claimed authority over the violent roving brigands who attacked their people with

⁸³ Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* (New Haven: Yale University Press, 2016), 215-216.

⁸⁴ Several pioneer histories (Kip included) assert or imply that the Nez Perce might have stirred up Yakama and Cayuse people against the Americans when peace looked like a possibility, in order to further their own aims.

⁸⁵ Alvin Josephy, *Nez Perce Country* (Lincoln: University of Nebraska Press, Bison Books, 2007), 71-79.

impunity, be a war crime, or would it be merely a step towards ejecting a monstrous, lawless trespasser from their land? At the same time, the Nez Perce seemed to believe either that the Americans could become legitimate neighbors, or that they were simply too strong and numerous to fight – or perhaps even both.

Aleiya certainly knew that most other Plateau leaders did not share his position, and even within the Nez Perce, some leaders directly opposed alliance with the Americans. He might have also realized that Americans often made no distinction between Native groups, attacking indiscriminately and justifying their actions as warfare afterwards. In the context of planning a long-term alliance with the Americans for the sake of his people's survival, letting others know that his people would defend the American leaders if they were attacked made perfect sense as a means of safeguarding that alliance – and bringing a large enough contingent that in the case of an attack, the inevitable American counter-attack, wide-ranging and lethal, might not find them accidentally. In that light, the decision to keep any word of a potential attack from the Americans seems sensible; perhaps Aleiya feared that if Stevens and Palmer realized that opposition to the treaties was not merely passive reluctance, but simmering rage, they would react either by preemptively attacking first – quite possibly killing many of his own people in the process – or withdraw, and offer even less favorable terms of treaty later.

Regardless of the directions that unrecorded councils took, the shifting circumstances and tangled alliances left the treaty opposition leaders with a wide range of difficult options. Would it be better to vocally oppose the treaties and refuse to go along with them, or say nothing in the councils, take whatever lies the Americans were willing to put in writing, and go back to plan the war to push them out? In the first week of the council, most leaders spoke openly about their concerns and disagreements, trying to explain to Stevens and Palmer that their starting premise

was unacceptable - they could not sell their lands. However, as the days wore on, and the Americans refused to take no for an answer, sometimes even ignoring their questions and concerns, as if they were reading from a different script, leaders who opposed the treaties spoke less often. Multiple times, leaders - especially Piyópiyo Maqsmáqs - delayed responding, requesting more time to think, but Stevens and Palmer hurried the council along – possibly, they feared that if the treaty took too long, the arguments against would gain support, and the council would peter out without a treaty.

On June 7th, after Aleiya spoke in favor of the treaty, the Americans repeatedly asked for comments from other leaders. Young Chief and Páaxat Qooqóoxnim rejected the treaty; Piyópiyo Maqsmáqs complained that the Americans condescended to them, insisted he did not see gain from the treaty, and again asked for more time – another council, after his people had had time without Americans; K'amáyaxin refused to speak, and Áwxay agreed with the Cayuse leaders. Clearly frustrated, Stevens repeated his request for K'amáyaxin and Shklúum to respond; no response from Shklúum was recorded, and K'amáyaxin again refused: “What have I to be talking about?”⁸⁶ Palmer, clearly incensed, made a lengthy rant, in which he accused the Plateau leaders of blindness, raged that their offers were far more than the land was worth, and threatened them: “I told you the difficulties that existed between the whites and the Indians beyond the mountains. If the whites and the Indians live together here, as they did there, it would be the same.”⁸⁷ Stevens followed this by scolding the leaders who had not spoken, telling them to speak, if they were not ashamed, and insisting that they must speak tomorrow, blaming them for wasting the Commissioners' time.⁸⁸ After two additional days of hearing the Cayuse, Walla Walla, and

⁸⁶ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 79-82.

⁸⁷ *Ibid.*, 83.

⁸⁸ *Ibid.*, 86-87.

Yakama leaders object to the treaties on their most fundamental points, Stevens and Palmer made a few additional concessions – primarily splitting the Umatilla reservation away from the planned Nez Perce nation – but refused to give the leaders more time, or to respond meaningfully to their most significant objections.

The Cayuse, Walla Walla, Yakama, and some Nez Perce leaders who opposed the treaties never changed their opinions in council – even in the final days, when Stevens and Palmer began to berate them openly. Yet ultimately, as it became clear that the Americans were not going to allow them to leave the council peacefully without a treaty, some leaders pushed for more guarantees, and negotiated on the grounds of the treaties. The following year, after the Yakima War broke out, Stevens accused any nation who allied against the U.S. of deceit and betrayal, claiming they had falsely signed their names while plotting war all along. Stevens, however, had deceived the council more directly than any of the Plateau leadership, who had made their positions clear repeatedly. The American Commissioners had promised a two year postponement before the tribes would have to deal with more whites traveling over their lands, since ratification would take at least that long. But the day after the council concluded, Stevens sent an express rider to Olympia, Vancouver, and Portland declaring the land open.⁸⁹ On June 29th, the *Pioneer and Democrat* printed in Olympia, “...we are informed of the ratification of treaties with four of the principal tribes in the vicinity of the Walla Walla valley... By their treaties, the land ceded is now open for settlement, except that by a special provision the Indians are secure in the possession of their building, and improvements till removed to the reservation.” This was a lie; the treaties had been signed by the Plateau leaders, but had not been ratified by Congress. The

⁸⁹ Bruce Rigsby, “The Stevens Treaties, Indian Claims Commission Docket 264, and the Ancient One Known as Kennewick Man,” in Alexandra Harmon, ed., *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest* (Seattle: University of Washington, 2008), 255; Kowrach, ed. Doty, *Journal of Operations*, 7, 31.

bulletin closed with a glowing account of the many attractions that would draw settlers into the area immediately.⁹⁰

The bulletin Stevens sent by express riders to newspaper outlets immediately broke the treaties, and in so doing, allowed – if not outright promoted – the very same violence he had claimed they would prevent. Settlers looking for pasture, farming, and gold rushed onto the Plateau in the following months, already considering Native residents trespassers.⁹¹ Less than three months after Stevens had promised that Plateau Natives would be safe on their homelands until removal, a party of miners assaulted and murdered two Yakama women and an infant in the attack that kicked off the Yakima War.⁹² Only with the most flagrant hypocrisy could he complain of the Plateau tribes doing the same – especially those who had outright told him they opposed the treaty.

The problems at the treaty council, however, went deeper than any one line in the treaty could capture. Stevens' intentions at the Walla Walla Council of 1855 were not, as he claimed, to settle a fair agreement with the tribes of the Plateau that would be to their and the United States' mutual benefit, but to obtain, through any means necessary, the signatures of Native leaders on a document assenting to their removal from the majority of their lands, which he could use to declare the Plateau open to settlement and the construction of a railroad as soon as possible. For Joel Palmer, the goal was similar – to obtain Native consent to removal, upon as little land in as few sections as possible, as cheaply as possible. Their goals were utterly incompatible with the goals of the Native leaders who faced them – even Aleiya or Lawyer, who, though he willingly

⁹⁰ “Treaties with the Indians,” *The Pioneer and Democrat* (Olympia WA), June 29 1855, 2.

⁹¹ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (Houndsmills, UK: Palgrave-Macmillan, 2010), 5-6.

⁹² Alex Saluskin, “A Historical Account of the Yakima War,” rec'd Bruce Rigsby, ed. Catherin Arquette, Ichishkín Sínwit/Sahaptin Teaching Materials Archive, University of Washington.

allied with the United States, certainly still pictured a future where the Nez Perce remained a strong nation on their reserved lands, not harassed by lawless white trespassers. Realistically, the most challenging part of the council for the Americans was concealing their intentions from their counterparts; when they failed to do that, they turned to threats of violence to finish the job.

Ultimately, though almost every Native voice recorded in the 1855 council at Walla Walla demonstrably saw through most of the lies of the Americans, they argued for the treaty as though they believed in its potential. They knew by now that American promises could not be trusted, and saw clearly that the invaders wished not only to occupy tiichám but to destroy it, but still tried to give Stevens, Palmer, and their military escort a chance to uphold their word and tamánwit. The Nez Perce insistence on multiple translators, as well as the practice of repeating every line of discussion back throughout the people, demonstrates that they took the process very seriously. The bands further West and North benefited from these practices as well, and doubtless discussed each treaty in detail after the council meetings. From early on in the council, Stevens's and Palmer's shifting rhetoric indicated some of the specific arguments and disapprovals they faced.

In addition to internal political discussions, K'amáyak̄in and Áwǰay knew from the Catholic priests from St. Joseph at Átanim that Americans wanted to take their land, and would not take no for an answer. Stevens, despite his obfuscations, eventually made this clear; after listening to several Native leaders, for one full week, explicitly state that they did not wish to leave their land, nor to sell it, he opened his speech on June 4th thus: "We have listened to you carefully. We think we know your hearts. You are willing to make a bargain. You want to know

exactly the terms.”⁹³ While two leaders of the Nez Perce had indeed indicated that they were willing to talk terms with the Americans, most of the rest of the leaders had indicated both that they wanted more time to discuss, and that they did not favor the treaty. They expressed concern not only about the vagueness of the terms, but also about the Americans’ goals in the longer term.

Directly before Stevens declared that Native leaders were willing to bargain, Tippeeillanahcowpook, or Eagle from the Light, a Nez Perce leader, told the council about a preacher who had taken significant land to trade livestock, and about the victims of smallpox who had died after attending a Flathead council at Fort Laramie. He had finished his narrative, “And I do not wish another preacher to come and be both a trader and a preacher in one. A piece of ground for a preacher big enough for his own use, is all that is necessary for him.”⁹⁴ Tip-pee-il-lan-ah-cow-pook might have been referring to concerns about the setup of the reservation; he might have supported Hal-hal-teostsot, but it seems possible that with this speech, he broke ranks with Hal-hal-teostsot to question some of the high-minded rhetoric around white motivations. Immediately before him, another Nez Perce leader, Hah-hah-tsil-pilp, or Red Bear, had spoken even more directly – first, to deny that he was ashamed, as the Americans seemed frequently to interpret silence, and then to declare: “This is what I think, my brothers, that one time more we will talk, we will not say yes from what has yet been said.”⁹⁵ These two objections stand out clearly because they came so directly before Stevens’s declaration that the leaders were ready to make a deal, and because Tip-pee-il-lan-ah-cow-pook and Hah-hah-tsil-pilp were Nez Perce, the nation Stevens relied on as an ally then. But other leaders – Piyópiyo Maqsmáqs and

⁹³ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 63.

⁹⁴ *Ibid.*, 62-63.

⁹⁵ *Ibid.*, 61.

K'amáyą́kín most directly – had been voicing disapproval for the past few days, and there is no indication in the record that they had changed their minds.

On May 30th, and in the days before, the Americans' specious, superficial speeches had mostly spun tales about the provisions Americans would bring them: schools, mills, shops, instruction in farming, and protection and distance from bad white men. Only the latter seems likely to have made any impression with Plateau leaders; both Palmer and Stevens returned to that point frequently in the following week. They provided more details of the mills and shops, perhaps by request, but also shifted course in response to their interlocutors. On May 31st, Stevens reversed some of his insistence on crops and fields, pivoting to say “We do not want you to agree not to get roots and berries and not to go off to the buffalo. We want you to have your roots and to get your berries and to kill your game.”⁹⁶ While Stevens did not record the objections that leveraged this point from him, they are clear enough in context, and indeed, all the treaties signed both there and later on the Plateau included additions that reserved the rights of hunting, fishing, gathering, digging, and grazing in each nation's usual and accustomed places, on unenclosed land.⁹⁷ Stevens and Palmer followed their points, in the council, with rhetoric about vanishing and inevitability, implying that assimilation would save the futures of the tribes.

In speeches on the urgency of treaties to protect Native lives, however, both Americans grew confused and muddled as they tried to explain what the specific danger posed to Native lives was. While initially vague, gesturing at the buffalo and elk disappearing, no longer sustainable, sharp critique from Halhal-teostsot or Lawyer, Piyópiyo Maqsmáqs, Weyatenatemany or Young Chief, and K'amáyą́kín, seems to have forced Stevens and Palmer to

⁹⁶ Stevens in Scott, ed., *Official Proceedings at the Council in the Walla Walla Valley 1855*: 44.

⁹⁷ “Treaty with the Walla Walla, Cayuse, etc., 1855” and “Treaty with the Yakima, 1855,” “Treaty with the Nez Percés, 1855,” in Kappler, *Indian Affairs: Laws and Treaties* vol. 2., 694-698, 698-702, 702-706.

make more explicit arguments. Neither Stevens nor Kip recorded the conversations these leaders had over meals between May 31st and June 2nd, and if Timothy, the Niimípu record keeper, did, those records are gone. Yet some of their substance can be gleaned from the twists and shifts of the Americans' rhetoric, and some of it seems likely to be echoed in K'amáyak̄in's letter later that year:

They tell us that our ancestors had no horses nor cattle, nor corn nor seeds nor instruments to garden, that we have received all of these riches from the Americans; that the country was already full of us and at the same time the Americans chase us from our native land, as if the Americans would tell us: "We have sent you all things so you could multiply them until my people arrive: then my people will find something to eat when they arrive." You Americans want, therefore, to make us die of famine little by little.⁹⁸

Tiinma, including Nez Perce, had lived on the Plateau since time immemorial; their reciprocal relationships with their land and relatives, fulfilling tamánwit, kept them safe, protected their food and their children and future. There was no reason whatsoever to believe that elk would vanish – nor even, in 1855, buffalo – let alone wák'amu (camas), xáwsh (biscuitroot), sikáywa (breadroot), sawít̄k (Indian carrot), wíwnu (huckleberry), or non-food staples like taxús (hemp). And, despite the existential threat to salmon that white settlement would eventually bring, settlers were already so enmeshed in salmon fishing, both for subsistence and profit, that neither Stevens nor Palmer suggested that salmon could be a part of the soon-to-be-vanishing past. Quite possibly, considering that Stevens frequently referred to buffalo as the primary game animal in his first speeches, seemingly unaware that it was only seasonal for Nez Perce and absent from the rest of the Plateau, he was ignorant of the extent to which Plateau people lived through salmon, relying on a stereotypical image of Native people to the exclusion of the logic presented

⁹⁸ K'amáyak̄in to Granville O. Haller and Isaac Stevens, Oct. 7 1855, via Charles Pandosy, in Scheurman and Finley, *Finding Chief Kamiakin* and Kowrach, *Pandosy*, 95-97.

by the people in front of him. But the question remained – if Palmer and Stevens insisted they wanted to protect these bands from imminent harm, where was that harm to come from?

K'amáyak̄in and Piyópiyo Maqsmáqs in particular pulled Stevens's and Palmer's arguments apart in open council, not just in private. Their nations had adapted some American things into their lives, what they could harmonize with tamánwit; raising additional vegetables and roots to those already on their land, planting fruit trees in places where their seasonal rounds would take them when the fruit was ripe, grazing cattle near meadows in root-digging seasons. None of these things – neither the crops, nor the cattle or horses – could replace what they already had, and some, particularly more industrial establishments like tin smiths and sawmills, which would rely on significant destruction to tiichám, would not have been to their benefit at all. They saw clearly that the Americans were not, in fact, here for their benefit, nor making treaties out of the kindness of their hearts, and focused on the parts of Stevens's and Palmer's rhetoric that stated their true intentions most clearly.

In the Americans' glancing narratives of past Native-white conflicts, they glossed over the violence and deprivation that preceded removal. Piyópiyo Maqsmáqs, in his response, explicitly rebuked the absurdity of their narratives, and drew attention to what they had avoided saying explicitly:

I know the value of your speech from having experienced the same in California, having seen treaties there. We have not seen in a true light the object of your speeches, as if there was a post set between us.⁹⁹ ... If you would speak straight then I would think you spoke well.

⁹⁹ The use of “post” here is not entirely clear to me; in the modern Yakama dialect, the word for a post can also mean a bet staked between two parties. This double-entendre, indicating both a literal obstruction to mutual understanding, and potential gain and loss that clouded discussion, may have been intentional. While I am uncertain if Walla Walla dialect had the same meaning, it seems very likely, since posting a bet in a bone game would be an action – and metaphor – as common and clear for Walla Walla people as it was for Yakama.

Here, Piyópiyo Maqsmáqs likely referred to several issues he had witnessed, particularly the refusal of the Americans to abide by their own code of law after the murder of his son, Elijah. While partly an example of the ways Americans considered all Native people guilty until proven innocent, the fallout of the murder had also demonstrated the one-sided nature of American ‘justice’. Piyópiyo Maqsmáqs had continued to deal with Americans after that point when necessary, but had not succeeded in any justice or retribution for his son’s murder, nor any other American attack on Native people.

Should I speak to you of things that have been long ago as you have done? The whites made me do what they pleased, they told me to do this and that and I did it. They used to make our women smoke. I suppose there they did what was right. ... If there was a chief among the Nez Perses [sic] or Cayuses, **if they saw evil done they would put a stop to it** and all would be quiet. Such chiefs I hope Gov. Stevens and Gen’l Palmer are. I should feel very much ashamed if the Americans should do anything wrong. I had but little to say. That is all. I do not wish you to reply today. Think over what I have said. [emphasis mine]¹⁰⁰

Piyópiyo Maqsmáqs made four essential points in this speech.¹⁰¹ First, he was aware of Californian relationships and agreements with Native people in the mid-1840s, from the Klamath and Karuk in the North, down to the Miwok and Nisenan, further South where his son had been murdered. When he had been in California in the mid-1840s, first to trade, and then to try and obtain justice for his son, Piyópiyo Maqsmáqs had seen Americans settling California land, and exploiting Native people for labor – but not signing treaties of removal.¹⁰² However, less than two years after the California territorial agents had refused to arrest the murderer of his son, they

¹⁰⁰ Scott, ed. *Official Proceedings at the Council in the Walla Walla Valley 1855*, 55-56. I cannot be certain, both because Piyópiyo Maqsmáqs’s original speech is absent, as only the English translation seems to have been recorded, and because I am unfamiliar with the Klickitat dialect, but I suspect that the form of language he would have used for the passage beginning “The whites made...” until the end of that section would have been the verbs now used for “legendary time,” both as a way of referring to a distant past, and, perhaps, implying that there was a drastic difference between whatever historical actions the Americans were claiming had been justified, and their actions at that moment on the Plateau.

¹⁰¹ Piyópiyo Maqsmáqs also made a point to question why the Americans would not meet on Sunday, but I have omitted those lines to focus on his specific points regarding American hypocrisy.

¹⁰² Madley, *American Genocide*, 51-54.

had also attacked and killed hundreds of Klamath people without provocation, about 150 miles southwest of Cayuse and Umatilla territory.¹⁰³ Over years, the Walla Walla would have begun to hear from their southern neighbors what California had become – a bloodied, anarchic landscape in which settlers openly – and, by local settler law, legally – attacked and enslaved Native people, regardless of their treaty status, allied past, legal history, or peaceful intentions.¹⁰⁴ The Walla Walla and Klickitat people knew and traded with Kalapuyan and Molalla people, who in turn knew and traded with their Klamath and Shasta neighbors; it is more than unlikely, but frankly impossible, that Piyópiyo Maqsmáqs did not know of the California genocides by 1855. He knew that Stevens and Palmer were lying about their ultimate goals regarding Native nations, and he wanted them to know that he knew.

Second, their gestures at a far-away past were condescending and absurd; his people also had a history, and his personal history with whites was not as glorious as they implied. In addition to their one-sided approach to theft and murder, they routinely interfered in Native relationships and harassed or assaulted Native women. Third, and perhaps most importantly, the American leaders had a responsibility to put a stop to evils done by their people. And last, he was tired of glib, deceitful responses and quick, easy speech, and wanted the Americans to give his points the careful consideration they deserved.

Each of the disasters that the American negotiators had referenced befalling Native people followed a common theme. They used these wars – seldom naming specific places and people – to try to argue that Natives and whites could not live together, because violence between them, and Native loss, was inevitable. But Plateau leaders, considering their own

¹⁰³ Madley, *American Genocide*, 48-50.

¹⁰⁴ *Ibid.*, 173-288.

tamánwit, saw it differently. American leaders either would not, or could not, stop their people from committing violent crimes, nor from trespassing, nor from over-hunting animals or ill-using land. According to most theories of government, including tamánwit, they routinely failed to fulfill their duties as leaders, whether through incompetence or evil. Piyópiyo Maqsmáqs drew a direct comparison with Nez Perce and Cayuse leaders, who understood the responsibilities of their roles in society and did not allow wanton violence against humans or non-humans to persist in their nations, and deftly skewered the argument that their nations simply could not co-exist due to some inevitable natural law. Piyópiyo Maqsmáqs saw clearly enough: if war and violence between Natives and whites was truly inevitable, that was not because of some natural law, but because Native leaders and people would defend themselves, and the American leaders who refused to control their own people's trespassing and violent crime would still defend them from the consequences of their crimes by making war on their victims.

Halhal-Teostsot, despite his outspoken favor towards alliance with the Americans, nonetheless gave soft critiques of this issue as well, already referring to Stevens as his chief, but cautioning him that the same laws must bind both Native and white people, and that their deaths should not come from the Americans.¹⁰⁵ But K'amáyak̄in, following this, was succinct: "It is your men who have spoken. I have been afraid of the white man. Their doings are different from ours. Your chiefs are good. Perhaps you have spoken right, that your children will do what is right. Let them do as they have promised."¹⁰⁶ Stevens likely understood this – perhaps via wishful thinking – as an endorsement of his superiors in the federal government, and hence himself, but K'amáyak̄in probably meant it as a critique of Stevens and Palmer. Notably absent

¹⁰⁵ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 58-59.

¹⁰⁶ *Ibid.*, 59.

from the speech is any enthusiasm or consent; rather, K'amáyak̄in explicitly asked for a show of good faith from the American leaders, whose people he habitually had feared, not trusted.

Perhaps he even held some faint hope that he might shame the dishonest American diplomats into better behavior. Even the English translation shows quite clearly his skepticism that Stevens and Palmer, or any other children or servants of their so-called Great Father, would do as they had promised.¹⁰⁷ Piyópiyo Maqsmáqs also remained doubtful and unwilling to take American goodwill for granted. He expressed irritation and frustration with the vague rhetoric which spoke only generally of Indian lands, and gave no specifics as to what would be ceded and what retained. Further, he continued to point out the problems with the double-speak of the negotiators:

Let it be as you propose so that Indians have a place to live, a line as though it was fenced in, where no white man can go. If you say it shall be so, then all these Indians will say yes. Although that you have said the whites are like the wind, you cannot stop them. You make good what you have promised.¹⁰⁸

Here, Piyópiyo Maqsmáqs refers to a line that was not recorded exactly in the published proceedings - that the whites could not be fenced, and American authorities could not stop them from coming onto the land. At some point, one of the leaders must have observed that moving entire nations off their homelands to keep them far away from the whites, rather than simply stopping the whites from coming, seemed absurd; perhaps they phrased it carefully, so as not to offend the foreign diplomats who claimed to govern these people, or perhaps they simply asked: if it is impossible for us to live side by side peacefully with your people, why does your government not stop them from coming onto our lands? Now, after insisting that there was no way whatsoever to stop the tide of white settlement, Stevens and Palmer promised to make sure

¹⁰⁷ Scheuerman, Finley, *Finding Chief Kamiakin*, 36-39.

¹⁰⁸ Scott, ed., *Official Proceedings at the Council in Walla Walla*, 60.

that reservations would be safe from these trespassers, and no white men would be able to come onto their lands there – despite their assertions that they could not be stopped from coming onto their lands now. Neither ever responded to Piyópiyo Maqsmáqs’s concern.

When the Americans proceeded to lay out the terms of the treaty after these comments, they responded only to those objections they could claim to allay within the reservation system, and merely ignored those they could not. Stevens claimed the reservations would protect them from the kind of grifter Tip-pee-il-lan-ah-cow-pook had recalled, and that concentrating as many bands and tribes as they could onto as few reservations would be to their benefit. Only two people spoke, once the Americans had fully explained the terms of the treaty: Steachas, who told the negotiators what they would certainly hear again: this land was his mother, his people drew their living from it; he named three places that he would not give up. Páaxat Qooqóoxnim, Five Crows, told the council he could not even think, let alone give them an answer, as yet.

The following day, Hal-hal-teostsot agreed to the treaty, on behalf of the Nez Perce, but gave several stipulations as to how he saw the reservation should proceed. No other leaders – Weyatenatemany, Piyópiyo Maqsmáqs, K’amáyak̄in, or Áw̄xay, assented to the treaty proposal as Palmer had presented it. Even with the correction, likely inserted after Stevens’ hasty reversal, allowing seasonal rounds to continue, they would not consent to the sale of nearly all their country, and concentration of all bands north of Nch’í Wána onto just two reservations. Palmer and Stevens both tried to wave off their objections, but could not browbeat them into acceptance; the terms were unacceptable. The Americans’ shift from one reservation for the Nez Perce, and two for all other bands on the northern Plateau, to adding an additional reservation to accommodate both rivalries and the demands for more space, ran counter to the instructions Manypenny had sent Palmer.

Yet even as they reluctantly accommodated some of the issues raised by Native leaders, the American commissioners pushed back, at times intentionally misunderstanding their points, and at times lying. K'amáyak̄in pointed out that he still had not agreed to removal, but would have no trouble allowing Americans to settle around the already-existing wagon road; Shklúum chided the Americans for trying to cheat his people by buying their land so cheaply, both what they had grown gardens on, and the uncultivated stretches. Stevens parried this, replying, "We do sell good lands for eight-hundred dollars a mile, but not in this country. We do not expect to sell any of this land." This was neither truthful, nor a fair reply to Shklúum's point, but Stevens and Palmer had no good reply to Shklúum's point; Manypenny had instructed them, and so they intended, to purchase all the Native land they could as cheaply as possible.

Despite obvious reluctance to engage with the Americans at all and risk validating the proceedings against their will, Plateau leaders did eventually list demands, issue objections, and shape the creation of the reservation system in whatever ways they could. Even for those who objected most strongly it was likely that some bands, especially from the Nez Perce, would indeed move onto the reservation at least for some time, perhaps even the majority of the year, when their seasonal rounds did not require them to be elsewhere. Those families would have the support of the council in upholding their place in, and right to, tamánwit. The changes they made to the treaties are clear in a comparison with the models Palmer brought to the treaty council. While Manypenny had given him no specific instructions as to what provisions he should include or exclude, he had sent two model treaties to use as guides: the 1854 treaties he had recently negotiated, one with the Otoe and Missouri, the other with the Omaha.¹⁰⁹ These treaties are

¹⁰⁹ Manypenny to Palmer, Aug. 12, 1854, in Records of the Oregon Superintendency of Indian Affairs: Letter Books, 1848-1872, vol. D, March 1854 - Jan. 1856, 34-38; "Treaty with the Confederated Oto and Missouri 1854" March 15th 1854, ratified April 17th 1854, and "Treaty with the Omaha, 1854," ratified April 17th 1854, Kappler, *Indian Affairs: Laws and Treaties* vol. 2, 660-661, 611-614.

remarkably unlike the 1855 treaties on the Plateau which Palmer signed a few weeks later – though places where they dovetail are clear.

In Manypenny's example treaties, both the removals and the annuity structures are straightforward, even simple. The Otoe and Missouri treaty establishes what remaining lands the tribes agreed to cede, the time period for their removal, extinguishes previous treaty claims, establishes annuity payments and schedules, and very briefly summarizes the "beneficial objects ... [which] will be calculated to advance them in civilization" before moving on. The next articles set aside \$20,000 to allow the tribe to move to the reservation – spent and directed, of course, by the President, establish the potential future terms for allotment, agree to the construction of a grist and saw mill, blacksmith shop, and the residence of "an experienced farmer, for ten years, to instruct the Indians in agriculture." Following this, the treaty closes with restrictions: no annuities will be taken to pay the debts of individuals, the tribes will "commit no depredations" nor "make war on any other tribe," the reservation will exclude alcohol, but give right of way to highways and railroads – and the United States will pay for the services of the interpreter.¹¹⁰

Palmer made his first amendments, following Native leaders' insistence, to the first articles of the treaties. Manypenny's first articles made a provision for the Omaha, Otoe, and Missouri to look at the portion of land left unceded and decide whether it would be adequate for them; the 1854 treaty was the latest in a series of restrictions, as the U.S. had already pushed displaced tribes westward into Missouri-Otoe territory, and now sought to restrict them further

¹¹⁰ "Treaty with the Confederated Oto and Missouri 1854" March 15th 1854, ratified April 17th 1854, and "Treaty with the Omaha, 1854," ratified April 17th 1854, Kappler, *Indian Affairs: Laws and Treaties* vol. 2, 660-661, 611-614.

for the sake of oncoming settlers.¹¹¹ Stevens and Palmer had no intention of giving the Plateau leaders a second chance to back out of the treaty if they found the unceded lands inadequate; they likely struck that article before presenting the treaty draft. Instead, the first article establishing the Umatilla reservation added the right to fish on the reservation and at usual and accustomed places off-reservation, erecting suitable buildings for the purpose, hunting, gathering roots and berries, and grazing livestock on unclaimed land. It also, however, provided a complex clause for leaders who still opposed the treaty, putting the responsibility for reserving their proportional payments of the annuities back on the treaty bands. Presumably, this clause served to answer the concerns of several leaders regarding the concentration policy; a more honest response might have been to designate significantly more distinct reservations, but Stevens had insisted that it was to the tribes' benefit – since the U.S. could spend less on agents and thus “do more with less means” – to have as many bands answering to a single agent as possible.¹¹² The treaty with the bands organized in the Yakama reservation split these provisions up into separate articles, and did not include the provision to compensate non-treaty bands.

The first few articles of both the Yakama and the Umatilla treaties, indeed, bear only a passing resemblance to the models Palmer started negotiations with. Significantly, and clearly pursuant to the repeated concerns of Piyópiyo Maqsmáqs, K'amáyak̄in, and Tip-pee-il-lan-ah-cow-pook, both treaties included a line explicitly banning white settlement on the established reservations, except for employees at the reservations. Even if leaders were skeptical of the Americans' ability to uphold these restrictions, they saw value in clearly establishing them and

¹¹¹ “Treaty with the Sauk and Foxes, etc., 1830”; “Treaty with the Oto and Missouri, 1833”; “Treaty with the Oto, etc., 1836”; “Treaty with the Confederated Oto and Missouri, 1854,” Kappler, *Indian Affairs: Laws and Treaties* vol. 2, 305-310, 400-401, 479-481, 660-661.

¹¹² Scott, ed., *Official Proceedings at the Council in Walla Walla*, 66-67, 90-97.

enshrining them in law. They also insisted, as the treaties show, on additional payments for the head chiefs.

Ultimately, the most important sticking point for many bands seems likely to be that which Piyópiyo Maqsmáqs raised early on: a good leader would not allow evil to go on in their country. While the American negotiators insisted time and again, and wrote in the treaties, that whites would not be allowed to settle on the reservation and that they would be safe there from theft and violence, material guarantees for this were absent. Indeed, even at the treaty council, the Americans kept soldiers not to protect the Native families camped around the grounds, but to protect themselves and threaten resistance. The immediate failure of the negotiations, and the so-called Yakima War of 1855, stemmed most directly from this factor, and particularly, how Stevens and Palmer embodied it. Native leaders met the Americans as if they were equals, and spoke with them thus at council. The treaties, if they had a chance of drawing real consent from Plateau bands, needed to respond to their sovereignty by acknowledging that tamánwit and safeguarding their relationships and people. Under American policy, this might never have been possible, but Stevens's refusal to even consider the leaders he met as equals, to listen to their points and wait until they were ready to discuss the matter in full, both ensured the Plateau nations would resist American violence – particularly since American leaders clearly could not control it – and demonstrated that he, too, was party to that violence. Rather than wait, listen, and consider, or even withdraw and try again, Stevens responded to K'amáyak̄in's reluctance to sign the treaty with a threat.

Leaders from across the Plateau, despite both their original intent to refuse any treaties, and the dawning awareness that many would not be able to accept removal, still took the opportunity to make the most of the future reservations. They intended to make the treaties serve

the purposes they felt would be most important for their people – those who would accept them, and their relatives. Quite likely, since there were such different perspectives on how likely they would be to win a war against the Americans, Stevens’s promise that those incursions would halt for two years was a crucial part of the strategy. The request for adequate time to allow people to move onto the reservations was not mere pretense, but an important allowance for those who believed they could keep out of harm’s way by acquiescing to removal in the event of war, as Piyópiyo Maqsmáqs tried to do. By 1855, Native people in every part of the continent knew that Americans had no qualms about killing non-combatants, and removal of those least able to defend themselves, or those who did not want to fight, from a potential combat zone, would have been a central concern.

Chapter 2: Threats and Expansion: Sovereign Relationships and Settlers, 1855-1860s

This chapter delves more deeply into the sovereign web of reciprocal relationships that American settler-colonialism threatened, and which the Columbia Plateau tribes fought to safeguard in the treaties of 1855. It situates the early American and European emigrants to the Columbia Plateau in the context of that sovereignty, and unpacks the responses of various individuals to the reciprocal relationship that tribes offered them. The refusal of Americans to consider tribal sovereignty legitimate, before or after the treaties, led to the Yakima War, which lasted roughly from 1855 to 1858, though both civilians and soldiers continued to attack Native people across the Plateau in the years following. Finally, the chapter looks at the early years of the reservation period, the 1860s, and Native adaptations to the landscape as the pressures of settlement changed both the physical land and the political geography. Both before and after the treaties and war, this chapter argues, Plateau nations not only worked to protect their other-than-human and human relatives, and their relationships to them, but were willing to work with Americans to do, and even to consider them relatives; settler-colonialism was incompatible with their sovereignty, but individuals always had the choice to forsake settler-colonialism and enter reciprocal relationships with tribes. As the U.S. solidified its power and the reservation system became more significant, this work became more complicated and dangerous, but it never ceased.

Despite the coercion and deceit implicit in treaty negotiations, the signatory Plateau bands had carefully safeguarded many of the most significant facets of their relationship to their lands and relatives. While state powers worked to restrict these relationships, Plateau families sought ways to maintain and strengthen them – including, at times, armed resistance, which most

leaders understood would likely be necessary long before they attended the 1855 council at Walla Walla. Both before and after the treaty and war, bands and families integrated their sovereign relationships with the land into the changing geographical and political context of an aggressively growing settler state.

One of the first stories Ichishkíin students learn is an old favorite which children often love, the story of Síkni or Yellow-bell: Winaawayáy, the legendary Chinook/Warm Wind, wakes up the sleeping sisters – Láḱ’amu, Pyaxí, Sikáywa, the beautiful roots – for Spring, telling them to shine for the people. All the sisters but Síkni listen, and even Síkni comes out late, though she is untidy; the flower of yellow-bell keeps her head down even today, ashamed of her messy appearance next to the brilliance of blue camas, bitterroot, and breadroot.¹ There are some obvious reasons why this story would be a first choice for beginner students, often children – the reminders to wake up the first time your older siblings call you, the understanding that taking care of your appearance matters, especially when going out into a ceremony. But the story also serves as an introduction to important relatives – both Winaawayáy and the root sisters, who come out of the earth in beautiful colors every year, and give life to the people who care for their meadows after their flowers have turned into food.

This introduction is a crucial part of the purpose of stories; root-digging is not a marginal or secondary part of Plateau life, but a foundational and honored part of the web of sovereignty, and weaving the root sisters into children’s lives early is important. While early American travellers through the West often saw root-digging as a sign of poverty, even using the term ‘digger’ as a slur, there is no evidence that tribes in the Columbia Plateau ever shared this

¹ Virginia Beavert, Michelle Jacob, and Joana Jansen, eds., *Anakú Iwachá: Yakama Legends and Stories*, 2nd ed. (Seattle: University of Washington Press, with the Confederated Bands and Tribes of the Yakama Nation, 2021), 119-124.

perspective; quite the opposite. Meadows across the Northwest, from the Sound to the Rocky Mountains, bear the names of roots – Wáptu or Wapato, Camas Prairie, Bitterroot, and on the Yakama reservation, Táak, or Meadow, where Yakama activists fought for generations to force the U.S. to recognize the rich root-digging grounds of Táak/Tract D as part of the original reservation boundaries.² The rights that the treaty signers fought for in the 1855 council were both necessary to continued life on the Plateau, and a foundational part of the web of reciprocal relationships that comprise sovereignty.

U.S. authorities had insisted, both during the treaties and after, that all of the bands' non-human relatives – or, as they saw them, commodities – would soon disappear under the pressure of settlement, and Native people would need to turn to farming and wage labor. Nonetheless, the strict letter of the treaties, particularly if the accompanying promises had been upheld, would have created a state where Native people were free to follow their seasonal rounds on and off the reservations, while still securing a refuge from the incursions of violent miners, settlers, and pioneers on their people.³ Leaders were still deeply unhappy with the cessions of land they needed and relied on, but, as they attested shortly after the treaty, they would have gladly lived alongside the American newcomers “as brothers” if the Americans had been content to ask for only what they needed and live in peace, rather than demand all they had, and resort to violence against their people at every turn.⁴

² Andrew Fisher, “This Is What Land Back Looks Like: The Yakama Nation’s 160-Year Fight for Tract D,” *Oregon Historical Quarterly* vol. 125, no. 4 (Winter 2024): 326-359.

³ “Treaty with the Yakima, 1855,” in Charles Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. 2 (Washington: Government Printing Office, 1904), 698-702.

⁴ Letter from K’amáyak̓in and other Yakama leaders to Granville O. Haller, dictated to Charles Marie Pandosy, Oct. 7 1855, reproduced in Edward J. Kowrach, *Mie. Charles Pandosy, O.M.I.: A Missionary of the Northwest* (Veradale WA: Kowrach, 1992), 95-97, and Richard D. Scheuerman and Michael O. Finley, *Finding Chief Kamiakin: the Life and Legacy of a Northwest Patriot* (Pullman, WA: Washington State University Press, 2008), 48-49.

Although Plateau leaders were certainly concerned about the increase of new people from the East – often called emigrants at the time, and later described as pioneers – the mere presence of non-Native people did not inherently threaten their lives or sovereign relationships, counter to the Americans’ insistence at the council.⁵ Although Marcus and Narcissa Whitman were trespassing, enclosed land without the consent of the Cayuse people, and neither showed gratitude to them, nor reciprocated their generosity, they were allowed to remain on mission they had taken, built, and enclosed for themselves for eleven years.⁶ While at Weyiilet or Wailatpu, the Whitmans explicitly chose to prioritize the health and comfort of themselves and white travelers at the expense of the Cayuse people. After building the mission, they refused either to exchange gifts with Cayuse leaders, or to pay for the land as previous missionaries had promised they would – but they expanded the land they claimed over the years as well, and had begun to work on a profitable flour mill.⁷ Perhaps more importantly, the Whitmans and their people did more than steal and enclose land for their own use – they left poisoned melons and meat out, laughing when Cayuse people ate them and got sick.⁸ Finally, when the emigrants who the Whitmans welcomed brought a deadly epidemic, they focused their medicine on the white victims, leaving the people from whom they had already stolen to die. Although for years, the narrative of public history in Washington and Oregon held that the Whitmans were martyred idealists who had tried to heal the bodies and save the souls of the Cayuse people, their own letters explicitly stated that they saw the Cayuse, and all Native people on the Plateau, as less

⁵ Darrell Scott, ed., *A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley 1855*, (Fairfield, WA: Galleon Press, 1996), 47-48; Francis Paul Prucha, *The Great Father: The United States Government and the Indians*, vol. 1 (Lincoln: University of Nebraska Press, 1984), 198-199, 282-283, 432-434.

⁶ Tate, *Unsettled Ground*, 128-137.

⁷ Tate, *Unsettled Ground*, 129-133; Bancroft, *Oregon*, 650-651; Conner and Lang in *Wiyaxayxt / Wiyáakaa’awn*, 49-50.

⁸ Tate, *Unsettled Ground*, 129-136, 156-157.

important than the whites who they wanted to replace them.⁹ It was not the mere presence of the Whitmans as strangers in their land that led to some inevitable conflict – after over ten years of disregarding Cayuse tamánwit, and treating the Cayuse people as inferior, ignoring every opportunity to remedy their conduct, the Cayuse had every reason to believe that the Whitmans were either deliberately killing them or allowing them to die, and acted accordingly.¹⁰

Although public history in the Pacific Northwest tends to celebrate the Whitmans, usually asserting that their deaths were unjust, and implying that the incident was characteristic of Plateau culture, the relationship between the Whitmans and the Cayuse was by no means typical of all missionaries. In Átanim, a canyon just 100 miles northwest of the Whitmans, Oblate priests Charles Marie Pandosy and Paul Durieu came to the exact opposite conclusion about Plateau tribes that the Whitmans had. Pandosy and Durieu appreciated the gifts K'amáyakín and other friends brought them, gave the produce of their garden to others in turn, and worked to understand Yakama language better.¹¹ While Pandosy and Durieu were still missionaries – an inherently imperial occupation – they understood, at least, that they were guests, neither superior to nor sovereign over the land or people they encountered.

At the treaty council, Stevens had claimed that the reservations were necessary to keep Native people safe, because American pioneers simply could not be stopped, and violence inevitably followed them.¹² He and Palmer had then claimed, seemingly without irony, that the reservations would be safe because no white people (except, of course, the agent, who they

⁹ Whitman in Tate, *Unsettled Ground*, 149-150: “I have no doubt our greatest work is to be to aid the white settlement of this country...”

¹⁰ Antone Minthorn, “Wars, Treaties, and the Beginning of Reservation Life,” in Jennifer Karson, *Wiyaxayxt / Wiyakaaka'awn / As Days Go By: Our History, Our Land, Our People* (Seattle: University of Washington Press, 2006), 63-64.

¹¹ Kowrach, *Pandosy*, 52-57, 66.

¹² Scott, ed. *Official Proceedings at the Council in the Walla Walla Valley 1855*, 36-38, 47-48, 51-52.

implied tribes would have some control over) would be allowed within their boundaries.¹³

Neither had had a satisfying answer to the question of why American leaders did not simply control their people the way a competent tribal leader would. But this lack of an answer was, in a way, its own answer. American authorities allowed pioneers to trespass, steal, rape, and murder, because reprisals, however justified, gave them an excuse to make war.¹⁴ Plateau leaders already knew this from the early codes of behavior that Americans had endorsed; the treaty councils showed them that nothing would change with a more official presence of leaders.¹⁵ Regardless of how carefully their people honored the treaties, the Americans saw them as nothing more than a rote concession to their own legal framework before taking the land as they pleased. The causes of the war were there before the treaties, but the unwillingness of American statesmen to so much as consider the arguments Native leaders made, followed by their refusal to abide by even their own promises, cemented them.

Stevens' betrayal, an invitation to pioneers to trespass on the to-be-ceded lands years before the ratification of the treaties, confirmed the fears K'amáyak̄in, Áw̄x̄ay, and Piyópiyo Maqsmáqs had held for years.¹⁶ After a gang of miners attacked a Yakama family a few months after the 1855 treaty, rather than investigate or reconsider the announcement that Columbia Plateau was open for settlement, the appointed agent prepared to send troops to kill anyone they deemed responsible, in much the same way the territorial authorities had responded to the death of the Whitmans.¹⁷ The following war lasted for about three years, and throughout, the American army and volunteer militia practiced scorched-earth warfare, and frequently attacked non-

¹³ Ibid, 51-52.

¹⁴ Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Cambridge: Harvard University Press, 2010), 116-126, 138-139.

¹⁵ Bancroft, *History of Oregon*, 269-273.

¹⁶ Doty, *Journal of Operations*, 31.

¹⁷ Cutler, *Hang Them All*, 75-76.

combatants. In 1858, most bands removed to the reservations, but settlers – both those who had been in the militia and new arrivals – continued to attack them sporadically, on and off of the reservations, exactly as they had feared at the treaty council.¹⁸

The reservation and annuities system was haphazard and chaotic from the beginning, and Native families had to navigate it carefully. Agents at most reservations changed every few years, often after a presidential election shifted the federal appointees who chose superintendents and agents. Nearly every agent was credibly accused of corruption and fraud, and they had enormous discretionary power over annuities and employment.

The geography of the Columbia Plateau made a seasonal round not just important, but necessary; all bands needed to travel to access fish, roots, game, berries, and trade on a fundamental level – but this practice also reinforced relationships between families, and between people, land, and other-than-human relatives.¹⁹ The seasonal round was more than a means of subsistence – it was a cycle that kept relationships between families, tribes, and bands alive. When the tribal leadership had refused to even consider the treaties in 1855 unless the rights to their fish, roots, and game – as well as grazing the horses they relied on to undertake those journeys – were legally recognized by the U.S., they had been protecting those inter-tribal relationships as well. If the treaties were honored, tribes would be able to continue their seasonal rounds, maintain their sovereign relationships with the land and their relatives, and enter new reciprocal relationships with other bands and peoples, as they had always done. Salmon fishing, root digging, hunting, and berry picking all required specialized knowledge and particular skills, and benefited from cooperation on a large scale.

¹⁸ Carpenter, *War on Illahee*, 165-168.

¹⁹ Hunn, Morning Owl, Cash Cash, and Karson Engum, *Čáw Pawá Láakni*, 8-9,61-63.

Root digging, in particular, requires not only skill and knowledge in harvesting, preserving, and preparing edible roots, but a deep understanding of all the plants in any given area.²⁰ The clearest example of the high stakes of root digging is lák'amu/wák'amu, camas. The edible bulb is a staple across the Plateau, and in the spring, the blue-purple flowers bloom all across the Pacific Northwest. The bulb, however, is harvested later in the year, after the flowers are gone – when there is no visible difference between lák'amu and white camas or death camas, a white-flowered plant whose bulb is poisonous.²¹ In order to harvest the edible camas, and not poison their families, women had to know the meadows well, and to keep that knowledge carefully. Other roots – pyaxí/bitterroot, sikáywa/sikáwya/breadroot, xawsh/buttonroot/breadroot, xásya/celery, and sawítk/carrot – also required specialized knowledge to seek, dig, and prepare.

Women's responsibilities towards the roots and earth, especially, was inter-generational for both the humans and the roots. Contrary to American assumptions, the lands where roots and berries grew neither spontaneously appeared, nor perpetuated themselves without aid. While wáptu wetlands, lák'amu prairies, or huckleberry meadows do grow to some extent without human interference, the conditions are not ideal, and certainly not extensive enough to support entire populations. In some areas, tribes selectively burned back growth that would restrict huckleberry bushes, ensuring that they would have enough space at their preferred elevation.²²

²⁰ Ibid, 42-43. Lillian Ackerman, *A Necessary Balance: Gender and Power among Indians of the Columbia Plateau* (Norman: University of Oklahoma Press, 2003), 73-75.

²¹ Hunn and Selam, *Nch'í Wána*, 110-111; Mary Rose, "Important Foods: Camas," *Confluence Project* July 5, 2017, <https://www.confluenceproject.org/library-post/profound-role-of-camas-in-the-northwest-landscape/>; note that Rose points out that the safest time to harvest the bulb is when the flowers are still visible, demonstrating that a variety of practices exist for camas harvesting – there would certainly be trade-off harvesting before the plants had developed seedheads in the inability to replant; United States Department of Agriculture, National Resources Conservation Guide, *Common Camas*, 1.

²² Rebecca T. Richards and Susan J. Alexander, "A Social History of Wild Huckleberry Harvesting in the Pacific Northwest," US Department of Agriculture, Forest Service Report, (Corvallis, OR: Forest Service Pacific Northwest Research Station, 2006), 23-24.

Edible roots must be re-seeded after digging to flourish, and this too was a part of the reciprocal relationship between Plateau tribes and the roots and ecosystem around them.²³ Horses, in addition to making travel between seasonal rounds and carrying food, tools, and other things easier, added an important piece to the web of relationships around root-digging: their hooves, as they grazed near the meadows, churned up the hard soil, softening the earth and making it easier for new seeds to take root.²⁴

Horses, like most orchard fruits and cattle, had only been part of Plateau life for a few centuries. But they quickly became more than a useful technology; tribes wove horses into the sovereign web of reciprocal relationships, making them an integral part of the seasonal rounds that maintained life and sovereignty together.²⁵ By 1855, Plateau bands had also adopted gardens and orchards, growing wheat, apples and other seasonal plants in the places where they would be best able to add them to seasonal rounds.²⁶ These plants might not have the same place of honor to the women harvesting them as the relatives who had sustained them since time immemorial, but neither were they rejected out of hand. The argument that the 1855 treaties – and American reservation policy in general, at least on the face – made, that Native people needed reservations and white teaching to grow wheat or other European plants, was simply not true.

The other foundational argument – that without physical separation of white and Native peoples, violence would inevitably spring up – similarly ignores the wealth of evidence to the contrary. In addition to the priests at Átanim, many of the early settlers traded with and at times

²³ USDA, *Common Camas*, 3-4.

²⁴ Esther Speedis, interview, Sohappy Family Papers, Box 1, Tape 6, Lewis and Clark College Special Collections and University Archives.

²⁵ Hunn and Selam, *Neh'í Wána*, 22-25.

²⁶ Ackerman, *A Necessary Balance: Gender and Power Among Indians of the Columbia Plateau* (Norman: University of Oklahoma Press, 2003), 153; Cutler, *Hang Them All*, 205, 212-215.

befriended people across the Plateau, at least at first. Multiple accounts from settlers mention women in the Plateau area trading or giving them camas – the one root that numerous pioneer narratives mention, usually in a positive light.²⁷ Most Americans preferred the taste of camas far over other roots, to the extent that they tended to refer to any root harvesting as digging for camas, regardless of which relative was in season.²⁸ Although most settlers remembered even the friendliest exchanges with Native families as being tinged with baffling implications of danger, their recollections were also – sometimes in the same anecdote – tinged with something like regret. Several young Yakama men befriended William Pope, who arrived on the shore of Nch’í Wána as a teenager and lived there from 1853-55 – though he did not record their names in his memoir. While he, like many pioneers writing after the fact, acknowledged the significant amount of fraud practiced against Native people by both traders, government representatives, and agents, this in no way altered his conviction that Native people opposing or resisting American rule, before or after the treaties, were wrong to do so.²⁹

In 1860, two years after the Yakima War had ended, an elder Klickitat couple spent the winter living along the Klickitat River, in a valley they called Músimpa to the English and Chinook-speaking settlers who claimed the valley.³⁰ They were elders, and their son, Keneho, and daughter, La’lú’, lived with and cared for them. When a fifteen-year-old American boy,

²⁷ Andrew Jackson Splawn, *Kamiakin, The Last Hero of the Yakimas* (Portland: Kilham Stationery & Printing Co., 1917), 137.

²⁸ Beavert, *Tnúwit Átawish Nch’inch’imamí*, 29; anecdotally, also, searching for any root at all by name in photo archives is difficult, with the exception of camas which brings up numerous photos, and any photo of Native women in the Pacific Northwest in which they appear to have kápin or to be harvesting roots is nearly always captioned or described as camas harvest.

²⁹ William Henwood Pope, *Reminiscences of the West*, Mss572, pp. 37-42, Oregon Historical Society Research Library, Portland, OR.

³⁰ Splawn writes this as “Moose-um-pah,” but after searching every geographic and linguistic resource I could find, the closest word I can find is músmustsin, cattle; since the valley was named for a natural salt lick, perhaps the real name was Músmustinpa, and Splawn and his settler neighbors shortened it in conversation or memory. Many English speakers find it difficult to distinguish “np” from “mp” in speech, which could also explain the difference.

Andrew Jackson Splawn accompanied his brother back from his family's homestead, La'lú gave him lák'amu and xyáaw níkwít, dried meat, and befriended him over the following year. They told each other stories and became very close before Splawn took a job herding cattle up to Kamloops for the winter. On a trip from Muksí to Páxutakyuut a few years later, Keneho allowed Splawn to join them again for part of the journey. La'lú, when she saw him again, asked him to marry her – not to take her away to his family, but to join hers:

She said I was too good a boy to belong to the white race who, with their forked tongues and firewater, were trying to destroy her people. She said that she could pick berries, dig roots, dry salmon, set up the lodge and keep it clean, that she would cover my buckskin coat and moccasins with the wonderful beadwork she had learned to make. ... When I told her where I was going, she replied that it was right for me to visit my mother but, when the grass came in the spring, to return to her.³¹

La'lú' and Keneho saw Splawn as a potential relative, and although he clearly felt strongly about La'lú, he did not return to seek her out. His willingness to engage in reciprocity with their family – at least, when he was young – made it seem possible that he would be willing to embrace sovereignty, rather than settler-colonialism. Unfortunately, Splawn's affection for La'lú' – and other friends he made in Yakama bands, several of whom saved his life – never swayed him away from the pioneer violence he admired and followed. Although he expressed admiration for several Native people he knew, and in his memoir, uncharacteristically for pioneer narratives, recorded many of their names, Splawn also seemed to have idolized Fielding Mortimer Thorp, as well as his father John Thorp, who he called "the Major." As a teenager, Splawn worked for John Thorp alongside Keneho, and between Thorp's influence and that of Splawn's older brothers, some of whom were gold miners, he internalized the idea that all Native people – perhaps excepting some he knew well – were inherently violent and dangerous.³² In his recounting of

³¹ Splawn, *Kamiakin*, 198.

³² *Ibid.*, 160-180.

years traveling the Northwest, Splawn cast himself as plucky, clever, and brave, outwitting Native people who he thought were cheating him – or cheating them, when he could get away with it – or threatening or attacking them for having crossed him.³³ Yet Splawn and his wife Margaret named their daughter Lallooh, and despite their racism, the relationships they did maintain with some of their neighbors – especially Salúskin and his sons – became an important political tool for later activism.³⁴

But although La'lú's offer to Splawn did not fully succeed, his narrative provides ample evidence that other women were able to weave some American men into their families successfully. Splawn, like most reminiscent pioneers, referred to the men who chose to become relatives to their Native families, rather than insist that their wives enter white society, with the derogatory sexual slur, s---w-man.³⁵ He encountered mixed couples frequently throughout the late 19th century, in various roles and places; to his limited credit, he did pass judgement on white men who abandoned their Native wives as fickle. It is impossible to say from most records of marriages between Native women and white men how much agency women had in the marriages, at times whether the relationship was coerced, or to what extent the marriage represented a relationship between the two families, and not only the two individuals.³⁶ However, both La'lú' and numerous other accounts speak to the level of autonomy women in the Plateau had over their own lives, bodies, and relationships.³⁷

³³ Ibid., 200-203, 214-215, 218-219, 237-240.

³⁴ Evan Estep to Margaret Splawn, Folder 8, Box 2 of Homer B. Splawn Papers, MS10, Central Washington University Archives and Special Collections, Ellensburg, WA; Margaret Splawn to Alex Saluskin, Jan. 21, 1928, Folder 11, Box 2 of Homer B. Splawn Papers, CWUASC, MS10, CWUASC, Ellensburg, WA.

³⁵ Splawn, *Kamiakin*, 137, 143, 151, 162, 168-171, 185, 246, 254.

³⁶ Carpenter, *War on Illahee*, 227-231; Ackerman, *Necessary Balance*, 196-197; Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford: Oxford University Press, 2009), 95-104, 344 n56.

³⁷ Ackerman, *Necessary Balance*, 102-103.

The story of the bear and the rabbit, in some ways a straightforward and easily recognizable narrative of an emotionally abusive relationship that becomes dangerous, turns on expectations that clearly differ from Euro-American narratives. The rabbit, who is pressured into an unwanted relationship, constantly threatened, and who must find a way to escape before the bear attacks, is a man, while the aggressive, demanding grizzly bear who threatens the rabbit constantly and eventually attacks him, is a woman. Although the story explicitly warns young people to say no when they sense danger, and not to agree to relationships they do not want, it also mirrors, in poetic form, a common strategy for leaving abusive relationships in the modern day – the victim, seeing his danger growing as the bear grows increasingly demanding and disdainful of the food he brings her, secretly digs a tunnel too narrow for her to follow, and when the time comes, bolts through it, leaving the bear stuck in the cave for all time.³⁸ The story bears the underlying understanding that women have agency and power, and can be as dangerous and violent as men – perhaps surprising to Euro-Americans, but unremarkable in a context where women’s agency, autonomy, and power in society was a given.

Women’s roles as leaders and knowledge-keepers paradoxically both put them in frequent danger from violent settlers, and went largely unnoticed by settlers and American authorities. From the refusal to acknowledge women’s voices in the treaty councils, to the practice of recording at least some Native men’s names – but almost never the names of Native women, or referring to them solely as the wife of a Native man, or by sexual slurs – Americans projected the worst of their own misogyny and racism onto Native society. One of the most common racial slurs that Americans adopted to describe Native people in the far West – the Great Basin, Columbia Plateau, and all of California, especially – referred specifically to the act of digging

³⁸ Beavert, Jacob, and Jansen, *Anakú Iwachá*, 262-269.

roots. This conferred a racial epithet on Native people derived specifically from the honored, life-sustaining work of digging and preparing roots, performed primarily by women. At the same time, because women both owned their own horses and performed seasonal rounds on their own, without necessarily requiring men to accompany them, American men trespassing on Native land – or, after the ratification of the treaties, roaming on unenclosed ceded land – were as or more likely to encounter women as men.

Women’s extensive, detailed knowledge of both the plant life and intricate ecosystems of their land, and the wide range of topography and geography that made it up was an irreplaceable facet of sovereignty. Throughout both the Cayuse and Yakima Wars, and in the periods of intermittent peace and violence around them, women acted in equal capacity to men. Although the beginning of the Yakima War in particular has been primarily attributed to male leaders lashing out against American agents, women had a central place in it from the beginning to the end. The work that women did as wives, daughters, and mothers – which American observers often glossed as drudgery – was part of the agency and independence which gave them the economic leeway to seek marriage on their own terms, making political connections by extending a reciprocal relationship to another family and linking them into the web of sovereignty.³⁹

Although the death of Andrew Bolon, then-agent to the Yakama tribes, is often called the first – and inciting – act of the Yakima War, this is only a partial truth. The inciting incident took place sometime between late August and early September, when a gang of American miners had, in their illegal journey across Yakama lands, sexually assaulted and then murdered two Yakama

³⁹ Ackerman, *Necessary Balance*, 85-87, 102-103.

women – the wife and daughter of Mushíil – and an infant, most likely the grandchild or child of the murdered women. Although Yakama leaders had almost certainly been preparing for war, and hoping for more time to prepare, the incident made it impossible to wait any longer.⁴⁰ K̄wáłchín and Mushíil, the men who killed Bolon, did not do so unprompted, but, according to Salúskin, who witnessed the whole exchange, in direct response to Bolon’s insistence that he was on his way to call troops to have them killed. Bolon had met the band on his way to The Dalles and ranted about calling troops to deal out death, almost certainly unaware that he was speaking to his very targets.

Bolon, utterly disinterested in the lives or rights of Yakama women and children, told them outright that his next mission was to bring down troops to see the so-called murderers – meaning not any surviving miners, but those who had executed them – killed.⁴¹ While Bolon might have spoken some Chinuk Wawa, he, like most Americans, neither spoke nor saw any value in learning any other Native language or dialect, including Ichishkiin; hence, after castigating K̄wáłchín, Mushíil, and the rest of their party for the actions, as he thought, of some of their countrymen, he was oblivious to their discussion of whether and how to react to his threats.⁴² For nearly a century after the war, the historical narrative among American scholars insisted, sometimes using carefully cherry-picked Native testimony, that the miners’ deaths had

⁴⁰ K’amáyáqin et al. to Stevens and Haller, Oct. 7 1855 in Kowrach, *Pandosy*, 95-97; and Scheuerman and Finley, *Finding Chief Kamiakin*, 48-49., “However, the war was not going to start so soon...”; Lucullus V. McWhorter, *Tragedy of the Wahkshum: Prelude to the Yakima Indian War* (Yakima, L.V. McWhorter, 1937), 4-7; Frances Fuller Victor, *The Early Indian Wars of Oregon: Compiled from the Oregon Archives and Other Original Sources* (Salem OR: Frank Baker, State Printer, 1894), 424-425; Splawn, *Kamiakin*, 40-42; note that the accounts of why and how the miners were killed differ – some of the reason for this is likely due to the standard practice in pioneer narratives to avoid mentioning rape or murder by white trespassers. See Carpenter, *War on Illahee*, 223-227.

⁴¹ Alex Saluskin, “A Historical Account of the Yakima War,” rec’d Bruce Rigsby, ed. Catherin Arquette, Ichishkiin Sínwit/Sahaptin Teaching Materials Archive, University of Washington.

⁴² McWhorter, *Tragedy at Wahkshum*, 12-13; Salúskin, “Yakima War,” 4-5; Splawn, *Kamiakin*, 42-43.

been straightforward murder, not execution, and that therefore, Bolon's death had also been unwarranted.⁴³

But the execution of the miners and Bolon, as well as the Yakima War generally, were fundamental expressions of sovereign self-defense. Americans, both authorities and settlers, had been killing Indians, including Yakamas and their relatives, for any crime they were so much as accused of by a white person, as Yakama leaders quickly pointed out.⁴⁴ In some ways, it might be fair not to consider execution of the miners as the initial provocation of the war; likely, the troops Bolon intended to call would have been satisfied by merely executing whichever Yakama men they decided were the alleged perpetrators, as they had previously done.⁴⁵ In that sense, although the miners' assault could be called an inciting incident, the decision of K̄wáłchin and those with him to kill Bolon, an agent who aligned himself with the military, can fairly be considered the first act of direct war. K̄wáłchin, the son of prominent leader Áwɣay, and an outspoken opponent of American expansionism, almost certainly meant it as such.

The most direct cause of the Yakima War, however, was the ongoing and implacable aggression by the US – both the violence and trespassing by individual emigrants, settlers, and miners alike, and the government's refusal to control, limit, or prosecute their crimes, but to instead attempt to coerce all tribes into giving up land and sovereignty. After Bolon's death, several Yakama leaders gathered at the St. Joseph mission in Átanim, where Charles Marie Pandosy, who spoke Ichishkiin, transcribed a letter to the commanding general in Washington, Granville O. Haller. In addition to laying out the grievances and the reasons behind the miners'

⁴³ Victor, *Early Indian Wars of Oregon*; W. H. Lever, *An Illustrated History of Whitman County, State of Washington* (W. H. Lever, 1901).

⁴⁴ Kamiakin et al. to Stevens and Haller, Oct. 7 1855, in Kowrach, *Pandosy*, 95-97, and Scheuerman and Finley, *Finding Chief Kamiakin*, 48-49.; Carpenter, *The War On Illahee*, 162-164.

⁴⁵ Rains to Kamiakin, in Fuller Victor, *Early Indian Wars of Oregon*, 430-431.

and Bolon's death, they promised peace if the Americans would give up their demand for all Native land.

It is you, Governor, who has wanted war, by these words: 'The country will be ours – all tribes, all nations, and you will go to a designated place and leave your land.'

Our heart was torn when you pronounced these words. You have fired the first shot. Our heart is broken. There is only one breath left in us; we did not have the strength to answer. Then we took common cause with our enemies to defend all together our nationality and our country.

However the war was not going to start so soon, but the Americans who were going to the mines have fired on some Indians because they did not want to give them their women and we have taken the measure to defend ourselves.⁴⁶ (Emphasis mine)

Yakama leaders had fought hard in council to include the most important provisions they could in their treaties, but the refusal of the US negotiators to take their sovereignty into account had shown them how little they could be trusted.

The war also revealed that the vast majority of the American pioneers and settlers had, and would continue to, reject utterly the invitations to a reciprocal relationship and a place in the web of sovereignty that had been offered to them. Early Northwest historians noted that in the late summer and fall of 1855, several settlers had reported that Yakama people were angry, and perhaps preparing for war. William Pope was one such voice:

Some of the indians who exhibited a little friendship for us, said when all was ready for war they would inform us in time to get out of the mountains, and advised us then to get on board a ship and go where we would be safe, for to remain in the country was to die. ... True to their word, the time came when they notified us to leave, saying hostilities had already commenced by the killing of an indian [sic] agent in the country east of us.⁴⁷

Pope and his companions quickly left the area, going to a settlement nearby and warning the residents, who Pope remembered did not initially believe them. However, after leaving the area,

⁴⁶ Kamiakin et al. to Stevens and Haller, Oct. 7 1855 in Kowrach, *Pandosy*, 95-97, and Scheuerman and Finley, *Finding Chief Kamiakin*, 48-49.

⁴⁷ Pope, *Reminiscences*, OHS, 19.

Pope did not take ship; instead, he joined the volunteer militia and took up arms against his former friends, some of whom were taken prisoner.

I had to take my turn guarding the prisoners with a rifle. I knew them all and was on friendly terms with them before hostilities commenced, and I suppose it was on this account they abused me fearfully, so I was many times greatly tempted to take a shot at them. They swore eternal vengeance on me, promising that even after the war was over there would be no truce for in my case.⁴⁸

No relationship that Pope had with a Native person could outweigh, for him, the ties of whiteness and the promises of settler-colonialism. When he returned to the area several years after the war, he employed one person who he had known for many years to help him and his party hunt, but referred to him as a servant, not a friend.⁴⁹ Like Splawn, he could not conceive of entering into reciprocal relationships with Native people as an equal – to him, his own feelings about being insulted by a prisoner were worth the same, or nearly the same, as the life of a Native man. The American fighters saw those who did reciprocate relationships with Native people, or at least came closer to doing so, as enemies on par with the tribes themselves. When the Oregon militia found the letter from Yakama leaders at the Átanim mission, and the priests gone – watching from a ridge nearby with the Yakama people who had warned them and helped them leave – they burned the building to the ground, with Pandosy's second work-in-progress on Ichishkíin language and grammar inside. The Americans who had burned the mission later declared that if Pandosy ever returned to Yakama country, they would kill him.⁵⁰ The threats echoed those made to John Beeson's son in Southern Oregon in 1856, after Beeson published an account of the crimes that Oregon settlers had committed against Native people. Militia members told Beeson's

⁴⁸ Ibid. 21

⁴⁹ Ibid. 37

⁵⁰ Carpenter, *War on Illahee* 116.

son that if his father did not stop publishing testimony of their crimes against Native non-combatants, they would kill him “as an Indian.”⁵¹

Even as Americans prepared for war, some openly excited about the possibility of killing Native people whether or not they were Yakama, Plateau leaders held council and continued to consider multiple options. While Shklúum, Áwɣay, K’amáyakín, Xánan, and Sháwaway prepared for war and determined that they would cut off the Americans who had come to take all of their land, Piyópiyo Maqsmáqs – though he clearly sympathized with his relatives – chose to try and avoid the war.⁵² Most of the Plateau nations were divided; some band leaders favored war, some – Aleiya/Lawyer’s and Timothy’s bands – allied with the Americans, and some bands, like Piyópiyo Maqsmáqs, tried to stay out of the conflict entirely.⁵³ While some doubtless succeeded, the American accounts of the war repeatedly describe surrounding an “enemy camp” and attacking, looting, and taking prisoners from the people they found there – but the descriptions mention women, children, elders, and other obvious signs that the target was a group who had not engaged in war.⁵⁴ Even those who came directly to the American forts to declare their intent to remain peaceful were not safe; on little more than a suspicion, American fighters took Piyópiyo Maqsmáqs prisoner, and murdered him along with several others.⁵⁵

The attacks on the Yakamas, Walla Wallas, and other Plateau bands and tribes, whether they had joined the war or not, were not only a response to the attacks on Bolon and the miners, nor even a simple declaration of war, but a continuation of the policy that Plateau leaders had

⁵¹ Ibid, 64.

⁵² Alex Saluskin, “A Historical Account of the Yakima War,” rec’d Bruce Rigsby, ed. Catherin Arquette, Ichishkín Sínwit/Sahaptin Teaching Materials Archive, University of Washington.

⁵³ Carpenter, *War on Illahee*, 108.

⁵⁴ Splawn, *Kamiakin*, 96-104; Cutler, 123-128.

⁵⁵ Victor, *Early Indian Wars of Oregon*, 434-435, 441-446.

identified at the treaty, to no meaningful response from Stevens or Palmer. Whenever there was trouble – anything from theft, to murder, to disagreements – between Indians and Americans, the punishment, which was usually death, was only levied against the Indian party, never the American. This had been the case, upheld by American authorities, since at least 1843.⁵⁶ As a clear and direct result, Americans frequently stole, insulted, and assaulted Native people with impunity; when any Native person responded in kind, American settlers and authorities characterized it as unwarranted aggression, and demanded the lives of anyone connected, as “punishment.”⁵⁷

Long before the retrospective histories began to characterize this policy-driven tendency as the results of a few bad apples, or transient, low-class miners and vagabonds, Plateau leaders had seen it for what it was: an intentional war that gave American leaders a fig-leaf of plausible deniability.⁵⁸ In the context of this decade-long policy of flagrant unbalanced violence – exactly the opposite of reciprocity – every aspect of the Yakima War, and the statements by leaders explaining the war, makes sense. They had known even while in council at Walla Walla that the Americans would not abide by their word, and would certainly not honor any promises to stay off of any land whatsoever. K'amáyak̓in's final word on the treaty, that he hoped the Americans and their children – which neither the Yakamas, nor the Cayuses, Umatillas, or Walla Wallas were – would do as they had promised, must have carried a heavy weight of skepticism. After using reciprocal violence as an excuse to invade Native lands for years, perhaps the least trustworthy part of the treaties was the insistence that this time, tribes would be safe from

⁵⁶ Bancroft, *Oregon* Vol. 24, 258-272. Bancroft's notes detail the penalties due any Native person who commits offenses against white *property* or people, and then adds that while chiefs were supposed to punish their people who committed offenses, whites were supposed to be punished by “white men” or Indian agents – who did not have any legal authority to punish white men under territorial or later, state, government, even if they had wished to do so.

⁵⁷ Cutler, *Hang Them All*, 24-29.

⁵⁸ Scott, ed., *Official Proceedings at the Council in the Walla Walla Valley 1855*, 99-100, 109.

American aggression, because this time, no Americans would be allowed to enter their land and commit violence against them. Even those who were inclined to extend Stevens and Palmer the benefit of the doubt must have been concerned by their unwillingness or inability to explain how they would be able to protect tribes from incursions or theft on reservations.

Over the course of 1856-58, women continued to maintain their sovereign relationships through the dangers of war. Early on, women had taken the role of both supplying active fighters with weapons and ammunition.⁵⁹ The American fighters, on at least one occasion, were forced to see – if not openly acknowledge – that they could not simply treat the land and the beings on it as commodities to be seized, at least not without the knowledge that Native women had been cultivating for years. In 1858, a American group of fighters stopped at Fish Trap Lake and foraged for edible roots around the water; eight men got sick from eating the poisonous roots they gathered, and at least one, possibly two, died.⁶⁰ The majority of the food the invading force took was not from the land, but looted from food caches they found along the way – stores of fish, meat, roots, and berries, as well as grain – destroying anything they did not take.⁶¹

The war fundamentally confirmed that American officials did not consider the lives of Native people worth any kind of consideration. The rules of war that most military officers learned, and many settlers knew as well, considered it entirely wrong to kill prisoners, let alone hostages, of an enemy army – and generally to kill non-combatants as well.⁶² From the earliest days of fighting, militia members and Army regulars attacked and killed non-combatants, and

⁵⁹ Alex Saluskin, “A Historical Account of the Yakima War,” rec’d Bruce Rigsby, ed. Catherin Arquette, Ichishkín Sínwit/Sahaptin Teaching Materials Archive, University of Washington.

⁶⁰ Lawrence Kip, *Indian Wars in the Pacific Northwest* (1999), 52, 127; John E. Smith, “A Pioneer of the Spokane Country,” *The Washington Historical Quarterly* 7, no. 4 (Oct. 1916), 269; Cutler, *Hang Them All* 184-85.

⁶¹ Cutler, *Hang Them All*, 205-215.

⁶² *Ibid.*, 28-31.

frequently murdered prisoners as well.⁶³ Although the letter repeated that the Yakama leaders did not want war, but would be happy to make peace if they could only be left unmolested, the response of the American military made it clear they did not consider that an option.

When Gabriel Rains, leading an army of mixed regular troops and militia volunteers, marched into Yakama land and up the Átanım canyon, they found the letter left there for them; Yakama fighters hid on an overlooking ridge with the priests, who they had believed – with good cause – to be in danger from the soldiers as well.⁶⁴ Rains published his reply to the leaders – particularly K'amáyąqin – shortly thereafter.

You know that you murdered white men going to the mines who had done you no injury, and you murder all persons, though no white man had trespassed upon your lands. ... Fugitives and vagabonds shall you also be, all that remain of you, upon the face of the earth, as well as all who aid or assist you, until you are gone.

You say now, "if we will be quiet, and make friendship you will not war with us, but give a piece of land to all the tribes." We will not be quiet, but war forever, until not a Yakima breathes in the land he calls his own. The river only will we let retain this name to show to all people that here the Yakimas once lived.

You say that you will fight us with thousands, and if vanquished, those of you that remain will kill all your women and children, and then the country will be ours. The country is ours already, as you must see from our assembled army; for we intend to occupy it, and make it too hot to hold you.⁶⁵

The letter essentially confirmed everything that had spurred the tribes to fight in the first place, reiterating the worst problems of the treaties with a more openly genocidal threat. Rains's letter bears, in addition to the threats, an obvious inconsistency – how had Yakama fighters “murdered men going to the mines” if they had not been trespassing on Yakama land? Elsewhere in his account, Rains denied that Americans killed women and children – something Plateau people already knew too well was untrue – and attempted to turn the accusation back on the Yakama

⁶³ Ibid., 234-242.

⁶⁴ Kowrach, *Pandosy*, 99-103.

⁶⁵ Rains to K'amáyąqin, Nov. 13, 1855, in Victor, *Early Indian Wars of Oregon*, 430-431.

leaders, whose fear of the American pioneers' rape and murder was so great that they claimed they would kill their own wives and children before allowing them to fall into American hands.

By the end of 1858, American soldiers and local volunteer militia had killed countless civilians, hung Native fighters who surrendered, burned, looted, and destroyed villages and food storage, desecrated corpses, and slaughtered 800 horses in view of their former owners – mostly Palouse people, with some of their allies – a move calculated as much to demoralize as to harm.⁶⁶ In the final days of the war, Áwǵay responded to a request to meet with George Wright to discuss peace – although Wright was hardly trustworthy, he had claimed that he would spare the life of any who came to him in peace. Unbeknownst to Áwǵay, he had also told his superiors and comrades that he would not stop until he had killed Kǵwǵlchin. When Kǵwǵlchin heard that his father had gone to Wright, he also rode into the camp, accompanied by his wife, Whistalks, and younger brother, Lokout, all in regalia – normal attire, for a parley between leaders.⁶⁷ Wright welcomed them, and then almost immediately had his men hang Kǵwǵlchin – unlike with most of the prisoners Wright had murdered, he did not even pretend to hold a trial for Kǵwǵlchin first. According to Lokout, Whistalks fought her way free of the soldiers using a sabre she took from one of them, and escaped; a Colville fighter who had been with the Americans cut Lokout free before he could also be hung. Soldiers claimed afterwards that they had allowed both to go free, but given that they had been engaged in stringing up Kǵwǵlchin as he struggled, how many prisoners they had murdered, and how frequently they lied to cover up mistakes and losses – as

⁶⁶ Cutler, *Hang Them All*, 206-221; Splawn, *Kamiakin*, 97-98.

⁶⁷ Although I have used Beavert's spelling for Kǵwǵlchin's name, I have been unable to find correct spellings or pronunciations for Lokout or Whistalks.

well as Wright's habit of choosing four people to kill from the prisoners he had available – this seems unlikely.⁶⁸

Over the next week, Wright repeatedly hung men – some who likely volunteered themselves to spare others the same fate – when they answered his request to come and make peace. Less than two weeks after he had broken his word and hung K̄wáłch̄in without trial, Wright's men claimed that Áw̄x̄ay had tried to escape while tied to his horse, and been shot and killed in the attempt.⁶⁹ It is possible that this was true – one Nez Perce man who had been working for Wright testified later that Áw̄x̄ay had said he would try to escape rather than letting them hang him. It is also possible – and, I believe, likely – that the American fighters wanted to kill Áw̄x̄ay, and did so, giving his attempt to escape as an excuse after the fact.⁷⁰

Of the band leaders who had survived the war, some refused even after the war to return to their lands, while others did go to the reservation, but remained distrustful of all shuyápuma (non-Native whites) for the rest of their lives – Lokout told Andrew Jackson Splawn of his experience in Wright's camp many years later, but also told him that he wanted nothing to do with him or any other American ever again.⁷¹ K'amáyak̄in remained in exile, in Okanogan country, for the rest of his life, refusing to take the position of head chief for the Yakama Nation.⁷² Those who did move their families onto the reservation found, doubtless not to their surprise, that the U.S. was no more interested in keeping promises in 1859 than they had been in 1855.

⁶⁸ Splawn, *Kamiakin*, 116-119; Cutler, *Hang Them All*, 226-233; Carpenter, *War on Illahee*, 156-157.

⁶⁹ Carpenter, *War on Illahee*, 157; Cutler, *Hang Them All*, 231-232.

⁷⁰ Cutler, *Hang Them All*, 233.

⁷¹ Splawn, *Kamiakin*, 116-117; Cutler, *Hang Them All*, 225-229.

⁷² Scheuerman and Finley, *Finding Chief Kamiakin*, 92-101.

The changing landscape throughout the 1860s, however, complicated their sovereign practices in more ways than one. The dangers from settlers and their frequent dehumanization of Native people had not diminished after the war – if anything, it increased as the numbers of settlers did. On and off the reservation, Native women had to keep their guard up against theft, assault, and murder by pioneers.⁷³ Even those who seemed friendly could be dangerous; in 1865, Jack Ingraham, who ran a trading post near The Dalles, murdered a man by giving him food laced with strychnine – he had committed no crime, but the store owner claimed the man had “given him trouble,” likely by asking for food.⁷⁴ Around 1869, Nicholas McCoy, who claimed to prefer spending time with Native people to white Americans, insulted a Yakama man’s wife; when the man slapped him, he pretended not to care, but invited him over for coffee some time later, and poisoned the sugar with strychnine to kill him.⁷⁵ Settlers frequently attacked any Native people they saw in the vicinity of their new claims, illegally driving people away from their protected digging, hunting, and gathering grounds; Bryson Liberty, a Cayuse, Umatilla, and Walla Walla elder, remembered his mother’s stories of being shot at by a group of settlers who had erected a cabin along the trail of her family’s seasonal rounds.⁷⁶

While not every settler was inherently violent towards Native people, the normalization of violence against Native people skewed both the culture at the time, and the records of relationships after the fact. The casual dehumanization that even semi-sympathetic settlers used to refer to Native people, especially women, permeates most written records of the period,

⁷³ Emily Washines, “Yakama Elder Breaks Silence on Missing and Murdered Indigenous Women,” *Native Friends* January 14, 2019, <https://nativefriends.com/blogs/news/yakama-elder-breaks-silence-on-missing-and-murdered-indigenous-women>.

⁷⁴ Splawn, *Kamiakin*, 214.

⁷⁵ *Ibid.*, 268.

⁷⁶ Bryson Liberty, “Trouble on the Seasonal Rounds,” *Confluence Project* June 28, 2019, <https://www.confluenceproject.org/library-post/bryson-liberty-trouble-on-the-seasonal-rounds/>.

explicitly relegating Native women to the margins of public discourse and society. Although a Umatilla or Nez Perce woman would have full agency in her marriage, own her own horses, and make her own decisions about when to go out digging roots with her sisters and aunts, American men who saw her would assume that she was merely supporting the efforts of her male relatives, and act accordingly.⁷⁷

State and settler records implicitly obscure any relationships that subvert the desired status quo of white supremacy. The primary examples of recognized relationships between settlers and Native people in settler records nearly always consist of white men married to Native women and living mostly in settler society.⁷⁸ If wives in these relationships maintained ongoing relationship with relatives, or held power of their own that checked their husbands' presumed authority, the records seldom mention it. The inverse, however – a settler who not only married a Native woman, but intentionally married into Native society, taking on kinship obligations – is seldom mentioned officially at all, except pejoratively. During the war, at least one white man on the Oregon coast was held captive by militia members to prevent him from warning his wife's family about an impending attack; others across the region who sided with their wives' families were explicitly declared enemies of the state.⁷⁹

In the first few decades of reservation records, these relationships – settlers who intentionally married Native women and lived in and around Native communities – are primarily visible in complaints about them from settlers, capitalists, and Indian agents. Pioneer narratives might sometimes approve of white men who married Native women and brought them home, cutting ties with their wives' families, but they saw those who willingly entered Native society as

⁷⁷ Splawn, *Kamiakin*, 192.

⁷⁸ Pascoe, *What Comes Naturally*, 94-97.

⁷⁹ Carpenter, *War on Illahee*, 70, 117-120.

relatives, rather than holding themselves in aloof perceived superiority, as betraying white settler society and thus inherently untrustworthy. What further complicates attempts to examine intermarriage as a practice of sovereignty is the unknown likelihood that white spouses sought primarily to defraud their would-be kin of land, or perceived wealth. In some nations – most famously the Osage in Oklahoma, where the vast majority of white-Native marriages in the first few decades of the 20th century seem to have been a deliberate perversion of kinship networks and federal policy by white murderers seeking to use marriage and parental rights to access the Osage inheritance of oil head rights.⁸⁰ In nations with fewer obvious sources of quantifiable wealth – for both Yakama and Umatilla, mostly land, which allotment and fraud made easier to steal through less intimate means – this is harder to trace.

Government and pioneer records are also scarce about Black emigrants to Oregon, and to some extent Washington, but reservation reports and settler accounts mention Black spouses to Plateau Native women, and Black relatives and associates of Native men, in similar tones. In 1880, the agent from Umatilla mentioned a mixed-race man from Grand Ronde who, with his wife, was visiting Walla Walla relatives when he was murdered.⁸¹ In the early 1900s, Charley Olney was repeatedly accused by his enemy, Frank Seufert, of consorting with Black and lower-class white people at his treaty-protected fishing grounds. Olney claimed at least some of the people who came with him to fish were relatives, but Seufert and Estep disagreed that the reciprocal relationships Olney's direct ancestors had practiced was legitimate.⁸² Frustration and anxiety with the Plateau tribes' refusal to take on white views of race, society, and segregation

⁸⁰ David Grann, *Killers of the Flower Moon: The Osage Murders and the Birth of the FBI* (New York: Knopf, 2017), 261-286.

⁸¹ Letterbook of the Umatilla Indian Agency, 1860-1880, 294, 310.

⁸² F.A. Seufert to Evan Estep, May 28, 1924, RG 75, Box 79, Folder 1, National Archives and Records Administration at Seattle.

throughout the reservation period show clearly that despite the constant efforts of agents, Native people saw relationships and sovereignty the same way they had in 1854 and since time immemorial: a web of reciprocity.

Despite the explicit promises in the treaty that they would have the right in perpetuity to fish, hunt, gather roots and berries, and graze cattle off of reservations in their usual and accustomed places, Native families undertook serious risks when they left reservations to uphold their sovereign relationships and treaty rights. For one thing, the federal government had not intended to uphold the treaties even in part for more than one or two generations, and BIA agents and superintendents continuously tried to stop Native people from leaving the reservations, complaining that their seasonal rounds prevented them from assimilating and becoming professional farmers. Agents would arrest or detain Native people if they could, regardless of their reason for leaving and its legality. Further, as the settler population across the Plateau rapidly increased, and even more settlers sought roads across to the West side of the Cascades, Native men, women, and children faced the risk of assault, murder, or theft by settlers and soldiers alike. Even settlers who claimed to be sympathetic to Plateau bands considered Native men, in particular, to be inherently threatening; while they thought nothing of trespassing on ceded or unceded ground, or taking horses or cattle without regard for their ownership, most settlers responded with lethal violence if they suspected Native people of reciprocating.

The new problem of trespassing presented serious issues for seasonal rounds. In addition to the possibility of violence from settlers who claimed the meadows where roots and huckleberries thrived, or the springs and streams where elk and deer came down to graze, the claims themselves quickly began to impact the land. While select small gardens and orchards could integrate well into Plateau ecosystems and families, and mobile grazing herds had not

posed a severe threat, the commodification of the land into private property intensified the threats to Natives' relationships with roots, berries, and the meadows themselves.⁸³

While most Yakamas had been either fighting for their survival, or hiding from those who sought their extermination as best they could, the American military had constructed a fort in the center of their unceded land: Fort Simcoe. When the war had mostly ended, Simcoe was transferred from a military-operated fort to Indian Affairs, to become the agency for the Yakama. Per the treaty, the territorial government owed the tribes two schools, free for students to attend – only *one* of which was to be “an agricultural and industrial school,” and neither of which were specified to be boarding schools – as well as a carpenter’s shop, two blacksmith shops, one with an attached gunsmith and the other with a tinsmith, a wagon and plough maker’s shop, a saw mill, a flour mill, and a hospital. All buildings were also to be kept in good repair for twenty years from the ratification of the treaty, and staffed at government expense for the same amount of time.⁸⁴ Although neither the Yakama, nor the Cayuse, Umatilla, or Walla Walla people had any intention of giving up their sovereignty, nor the other-than-human relatives they depended on, the restriction of the reservation and the enclosures by settlers – as well as the severe loss of food supplies during the war – made the annuities an important factor in the decision to remove to the reservation in 1859-1860.⁸⁵

Unfortunately, Superintendent of Indian Affairs in Washington and Oregon Territories, James Nesmith – both an eager participant in the genocidal wars and a vocal leader in furthering their aims – had appointed Richard H. Lansdale as Agent to the Yakama bands, in place of the

⁸³ Fisher, “This is What Land Back Looks Like.”

⁸⁴ “Treaty with the Yakima, 1855,” in Kappler, ed., *Indian Affairs: Laws and Treaties*, 698-702

⁸⁵ Cutler, *Hang Them All*, 214-218.

late Bolon.⁸⁶ Lansdale left his post near Colville and started work at Simcoe shortly. He quickly converted most of the buildings from military posts into an agency and residences for himself and his extended family. When the sutler at the fort asked about filing an application as a trader, Lansdale summarily dismissed him, offering to buy his home (using agency funds), and shortly thereafter, appointed his father-in-law, Charles Pope, the agency trader, and his brother-in-law, an eighteen-year-old boy, his clerk. Although most of the annuity goods that the tribes had been promised remained sixty-five miles away at a warehouse throughout the fall and winter, alongside some of Pope's stored goods, the agency oxen hauled several loads of Pope's saleable goods to the agency in good time.⁸⁷ Lansdale's first and only report from the Simcoe agency mentions that in addition to the annuities, large sums of money would be needed – which he would be in charge of spending – to fulfill the rest of the treaty. Unfortunately, he added, the Yakama leaders had not given him any guidance on what they wanted for annuities, because they had been preoccupied with their reluctance and concern about removing to the reservation.⁸⁸

While his practices had seemingly gone unremarked by Nesmith, Edward Geary took exception to them in September of 1860, and sent special agents to investigate. They found that Lansdale had appointed friends and family members to the agency positions, furnished his house with luxury goods, and paid all Indian employees of the agency in goods, rather than money – at inflated cost estimates – while recording the vouchers for their pay in cash – presumably pocketing the difference. As the assigned investigator, Wesley B. Gosnell, and Geary himself examined the reservation, they found that Lansdale had also made dubious cattle and horse

⁸⁶ “Charges Against Agent Richard H. Lansdale [sic], Yakima Agency. 1861-65,” National Archives Microfilm Publications, Roll 43, File 173.

⁸⁷ Ibid.

⁸⁸ R. H. Lansdale, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington DC: George W. Bowman, Printer, 1859), 411-412.

trades, that the beef cattle were drastically underfed, and that the exceedingly expensive sawmill was poorly constructed, lacking a solid foundation, and likely to collapse in the coming spring. Lansdale's outraged protests insisted that Geary was merely pursuing a personal grudge, but when called on to provide explanations for several pages of suspicious vouchers, many of his responses boiled down to an assertion that he had always done it this way in the past, with no problems.⁸⁹ While Lansdale's work was undoubtedly fraudulent, he was likely correct that Geary's motivations were more political than moral – just four years later, A.A. Bancroft, the agent from 1862-65, was accused of conducting most of the same practices.⁹⁰ Ultimately, Geary and Lansdale came to physical blows when Geary confronted him in the Simcoe office in February of 1861, and Lansdale's teenaged clerk – and brother-in-law – drew a pistol on Geary; the agency office descended into a general brawl, but after receiving written orders, Lansdale eventually left the reservation without a shot.⁹¹

After the fact, both men's accounts grew more dramatic. Lansdale eventually claimed that Geary had threatened him with force, "even to the shedding of the blood of women and children," if he did not leave the reservation. Geary, for his part, accused Lansdale not only of trying to have him shot, but also insisted that he had held a council with nearby Yakama leaders before he left, with the goal of convincing them to attack Geary, and thereby restarting the recently-concluded war. During the brief period when Lansdale and Gosnell both claimed the title of Indian Agent, Gosnell and Geary theorized that Yakamas assumed Lansdale was still the

⁸⁹ Ibid.

⁹⁰ James Wilbur, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior*, (Washington DC: George W. Bowman, Printer, 1865), 83-84.

⁹¹ "Charges Against Agent Richard H. Lansdale," National Archives and Records Administration; "Trouble at Simcoe Agency," *The Washington Standard* (Olympia WA), March 23, 1861, p. 2; B. F. Kendall, "Notice," *The Oregonian*, December 4, 1861, p. 2; R. H. Lansdale, Letter to the Editor, *The Oregonian*, February 12, 1861, 3.

agent because he continued to inhabit the well-appointed house at Simcoe.⁹² Both this theory, and the idea that Lansdale could have convinced any Yakama leaders to violently take his side in a minor bureaucratic spat, attest that the executors of federal Indian policy still had only the most glancing, shallow understanding of Plateau politics. Throughout the case, only the interpreter allegedly gave an affidavit on Lansdale's behalf; the federal investigation sought no other Native testimony on Lansdale's or Geary's conduct, despite the fact that Yakama witnesses would have had the most direct observation and knowledge, and been the most directly impacted by the matter.

The eventual replacement for Lansdale, A. A. Bancroft, was accused of practices almost exactly the same as Lansdale – albeit, by an ally of Lansdale's, James Wilbur, who Lansdale had employed as a teacher. While Yakama families maneuvered between the lacking annuities, the petty politics, and the violent disdain of the Indian Service at Simcoe, Cayuse, Umatilla, and Walla Walla families did the same at the Umatilla reservation. The tribes at Umatilla had one bureaucratic or ideological lever that Yakama tribes lost quickly; they successfully requested the return of the Catholic priests.⁹³ While the priests were also colonizers, and in the long run, the Catholic-run boarding school at Umatilla was at least as bad as the government school, the demands of Cayuse, Umatilla, and Walla Walla families for a Catholic presence in the 1860s was almost certainly politically motivated in part. Throughout the treaty negotiations and the wars of the 1850s, Jesuit priests had often worked as mediators and translators, and sometimes pushed against the violence of American fighters and authorities.⁹⁴ In the Southwest, some Pueblo people played Catholic and federal school authorities against each other to give their children

⁹² “Charges Against Agent Richard H. Lansdale,” National Archives Microfilm Publications, Roll 43, File 173.

⁹³ William Barnhart, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington DC: George W. Bowman, Printer, 1864), 272.

⁹⁴ Cutler, *Hang Them All*, 215-216, 225; Scott, ed., *Official Proceedings at the Council in Walla Walla*, 119 n58.

more agency in education.⁹⁵ But the heavy anti-Catholic sentiment in 19th century American politics made this an ineffective strategy for most of the Northwest. James Wilbur, a Methodist minister, managed to get himself installed as Bancroft's replacement in 1865, and established a Methodist-first order of operations on the reservation. Wilbur built houses for Yakama families who attended his church first – or, in some accounts, only – and insisted that any Yakama people who wanted to buy or sell cattle do so with Protestant, not Catholic, cattle traders in the nearby towns.⁹⁶ Any attempt to play the Christian forces against each other in Yakama country met with little success; Yakama families had to try other political strategies over the next decades.

Faced with the dangers of starvation from annuity shortfalls and corruption on the reservation, and settler violence and betrayal off of the reservation, Native families on the Columbia Plateau knew that the intention of the American government, as they had declared in 1855, was to stamp them out little by little. The decision to both hold the U.S. agents accountable for annuities and to continue seasonal rounds was both sovereign praxis and a conscious decision to survive despite the pressures around them.

Throughout the 1860s, women from the Sohappay band had to avoid the hostile cattle herders who had begun to enclose grazing land along the canyons and hillsides, taking their horses up seasonally to dig roots, as they had since time immemorial. Most likely, they camped periodically to visit with relatives at Siláylu, Ímtnim, K'títas, and Tł'yálim; they also stopped at a

⁹⁵ John Gram, *Education at the Edge of Empire: Negotiating Pueblo Identity in New Mexico's Indian Boarding Schools* (Seattle: University of Washington Press, 2015), 57-82.

⁹⁶ George Olney, "Story of James H. Wilbur: as the Yakima Indian Agent at Fort Simcoe" (typescript, June 1951), accessed via Plateau People's Web Portal, <https://plateauportal.libraries.wsu.edu/digital-heritage/story-james-h-wilbur-yakima-indian-agent-fort-simcoe-page-1>; Gertrude Wiencke Johnson, ed., "Introduction" in *Travels of J. H. Wilbur: Journal Written From Sept. 27, 1846 to Jan. 25, 1848* (Salem, OR: Willamette University Friends of the Library, 1975), Oregon Historical Society, Portland OR.

long-established campground in what's now known as Johnson Canyon (one of many).⁹⁷ Around 1870 or 1871, they would have found the beginnings of a settler's claim in the canyon, near the sweathouse, but they continued to follow the route from Nch'í Wána up towards the mountains to the west.⁹⁸ A little over ten years later – between 1883 and 1885 – the settler who had claimed the land as his own under the provisions of the Homestead Act, William Taylor, sold it to a pair of brothers who wanted to raise sheep there.⁹⁹ At some point, when the men had brought their families to live with them, the Sohappay women who traveled along the canyon as they had always done introduced themselves.

Given how quick to fear and violence settlers were in general, and how dangerous even their invitations could be, befriending the family was a serious risk. The Pearsons seemed friendly, and had no qualms about letting their children play together with the Sohappay's children, when their parents passed through, but even that might not have meant safety. Given the number of times that settlers had attacked women and children, responded to generosity with theft, or to invitations to eat together with poison, the women would have had ample reason to keep their distance, focusing on the relatives they would see at the fishing camp at Tł'yálim, or while harvesting nearby. But instead, they rode through the canyon openly, enacting their right to their seasonal rounds, and invited the family who had settled there to share with them:

My aunt told me of one stormy night when the men were gone and she had just finished their chores when she saw three women riding down the hill to the house. She had put a pot of potatoes with the skins on to boil as she went out to do chores. ... Being tired she thought she would just have potatoes with bread and butter for her supper. She didn't have meat enough for 4 people. When the women saw what Aunt Mary had they went out to the barn where they had put up their horses and

⁹⁷ Thorp Mill Town Historical Society Collection, Box 1, Folder 7, Central Washington University Special Collections and Archives, Ellensburg WA

⁹⁸ *Ibid.*; Splawn, *Kamiakin*, 266.

⁹⁹ Thorp Mill Town Historical Society Collection, Box 1, Folder 7, Central Washington University Special Collections and Archives, Ellensburg WA.

brought back smoked salmon, dried camas root and couse, a bulb-like small onion that tastes like potato. Also dried huckleberries. My aunt often said later, “What a meal!”... but we had eaten in their tepee many times and they were good friends willing to share.¹⁰⁰

The act of sharing food with a neighbor is easy to overlook in the historical record. But in the full context, this moment of generosity and trust was anything but mundane. The women who rode down the canyon were not idly passing time, but traveling to visit relatives, both human and otherwise, reciprocating the land’s sustenance for their family with the care that long tradition had taught them to provide. In stopping at the farm, putting their horses in the barn, and sitting down to dinner with the woman whose family had claimed that land, they made a powerful statement: that they belonged on the land her family had come to, and always would. But by both eating her food and sharing their own food with her, they also demonstrated that, as sovereign people on that land, they had the right to offer – and ask – reciprocal hospitality.

¹⁰⁰ Ibid.

Chapter 3: Councils and Confederation in a Hostile Space: The First Generation of Reservation Leaders

The power relations that Plateau leaders faced in the first reservation years shaped their efforts to maintain sovereignty, and limited the amount of success they achieved. Without the leverage of armed resistance, tribal leaders had fewer ways to resist settler power. Their refusal to simply comply with the demands of settlers and federal agents, however, shows a commitment to sovereignty that profoundly shaped their children and grandchildren's struggles. The reciprocal relationships with land and relations that Alex Salúskin, Xálish Wampo, Joe Stwire, and Homili protected gave the next generations of leadership a foundation to build on. Even while agents plotted and worked towards the destruction of their futures, they fought to build a confederation of leaders who could stand up to the federal policies. They sought to build wealth in the new systems that surrounded them, so their children would have the resources to survive, and to continue to resist.

Most, if not all, of the leaders on the Plateau reservations in the first few decades had been at the 1855 Walla Walla Treaty Councils – as observers, if not speakers. They knew that the Americans who had written and carried out the treaties, and debated with them and their fathers and uncles about the details, intended to destroy their people and take their land. Just a few months after the council, some years before the majority of the bands moved onto the reservation, K'amáyak̓in, along with several other leaders, had dictated a clear indictment of the policies establishing reservations:

But [Stevens] has taken us in small groups and thrown us out of our native country, into a strange land among a people who is our enemy (for among us we are enemies) in a place where our people do not even have enough to eat for themselves.

Then we said, now we know perfectly the heart of the Americans. ... You Americans want, therefore, to make us die of famine little by little.¹

While many of the leaders on both the Yakima and Umatilla reservations had been killed in the following war, or gone into exile, those who remained or took up leadership roles had seen the same truths. Council leaders in 1855 had wrested significant concessions to protect their traditional relationships, but the language around annuities and federal obligations had remained intact.

This chapter argues that the first generation of political leadership on the reservations used any and all tools available to them to defend sovereignty, including both resistance to the settler state, and aspects of the settler-governed reservation system. Their goals – to continue to maintain, build, and strengthen the sovereign relationships between land and people that had comprised their sovereignty since time immemorial – followed those of their fathers' generation, who had shaped the treaties to the best of their ability to the same ends. In a new context, however, they adapted their methods. While the more visible – at least, to the U.S. agents – male leaders led in concert with women, making decisions in traditional ways, the political records around the reservation seldom engaged with women – United States federal agents did not acknowledge women's political authority, and the often-corrupt system of annuities gave them a great deal of illegitimate but material authority on reservations. Throughout this chapter, I examine the power of agents and the authority of sovereign leaders, establishing a multi-faceted form of leadership on reservations that maintained traditional political forms while interfacing with the coercive law that Indian Agencies wielded.

¹ Letter from Kamiakin and other Yakama leaders to Isaac Stevens and Granville O. Haller, dictated to Charles Marie Pandosy, Oct. 7 1855, reproduced in Edward J. Kowrach, *Mie. Charles Pandosy, O.M.I.: A Missionary of the Northwest* (Veradale WA: Kowrach, 1992), 95-97, and Scheuerman and Finley, *Finding Chief Kamiakin*, 48-49.

Despite the text of the treaties, the promises of the negotiators, and indeed, the written law regarding treaties between tribes and the federal government, both policy-makers and the vast majority of non-Native U.S. citizens understood reservations to be a temporary solution to indigenous people's continued existence on a land which they were destined to settle in its entirety.² Whether by assimilation or, as many in the Northwest hoped, genocide, the Office of Indian Affairs intended for reservations to dissolve, not remain autonomous nations, as their representatives had told most Northwest Native leaders.³ Nonetheless, the promises, the nations, and to some extent, the law, remained. Although the OIA had been moved out of the War Department into the Department of the Interior before the treaties of 1855, the management of the reservations was civilian in name more than in fact.⁴ Agents and employees of Indian Affairs might have been called civilians, but they often maintained their military ranks and wore military uniforms, and as late as 1910, agents could be reassigned to reservations to serve in theoretically civilian roles directly from military positions.⁵ Superintendents appointed many of the agents from the ranks of so-called "Indian fighters," military or militia fighters who attacked Native targets for various reasons – war, alleged crime, or sometimes, greed.⁶ Although the treaties did

² Jeffrey Ostler, *Surviving Genocide: Native Nations and the United States from the American Revolution to Bleeding Kansas* (New Haven, Yale University Press: 2019), 3-5; Marc James Carpenter, *War on Illahee: Genocide, Complicity, and Cover-Ups in the Pioneer Northwest*, 21; "Dying in Squads," *Yakima Herald* (Yakima, WA), p. 3, April 16, 1891.

³ Felix R. Brunot, in Annual Report of the Board of Indian Commissioners to the Secretary of the Interior, vol. 1, 1869, p. 10; Merrill E. Gates, "Land and Law as Agents in Educating Indians," in *Annual Report of the Board of Indian Commissioners to the Secretary of the Interior* (Washington DC: George W. Bowman, Printer, 1885), 25-30.

⁴ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, Vol. 1 (Lincoln: University of Nebraska Press, 1984), 319.

⁵ "Indian Agent Captain Thomas Priestley and Yakima Chief White Swan on horseback, Fort Simcoe, Washington, approximately 1888," University of Washington Libraries, Special Collections, WAS1243. The photo depicts in the foreground two men in what appear to be military uniforms, one white and wearing a sash with a star, the other Native and wearing a beaded sash; Thomas Downs correspondence to Mary Jane Eisman Downs, Thomas Downs Papers, Box 1, William L. Clements Library, M-3122.

⁶ While I have not yet had the opportunity to cross-reference every appointed agent against the militia muster rolls, the following agents, all of whom served in the militia or army, provide a fairly representative sample: Lee Moorhouse (Umatilla), Lindsay Applegate (Klamath and Modoc), Oliver Cromwell Applegate (Klamath and Modoc), William Barnhart (Umatilla), Thomas Priestley (Yakama), George Abbott (Umatilla), N.A. Cornoyer

not explicitly put agents in charge of reservations, the legal power they did reserve to agencies was sweeping enough that they could function as autocrats.

Native actors, however, could also exploit the uneven patterns established by reservation policy and the settler state. Despite the problems of the treaties, their provisions for seasonal rounds and sovereign relationships to non-human relatives, as well as newer tools that Plateau families had adapted for their lifeways, allowed Native leaders and activists some flexibility in arguing for their freedom and mobility. In the course of the officials' apathy, leaders could seek the means to slide out from under their assimilationist regimes. While the high desert was not conducive to productive profitable grain crops, growing some crops, raising livestock, and working for seasonal wages all technically fell under the goals of assimilation, and more importantly, gave the Native men who successfully embraced them a modicum of independence from agency control. Wage labor, though, particularly for the underside of settler commerce, could also be dangerous, as it brought Native men into contact with bootleggers, and sometimes into conflict with powerful capital interests.⁷

In the context of the industrializing Northwest of the late 19th century, tribes fought for survival not only under the potential autocracy of agents, but with the settler capitalists who sought to destroy their sovereignty as an obstacle. But the influx of capitalism brought a potential tool for tribal leaders as well. Wage labor for the capitalists and entrepreneurs who established themselves around and along Nch'i Wána could be used to build relationships and resources. Selectively using resources to build wealth on or near the reservation and on seasonal rounds

(Umatilla), Wesley Gosnell (Squaxin, Nisqually, and Puyallup). A. A. Bancroft, R. H. Lansdale, and in particular James Wilbur, are exceptions to the general pattern.

⁷ Virginia Beavert, *The Gift of Knowledge Ttnúwit Átawish Nch'inch'imami: Reflections on Sahaptin Ways*, Janne L. Underinner, ed. (Seattle: University of Washington Press, 2017), 17.

gave Native families more control over their lives, but anything they built was vulnerable to theft from both the agency and local settlers. Agents often prioritized settler capital and greed over Native interests, and tended to try to expand their power over as many areas of Native life as possible, including commerce. When they pushed to erode reservation land bases, however, they ran into stiff resistance from Native leadership. Despite the legal fiction that all tribes and bands had been fully consolidated under a few head chiefs whose authority came through the federal government, agents found that the sovereign relationships between bands continued, particularly when their sacred relationship to their land was at stake. Decades before the United States legalized tribal and general councils, Plateau nations forced agents to negotiate within their diplomatic parameters.

The operation of reservations as far as the government was concerned fell to local officials, who were inherently embedded in settler politics.⁸ They selected suppliers, traders, and employees from the local population, generally justifying their choices by vague character reference when asked.⁹ The true criteria for Agency employees was far more often the superintendent and agents' political and social networks – relatives, family friends, and political allies. Although agents constantly complained of inadequate resources and capital, the purchasing contracts and licenses they could grant gave them ample opportunity to collect and bestow favors in a system of patronage common to American political life.¹⁰ The Department of the Interior and the Commissioner of Indian Affairs could not – or, at least, did not – directly supervise the agencies or reservations, outside of the reports agents themselves submitted. While

⁸ Ryan Hall, "Patterns of Plunder: Corruption and the Failure of the Indian Reservation System, 1851-1887," *The Western Historical Quarterly* 55 no. 1 (Spring 2024): 21-38.

⁹ "Special Files of the Office of Indian Affairs, 1807-1904," NARA Microcopy 574, Roll 43, Files 173-175, R. H. Lansdale Case.

¹⁰ Hall, "Patterns of Plunder," 26-27.

in theory, the Department of Indian Affairs could send inspectors to investigate misconduct by agents or superintendents, in practice the department was stretched too thin to do so often.¹¹ This left agents and superintendents endless opportunity for self-enrichment at the expense of their supposed wards. Even if they intended to undertake their duties honestly, the political structure gave far more influence to local settler capital than the voices of Native people on or off the reservations. It was in this difficult context that the first generations of political leadership on the confederated reservations began to shape their methods of defending sovereignty under the settler state.

According to the text of the treaty establishing the Yakama reservation, the duties and powers of Indian Agents were: to live, along with other agency employees, on the reservations, and give or withhold, along with or on behalf of the tribe, permission for other whites to do so as well; to inform the President – or, in practice, the Commissioner of Indian Affairs – how tribes wanted to spend annuity payments; to determine whether any of the members of the tribes had committed “depredations upon the property of citizens ... [or] any other Indians,” and to deduct the compensation of stolen or destroyed property from annuity payments; to judge disputes between tribes or individuals; to withhold annuities from any Indian found guilty of drinking, or bringing alcohol onto the reservation.¹² The Umatilla treaty is far more vague about the role of the agent; other than the articles about restricting residence on the reservation, settling disputes, and punishing depredations, it does not mention the agent at all. Instead, the treaty alludes to the authority of the President for the dispersal of annuities, the potential allotment of the reservation, and the punishment for violations of the alcohol ban.¹³ In a straightforward reading of the text

¹¹ Prucha, *The Great Father*, 332, 592; Ostler, *Surviving Genocide*, 206.

¹² “Treaty with the Yakima, 1855,” in Charles Kappler, ed., *Indian Affairs: Laws and Treaties* Vol. 2. (Washington DC: Government Printing Office, 1904), 698-702.

¹³ “Treaty with the Walla Walla, Cayuse, etc., 1855” in Kappler, ed. *Indian Affairs: Laws and Treaties*, 698-702.

that Native leaders had signed, therefore, they had surrendered very little authority to the agent, except where war, crime, and annuity payments were concerned. The treaties provided a stipend for head chiefs, who would be elected by the tribes, and authorized, presumably, by the U.S., somehow.

Neither agents, nor settlers, nor the federal government more generally, however, saw things that way. Agents considered themselves the final word on nearly all matters on the reservation, and settlers certainly agreed. Their primary complaints about off-reservation bands – and, for that matter, any discord that arose on the reservation – mainly concerned Indians who did not respect their authority.¹⁴ Because they oversaw the allocation of annuities, agents could use the threat of withholding payments of food or clothing from those who disagreed with or disobeyed them. The treaties did emphasize the requirement that all signatory bands and tribes occupy and “reside upon” the reservations, but at no point did it restrict their travel off of the reservation. On the contrary, both treaties reserved tribal rights on common lands and waters off the reservation, and the Yakama treaty explicitly guaranteed their right to travel on public highways in common with white citizens.¹⁵ Nonetheless, agents considered it their sole prerogative to permit or deny travel off the reservation, justifying their refusals by citing potential violence between white settlers and Indians.¹⁶

Yet evidence from agents’ letters, and the actions of tribes on and off of reservations, clearly shows that the internal structure of the reservation did not reflect this top-down hierarchy. While head chiefs certainly had power and influence on the reservation, and agents had power

¹⁴ Letterbook of the Umatilla Indian Agency, 1860-1880, p. 194, 228, 278.

¹⁵ “Treaty with the Yakima, 1855,” in Kappler, *Indian Affairs: Laws and Treaties*, 698-702.

¹⁶ Letterbook of the Umatilla Indian Agency, 1860-1880, 10, 154; *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington DC: Government Printing Office, 1863), 269-272.

primarily backed by the potential for violence or deprivation, traditional decision-making processes continued to be the norm. Families and bands consulted over major decisions, and when the agent needed to make a clear report on the consensus to his supervisors, he could not accurately do so until he had visited the heads of every band. When leaders from the Cayuse, Umatilla, and Walla Walla bands had visited Washington D.C. in April 1879 to discuss, as the agent put it, the expiration or renewal of the 1855 treaty, they followed it with a general council amending and ratifying the terms.¹⁷

Thus, reservations had two competing political structures: first, the continuation of traditional sovereign practices, in which people met and discussed their decisions, and protected their reciprocal relationships with each other and their land through these decision-making processes; second, the erratic and unclear authority of the Indian Agent, who resigned or was replaced every year or two, and whose authority ranged from overseeing construction of buildings and agency employees, to deciding when and where all individuals on the reservation were allowed to go.

The system of annuity payments ensured that no individual tribal member, except for leaders, would receive any return for the land the treaties took. After dictating sums of money, and schedules of payment, both treaties state that the money must be used for the benefit of the tribes – but at the direction of the President of the U.S., not their own leaders. While the Yakima treaty establishes that an officer of the government should be responsible for conveying the

¹⁷ “Important Agreement with the Umatillas,” *The Evening Star* (Washington DC), April 24, 1879; Letterbook of the Umatilla Indian Agency, 1860-1880, 285-287. I can find no evidence whatsoever in the treaty that it was meant to expire in 1879; the annuity payments were only scheduled for the first twenty years, but nothing in the treaty itself implies that when the annuity payments finished, the reservation would also be taken from the tribes. Yet the agent and the tribal leaders all seemed to think so. The settlers around Umatilla had been clamoring for the reservation to be opened, which may have pressed the agent to misinform tribal leaders about the implications of the end of annuities.

wishes of the tribe to the President – but not superceding his authority – the Umatilla treaty gives a list of categories for which annuity payments could be used: buildings, farming, clothing, provisions, medicine, and arms and ammunition.¹⁸ The Umatilla treaty also specifies that the purpose of the annuities would be to “promote their well-being, and advance them in civilization, for their moral improvement and education,” rather than merely their due payment for the land to be settled.¹⁹

Congressional, military, and executive officials had been debating how to arrange and disburse annuity payments since the earliest days of independence. Crucially, the debate had seldom if ever concerned the fairest, or most just, way to pay – instead, federal officials prioritized lessening the odds of expensive violence, and, in theory, hastening the process of assimilation.²⁰ In practice, the outcomes of assimilationist annuities only troubled the 19th century Office of Indian Affairs when its failure caused public problems. This logic had brought them to the system from 1860-1890, where Native families on the Umatilla and Yakima reservations had to wait for the agent and superintendent to decide what would best advance them in civilization or moral improvement, never receiving any payment directly that they could spend in kind.

When agents prioritized self-enrichment and their political allies or financial patrons over the wellbeing of reservation families, they took resources out of the hands of people who could not afford the loss. On a budget sheet, the decision to buy fewer annuity goods at higher market prices from a local merchant might have looked relatively harmless. Yet other than the victims

¹⁸ “Treaty with the Walla Walla, Cayuse, etc., 1855” and “Treaty with the Yakima, 1855,” in Kappler, *Indian Affairs: Laws and Treaties*, 694-698, 698-702.

¹⁹ *Ibid.*

²⁰ Prucha, *The Great Father* Vol. 1, 170-173, 577-581; Hall, “Patterns of Plunder,” 22-23.

themselves, no one was better placed to see the deadly consequences of this fraud than the agents. As the bands and tribes on reservations lost access to many of their traditional fishing, hunting, and gathering grounds, and struggled to maintain their livestock against the depredations of local settlers, they required more assistance from the agencies, particularly in annuity goods.²¹ When agents or their contractors did not disburse them fairly, promptly, or with an eye to quality, elders and vulnerable Native people starved.²² At times, the apathy also went farther up the chain. In December, 1876, Umatilla Agent N. A. Cornoyer wrote to the Commissioner that the Agency was nearly out of medicine, and that he had forwarded a request for more in August.²³ He repeated this request, specifying that they had completely run out of some necessary medicines, twice in February, 1877; he wrote that he had purchased some in Walla Walla to cover the need, as some diseases could only be treated by the missing materials.²⁴ Despite the constraints and flaws in American medical practice throughout the 19th century, depriving an entire reservation of medicines took lives – most likely, not through deliberate malice, but because few people in the structure of the Department of Indian Affairs prioritized speedily and competently carrying out their treaty obligations.

While the system itself suffered from the assumptions and goals of federal policymakers, Native leaders on reservations in the late 19th and early 20th century might still have succeeded in using its paltry benefits to care for their families, but the corruption and conflicted priorities of the superintendents, the agents, and their employees always hampered them. On a fundamental level, agents of Indian Affairs considered themselves more responsible to local settlers – individually or en masse – than to their so-called wards. In some situations, this reversal of

²¹ Letterbook of the Umatilla Indian Agency, 1860-1880, 135, 174.

²² Prucha, *The Great Father* Vol. 1, 572-573; Vol. 2, 729-730; Hall, "Patterns of Plunder," 28.

²³ Letterbook of the Umatilla Indian Agency, 1860-1880, 135.

²⁴ *Ibid.*, 136-7.

responsibility went from individual irresponsibility to a shared assumption between all levels of government and the settlers. In others, agents simply defaulted to an assumption of innocence and trustworthiness where all settlers were concerned, and a presumption of guilt regarding Natives.

Centuries before Americans began working to negotiate away tribal sovereignty on the Plateau, tribes had been raising, trading, and racing horses, and considered them both a necessity, and a form of wealth. Cattle, too, fit easily into the seasonal rounds of the Plateau – they could be driven from fishing grounds in the canyons, up to the meadows for summer gathering, and bore the cold winters well. While accidents or particularly deadly weather might impact livestock herds, they were far more resilient than farmed fields – and less destructive, when well-managed, than intensive agriculture.²⁵ Thus, Plateau bands favored livestock as a way of making a living in the late 19th century. Stock raising was never without drawbacks, though: the very profitability of livestock made it dangerous for Native people to own them.

Settlers, who also saw the potential of raising cattle and horses on the high desert, had little to no incentive to respect sovereign relationships to land, or legal property rights of Native people. Since the law protected them from violence or theft by Native people, but not the reverse, they could encroach on reservation lands, steal Native-owned livestock, and could threaten or commit violence against Native people who tried to stop them without any fear of justice. Several months after G. H. Abbott, agent at the Umatilla Agency, took office in 1860, he wrote a notice informing surrounding settlers that he was branding the cattle belonging to the

²⁵ Sohapp Family Papers, Box 1, Tape 6, Esther Speedis, interview, Lewis and Clark College Special Collections and University Archives, Portland OR; Brogan L. Watson, Scott B. Lukas, Lesley R. Morris, Sandra J. DeBano, Heidi J. Schmalz, A. Joshua Leffler, “Forb Community Response to Prescribed Fire, Livestock Grazing, and an Invasive Annual Grass in the Pacific Northwest Bunchgrass Prairie,” *Applied Vegetation Science* 24 (2021).

Agency. “I have to request that all persons having large bands of Cattle running on the Umatilla reservation will remove them to other ranges at their earliest convenience. ... If by accident the Department brand should be found on cattle owned by other parties the Difficulty will be removed on application to the undersigned.”²⁶ Settlers who read between the lines of the announcement might easily notice that it also served as an advertisement – the Agency cattle was, at that point, not branded, and they might take as many as they could. Fifteen years later, Agent Taliaferro complained that the Agency had no cattle at all, and only a few lame, broken-down, or blind horses and oxen for working stock. This might have been the slow attrition of settler theft, though bands moving off the reservation also sometimes took cattle with them; in addition, at least one agent, William Barnhart, was credibly accused of both using government stock for private business, and giving an Agency horse to his brother for personal business.²⁷

Abbott also specified that he was concerned for large bands, leaving settlers illegally grazing their cattle on the reservation a sizable loophole, if they could claim they had only a small herd of livestock. And indeed, settlers off the reservation who owned cattle took full advantage of the loophole, according to T.W. Davenport, the Umatilla agent from October 1862 to June 1863, who lamented that settlers saw the boundaries of the reservation as porous: “It was ... an every-day experience that the white man’s stock pastured on his unfenced grounds.”²⁸ The entitlement settlers felt to reservation lands stayed strong over the following decades.

Davenport also recalled two specific settlers caught stealing horses from Native men, stating that they wanted or needed the horses for their own use, and insisting that, as white men,

²⁶ Letterbook of the Umatilla Agency, p.14. Emphasis in original.

²⁷ Charles Goodnough, “The Umatilla Agency,” *Washington Statesman* (Olympia WA), Aug. 30, 1862, 2.

²⁸ T.W. Davenport, “Recollections of an Indian Agent,” *The Quarterly of the Oregon Historical Society* 8 no. 1 (March 1907), 36.

they had more right to the horses than their rightful owners. Both thieves, a merchant and a gambler, only agreed to let the rightful owners – an unnamed Walla Walla man, and a Umatilla man named Yuk-a-lux – take their horses back after they were given a replacement. The non-native witnesses who had seen the gambler steal the first horse put up their own money to buy a replacement, rather than give testimony against him; in the second case, Yuk-a-lux agreed to let the merchant who had stolen his horse, which he had searched for for several days, have a different one to ride home – possibly a loan, rather than a gift, but it is impossible to determine whether or not the unnamed thief ever returned the horse he had been allowed to take.²⁹ Both incidents only appear in his published article reminiscing; he recorded neither incident in the agency's official letterbook, or in reports to the superintendent. Soldiers, settlers, and territorial authorities had set the precedent that murder was an appropriate response to allegations of theft by Native people across the West; Abbott had multiple people executed without trial on unproven allegations of horse theft by settlers, with his only evidence of their guilt being their self-defense when attacked by soldiers.³⁰ According to the practice of law enforcement on and off of reservations, however, a settler could be a horse thief and a good citizen, so long as their victims were Indigenous.

In February 1861, several settlers near the reservation came to report a series of threats and robberies to Abbott. A nomadic band of six off-reservation Walla Wallas and Umatillas had, they claimed, stolen fourteen horses and the entire contents of a settler's house near Butter Creek. The same morning, the same six people had also, reportedly, stolen a band of horses and a six hundred dollars worth of goods from a house on Willow Creek.³¹ Already frustrated with

²⁹ Davenport, "Recollections of an Indian Agent," 36-38.

³⁰ Letterbook of the Umatilla Indian Agency, 1860-1880, 29-30.

³¹ Letterbook of the Umatilla Indian Agency, 1860-1880, 25-26.

those who refused to live on the reservation or accept his authority, Abbott immediately wrote to Fort Walla Walla, requesting soldiers to punish the offenders – a common euphemism for military execution without trial.³² He also speculated that the soldiers might use this as an excuse to attack Smohalla. “If on investigation the report above mentioned prove true I suppose that a military force will be sent to break up the Camp of Smo-kol-low or Big-talk-on-four-mountains known as the Dreamer who encourages and furnishes a rendezvous for thieves and outlaws near the White Bluff.”³³ Abbott’s resentment and frustration with both Smohalla and the off-reservation bands who did not recognize his authority might explain his willingness to believe the reports without question. His credulity is otherwise difficult to explain, since the settlements in question were forty-seven miles apart as the crow flies, and seventy-five and eighty-seven miles from White Bluff, respectively.

Without another mention of any investigation, Abbott followed up four days later, reporting to Superintendent Edward Geary that after the arrangement with Major Stein, he had rendezvoused with the forty requested soldiers, bringing an interpreter and three allies from the Umatilla reservation. Together, they had surrounded and unsuccessfully attacked the six accused men, then notified every village along the river gorge to relocate to either Umatilla or Yakama – then called Simcoe – Reservations.³⁴ While they found no stolen horses, nor the several houses’ worth of goods and money, only a few bags and papers allegedly belonging to one of the victims, the soldiers continued to pursue one of the men who they hoped would have horses and money – but though they eventually found and lynched two, and the soldiers at Fort Dalles took a third

³² Ibid.

³³ Ibid.

³⁴ Ibid., 28-29.

prisoner, they recovered no further property, nor any evidence of stolen goods. Abbott's report, both regarding evidence and the lack thereof, is revealing:

They resisted fiercely when finally arrested: I am therefore of opinion that the extreme punishment inflicted was richly deserved and that it will tend more to the peace and security of this frontier than any other course that could have been. I had almost forgotten to state that I was wrongly informed relative to the theft of horses at Willow Creek. The Indians did not get any there. With their exception my report was correct as far as it went, but I have reason to believe that when all is developed, I will have to report more extensive depredations.³⁵

Although Abbott's reports were rather tangled, he did report a sort of chronology of alleged depredations: First, six Umatilla and Walla Walla men had stolen fourteen horses from Albert Boggs and other settlers around Butter Creek, and threatened to kill them if they interfered; second, according to a later report, another party had returned to the house and stolen everything in it; third, around the same time, the same six men had stolen a band of horses from Charles Richmond and Andrew Grover on Willow Creek, nearly fifty miles away; fourth, they had then stolen the entire contents of Grover's house, allegedly worth 600 dollars.³⁶ Despite the many inconsistencies, and the belated report that no horses had been stolen from Willow Creek, Abbot maintained that the other reported robberies were true, and that more had likely happened and not yet been reported. This prediction was incorrect; he reported no further crimes in later reports. With no real evidence otherwise, and all facts pointing to at least one fraudulent accusation, Abbott justified the hanging of the captured men by the fact that they had tried to defend themselves, as would most people who knew they would be killed without trial if captured.

³⁵ Ibid., 29. There is one word following "been," which has been smudged out, presumably intentionally, with ink and is illegible.

³⁶ Letterbook of the Umatilla Indian Agency, 1860-1880, 24-30; Bureau of Land Management Records, Land Patents, serial numbers ORTDAA 073884, ORTDAA 073901, ORTDAA 073906, and ORLG 0003193, via <https://glorerecords.blm.gov/search/default.aspx>.

While he might simply have wanted the deaths of off-reservation Indians to scare the rest into accepting his authority, or for some personal reason, Abbott could well have had financial incentives for allowing the victims to be framed for murder. The settlers who claimed to have been robbed certainly did; they could now claim monetary damages from the government.³⁷ Although Abbott had brought several Walla Wallas including the elected head chief, with him to capture the alleged outlaws, and despite his repeated assertions that they were not part of the reservation group, he docked the annuities of the tribes of origin, or his beliefs thereof, as punishment for the crimes. Records do not indicate whether Abbott still received the full annuity payments, and was then personally responsible for delivering the docked amount to the alleged victims, but before the end of the month, he wrote A. D. Pambrun, at Fort Walla Walla, informing him that he would only grant annuities to Indians living on the reservation, which left Homili out.³⁸

Even while industry and urbanization changed the American economy, federal Indian policy continued to follow a rigid, straightforward goal: in order to become civilized, all tribes must give up their old ways and adopt European-style farming. Men had to plow and till monocultured fields, while women were to become housewives. For Native nations in the East, this policy was absurdly redundant, given the extensive Indigenous farms already there. British, French, and American observers had reported farms that stretched for miles in Haudenosaunee territory; Cherokee, Chickasaw, Choctaw, and Creek fields in the Southeast had already been productive, but had also adopted American-style plantations fairly early. Nonetheless, after destructive wars whose genocidal intents mirrored the same devastating attacks on Plateau

³⁷ Prucha, *The Great Father* Vol. 2, 720-721.

³⁸ Letterbook of the Umatilla Indian Agency, 1860-1880, 31.

nations a century later, reservation policy still focused on teaching Native people to farm.³⁹ In the high desert, the policy was absurd for different reasons. The underlying concept of a ladder of civilization, in which agriculture must be necessary for certain cultural institutions, is only somewhat less wrong-headed than the racism inherent in assuming that cultural change happens on a linear scale, and assigning value only to one's own perceived cultural changes as advancement towards some ideal.⁴⁰

There are many arguments against practicing intensive agriculture in arid lands, many recently arising out of the devastating ecological impacts of such practices on the land. Simply put, the Plateau nations' sovereign management of their land – fishing salmon, lamprey, and other species, hunting game, digging and cultivating roots, and gathering berries, bark, and reeds – is superior to the settlers' method of plowing, irrigating, and farming the land. Farming most modern crops on desert land requires intensive irrigation – damming rivers, diverting streams, and digging straight canals across the plateau.⁴¹ The dams, aside from disrupting the crucial ecological life cycles of salmon, also slow the rivers' currents, and, in creating broad, shallow reservoirs instead of deep, fast rivers, warm the temperature of the water.⁴² The crops and fruits cultivated, in and of themselves, had already become part of the seasonal rounds on the Plateau before the treaties for many, just as cattle had – but in small gardens, not on intensely farmed

³⁹ Susan Sleeper-Smith, *Indigenous Prosperity and American Conquest: Indian Women of the Ohio River Valley, 1690-1792* (Chapel Hill: University of North Carolina Press, 2018); Ostler, *Surviving Genocide*, 128-131; Daniel H. Usner Jr., *Indian Work: Language and Livelihood in Native American History* (Cambridge: Harvard University Press, 2009), 18-41; Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change Among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983), 18-24.

⁴⁰ Prucha, *The Great Father* Vol. 1, 135-144; Ostler, *Surviving Genocide*, 201-203; Frederick Jackson Turner, "The Significance of the Frontier in American History," in *Annual Report of the American Historical Association* (Washington: Government Printing Office, 1894): 199-227.

⁴¹ Patricia Nelson Limerick, *Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 2011), 129-136.

⁴² N. J. Leonard, M. A. Fritsch, J. D. Ruff, J. F. Fazio, J. Harrison, and T. Grover, "The Challenge of Managing the Columbia River Basin for Energy and Fish," *Fisheries Management and Ecology* 22 (2015): 88-98.

allotments.⁴³ Famously, Smohalla refused to take up farming in strict terms: “Shall I take a knife and tear my mother’s bosom?”⁴⁴ While this quote can be understood as a metaphor, in the same spiritual, non-literal context often applied to Native rhetoric, it also contains a legal and ecological truth. Soil, rather than an inert or dead substance, is made up of both minerals and a vast, robust ecology of mycelium, plants, and micro-organisms. Just fifty years after Smohalla described plowing as assault on a sacred relative, the Dust Bowl demonstrated in stark terms that land that was repeatedly plowed without care would, in fact, die – and then, so would the plants and animals who lived on it.⁴⁵ On the Columbia Plateau, that fate was avoided primarily through intensive irrigation – the restructuring of the rivers and streams that provided life to the ecosystem to support a model that prioritized profit over relationship, devastating the delicate balance that sovereignty had protected for so long.⁴⁶

Nonetheless, agents continually insisted on annuity payments going towards seeds and agricultural equipment, and many people gave farming a shot on the reservations. The arid, intense weather of the high desert, however, made this an uphill battle. In 1875, the agent reported, a heat wave in June and July decreased the yield of crops on the Umatilla reservation; in 1876, a drought prevented the oats and hay from developing seed heads. In 1877, cold rain delayed the planting season; in 1878, a cold spell destroyed many of the crops.⁴⁷ Some years, the Umatilla agents reported that the harvest was plentiful – sometimes even despite adverse weather

⁴³ Carrie Mott, “Theft: Grave Robbery, Territorial Conquest, and Irrigation,” *Environment and Planning E: Nature and Space* 6, no. 4 (Dec. 2023):2636-2653; Scheuerman and Finley, *Finding Chief Kamiakin*, 18-19; Tate, *Unsettled Ground*, 110-112.

⁴⁴ Trafzer and Beach, “Smohalla, the Washani, and Religion,” 316.

⁴⁵ Donald Worster, *Dust Bowl: The Southern Plains in the 1930s* (New York: Oxford University Press, 2004), 66-79; Christopher Kent, “Water Resource Planning in the Yakima River Basin: Development vs. Sustainability,” *Yearbook of the Association of Pacific Coast Geographers* 66, (2004): 27-60.

⁴⁶ Meinig, *The Great Columbia Plain*, 292-314; note that “wherever bunchgrass would grow, wheat would grow” as a philosophy is not overly concerned with the health of the ecosystem or soil, but the settler economy.

⁴⁷ Letterbook of the Umatilla Indian Agency, 1860-1880, 69, 122, 140, 188.

– but usually also mentioned that roots and game supplemented the crops. Indeed, as soon as families on the Umatilla reservation had planted their spring seed, most left them to grow, traveling to “the mountains and fisheries within the limits of the reserve to dig roots and fish.”⁴⁸ The adoption of agriculture relied on adapting it to not only seasonal rounds, but fitting it into sovereign relationships; planting crops would complement, not supplant, obligations to other relatives.

Crucially, agricultural work also did not mean a shift towards complete individualism. Over the first several decades on the reservation, even while individual wealth in horses, cattle, and possessions continued to be a part of life, Cayuse, Umatilla, and Walla Walla people farmed arable parts of the Umatilla Reservation in common. While the agent saw this as a way to dodge individual responsibility, and the Indian Department characterized it as backwards, the meshing of new – even somewhat undesirable – technologies with traditional ways of life and relationships was, in fact, the same kind of adaptation of sovereignty that Plateau peoples had been practicing since time immemorial.⁴⁹ Despite the many downsides of the reservation system, some people also found a way to use it to their advantage: alongside plows and harnesses, in 1878, someone preparing to go up to dig roots in the meadows successfully got the blacksmith to make them some *kápin*, or root-digging tools.⁵⁰ Whether the agent was reprimanded, reprimanded the blacksmith, or simply realized this was not the sort of enterprise the Indian Department wished to see, he left it off of future reports – but as the reports were often quite vague overall, it is entirely possible that the practice of acquiring metal handles, blades, or shafts for *kápin* from the agency blacksmith continued.

⁴⁸ Ibid., 195.

⁴⁹ Ibid., 122, 155.

⁵⁰ Ibid., 186.

Even if farming had been completely without environmental risk or concern, any Native person who put work and time into an individual allotment still ran the risk of theft and depredations by agents and settlers. Allotments with functioning, potentially-profitable farms were susceptible to land-grabs by covetous agents or their allies. Although the Oregon Superintendent, William Rector, had removed William Barnhart from the position of Umatilla Agent in August of 1862 over accusations of fraud and murder, Barnhart returned in May of 1863, once Rector had been replaced. No newspapers nor formal documents seem to mention any investigation nor formal charges against Barnhart – instead, his political ally and appointer, James Nesmith wrote furious editorials insisting that the accusations were untrue (but if they were, they were only true of Barnhart, and not Nesmith himself).⁵¹ When Barnhart returned, he immediately evicted Homili, a Umatilla leader, from his thriving farm, allegedly to turn it into a stagecoach center. Homili, too, understood perfectly the rationale for the decision, and told Davenport, who had stepped down to become the superintendent of farming, that Barnhart had taken his allotment because “It was too good for him – an Indian.”⁵²

When Barnhart finally left the reservation in 1869, replaced by a Lieutenant Boyle after Ulysses Grant’s administration change, he gave a sarcastic, politically-charged farewell address at Umatilla. While newspapers reported that the reservation audience had been sympathetic, that seems unlikely given both the speech’s content, and Barnhart’s record during and after his tenure as agent.⁵³ Barnhart compared the farming of Cayuses, Umatillas, and Walla Wallas to the people of Missouri and the mountains, specifically, of North Carolina; as a staunch Republican who had co-signed letters decrying the influence of the Confederate states in Oregon, this was not the

⁵¹ J.W. Nesmith, “Letter from Hon. J.W. Nesmith,” *Walla Walla Statesman*, Dec. 13, 1862, 2.

⁵² Davenport, “Recollections of an Indian Agent,” 21.

⁵³ *The Oregonian* (Portland OR), Sept. 7 1869, 1; *Weekly Enterprise* (Oregon City OR), Sept. 18 1869, 1-2.

compliment a casual observer might have heard. Aside from puns and unsubtle digs at political opponents, Barnhart included a pompous description of himself as the “*last of the Indian Agents*, a class of Good Samaritans who have been more maligned and traduced by the common herd than any other benefactors of the human race in any age of the world. Generally, I believe, we have maintained a sublime impertuability. We have... brought consolation to our wounded feelings ever in the serene consciousness that ‘Virtue is its own reward.’”⁵⁴ Given the existing records – few, since he kept no official records in the eight years he served – this entire address served primarily to mock those who had tried to bring him to justice.

The first time he had left the Umatilla Reservation, Barnhart had allegedly remarked to his replacement, Davenport, that the position was worth \$4,000 although it only paid \$1,500; according to Davenport, he had also paid a personal clerk or secretary under the job title of school teacher, despite the reservation having no school – and despite leaving very few records, relative to other agents. In the same period, according to Charles Goodnough, who publicly accused him of corruption in a newspaper editorial, he had used government funds to run a general store for his own profit at the agency, hired the agency blacksmith out to nearby settlers and split the proceeds with him, and employed both of his brothers for regular personal errands under government titles and wages, at salaries higher than any legitimately paid by the agency.⁵⁵

In 1875, Barnhart, along with several other local settlers, began agitating for approval to construct a telegraph line and wagon road across the Umatilla Reservation, running roughly parallel to the existing road.⁵⁶ All three tribes of the Umatilla Reservation pushed back on the

⁵⁴ Ibid.

⁵⁵ *Walla Walla Statesman* (Walla Walla WA), Aug. 1862.

⁵⁶ “Columbia River and Great Salt Lake Railway,” *The Albany Register* (Albany OR) Jan. 1, 1870. Although the title says railway, the bill is for a “right of way to aid in the construction of a railway,” and the rest of the article refers to the rights as pertaining to a road.

road, which would cut through and damage their winter pasture lands. The bill allowing the road also granted the road building company “the right to use material from the public land for the construction of the road,” and a generous land subsidy.⁵⁷ Barnhart, of course, could not possibly have been ignorant of the damage the road would do, nor of how the tribes would feel about the proposal. Cornoyer, who had been the agent at Umatilla when the proposal first surfaced, conveyed the protests of Cayuse, Umatilla, and Walla Walla leaders to the Commissioner of Indian Affairs in August, and added that he agreed that the road was against their interests: not only would it ruin the best part of their winter pasture, it would also encourage the surrounding settlers to push for more roads across the reservation.⁵⁸ In September, Howlish Wampo and several other leaders came to the new agent, T.W. Taliaferro, to repeat their protests against the new road; the same month, the settlers who had invested in the road requested Taliaferro’s permission to start work on the road without a government permit.⁵⁹

Despite the tribes’ protests, the Commissioner approved the road, as well as a telegraph line in the same area. In less than two weeks, the road builders had begun cutting a swathe across the reservation, respecting neither fences nor property lines. When they started cutting timbers from an enclosed allotment belonging to Xálísh Tumáni, he confronted them – well within his rights to do so. The road builders fled the reservation, telling their superiors that “30 or 40, armed [Indians], came to the camp ... last night, and drove them off, threatening to kill them unless they left at once, which they did.”⁶⁰ The owners of the road company promptly called in the army to escort the road builders back, and the troops remained on the reservation, protecting

⁵⁷ Ibid.

⁵⁸ Letterbook of the Umatilla Indian Agency, 1860-1880, 68.

⁵⁹ Ibid., 79-80.

⁶⁰ “Threatened Trouble with Indians,” *The Oregonian* (Portland OR) Oct. 16, 1875, p. 3.

the crew while they illegally cut timbers from Xálish Tumáni's allotment, for a week.⁶¹ When Taliaferro returned from Portland, the military standoff was ongoing.⁶² After asking about the trouble, Taliaferro reassured the troops that there was no danger, merely a misunderstanding, and the troops decamped.⁶³ The conclusion that there had been a misunderstanding, however, gave too much benefit of the doubt to the road builders – after Taliaferro had explained to Xálish Tumáni that the road had been approved by the Commissioner of Indian Affairs, and to the road builders that they could cut timbers from unallotted lands, but not from enclosed individual allotments, he seemed to think the matter resolved. A month later, though, he wrote a curt letter to the road building company, complaining that they had once again entered Xálish Tumáni's enclosures and cut his timbers, despite the number of good timbers growing across the river from his allotment, which they were allowed to take.⁶⁴ The permit to cut a road across the winter pasture of the Umatilla tribes, as well as to cut their timbers for profit, was already an egregious violation of the spirit of the treaty, if not the letter. When the road builders, after having agreed to stop cutting timbers from enclosed allotments, deliberately chose to continue trespassing and cutting timbers on the same man's land they had been asked to leave before, they clearly did so with the goal of insulting and stealing from Xálish Tumáni – quite likely as retribution for having been asked to respect his rights.

From the perspective of Xálish Tumáni, as well as his neighbors and leaders, the entire incident must have been terrifying and infuriating.⁶⁵ The citizens of Pendleton and the towns and settlement around the reservation, not content with encroaching onto it constantly, had been

⁶¹ Letterbook of the Umatilla Indian Agency, 1860-1880, 93-94.

⁶² *Ibid.*, 93-99.

⁶³ *Ibid.*, 93-94.

⁶⁴ *Ibid.*, 95-96.

⁶⁵ The name is given as "Howlish To-Mowney" or "Howlish tim-ah-ney," by the agents. Howlish was usually an anglicization of Xálish, or Wolf, as in "Howlish Wampo,"

agitating to open the reservation to settlement for months.⁶⁶ The same month that the road builders called in the army to force a Umatilla man to stand by while they stole from him, the Oregon Republican Party adopted a platform that openly called for the opening of the Umatilla and Siletz Reservations for public settlement; the Temperance Platform agreed, and added that they should be surveyed “to meet the wants of our increasing population.”⁶⁷ In this light, the implications of the road builders trespassing on individual allotments were fairly dire; even if the letter of the law meant that individuals from the Cayuse, Umatilla, and Walla Walla would retain land in allotments, the opening of the reservation to white settlers, and the willingness of the army to protect settlers when they trespassed and stole, would render the boundaries of those allotments meaningless. In the meantime, three agents had been involved in the road: Barnhart, who knew not only where the most valuable timbers, enclosed or not, were located on the reservation, and who had seized an ‘improved’ allotment belonging to a head chief for the last coach road, years prior; Cornoyer, who had argued that the road was unnecessary, but had resigned shortly thereafter; and Taliaferro, who had taken charge while the petitions were ongoing, and passed along the protests to no avail – then left the reservation during the building period.

While both X̄álish Tumaní and the broader community of the tribes on the Umatilla Reservation lost the immediate battle against the road builders, their actions show the early growth of confederated leadership pushing against the destruction of their land and people. While Taliaferro and Cornoyer both reported several times that the rumor about Congress disbanding the reservation had sapped the will of all the tribes to do any work, X̄álish Timani had

⁶⁶ Letterbook of the Umatilla Indian Agency, 1860-1880., 86, 215; “Oregon Legislature, Fourth Regular Session,” *Morning Oregonian* (Portland OR), Oct. 22, 1866, 2; “The Umatilla Reservation,” *Weekly Oregonian Statesman* (Portland OR), June 30, 1876, 2; “Settlement of the Indians,” *Morning Oregonian*, Aug. 8, 1878, 1.

⁶⁷ “Temperance Platform,” *The Oregonian* (Portland OR), July 30, 1875, 1.

not given up on caring for his land, and was willing to defend it against the unbridled violence settlers were all too happy to bring to bear. Further, leaders of all three tribes refused to simply acquiesce to settler demands; they pushed back hard against the overreach of the bordering settlers and towns. The agents only saw tribal councils when they were included, but their relating that leaders would come to them already united with a petition indicates that both on and off reservation leaders still met to discuss the best way to meet their obligations to the people and land, just as they had since time immemorial.

In the meantime, though, they had good reason for only meeting with the Indian Affairs agents when absolutely necessary. While Cornoyer had spoken up against the road, and Davenport openly disapproved of the amount of fraud they were subjected to, none of the agents could likely be trusted, and many, if not all, explicitly worked against the tribes' interests and for their own profit. G. H. Abbott's enthusiasm for extralegal violence was followed by Barnhart, who murdered a Native man himself for unclear reasons.⁶⁸ Even Cornoyer wrote that, although the sawmill road was in too poor a condition to build houses for the homeless elders that he and Taliaferro had both described before the Spring, he was busy building an employee kitchen and a house for the non-native sawyer.⁶⁹ Nineteenth century Indian Affairs Agents, like most officers of the government, clearly saw the wealth of settlers as their primary responsibility, and the safety and health of the Native nations who they oversaw as secondary, at best.

For many people, seeking wage labor off the reservation seemed the best way to avoid dealing with the corrupt and unbalanced system of the Indian Agency. Despite the low wages and often dangerous work available, earning an independent income undermined some of the agents'

⁶⁸ Davenport, "Recollections of an Indian Agent," 2.

⁶⁹ *Ibid.*, 134.

leverage – Native adults who earned a wage could rely less on annuities. While less profitable than ranching or farming, wage labor also had fewer barriers; it did not require asking for annuity goods, or having wealth that had survived the years of war. As more settlers with capital saw the resources of the Plateau as commodities to build a business, they increasingly sought exploitable labor in the area. While many hired contracted Chinese workers, the anti-immigrant sentiment that grew, and grew violent, over the late nineteenth century sometimes discouraged industries from hiring immigrants. Fruit and hop growers, especially around reservations – and those who leased farmland on the reservations – hired Native workers, immigrants, and at times, poor whites to pick cherries, peaches, hops, and huckleberries. The salmon canning industry also hired Native men to fish – though as commercial fishing entered a sort of arms race for fishing equipment, Native fishermen often could not afford to keep up with the rates of white commercial fishermen.

In theory, the treaty rights to fish in common on their usual and accustomed grounds should have given Native fishermen at the very least a level playing field, if not a competitive advantage. In practice, however, early capitalists who had bought large swathes of land along Nch'í Wána quickly cut this access off when it inconvenienced them, and fought hard to keep them out of the fishing grounds. Francis Seufert, one of the Seufert Brothers who owned the largest salmon and fruit cannery in the Columbia watershed, spent years fighting tooth and nail to keep the Olney family from accessing their legally guaranteed rights.⁷⁰ Seufert also objected to hiring white workers to clean and process salmon for canning, as he considered it a job for

⁷⁰ Frank A. Seufert v. George Olney, Eastern District of Washington Circuit Court, Box 21, Folder 9; Clarence Reames, Oregon District Attorney, to Seufert Bros. Company, Feb. 6, 1915, Box 20, Folder 16; Seufert and Rankin Correspondence, 1939-40, Box 13, Folder 1; General Correspondence, Box 8, Folder 1, 457-458; General Correspondence, Box 9, Folder 2, 31-33, 41-45, 51-52, 102, 110-111; General Correspondence, Box 3, Folder 3, 484, 500-507; Box 3, Folder 2, 501-502; Box 4, Folder 1, 6, 19, 143; Box 6, Folder 1, 155, Seufert Brothers Records, Mss1102, Oregon Historical Society, Portland OR.

Chinese workers and believed it degraded white men to perform the task. Whenever complaints about their products' quality or safety surfaced, he went into antisemitic rants about Jewish customers.⁷¹ While the Seufert Brothers Cannery processed and sold salmon, fruit, and vegetables wholesale to markets across the country, they were most directly involved in the fishery. Seufert only mentioned the workforce behind their cherry sales – Native women – once in his business correspondence, spending most of his time dealing with salmon fishermen and equipment.⁷²

Between the 1870s and 1890s, Seufert primarily hired white fishermen, but would also purchase salmon from Indian fishermen. He claimed, whenever he found himself at odds with fishermen practicing their treaty rights, that he never had any problems with Indians fishing, but this particular case was different.⁷³ In his lawsuit and correspondence with the agent at Yakima Evan Estep, Seufert claimed that he objected to Olney and his family and friends because they were mixed-race, and brought not only Indian, but Black and the wrong sort of white people around his property – and also that they did not stop at trespassing on his land to fish, but also constructed buildings to process the fish, which was explicitly protected by the treaty. But when he complained about Olney to his friends, he mentioned that Olney sold fish to his competitors as well – the real issue was not Olney's character, nor his family, but the fact that he chose to sell his salmon for the best price he could get, rather than simply take whatever price Seufert offered.⁷⁴ Even the tone of the first lawsuit – and ruling – reflects this concern, focusing on the fact that the Olneys sold their fish, and that they used modern equipment to catch it, while using

⁷¹ Ibid., Box 5, Folder 2, 90; Box 6, Folder 1, 115-116; Box 8, Folder 3, 69-70; Box 8, Folder 2, 597-598.

⁷² Ibid., Box 3, Folder 3, 142.

⁷³ Ibid., Box 3, Folder 3, 54-56, 346-347.

⁷⁴ Ibid., Box 9, Folder 2, 31-32, 163, 215.

sovereign rights protected by the treaty to cross Seufert's property and fish.⁷⁵ Rife with racial slurs referring to Olney's mixed-blood status, the lawsuit finds fault with Olney for using modern methods, despite the fact that the treaty makes no requirement about equipment. The theory rests on two underlying racist assumptions: first, that modern technology is incompatible with Native sovereignty – by engaging in modernity, Seufert and the judge argued, Olney somehow violated his status as a Yakama; second, that Native identity is incompatible not only with wealth, but any manner of understanding or savvy practice of trade and marketing. This ruling foreshadowed the *Sohappy v. Smith* case, and the decades of backlash against tribal health and wellbeing.⁷⁶

In the pursuit of evicting Olney, Seufert sought – and, at points, received – the support of the Yakima Agent, Evan Estep. He protested bitterly when Estep was replaced, and, like most settlers, remained convinced that the agents' primary duty was to his business. In the course of his fights, Seufert somehow obtained several sacred pieces of regalia, and gave them over to the agent to use as evidence during one of the lawsuits.⁷⁷ When a later agent would not return them to his son, Seufert accused him of corruption – but by that point, he was more focused on other land deals, and did not pursue the matter.

While Native fishermen sought both to maintain their sovereign relationships with the river and salmon, and to earn the wages that would allow them to survive in the settler state, even those whose relationship with their employer was relatively uncomplicated struggled. Alongside

⁷⁵ Rudkin, Opinion in *Seufert v. Olney*, 193 Fed. 201, in Seufert Brothers Records, Box 21, Folder 10.

⁷⁶ Myra Sohappy, Interview, Sohappy Family Collection 1991-1992, Box 1, Folder 2-3 (Tapes), Lewis and Clark Special Collections and Archives, Portland OR; Philip J. Deloria, *Indians in Unexpected Places* (Lawrence: University Press of Kansas, 2004), 225-231; Andrew Fisher, "Reserved for Whom?: Defending and Defining Treaty Rights on the Columbia River, 1880-1920," in Alexandra Harmon, ed., *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest* (Seattle: University of Washington Press, 2008): 186-214; Andrew Fisher, "Tangled Nets: Treaty Rights and Tribal Identities at Celilo Falls," *Oregon Historical Quarterly* 105 No. 2 (June 2004), 178-211; Fronda Woods, "Who's In Charge of Fishing?" *Oregon Historical Quarterly* 106, no. 3 (Fall 2005): 412-441.

⁷⁷ Seufert Brothers Records, Box 12, Folder 18.

legal businesses such as canning, ranching, and farming, many businessmen also brewed and sold liquor illegally. Some were not above using this to exploit their workers; Henry Beavert's employer, who sold whiskey, fostered his alcoholism until Beavert had sold many of his possessions to afford it, and lost his wife and children as a result.⁷⁸ Beavert also worked for the Seufert Brothers some years later, though I have found no evidence tying their business to alcohol.

The Seufert Brothers did, however, exploit their Native workers in other ways; although the only record they filed under "Indian Correspondence" involves a single telegraph about a cash loan, their exploitation of, and derision for, the Native fishermen who worked for them appears throughout their business correspondence.⁷⁹ In 1908, a nearby business associate, W.A. Johnson who claimed he had sold a Yakama man named Jake Andrews a scow, wrote to Seufert – who Andrews frequently worked for – to complain that Andrews had not yet paid it off. Andrews used the scow to run errands for the Seuferts, to fish, and most likely for transportation as well. Seufert scolded Johnson for extending enough credit to Andrews to sell him the scow, referring to him as shiftless and drunk, and agreed to garnish Andrews's wages to pay off the rest of the scow.⁸⁰ It is unclear whether Seufert ever mentioned this agreement to Andrews, or simply paid him less for the same work without explanation.

Picking fruit and hops, despite not being part of the traditional seasonal rounds, could fit into a seasonal round alongside fishing. Throughout the late 19th century, tribes across the Plateau picked wíwnu, huckleberries, in the late summer, as they had done since time immemorial, and then traveled down to the valleys and across the mountains to pick hops and

⁷⁸ Beavert, *Ttnúwit Átawish Nch'inch'imamí*, 16-17.

⁷⁹ Seufert Brothers Records, Box 16, Folder 9.

⁸⁰ Seufert Brothers Records, Box 3, Folder 1, 230; Box 7, Folder 2, 59.

orchard fruits.⁸¹ The engagement in this work defied the simple binary of modern/traditional, and the idea that sovereignty could not include self-advocacy, wealth, or the agency to negotiate within a rigged capitalist economy. From the 1880s on, the hop industry owners and growers in Puyallup and Yakima built their wealth on the labor of Native families on seasonal rounds, contracted Chinese immigrants, and transient white laborers who moved between seasonal industries in somewhat similar patterns – in other words, whoever they could pay the least for their work.⁸²

As settlers in the most productive river valleys – Willamette, Puyallup, and Yakima – turned ever more land into hop plantations, they increasingly called for white laborers in their hop fields. Regardless of their efforts to advertise hop picking to urban and rural white populations, preference given to white applicants, growers continued to rely on Native labor well into the 1890s and beyond. The majority of hop picking crews were Native, from the Aleutian Islands to the Southern Columbia Plateau, with some crews also including whites from across the region.⁸³ Even while claiming that they could and would hire Chinese workers to bring in the hops if necessary, growers shied away from public association with Chinese laborers, due to the potential for violence from nativist organizers.⁸⁴ One grower claimed to prefer hiring Indian workers, because they were less likely to refuse to work in adverse conditions.⁸⁵ Housing conditions, too, varied starkly – growers on the west side of the Cascades advertised (and

⁸¹ “The Puyallup – Its Hops, Etc.” *Seattle Post-Intelligencer* (Seattle WA), September 15, 1881, 4; *Yakima Herald* (Yakima WA), Sept. 26, 1895; Peter A. Kopp, *Hoptopia: A World of Agriculture and Beer in Oregon’s Willamette Valley* (Oakland: University of California Press), 64-70.

⁸² “Hop Picking,” *The Tacoma Daily Ledger* (Tacoma WA), September 6, 1883, 4.

⁸³ “White Hop Pickers,” August 17, 1893; “Few Lice, No Damage” and “Hops on the Okanogan,” August 24, 1893; “Lice in the Hops” and “Yakima Overrun by Tramps,” September 8, 1893; “Editors Take a Trip,” September 28, 1893, *Seattle Post-Intelligencer* (Seattle WA).

⁸⁴ Kopp, *Hoptopia*, 70-72.

⁸⁵ *Ibid.*, 64-65.

charged for) good housing for white workers, while growers who expected primarily Native labor claimed no shelters were needed for their workers.⁸⁶

Growers advertised the seasonal labor of hop picking as a sort of paid vacation, and reporters often commented on what seemed to them a festival atmosphere among the inter-tribal labor camps.⁸⁷ Historian Peter Kopp has theorized that Native pickers in the Northwest became known as faster and more productive because their generations of experience with seasonal horticultural labor lent them an advantage.⁸⁸ Whether this is true, or whether growers preferred to hire Native pickers because they were less well-protected from exploitation than white pickers, Native families fit as much tradition as they could into the hop picking leg of post-colonial seasonal rounds. Material and cultural exchanges and sovereign renewal of relationships, at least between human relatives, took place during the hop harvests, and settlers commented on the races, dances, and parades that took place in tribal camps without seeing their real significance.

Early on, hop growers in Oregon and Washington relied primarily on Native labor, and quickly came to resent the power Native workers had to advocate for their rights and wages. In 1881, a dispute over wages in Puyallup ended with significant numbers of workers simply returning to their reservations mid-season.⁸⁹ At least one outside observer mentioned that Puyallup growers hired white men to process the hops after they were picked, but asserted: “White men will not pick hops at the price offered.”⁹⁰ Picking hops, as historians of Northwest

⁸⁶ “White Hop Pickers,” *Seattle Post-Intelligencer*, September 10, 1890, 5; “Hops and How They Are Harvested,” *Tacoma Daily Ledger* September 29, 1895, 9; “Hops are All Right,” *Tacoma Daily Ledger*, September 17, 1892, 6.

⁸⁷ “Editors Take a Trip,” *Seattle Post-Intelligencer*., September 28, 1893;

⁸⁸ Kopp, *Hoptopia*, 65-67

⁸⁹ *Washington Standard*, Sept. 16, 1881, 2.

⁹⁰ *Seattle Post-Intelligencer*, Sept. 15, 1882, 4.

labor have noted, was difficult, dirty work, and often came with painful health complications.⁹¹ Nonetheless, the following year hop growers in Puyallup, at least, grew frustrated enough with tribal organization and collective bargaining that they started working towards a labor-breaking trust, the Puyallup Hop-Grower's Association:

The Indians have a system among themselves. They come in a gang and will not divide up when only a part are needed at one place. System on the part of the growers could regulate this, as well as the size of boxes, pay, etc. The system of bidding up and getting Indians to break engagements works great annoyance. When a rancher goes to meet a gang of Indians that he has engaged to work for him, and finds that they have gone to work elsewhere for higher promised pay, ill feeling is engendered.⁹²

While the newspaper writer excused the growers' organization as a means of stopping gambling and drinking among the pickers, nothing else in the article or plans supports this; the growers' association was straightforwardly interested in fixing wages and controlling the movements of Native labor. Individual hop growers were not above more violent methods of control, some of which bordered on human trafficking. In 1884, one grower responded to the dissatisfaction of Native employees not by improving their pay or conditions, nor by hiring different pickers, but by hiring "white men to keep them at work."⁹³ Generally, hop ranch owners had a complicated relationship with labor and race; with one notable exception, most claimed to prefer white workers, but primarily hired Indians from all over the Northwest. Growers also, along with white society generally, stigmatized Native workers as irresponsible and prone to social problems – but in white workforces, associated the same social problems with the "tramp element," theoretically

⁹¹ David Vaught, *Cultivating California: Growers, Specialty Crops, and Labor* (Baltimore: Johns Hopkins University Press, 1999), 90-91; Marin Aurand, "The Floating Men: Portland and the Hobo Menace, 1890-1915," MA Thesis, Portland State University, 2015, 29-31.

⁹² *Washington Standard* (Olympia WA), Sept. 21, 1882, 2.

⁹³ *The Oregonian* (Portland OR), Sept. 29 1884, 2.

absolving the majority, or at least making their stigmatized nature contingent on something other than race.⁹⁴

Eventually, the growers in Yakima and Puyallup fought over the theoretically free labor force of Yakama bands in the political sphere. In the late 1880s, Indian Affairs Agent Thomas Priestley had kept most Yakama families on the reservation during hop season, virtually guaranteeing their labor would remain in the area, likely harvesting local hops, but Puyallup growers chafed against the loss of Yakama pickers. In 1890, newly-elected Congressman John Wilson began to push for an order “permitting the Yakima [sic] Indians to leave their reservation and go to the Puyallup hop fields.”⁹⁵ Growers in the Yakima area immediately protested, complaining that there was enough work locally and no need to travel to other hop fields, and claiming that the agent – who had died the previous Spring, replaced briefly by a one-year interim – felt that time in the Puget Sound area “demoralized” the condition of reservation Indians.⁹⁶ Puyallup growers, meanwhile, redoubled their advertising efforts, complaining “The Indians are fewer than ever, and just as unreliable,” but still struggling to control their workers – white and Indian pickers both struck, seemingly successfully, for a \$0.25 raise that year.⁹⁷

But Native workers remained fully aware of their bargaining power, and more than willing to push back against settler capitalists’ attempts to curtail it. In 1893, as hop growers continued to see enormous profits, Yakima and Warm Springs leaders met to discuss their own needs; they issued a statement to the growers that their people would only work for \$1.50 per

⁹⁴ Aurand, “The Floating Men,” 8; “Yakima Overrun By Tramps”; *News Tribune* (Tacoma WA), Sept. 8 1890, “Hobos Among Hop Pickers,” 1.

⁹⁵ “Hop Growers Protest,” *Tacoma Daily Ledger* (Tacoma WA), Sept. 2 1890, 8.

⁹⁶ *Ibid.*; “A Protest from Yakima,” *Yakima Herald* (Yakima WA) Sept. 4 1890, 3.

⁹⁷ *Seattle Post-Intelligencer*, Sept. 4 1890, 12; *Sunday Oregonian* (Portland OR) Sept. 7 1890, 1; *News Tribune* (Tacoma WA), Sept. 8 1890, 1; *Seattle Post-Intelligencer* (Seattle WA), Sept. 10 1890, 5.

box of hops.⁹⁸ Hop growers reacted with outrage and speed to these demands; although they told newspaper reporters that they were unconcerned, and would fill the vacancies by sending agents to white urban centers, the reality was that growers had good reason to fear the prospect of hops rotting on the vine without adequate labor to pick them. As Plateau pickers demanded pay worth their labor, growers claimed that they preferred white workers, insistently referring to the work as an “outing,” and advertising comfortable housing – for a charge, of course. While it seems that most growers stuck to their price of \$1.25 per box, Ezra Meeker, probably the most prolific grower in the region, gave a late-season interview stating openly that he still preferred to hire Indians over white pickers, because they were less likely to refuse to work in adverse weather than whites, particularly white men.⁹⁹

As the market for hops grew less reliable, and infestations of hop lice ate into the crops and profits, growers exerted less control over the workforce, and turned to other means of squeezing profit from their workers. Growers continued to pay their workers in scrip, rather than cash, but in 1894 some so-called “hop checks” redeemed for less than their face value.¹⁰⁰ By 1895, Yakima valley growers still complained about how few pickers they could find, but only paid \$0.75 to \$1 per box – often starting at \$0.75, and increasing the price in desperation if the rains came early or the harvest looked like it would rot in the fields.¹⁰¹ Clearly, the council organized for better wages in 1893 had their concerns rooted in reality, and their priorities rooted in the continued sovereignty and welfare of their people. As growers continued to struggle to attract and keep workers at the hop fields, Native workers extracted some additional benefits, if

⁹⁸ *Seattle Post-Intelligencer* (Seattle WA), July 26 1893, 3; “The Banner Hop Country,” *Yakima Herald* (Yakima WA), July 20, 1893, 3.

⁹⁹ “Mr. Meeker on Hops,” *Seattle Post-Intelligencer* (Seattle WA), Sept. 25 1893, 2.

¹⁰⁰ *Yakima Herald* (Yakima WA) Sept. 20 1894, 4.

¹⁰¹ “More Pickers Needed,” *Seattle Post-Intelligencer* (Seattle WA), Sept. 10 1895, 1.

not higher wages. By the turn of the century in Yakima, growers sponsored a so-called “jubilee” festival for hop workers, particularly Native workers, and organized the celebration with the help of the Plateau leaders whose bands worked the fields.¹⁰² Despite frequent public moralizing about the dangers of Native culture, particularly games, races, and gambling, the city and settler capital found their best option for harvests and profit was to collaborate at least somewhat with Native leaders – though not when it came to wages.

In general, settlers and officials at the turn of the century saw Native men, and particularly leaders, as a paradox contingent on their positions regarding land and wealth. If leaders went along with the demands of the state, or their settler neighbors, and particularly if they did not seem to be financially successful, they were good – if tragic – traditional Indians. If they were, however, successful in their own capital endeavors, and particularly if they pushed back on the demands of land-hungry settlers and a stingy federal purse, they were bad actors, and potentially not real Indians at all.¹⁰³ This double-vision came to a head in the rich Wenatchee Valley in 1892.

Among the concessions the leaders of the Yakima bands and tribes had obtained in 1855 was the creation of a plot of land off the reservation for the Winátshapam, which would then be held in trust and considered subject to the same laws and treaty provisions of the reservation.¹⁰⁴ Neither Isaac Stevens nor his successors, however, had bothered to survey or mark the Winátshapam land over the decades following the treaty council. In the meantime, settlers had begun to grab large portions of what they called the Wenatchee valley, and when the issue arose

¹⁰² “All Around the Fairs,” *Yakima Ranch and Range* (Yakima WA), Sept. 15, 1898; “Now for an Indian Jubilee,” *Yakima Herald* (Yakima WA), Sept. 8, 1898, 1.

¹⁰³ Alexandra Harmon, *Rich Indians: Native People and the Problem of Wealth in American History* (Chapel Hill: University of North Carolina Press). 3-5, 257-278.

¹⁰⁴ “Treaty with the Yakima, 1855,” in Kappler, *Indian Affairs: Laws and Treaties*, vol. 2., 698-702.

again in 1892, they protested hotly against the construction of a reservation in the area.¹⁰⁵ They argued that no Indians were using the Winátshapam fishery, that even if they had, there were no longer any fish there, and that the establishment of any reservation there would create an impediment to their shipping timber and other resources down the river and out of the valley. The agents, Erwin and Lane, made it clear almost immediately that their sympathies laid entirely with the settlers. “As the Indians do not occupy that country; as they never asked for it for thirty-five years; as it lay there undisturbed all this time, and as they allowed white men to go in and settle on that land, the Government thinks it best that the Indians place a moderate price on it, and they will buy it.”¹⁰⁶ Of course, not one of his first four points were true.

Showaway, a Yakama leader, expressed his frustration clearly in 1893: “Did not the Government send you over here to be our agent? I have heard you for two days now trying to purchase this land. I want you to answer my question so that all the people can hear you. Are you our agent or a land purchaser?”¹⁰⁷ He knew the agent in question, John Lane, was meant to be the agent of the Yakama, but Lane and his colleague, L. P. Erwin, had made it quite clear that their primary duty was not to the bands of the Yakama overall, nor to the Winátshapam band specifically, but to the settlers of the Wenatchee valley.

When the agents and the Commissioner of Indian Affairs decided, however, to solve the problem by buying out the Yakama and Winátshapam land, they ran into problems almost immediately. For one, the leaders of the Yakama simply did not want to sell land to the United

¹⁰⁵ Hoke Smith, *Letter from the Secretary of the Interior, transmitting a copy of an agreement with the Yakima Nation of Indians, and a draft of a bill to ratify the same*. 53rd Session U.S. Congress, 2nd Session (Washington DC: Government Printing Office, 1894); “An Act Making Appropriations for Current and Contingent Expenses of the Indian Department and Fulfilling Treaty Stipulations with Various Indian Tribes for the Fiscal Year Ending June Thirtieth, Eighteen Hundred and Ninety-five, and for Other Purposes,” Ch. 290, 53rd session of U.S. Senate, Aug. 15 1894.

¹⁰⁶ Smith, *Letter from the Secretary of the Interior.*, 11-12.

¹⁰⁷ *Ibid.*, 30.

States, any more than they had in 1855.¹⁰⁸ Even if they had, however, they explained painstakingly to the agents, it was not their land to sell – the Yakima were not a monolith, and the leadership at the Simcoe agency refused to overrule the Winátshapam band for their own benefit. Eneas, another Yakama leader, scolded the agents at the start of the talk, on December 18th, 1893, for trying to offer the non-Winátshapam bands money to sell off the Winátshapam fishery. “I am not going over to my friend’s house and throw him off his place and tell him I would get rich and fat off his place. ... You talk to these Wenatchee Indians and ask them what they want for that land, but not the Yakimas.”¹⁰⁹ The Winátshapam had signed the treaty along with the Yakama – Palmer and Stevens had sought to consolidate as many tribes as possible onto as few reservations as they could.

The struggle to build strong confederations among the Plateau nations, rather than vulnerable monoliths, emerged in the decades around the turn of the 20th century as a direct result of the choices band and family leaders had made at that council to protect their sovereignty. The Winátshapam, like the Sohappay and Klickitat, had been pulled in different directions by relatives, human and otherwise; some of the band went to the Colville reservation, while some, under the treaty with the Yakima, remained on the Winátshapam fishery lands.¹¹⁰ In 1893, the decisions Yakama bands and U.S. officers had made came to a crossroads. Throughout the talks, Lane and Erwin tried several tacks to push the Yakima leaders to make the decision over the heads of the Winátshapam, and throughout, they refused, deferring to John Hamilk, the Winátshapam representative, and the wishes of his band. The Yakama explicitly chose to stand firm in the beginnings of a confederation, rather than the forced consolidation Stevens and

¹⁰⁸ Ibid.; Scott, ed., *Official Proceedings at the Council in Walla Walla*.

¹⁰⁹ Smith, *Letter from the Secretary of the Interior*, 25.

¹¹⁰ “Treaty with the Yakima, 1855,” in Kappler, *Indian Affairs: Laws and Treaties*, vol. 2., 698-702; Scott, ed., *Official Proceedings at the Council in Walla Walla*, ;

Palmer had pushed for. At the second talk, two days later, Charley Skummit reiterated Eneas's point: "I will not sell this land away from the Wenatchee Indians that owns the land. ...I feel that I have no right to take this land away from the Indians because they are the right owners of it."¹¹¹ The agents, frustrated by this refusal, repeatedly informed the Yakama leaders that the land belonged to them, and that the money would be of far more help to their people – theoretically including the Winátshapam – than the fishery. Their rhetoric and deceit echoed Stevens' and Palmer's, which the elders in attendance quickly pointed out.

Even before they had heard multiple leaders insist that they would defer to the Winátshapam, agent Erwin started the council off by informing all present that they did not, in fact, have any title or ownership to the Winátshapam land, only the right to fish there.¹¹² Eneas immediately corrected them.

You say that the Government set that land aside for fishing purposes, but not for agriculture. I think you are out of the way. I am an old man now, and at the time the treaty was made I heard what they said. The treaty for that piece of land was not made with all this tribe. The chief that belonged to the Wenatchee is the one that picked the land for his own tribe, 8 miles long, 8 miles wide. Now, you have it altogether different, as the treaty has changed so many times I don't understand it. The whites changed that treaty. The treaty was made a long time ago, and you are just telling us stories about it. It seems to me you whites think the Indians are just like beasts and don't know anything about land.¹¹³

Eneas, not Erwin, was correct; the treaty had established that although the tract would be called the "Wenatshapam Fishery," it was, in fact, "subject to the same provisions and restrictions as other Indian reservations."¹¹⁴ He was also undoubtedly correct in thinking that Erwin had not expected him to know better. "Out of the way" was likely a euphemistic way of saying that

¹¹¹ Smith, *Letter from the Secretary of the Interior*, 33.

¹¹² *Ibid.*, 25.

¹¹³ *Ibid.*

¹¹⁴ "Treaty with the Yakima, 1855," in Kappler, *Indian Affairs: Laws and Treaties*, vol. 2., 698-702.

Erwin was wrong; the council was translated for elders, such as Eneas, who did not speak English, and “going a different way” has sometimes been translated, in modern renditions of traditional stories, as “the wrong way.”¹¹⁵

The agents responded to these critiques by insisting, repeatedly, that they would only buy the land if the Yakima wanted to sell it – but refusing, in the same talks, to end the conversation with the negative answer they had been given. Their push to Hamilk, once the Yakama had made it clear they would defer to him on the matter, relied on the impossibility of relocating the tract to its original treated place, since Erwin had made a survey and dramatically changed the location of the Winátshapam land – from directly on the river, to in the hills nearby. It seems impossible that this had been unintentional, as Erwin made his intent to divest the Winátshapam interest in the land clear throughout his report to the Secretary of the Interior. Erwin explicitly sided with the settlers in Wenatchee throughout his report, decrying objections to the sale, and particularly the low price he offered for the land, as a plot by a few rich enemies, rather than a conscientious effort to protect the interests of the Winátshapam and the other Yakama tribes.

When Erwin had explained that, regardless of the justice or injustice of the matter, he had surveyed the Winátshapam fishery in the wrong place, and that was the land he was pressuring them to sell, Hamilk insisted that the Winátshapam be granted allotments where they lived, as they did not want to remove to the new survey or the main body of the reservation. This cleared, for the other leaders, their ability to sell the tract – so long as the interests of the Winátshapam were preserved, they saw the usefulness, in theory, of building wealth for the nation overall.

¹¹⁵ Beavert, Jacob, and Jansen, eds., *Anakú Iwachá*, 43-46; Átway Virginia Beavert, “Tiinmamí Timnanáxt (Legends of the Sahaptin Speaking People),” vol. 2, track 1: “Race Between Eel and Rattlesnake/Pawilawíixt Spilyáy ku Asúm” Spotify album 2011. The version in *Anakú Iwachá* does not mention the shortcut, but Tuxámshish sometimes mentioned it in retellings, and it was part of the translation the 2018 Ichishkíin class performed.

Accordingly, while still pointing out that the Winátshapam should be more actively consulted, Joe Stwire, Weyallup, and Showaway told Lane and Erwin that they wanted to think about the prospect of a sale and consult amongst themselves for a fair price for the land – prime timber, if not a fishery – and see the money for their nation, rather than hear secondhand that agents would spend it for them.¹¹⁶

This half-acquiescence was all the agents had been waiting for. As Isaac Stevens had done thirty-seven years prior, Erwin and Lane jumped as soon as they might plausibly claim to have obtained consent. When Joe Stwire, with the approval of the rest of the elders, and a majority of the younger people, told the agents they would sell the land at \$1.50/acre, and use the money for the Yakamas and the Winátshapams, the agents agreed immediately. They returned a few days later, informing the council that the commissioner had pronounced the price “out of the question,” but would give them \$10,000 or \$15,000 for the land. The council, led this time by Tom Simpson, grudgingly agreed to \$15,000 or \$20,000 for the land, but specified that they primarily sold because they knew the settlers would take it from them illegally if they did not.¹¹⁷

The insistence on a discussion with representatives, consensus decision-making, respect to those with the closest relationship to the land, the explicit decrying of government and settler deceit, and the demand for a fair price on the land, all clearly took the agents by surprise. Tribal leaders of the Yakama, like those of the Umatilla, were not muddling along ignoring the world around them, nor were they assimilating into American political values. Instead, they looked carefully at the tools and tactics settlers used, chose what might be useful to protect their sovereign relationships, and put them to use as best they could, working together to build

¹¹⁶ Smith, “Agreement with the Yakima Nation,” 30-32.

¹¹⁷ Ibid., 33-34.

confederated leadership. Capitalism, if the tribes were allowed to amass capital, might be used for the good of the land and people; cattle, horses, timber, and even small-scale agriculture all had the potential to build a foundation for defending sovereignty that would last for generations. In the moment, agents repeatedly did their best to suppress this, both as part of the intended system – eroding sovereignty in order to force assimilation – and in the monetary interests of themselves and their neighbors and allies. The labor of tribal leaders, however, still created a foundation that future generations could build on towards the same goals.

Chapter 4: Religious and Educational Sovereignty Before the 1930s

This chapter will demonstrate how the politics of resistance on these nations grew stronger in the early 20th century, although they also took on more subtle directions. The three main topics here are religion, land, and education; the idea of *ttáwax̄t*, family, connects all of the topics as a central theme.

Land is a broad category, as always; in the early twentieth century, after many Native people on the Plateau had been allotted small plots of land within the reservations where they enrolled, it is fair to say their relationship to that plot and the rest of their nation's hereditary lands adapted and shifted – though not in the way intended by the allotment system. Instead, many allottees rented their plots out to farmers – some white, some Japanese – and continued to follow seasonal rounds, augmented with other work. Families who did live on their allotments also continued to practice traditional relationships with land, including both the relatives they had harvested and cared for since time immemorial, and more recent adoptees like fruit trees and cattle. Irrigation, always a thorny issue in the West, became a significant point of contention between the Yakama, state and local government, and settlers, while the location and topology of the Umatilla Reservation – and the adoption of dry-climate crops like wheat and barley – steered politics in a different direction, more related to grazing politics.

Native people continued to follow both the *Wáashat* religion and the Shaker church throughout this period; some also joined Methodist, Presbyterian, or Catholic churches. They also followed traditional practices and Medicine traditions throughout the early 20th century, and continued to meet and hold traditional dances – both ceremonial and social. Native couples, despite pressure and threats, also continued to marry through traditional ceremonies; in increasing numbers, they pushed back against forced assimilation of their children.

In particular, families in both Umatilla and Yakama nations pushed to regain control over their children's educations. When they had no choice but to send their children to school, they brought them to enroll only after the salmon season had finished, and pulled them out early in order to return to the fishing runs. But the more significant protests revolved around the (quiet) push to close the boarding schools. Though some families had at times been willing to send their children into boarding schools, especially those located on their own reservations, the experiences of the first generation of students quickly changed their minds. Families on both reservations increasingly chose to send their children to public schools or day schools – sometimes relocating further from the reservation in order to do so.

Over the turn of the century, Plateau activists shifted their resistance and their goals, adapting to the changing context of settler-colonialism. Leaders continued to prioritize sovereignty – the network of reciprocal relationships between people and land which Plateau peoples had organized in bands and tribes, as opposed to bureaucratic nation-states – but their strategies, and the short-term goals that fed into that reciprocity, changed over time. Survival was, as it always had been, a necessary prerequisite to sovereignty. However, as the federal government increasingly considered Indians an obstacle to be solved by termination – a policy goal long before they explicitly named it as such – the power and self determination to not only resist termination, but continue practicing sovereignty, became increasingly important to Native leaders as well. The two went hand in hand, fractally complicating the narrative of sovereignty as tribal activists, families, and leaders tackled the problems of individual survival, tribal survivance, and their continuing relationships with their lands – on and around reservations – in the complicated knot of BIA settler governance.

On the surface, Plateau families seemed to be caught between two worlds – a common turn of phrase to refer to the nebulous liminal space between assimilation into white America, and traditional lifeways rooted in sovereign relationships. BIA superintendents certainly depicted them as such, with the added idea of progressive assimilation as the future – except for those who instead wished for Indians to simply disappear and their lands to be owned by whites in the future – and traditions as an unchanging and irrelevant past.

Progressives and Traditionalists were not diametrically opposed factions of younger or mixed-race leaders versus older “full” leaders. Rather, the factions themselves were labels projected on Native leaders by authorities and bureaucrats who saw their actions only in an assimilation/tradition framework. Leaders of both Umatilla and Yakama nations sought primarily to survive the bleak settler state and carve out a future for their people. Since the largely unchecked power of the Indian Agents and Superintendents had only grown over the 1890s to 1910s, their options were increasingly limited. Some leaders used the growing pioneer nostalgia of the early twentieth century to push back against persecution of their traditions. But Native leaders also used the technologies and methods pushed as “modern, civilized” ways of life, incorporating them into their lives and rhythms the same as they had been doing with trade goods and technologies since time immemorial. What BIA agents, and indeed many onlookers, missed about this period was the overlap between these two positions – sometimes held by the same people, at varying times.

American law and economic structure does not recognize reciprocal relationships, at least with land and distant relatives – human or otherwise. The allotting of the reservations, breaking up unceded land into small parcels owned by individual heads of household, aimed directly at destabilizing the existing sovereign relationships – since concentration of tribes onto reservations

had not destroyed them – by restructuring families into nuclear households, and communal land relationships into individual ownership. Native people on both reservations pushed back against this restructuring of both their land and their families throughout the period. A pattern emerges from the BIA annual reports of both Umatilla and Yakama agencies fairly quickly regarding traditional practices and lifeways: superintendents first state that traditional practices remain on the reservation, then declare a few years later that those practices are waning, only popular with “full-blood” elders, and soon to be extinct – and then, some years later, the same or a new superintendent once again complains of the same or a similar practice continuing, despite the previous attempts to stamp it out. Each complaint about a traditional practice is usually accompanied by a suggestion or request for stricter punishments against those performing it, for the superintendent to be given more power over the enrolled tribal members, or for the legal protections and rights of enrolled tribal members to be rescinded so they could be more seriously punished by state or county authorities.

Elders, leaders, families, and youths throughout Yakama and Umatilla communities continued dancing and living through traditional and syncretic religious practices over the 1910s and through the 1920s and 30s, despite considerable pressure to stop. Plateau nations continued to celebrate in ceremony both the traditional New Year, in January, and an annual ceremony in July – at the time, explained as a fourth-of-July celebration, but likely a more traditional ceremony lumped in with an American holiday to avoid scrutiny. Today, both nations hold an annual ceremony in June, commemorating the treaties. Elders seem to have danced more openly, giving BIA authorities the impression that younger tribal members were disinterested. This, however, was never the case. Younger generations continued the practices in following decades, pushing back when agency authorities tried to stop them. As the years went on, BIA

superintendents continued to claim that only elders were interested in dancing and ceremony, and that although younger people were allowed to attend ceremonies and dances, they had no interest, nor found any meaning, in them.¹

From early on, BIA policy prioritized converting tribes to Christianity. After the first agent at Fort Simcoe following the Yakima War, Robert H. Lansdale, was removed, the following two agents, A. A. Bancroft and James H. Wilbur, spent considerable time and effort on converting as many Yakama people to the Methodist church as possible – particularly Wilbur, who was also a Methodist minister.² Many Yakama families did join the Methodist church during Wilbur’s tenure; since he would only build houses for Methodists, according to George Olney, conversion made sense to quite a few families – at least temporarily.³ In the years following Wilbur’s tenure, Yakama membership in the Methodist church plummeted. On the Umatilla reservation, most likely because the Catholic mission had not been burned during the war as the St. Joseph at Átanim had, more people remained Catholic, rather than Methodist. A conversion to Methodist or Catholic practices, however, did not necessarily mean that people gave up their beliefs, nor even that they did believe in, or solely in, Christianity. While some people of both nations undoubtedly made full internal conversions, most maintained Christian practices only when agents actively constrained their religious freedom.

¹ Superintendents’ Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs, 1907-1938, National Archives and Records Administration, Record Group 75, Microfilm Publication M1011, Rolls 159-160, 171-172.

² Gertrude Wiencke Johnson, ed. *The Travels of J. H. Wilbur: Journal Written From Sept. 27, 1846 to Jan. 25, 1848* (Salem, OR: Willamette University Friends of the Library, 1974); Robert L. Whitner, “Grant’s Indian Peace Policy on the Yakima Reservation, 1870-82,” *Pacific Northwest Quarterly* vol. 50, no. 4 (Oct. 1959): 135-142.

³ George Olney, “Story of James H. Wilbur: as the Yakima Indian Agent at Fort Simcoe” (typescript, June 1951), accessed via Plateau People’s Web Portal, <https://plateauportal.libraries.wsu.edu/digital-heritage/story-james-h-wilbur-yakima-indian-agent-fort-simcoe-page-1>.

When they perceived that BIA scrutiny would be a danger to traditional practice, tribal with themembers at both reservations kept their descriptions of their religious practices vague, leaving out details that might draw unwanted attention. Believers in the Shaker church, a syncretic religion originating from the prophetic visions of John Slocum and Mary Thompson in 1882, gained prominence in the Yakama nation quickly, and to some extent, in Umatilla as well.⁴ The Shakers obtained a reserve on the Yakama reservation for a church in 1906.⁵ Some Shaker leaders had rejected traditional medicine practices on the Pacific coast and Puget Sound, but not all believers agreed, and some healing practices in Plateau country carried over into Shaker services.⁶ Myra Sohappy, a helper for medicine women, explained in 1990 that believers in Smoholla's prophecies and followers of Wáashat were both welcome in Shaker churches, and vice versa.⁷ While Shakers believed in some parts of Christianity – though many saw the Bible as optional or unnecessary – the church and services were easier to integrate into existing belief systems than white Christianity.⁸

In 1911, the agency superintendent classified the Shakers as essentially Christians with some irrelevant superstitions, and took no action against them. In 1913, a majority of the Yakama Nation were Shakers; others followed the Wáashat religion openly, and some also followed the Catholic or Methodist churches.⁹ From at least 1906 to 1917, Yakama Shakers successfully

⁴ Robert Ruby and John Brown, *John Slocum and the Indian Shaker Church* (Norman, University of Oklahoma Press: 1996): 147-148.

⁵ NARA RG 75, M1011, Reel 171, Slide 62-62.

⁶ Ruby and Brown, *John Slocum and the Indian Shaker Church*, 72-76.

⁷ Myra Sohappy, Sohappy Family Collection 1991-1992, Box 1, Folder 5 (Tape, Side A), Lewis and Clark Special Collections and Archives, Portland OR.

⁸ Ibid.

⁹ NARA RG 75, M1011, Reel 171, Slide 129. The superintendents nearly all refer to Wáashat believers as “Pom-Poms,” most likely using a Chinook translation of drum or drummer, since they are often called Drummers in English.

avoided disruption by the BIA by ensuring that they continued to be seen as essentially Christians.

It was only after Don M. Carr, agent at Simcoe, began to look very closely at the Shakers in 1917 that he realized the extent of the church's role in preserving Plateau traditions. After applauding the church for years as a positive influence on the reservation because the church prohibited alcohol, Carr attempted to save face in his recommendation to outlaw the Shaker church by drawing a distinction between religious practices that he approved of, and healing traditions, which he did not:

[Shaker religion] appears to be of two classes, one designed to reach the belief of the individual and the other to relieve the suffering of the sick. ... I have no objection to urge to the religious part of their belief but am convinced that their work in the way of attempting to relieve the suffering of the sick is harmful and detrimental to their welfare as a race, and, consequently, that the practice should be forbidden. There is little or no distinction between what they do in the case of sickness and what is done by the so-called Medicine Men.¹⁰

But the pressure to abandon the Shaker church seems to have had the opposite effect: in 1920, the number of Shakers had only increased, and in 1926, significant numbers of Methodists had left the church, many following the Shaker religion instead. Both leaders and most congregants at the Shaker churches were Indians; this environment would have been more welcoming to Indian churchgoers generally than many Methodist or Catholic congregations.¹¹

The most visible resistance to assimilation on eastern Plateau reservations, however, was the continuity of marriage. From the early 1850s, Plateau leaders had refused to change their marriage practices, even when they were otherwise amenable to Christian conversion. In particular, priests' insistence that Christian marriages must be monogamous became a sticking

¹⁰ Ibid, Slide 309-310.

¹¹ Ruby and Brown, *John Slocum and the Indian Shaker Church*; Beavert, *Tnúwit Átawish Nch'inch'imamí*, 97-98.

point for K'amáyakin, who refused to give up either of his wives.¹² While marriage and wedding traditions varied somewhat between tribes, all Plateau peoples seemed to practice the formal gift exchange between the families of the bride and groom, and the similar ceremony of gift-giving to celebrate the birth of a child, at least for a first marriage.¹³ These marriage trades formalized the ties between families that kept kinship networks together and maintained reciprocal relationships across the Plateau.¹⁴ During the late 19th and early 20th century, BIA representatives, local government authorities, and missionaries actively discouraged and suppressed these marriages by any means possible, with painful consequences.

Traditional marriage practices survived within the Yakama and Umatilla tribes and bands throughout the twentieth century, despite this persecution.¹⁵ From early on, superintendents listed Indian marriage practices as one of their highest priorities. In 1910, the superintendent at Yakama, Sam Young, revealed that he saw little difference between traditional marriages and purchasing a bride. He also complained of common-law marriages – which were traditionally permitted, though not encouraged, for a first marriage. They were more frequently the practice for remarriage after a divorce – which was also an informal practice among many bands.¹⁶ He directed the Court of Indian Offenses to “direct their efforts chiefly towards punishing younger Indians for illegal cohabitation. ... Of course the legality of this court is questionable, but so long as it is not disturbed through the efforts of rising young attorneys in the neighboring towns it

¹² Kowrach, *Pandosy*, 49-51.

¹³ Virginia Beavert, *The Gift of Knowledge: Tnúwit Átawish Nch 'inch 'imami: Reflections on Sahaptin Ways* (Seattle: University of Washington Press, 2017), 52-60; Lillian Ackerman, *A Necessary Balance: Gender and Power among Indians of the Columbia Plateau* (Norman: University of Oklahoma Press, 2003), 48, 58, 97-98.

¹⁴ Ackerman, *Necessary Balance*, 41-42, 60.

¹⁵ Beavert, *Tnúwit Átawish Nch 'inch 'imami*, 57-60; Ackerman, *Necessary Balance* 233-234.

¹⁶ Ackerman, *Necessary Balance* 58-59, 225. Okanogan elder átway Sharon Conner described divorce and remarriage in her own people to be usually very informal, and once told me that young couples were not necessarily expected to stay with their first spouse permanently; she agreed with Ackerman's informants that there was more formality around gender and relationships further West, especially in Yakama bands.

should be continued.”¹⁷ Young’s cavalier attitude towards the legality of his own actions, while holding particularly younger Yakama people accountable to every letter of the law as he saw fit, is striking in its hypocrisy.

Notably, illegal cohabitation would refer to traditional marriages, common-law marriages, particularly after a divorce that had not been legalized in US court, and any practices of plural marriage. Legal American marriages required traveling to the town of Yakima, miles off the reservation, and paying for a marriage license, which many people were understandably reticent to perform.¹⁸ Similarly, a legal divorce required the consent of a court – the Court of Indian Offenses or otherwise – and could be denied, whereas traditional divorce might or might not meet with community approval, but did not necessarily require permission from anyone but the couple involved.¹⁹ Despite the assumptions of American onlookers, Plateau women and men alike continued to prefer traditional marriage – including plural marriages – to American legal marriages.²⁰

In 1911, the majority of the married couples on the Umatilla reservation had been married traditionally, and in 1919, about half of the enrolled members of the Cayuse, Umatilla, and Walla Walla had obtained marriage licenses.²¹ Since the legal marriages could be recorded and observed by the BIA superintendent, but traditional ceremonies likely were not, it is quite likely that many of the couples who were married via state licenses also held traditional ceremonies to officiate their marriage, as some Yakama couples did.²² Umatilla couples may have been able to

¹⁷ NARA RG 75, M1011, Reel 171, Slide 39.

¹⁸ NARA RG 75, M1011, Reel 171, Slides 1198-1200.

¹⁹ Ackerman, *Necessary Balance*, 99-100.

²⁰ *Ibid.*, 91-93.

²¹ NARA RG 75, M1011.

²² Beavert, *Ttnúwit Átawish Nch 'inch 'imamí*, 58-60; Ida Nason Aronica files, Ellensburg Public Library Archives and Special Collections, Ellensburg WA.

continue practicing traditional marriage and divorce for longer because of Oregon's legal recognition of common-law marriage.²³ Though Ed Swartzlander, agent at Umatilla, petitioned several times for an exception to be made for enrolled Umatilla couples, in order to force them to comply with marriage licenses, he does not seem to have been successful.

Despite the triumphant note in 1915 by then-superintendent Don Carr that "Indian custom marriages are almost a thing of the past," Yakama couples were still practicing traditional marriages in 1926. However, the superintendents continued to lump traditional marriages by ceremony and common law marriages, as well as any other relationship not recognized by the court, in together. Increasingly, they voiced disapproval of the casual approach Yakama couples, particularly men, took to relationships, to the point where in 1928, one superintendent, Evan Estep, avowed that there had never been such a thing as traditional marriage in Plateau or at least, Yakama, life at all.²⁴ The problems Estep claimed to see across the reservation around marriage – short-term relationships, exploitation of women, particularly those with access to money, and frequent abandonment of children and mothers – may have been exaggerated due to his prejudice and his agenda to more strictly enforce U.S. legal marriages. While he was unequivocally wrong about the long-established traditional wedding ceremonies and practices, later observers without his particular prejudice voiced growing concern about relationships between young people over the course of the mid and late 20th century.²⁵ Okanogan and Nez Perce women on the Colville reservation, still intertwined with their relatives across the Plateau reservations, commented in the 1970s, less than one generation later, that they worried about the behavior of young people brought up in less traditional ways. In her commentary on modern

²³ Pascoe, *What Comes Naturally*, 97-98, 100-102.

²⁴ NARA RG 75, M1011, Reel 159, 171.

²⁵ Lillian Ackerman, "Marital Instability and Juvenile Delinquency Among the Nez Percés," *American Anthropologist* 73, no. 3 (June 1971), 595-603; Beavert, *Tnúwit Átawish Nch'inch'imamí*, 39.

Yakama life, Tuxámshish, Virginia Beavert, mentioned that she was concerned by the ways that young men and women interacted, and it seemed to her that young men had less respect for young women's bodies than they had in the traditional social interactions she had grown up with. In her Ichishkíin/English dictionary, this concern comes through often in the example sentences she provided.²⁶

While Estep attributed this behavior to immorality and a lack of legal consequences, it is impossible to escape the fact that persecution of traditional marriages, combined with intentional dissolution of families and traditional education through boarding and day schools, would have left young people, already likely struggling with trauma, with a lack of incentive to comply with American legal marriage customs; this combined with decades of persecution and outright banning of traditional ceremonies gives necessary context to his accusations. Though the reports must be taken with a grain of salt, it does seem worth noting that as the superintendents worried less and less about ceremonies, dancing, and drumming, they began to be more and more concerned about addiction, recklessness, and family abandonment. While some people were able to hold onto language, religion, and culture that sustained them, and to continue to rely on their families, those whose families were broken by violence or trauma likely had a much harder time coping with the dehumanization inherent in the criminalization of every part of their parents' and grandparents' lives.²⁷

It is, however, also possible – perhaps even likely – that the superintendents' characterization of common-law marriage and divorce as abandonment of mothers and children did not take into account the caretaking systems of extended family. Although extended family

²⁶ Beavert and Hargus, *Ichishkíin Sínwit*, 267.

²⁷ Todd Luce and Clifford Trafzer, "The Invisible Epidemic: Suicide and Accidental Death among the Yakama Indian People, 1911-1964" *Wicazo Sa Review* 31 no. 2 (Fall 2016): 13-55.

networks had been one of the targets of allotment, traditional family structures continued throughout this period, and continued to be important to Umatilla and Yakama people. Even while decrying the alleged laziness of Yakama allottees who did not farm their land, BIA superintendents inadvertently revealed that extended family structures remained an important fact of life. In 1910, Sam Young remarked that “monthly allowances from their individual funds, which are often, without our knowledge shared with relatives not entitled to any assistance.”²⁸ In 1926, Estep groused: “[Young men] manage to live without working by sponging off of other members of their family.” The following year, he expanded his complaint: “Where two and three families live together, as is frequently the case, it can be seen why more of them do not work.”²⁹ These mentions not only demonstrate the continuity of extended family structures, but also undermine the very point they were attempting to make. Yakama families supporting young men would necessarily have had to work harder; sharing resources – not just financial assistance – would have required working quite hard for those resources.

The majority of Yakama and Umatilla families in the early 20th century, contrary to the stated policy goals of allotment, most often leased their land out to white or Issei farmers.³⁰ The income from the leases allowed them to travel throughout the year, visiting relatives, following seasonal rounds, attending ceremonies, and taking on seasonal wage labor. The hop work continued, through the 1920s, though somewhat inhibited by the hop blight of 1926, and Yakama families in particular continued to work seasonally at the hop ranches.³¹ The very freedom superintendents complained of – the freedom to socialize, sing, dance, and play games – helped Yakama workers maintain traditions and relationships via the hop yards. In 1925, Estep wrote

²⁸ RG 75, M1011, 1910, Slide 30.

²⁹ *Ibid.*, 1926 & 1927 Reports, Slide 1242, 1302.

³⁰ *Ibid.*, Reel 171, 1927 Report, Slide 1086, 1302.

³¹ Kopp, *Hoptopia*, 100-101.

“[Hop picking] appeals to them because numbers of them can camp and Indians from other reservations and from British Columbia are usually in the neighborhood, if not in the same yard; the work is light and is paid for by the pound; it is work that can be done by women and children; the hop yard people allow their pickers a good deal of liberty in the way of amusements and gambling is always rampant in the camps...”³² At Umatilla, hop work came up less often, but ranching and herding served some of the same goals.³³ Elders cautioned against selling allotments – but leases could be a way of straddling the demands of traditional relationships and a capitalist economy.

Even those who did remain on their allotments tended not to farm them in ways the BIA pushed, for a variety of reasons. Yakama superintendents mentioned that allottees who had kept their allotments kept “family orchards” of both fruit trees and berry bushes which they did not market commercially, but harvested for their own use – or, unseen by federal reports, trade, gifts, and ceremonies with their community.³⁴ On the Umatilla reservation, with less access to water, the land seemed perfectly suited to growing wheat as a cash crop, but wheat harvests required a fallow year. As Swartzlander noted, wheat farms in the area were usually 500-1500 acres, not the by comparison paltry 160 acres allotted to heads of household on the Umatilla reservation. “The farming of the Umatilla land: for wheat, by the Indians, must be done, if successful, by cooperation-- that is three or four Indians join together and farm their allotments together, raising wheat as do the white farmers, and cooperate in the harvesting of the grain.”³⁵ In 1879, it may be worth noting, the leaders of the Cayuse, Umatilla, and Walla Walla had explicitly requested that

³² RG 75, M1011, Roll 171: 1925 report, Slide 1098.

³³ Bryson Liberty, “Riding in Happy Canyon,” Confluence Project, interview excerpt, <https://www.confluenceproject.org/library-post/bryson-liberty-riding-in-happy-canyon/> Accessed 03/03/2025.

³⁴ RG 75, M1011, Roll 171, Slides 140-142, 179-180.

³⁵ RG 75, M1011, Roll 159: 1914 report, Slides 661-662.

they be “allowed to retain a large body of land in common for grazing + timber purposes,” a request which had been denied immediately by the BIA.³⁶ Up until the allotment, they had also been farming in common, a practice which BIA policy had discouraged in order to promote the afore-mentioned individualism.³⁷

On a surface level, the policy of allotting 160 acres per household to become an independent Indian family farm might have seemed reasonable – the Homestead Act had, after all, given the same amount of land to settlers to start their family farms. (Allotting 40 acres to each child may seem less so.) But Native farmers who had to balance the demands of a farm with their seasonal rounds, wage labor, and discrimination in both irrigating and selling their crops faced a steep uphill battle. Accordingly, allottees who neither farmed wheat nor leased their allotments on the Umatilla reservation primarily raised cattle, or grew hay to feed livestock.³⁸

Horses and livestock continued to be important both as a means of living on the reservation, and as a way into the wider regional economy. For most tribes on the Plateau, their relationships with horses went back generations before direct contact with Americans, and their horses signified mobility, wealth, status, and identity.³⁹ Amidst all the atrocities of the genocidal wars of the 1850s, one of the memories that still simmers over 150 years later in Plateau country was Colonel George Wright’s order to slaughter almost 800 captured horses in Palouse country.⁴⁰ This action, however, was in keeping with the American perspective on Indian horses, derisively called Cayuses; the captured horses were not trained for American riders, and therefore Wright

³⁶ Letterbook of the Umatilla Indian Agency, 1860-1880, 262.

³⁷ Ibid.

³⁸ NARA RG 75, M1011.

³⁹ Hunn and Selam, *Nch’i Wána*, 22-24; Bryson Liberty, “Horses Were ‘Air and Water’ for Tribes,” Confluence Project, interview excerpt, <https://www.confluenceproject.org/library-post/bryson-liberty-horses-were-air-and-water-for-tribes/> accessed 03/03/2025.

⁴⁰ Splawn, 99 (1958 ed.); Scheuerman and Finley, *Finding Chief Kamiakin*, 75, 86; Cutler, *Hang Them All*, 206-211; Sherman Alexie, *Reservation Blues*.

saw them as useless. This perspective continued throughout the 19th century, held by settlers, Indian Agents, and even the Indian Commissioner. Cayuses were smaller than the draft horses Americans brought, and therefore inefficient or unworkable for plows; their hardiness and speed did not appeal to Americans.⁴¹

The disparagement of Native-raised and trained horses however, particularly the accusation that they were wild, rough, raw, or unmanageable, simply does not bear weight against the evidence. Cayuse, Walla Walla, Umatilla, and Yakama riders frequently raced and competed their horses with reasonable success.⁴² The insistence that the so-called Cayuse ponies were untrained and could not be ridden echoes, or at least rhymes with, the accusation that Plateau parents raised their children with no discipline whatsoever. Plateau styles of riding, training, and horsemanship did not necessarily prioritize the same qualities that Americans did, and their horses likely responded to different commands and signals than American-trained horses. But skilled Native jockeys and ostlers could make good wages racing not only their own families' horses, but training and racing white employers' horses as well; though Plateau training methods were less discipline-focused than American, they clearly still worked.⁴³ Andrew Jackson Splawn, noted rancher in the Yakima area, hired Native men to work on his ranch as a majority of his workers, and commented on the horsemanship and canniness of some of the Yakama neighbors with whom he traded gossip and horses regularly.⁴⁴ Racing (and gambling) continued

⁴¹ Meinig, *The Great Columbia Plain*, 233.

⁴² Morgan Baillargeon and Leslie Tepper with Canadian Museum of Civilization, *Legends of Our Times: Native Cowboy Life* (Vancouver, University of British Columbia Press: 1998), 86-87, 174-191; Beavert, *Tnúwit Átawish Nch'inch'imami*, 147.

⁴³ Beavert, *Tnúwit Átawish Nch'inch'imami*, 147 and speech given at Warm Springs Huckleberry Harvest Celebration, High Desert Museum, Aug. 17, 2019; Chief Delvis Heath, "The Power of the Horse," Confluence Project, interview excerpt, <https://www.confluenceproject.org/library-post/chief-delvis-heath-the-end-of-the-world/> accessed 03/03/2025.

⁴⁴ Splawn, *Kamiakin*, 247-250, 302-304.

to be mainstays of the Plateau economy, even after that economy had shifted with the settlement. Tribal leaders negotiated with the promoters of Northwest towns and rodeos, impressing upon them that their people would only attend the celebrations, display regalia, or hold races if they were fairly compensated.⁴⁵

Even as more people on reservations purchased cars, allowing them to travel across the region quickly and without stopping to camp, they continued to raise, train, and value their horses.⁴⁶ The Indian agents, already frustrated by what they saw as an impractical, sentimental attachment to the horses over American draft horses or other livestock, found the refusal to give up the horse herds even more baffling with the advent of cars. In 1910, Swartzlander wrote of Umatilla livestock, “Neither the horses or cattle are pure breed, and especially the horses are poor grade, being termed ‘cayuses,’ worth probably from \$10 to \$20 each.” He reiterated in 1917, “Many of their horses grazing on the tribal land are small, and poorly bred, and the quicker the Indian gets rid of them the better off he will be.” In Yakima, after writing that some tribal members were improving their horses through breeding in 1910, Sam Young reported in 1911, “These Indians show commendable foresight and industry in providing forage for use of the stock during the winter. Little increase in their holdings of cattle is noticeable. One cause of encouragement, however, is their buying a good quality of horses and the reduction of the number of worthless cuyuses [sic].”

⁴⁵ Beavert, *Tmúwit Átawish Nch 'inch'imami*, 142-157; NARA RG 75, M1011, Reel 171, Slide 1313; Reel 159, Slide 665; Homer B. Splawn papers, Central Washington University Special Collections, Ellensburg WA; Renee M. Laegreid, “Rodeo Queens at the Pendleton Round-up: The First Go-Round, 1910-1917,” *Oregon Historical Quarterly* 104, no. 1 (Spring 2003): 11.

⁴⁶ Thorp Mill Town Historical Society Collection, Box 1, Folder 7, Central Washington University Special Collections, Ellensburg WA.

In 1927, however, then-superintendent Evan Estep was still complaining about what he saw as a horse problem, after his preferred solution – slaughtering the horses for a rendering plant in the city of Yakima, and selling the meat, canned, in Europe – failed. “It is hoped this plant will reopen and help clear our range of its worthless cayuse population. They are of no value to the Indians and an economic loss to the tribe and the community. ... The Indian has a sentimental regard for his horse and refuses to give him up. His social standing is based largely on ownership of the horse.” When the plant – and a few others – did open again in 1928, Estep reported that the price for horses had gone up to the point where “both whites and Indians” stole horses to sell to the meat market. By 1930, most of the range horses were gone, though some remained in the harder to reach areas of the reservation – and in the possession of Yakama and Umatilla owners. Over the 1940s, after the recognition of the tribal and general council, the population quickly rebounded, and the tribe has taken control of both the range lands and the horse population – small herds are frequently visible roaming the southern hills of the Yakama reservation.⁴⁷

Parents of the Cayuse, Umatilla, and Walla Walla tribes had allegedly either supported or, at least, not actively opposed the construction of a boarding school in 1885, when then-agent Cornoyer had called a council meeting and asked the assembled families their opinions on building a boarding school. While this may have been Cornoyer stretching the truth – he and other agents had been pushing to build a “manual labor” boarding school for years – it is equally probable that parents did sincerely want their children to have access to education in order to move more easily in settler society when necessary. In 1885, before the widespread construction

⁴⁷ Jennifer Smith, “‘All of This Belong to Us’: Land, Horses, and Indigenous Resistance on the Yakama Indian Reservation, 1900-1950,” University of Washington honors thesis; personal observation by author, 2014-2019.

of Indian Boarding Schools, and only shortly after the construction of Carlisle Indian Industrial School, parents from the Umatilla and Yakama tribes could not have foreseen how devastating the system would be in implementation.

Parents in the 1910s and 1920s focused on keeping their children in day schools or public schools as much as possible so they could stay home rather than going to boarding schools. Even within the boarding school system, Native parents used whatever power they could access to pit boarding schools against each other, vying for both better education and better treatment. On the Plateau, parents also pulled kids out early and enrolled them late, so that they could be present for the crucial seasonal rounds.⁴⁸

From these first arguments in favor of constructing a boarding school, however, the proponents had already subtly revealed that the US implementation of education systems would only consider their treaty obligations minimally at best. Agents mentioned prominently how they hoped the schools would be financially self-supporting, and already considered the manual labor portions of the school plan as necessary not only for its importance in Indian education, but for its role in keeping the schools financially solvent.⁴⁹ In August of 1876, Cornoyer wrote, “The school would be self-supporting in a year or so, the only expense would be to build a school house and provide a sufficient number of teachers.”⁵⁰ The following February, he again requested permission to build a manual labor boarding school, but this time by way of hiring a sawyer and selling lumber from the reservation to fund the construction and initial supply, still planning to make the school ultimately self-funded through the labor of its students.⁵¹ None of

⁴⁸ John R. Gram, *Education at the Edge of Empire: Negotiating Pueblo Identity in New Mexico's Boarding Schools* (Seattle: University of Washington Press, 2015), 57-82

⁴⁹ Letterbook of the Umatilla Indian Agency, 1860-1880, 69, 73-75, 114, 122, 124, 193, 212, 262, 298.

⁵⁰ Cornoyer, Annual Report, in Letterbook of the Umatilla Indian Agency, 1860-1880, Aug. 22, 1876.

⁵¹ *Ibid.*, Feb. 26, 1877.

these efforts, even if the agents had only had the best of intentions, took into consideration the stipulations of the treaty the US had signed with the Cayuse, Umatilla, and Walla Walla. In *addition* to the fifty-thousand dollars for construction and subsistence in the first two years, a separate article specified that the US would build two school-houses and housing for two teachers on the reservation, and would supply the schools with books and stationary for twenty years.

The abuse and negligence throughout the Indian Boarding Schools, and their role in cultural genocide on a horific scale, have rightfully dominated academic literature on the history of education in Indian Country since Native testimony about the schools became more widespread. The official goals of the schools – to destroy the language, culture, and religion of any student who entered them by severing their connections to their families – would be horrific enough in itself even if the system had included no other abuses or problems. But the students also contended with the normalized child abuse in Euro-American society and education, racism against Native children that explicitly discounted their worth, cost-cutting measures in the areas of food, medical care, and hygiene, and rampant, unchecked abuse by secular and religious authorities alike.⁵² Boarding schools left a swathe of victims in their wakes – both those who did not survive a childhood in the abusive environments, and those who succumbed to trauma and mental illness after leaving. While there are as yet no full-length studies on the victims of the Yakima and Umatilla boarding schools, archaeological work at the boarding school at Simcoe is

⁵² David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence, University of Kansas Press: 1995, 2020); Brenda Child, *Boarding School Seasons: American Indian Families, 1900-1940* (Lincoln: University of Nebraska Press, 1998); Clifford Trafzer, Jean A. Keller, and Lorene Sisquock, eds., *Boarding School Blues: Revisiting American Indian Educational Experiences* (Lincoln: University of Nebraska Press, 2006); Denise Lajimodiere, *Stringing Rosaries: the history, the unforgivable, and the healing of Northern Plains American Indian boarding school survivors* (Fargo, ND: North Dakota State University Press, 2019).

ongoing by Yakama archaeologist Jon Shellenberger; though the school reports occasionally included deaths, the school site has no marked graves or cemetery, and so the number and whereabouts of the school's victims are currently unknown.⁵³

It is worth noting that the design and structure of the manual labor or industrial boarding schools also violated the spirit and letter of at least these treaties in at least two ways. First, in that students were forced to labor for the school's financial upkeep, when the US had the obligation to build and keep up the reservation schools – and that forcing students to pay for their own education through manual labor was not standard educational practice. Second, to put it simply, the US had no right, within at least these two treaties, to force Native families to send their children to any particular schools. The members of the Cayuse, Umatilla, Walla Walla, and Yakama tribes were not US citizens, and nowhere in their treaties had they given the US the right to determine the education or futures of their children.

When the boarding school at Fort Simcoe, the agency for the Yakama, first opened in 1887, 125 children were enrolled.⁵⁴ Over the following decades, as Yakama parents became accustomed to what the boarding schools entailed, they increasingly resisted the system by any means available. Shellenberger's grandfather was arrested for threatening the agent with an axe

⁵³ Anna King, "Yakama Nation Descendants Search for Unmarked Graves at Former Boarding School Site," *Northwest News Network* <https://www.opb.org/article/2023/11/20/yakama-nation-descendants-search-unmarked-graves-fort-simcoe-boarding-school/>; Emily Goodell, "Torture and Starvation: Inside the Hidden History of the Indian Boarding School at Fort Simcoe," *Apple Valley News Now* (https://www.applevalleynewsnow.com/news/torture-and-starvation-inside-the-hidden-history-of-the-indian-boarding-school-at-fort-simcoe/article_fe4c35da-67cf-11ee-9b04-27aad5d274c2.html Accessed 02/25/2025); Drew Mikkelsen, "'It's Something I Can't Walk Away From': Search Underway for Remains at Site of Former Indian Boarding School," *King 5* <https://www.king5.com/article/news/community/facing-race/yakama-nation-member-radar-cadaver-dogs-former-indian-boarding-school/281-397e5870-7538-40f0-ac1c-14341f3f0893>.

⁵⁴ *The Washington Standard* (Olympia WA), Feb. 4, 1887, 1;.

when he came to take the children away.⁵⁵ By 1909, Yakama parents were already starting to push for their children to study in public schools on and around the reservation instead. Because property taxes funded the public schools, parents who still owned allotments – or did not own off-reservation property for any other reason – could not simply bring their children to school, but had to work with the agency on a contract system.⁵⁶ School districts filled out forms indicating how many children from the tribe were enrolled at their school, their blood quantum, and the average cost per student per day to educate them. The superintendent of the Indian Agency then approved these forms, accounted for the students in his report, and forwarded them on to the BIA so the public schools could be compensated.⁵⁷ This red tape did not seem to dissuade any parents; quite the contrary.

There were, according to the superintendent's annual report, between eighty-seven and one-hundred minors from the Yakama Nation enrolled in the public schools in the towns on the reservation in 1909.⁵⁸ Just three years later, over two hundred Yakama students had enrolled in the on-reservation public schools alone. Parents' participation increased rapidly as public schools became available – in 1916, the superintendent noted that many students enrolled at Yakima Boarding School for one year, then transferred out to a public school for the next year, and all following. By the summer of 1919, there were only 65 students enrolled at the boarding school;

⁵⁵ Kate Prengaman, "The Shellenbergers and Blodgetts: A Stronger Family Forged by Tough History," *Yakima Herald-Republic* (https://www.yakimaherald.com/the-shellenbergers-and-blodgetts-a-stronger-family-forged-by-tough-history/article_b4d1e82c-f353-11e4-93b0-abd15c17a830.html Accessed 02/25/2025).

⁵⁶ Contracts for education in public schools, Box 202, YK 51, RG 75, National Archives and Records Administration, Seattle WA; submission of education plan by contractor as prerequisite; criteria for approval of plan by Secretary of the Interior; participation by non-Indian students, Title 25, Chapter 14, Subchapter II, part B, sec 455; Adams, *Education for Extinction* 347-349.

⁵⁷ "Public School Contracts and Reports," Box 202, Coll. YK 51, RG 75, National Archives and Records Administration, Seattle WA.

⁵⁸ BIA Annual Report, NARA RG 75, M1011, Reel 171, Slide 37; Young's numbers were vague, and he edited his original estimate of 100 by "eliminating from the list all practically white pupils and all pupils whose parents are fully civilized and pay taxes."

the rest enrolled in public schools in and around the reservation, or at Chemawa or Cushman, two other boarding schools in the Northwest. When the Yakima Boarding School assembly hall burned that December, the decision to close the school rather than rebuild it must have seemed straightforward.⁵⁹ The number of towns on and around the reservation made public schools somewhat more accessible to Yakama parents than it was at more remote reservations.

On the Umatilla reservation, which had several sizable towns bordering it but none within the borders of the reservation, the timeline proceeded somewhat differently. Parents of the Umatilla, Cayuse, and Walla Walla tribes had fewer options – to move off the reservation, to send their children to the Umatilla Boarding School or the St. Andrews Mission Boarding School, both nearby, or to choose an off-reservation boarding school much farther away. Thus, over the years 1910-1915, approximately 150 children were still enrolled at the two schools combined. The agency students were most likely from families who had not – or could not – move, and who were too far from the bordering towns to send their children there instead. While the agents claimed throughout that Umatilla parents were willing or even eager to send their children to school, these reports may not be accurate. In 1901, the agency clerk authorized Joseph Mountford, the Umatilla Boarding School’s industrial teacher, “to secure and return to the said school all pupils who have been entered in said school and not lawfully separated therefrom, and to collect other pupils who may be legally brought into said school and entered therein, and bring them to said school.”⁶⁰ Despite the regular reports by Swartzlander that parents were more than happy to send their children to the boarding schools, the difficulty he clearly had in obtaining and keeping students says otherwise.

⁵⁹ *The Sunnyside Times* (Sunnyside WA), Dec. 18, 1919, 3.

⁶⁰ Charlie Robinson, “Warrant,” Letterbook 1, Box 2, UM13, Umatilla Agency Records, RG 75, National Archives and Records Administration, Seattle WA.

Some may have sent their children to St. Andrews because of any of the above factors, or because of their own faith. Regardless of the many barriers, over 50 children enrolled in nearby public schools in 1911, and as soon as a public day school opened on the reservation, parents flocked to it. In 1912, the superintendent estimated that between 100 and 125 enrolled students were attending public schools. By 1917, with three public schools on the reservation, the agency closed the Umatilla Boarding School and converted it into a day school instead.⁶¹ Most families were clearly relieved by the success at keeping their families together year-round: the superintendents at both agencies used the threat of off-reservation boarding schools to threaten or scare parents whose children did not attend enough school-days to satisfy them.⁶²

There were, however, some parents who disagreed. In the years following the closing of the boarding schools, some parents at both Yakama and Umatilla complained to the agency authorities about it, demanding that the school be reopened.⁶³ One push factor from the day schools seems obvious, given the geography of the Plateau even then, rural and sparse: transportation to and from school may have been a barrier for more distantly-scattered families and young students. But as the reservation roads were paved, and transportation grew more accessible, some youths continued to attend regional or religious Indian boarding schools, some by choice. Far fewer went to boarding schools elsewhere – Haskell Institute, Fort Lapwai, and Phoenix. In Umatilla, St. Andrews Mission was more popular, being closer, and in Yakama, more students went to Chemawa and Tulalip. Given the frequency of abuse, the trauma, the epidemics, and the educational shortfalls, it is difficult to imagine how some parents and children came to see these schools as a worthwhile choice.

⁶¹ NARA RG 75, M1011, Reel 159, Slide 802.

⁶² NARA RG 75, M1011, Reel 172, Slide 188-189; Beavert, *Ttnúwit Átawish Nch'inch'imamí*, 24.

⁶³ Umatilla and Yakama Annual Reports, NARA RG 75, M1011, Reel 159, Slide 819; Reel 171, Slide 463-464.

The most likely deciding factor seems to be the potential for racism from both teachers and students at the public schools. Even at Toppenish, Wapato, Harrah, and Parker, all located within the bounds of the Yakama Reservation, white students outnumbered Native students by more than two to one. While agency reports blandly repeated that students were not excluded by teachers and there were no problems between Native and non-Native students, this was clearly not the case; they also noted that Native students sometimes skipped school because they were ashamed of their clothes – a common topic for schoolyard bullying.⁶⁴ Even after this period, likely between 1927 and 1932, one Yakama woman remembered being an outcast at Lincoln Public School in Toppenish, along with the few other minority students.⁶⁵ Although many or most of the teachers would still be white, students who attended Catholic Mission schools or government-run Indian Boarding schools would at least be surrounded by peers who came from other tribes, most from the Northwest; at such young ages, one might imagine that language loss and distance from family might feel less urgent than continual bullying and isolation.

The fact is, one constant throughout the superintendent reports is complaints about morals and character and familial responsibility, but when a closer look at the behaviors they described, makes it exceedingly clear that the problem was trauma – becoming in those very years intergenerational trauma. The total war which settlers had waged, seldom recognizing non-combatants, had faded not into peace, but seige: decades of theft, lynchings, and unpunished murders from their settler neighbors had followed – not to mention constant trespassing. The tension between survival and sovereignty was not only an abstract political one, but a struggle for every family and individual. Parents who had been raised by the survivors of a recent

⁶⁴ NARA RG 75, M1011, Reels 171-172.

⁶⁵ Beavert, *Ttnúwit Átawish Nch'inch'imamí*, 24-25.

genocide had those elders to care for, as well as their children, and the frequent interruptions of field matrons – BIA employees who inspected their homes and judged their parenting. While they struggled to survive using traditional knowledge and methods, they risked losing their children or their land if they did not acquiesce, at least visibly, to American practices. At the same time, the agency no longer disbursed annuities, and the farming they insisted on did not make enough money – another fact chalked up not to the land being ill-suited to cash crop farming, but to Indian inadequacies. When Native families leased out their allotments, they received criticism for laziness, because of the slim possibility they could live on the lease payments without working.⁶⁶ Yet both traditional seasonal rounds and the wage labor they did to get by – hop and fruit picking, cattle herding, and fishing – was categorized as “traveling,” a pastime rather than a profession, and put their status with the agency in danger.

In such an environment, it may well have seemed safer to send their children to Chemawa, St. Andrews, or Tulalip – what superintendents saw as selfish dismissal of their children as a responsibility in order to travel was, rather, an agonizing choice between their relationship with their children, and their ability to feed and clothe them. Nonetheless, even with the difficulties around transportation, additional expenses, and potential racism from white classmates and teachers, the vast majority of Yakama and Umatilla parents not only chose to send their children to public and day schools when they were available, but pushed hard enough to access those schools to close the reservation boarding schools altogether. Further, the superintendents’ insistence that many students preferred Chemawa to local day schools seems somewhat suspect; in 1922, just a few years after declaring thus, Swartzlander mentioned that alcoholism was on the rise in the younger generation – as was cannabis use in the Yakama

⁶⁶ NARA RG 75, M1011, Reel 159, Slide 1201.

Nation.⁶⁷ It is possible, and perhaps likely, that some of what the superintendents saw as addiction was casual use – but some was almost certainly self-medication for the trauma sustained in boarding school.

The push for access to day schools, in one case, also clearly demonstrates the ways that Yakama parents would use any tools at their disposal to protect their children – and the ways that missionary projects intended to destroy traditions failed. One of the Methodist institutions on the Yakama reservation was the First Christian Mission Home, a residence for children who lived too far from the day schools to attend. While it seems unlikely that the authorities of the Mission Home would have allowed the residents to engage in sweats, or any other ceremonies, the baths girls took did not erase the knowledge of sweat lodge medicine, but instead primarily reminded Yakama elder Virginia Beavert of the last step of a sweat, a memory she carried the rest of her life.⁶⁸ Even while superintendents were reassuring their superiors that young people had no interest in old ceremonies, parents and grandparents took every opportunity to pass their knowledge on to their children.

Parents who might be willing to tolerate their children being away from home still held serious expectations that they be treated well by school and mission authorities. When a new minister, J.E. McCloud, took control of the First Christian Mission Home in 1929, he made significant changes, especially, according to Estep, “materially tightening up on discipline.” Within a year, the families of several high achieving students removed them from the home, presumably at the students’ request – and some of the employees from the tribe left as well.⁶⁹ Estep complained that McCloud would not stay, blaming the parents for having standards far too

⁶⁷ NARA RG 75, M1011, Reel 159, Slide 997-998; Reel 171, Slide 1204.

⁶⁸ Beavert, *Ttnúwit Átawish Nch'inch'imamí*, 91.

⁶⁹ NARA RG 75, M1011, .

high for the treatment of their children. Specifically, he wrote, “Instead of showing appreciation of the work done many Indians find fault because their children are not better clothed or allowed more privileges, and think none of them should do any work...”⁷⁰ Considering that for years prior, parents had been willing to let their children remain at the home – even with its insistence on replacing traditional customs with Christianity – and that McCloud was mentioned specifically for his tight discipline, it seems likely that students complained of being poorly clothed, overworked, and harshly disciplined. Crucially, their parents agreed and removed them from the situation.

Christian and secular authorities often complained about a lack of parental discipline in Indian families, imposing both a nuclear family structure and disciplinarian expectations on families that conformed to neither.⁷¹ Superintendents at the Yakama reservation frequently claimed that the children had no discipline at home, making them difficult in school, though this complaint is absent from Umatilla reports. In a report on family and child health, Young wrote in 1916, “The Indians like their children but neglect them shamefully, probably for want of a better understanding of their needs. Parents do not require obedience such as instills in children any conception of filial obligation.”⁷² The association of requiring children’s obedience – presumably by coercion – with what Young perceived as children’s fundamental needs, is telling. Most Native cultures focused on raising children with an understanding of their relationships and obligations, rather than focusing on compelling obedience through force; when discipline might

⁷⁰ Ibid.

⁷¹ R. Todd Romero, *Making War and Minting Christians: Masculinity, Religion, and Colonialism in Early New England* (Amherst: University of Massachusetts Press, 2011): 124-126, 133; Adams, *Education for Extinction*, 131.

⁷² NARA RG 75, M1011, Reel 171, Slide 271.

be necessary, it generally came from extended relatives, particularly aunts and uncles, rather than parents directly.⁷³

However, Plateau cultures did use a specific form of corporal punishment for children: pawawyałá or yawyałá, the whipman. Traditionally, the role of whipman was to punish children who had done something wrong – not only the wrongdoer, but all their peers as well, at least those who had been present – and to talk to them as well, explaining what they had done wrong and why it was wrong.⁷⁴ In this context, the concern parents expressed over their children being punished at the boarding homes and schools seems even more significant. The BIA and mission authorities claimed that children from Plateau Native homes had no discipline, since their parents never physically punished them, and saw the parents' complaints as invalid – but parents would have been perfectly familiar with the concept of corporal punishment. When they said that their children had been abused, and insisted on removing them from the boarding schools and houses, their complaints would have been in the context of a whipman's practices. The abuse practiced at the boarding schools significantly exceeded what parents found acceptable for corporal punishment.

In 1917, the Commissioner of Indian Affairs declared that the appropriations for public school contracts were inadequate; the number of Native students in public schools was rising steadily.⁷⁵ By 1934, under the Collier BIA administration, the public school contract system became federal law, though religious and government boarding schools continued for decades after that.⁷⁶ But, although the Meriam Report in 1928 undoubtedly contributed to the shift away

⁷³ Ella Cara Deloria, *Speaking of Indians* (New York, Friendship Press: 1944), 21-25.

⁷⁴ Ackerman, *Necessary Balance*, 54-56; Beavert and Hargus, *Ichishkiin Sinwit*, 278.

⁷⁵ Adams, *Education for Extinction*, 348-349.

⁷⁶ An Act Authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes, Pub. L. No. 167, 48 Stat., 596.

from boarding schools as the primary educational facility in Indian Country, Native people in the Plateau and undoubtedly elsewhere had started the push.⁷⁷ As early as 1880, Wilbur had commented that the attendance at the boarding school was lower than he expected, partly due to disease.⁷⁸ In 1885, he called in the army to compel one of the Yakama bands to send their children back to school for a second term; instead of doing so, they left the reservation entirely to live out of Wilbur's reach.⁷⁹ In 1890, less than half of the children from the Yakama bands were enrolled in any of the three boarding schools recorded.⁸⁰ While the official shift to reduce boarding schools was a step in the right direction, it was possible primarily because of the force of decades of resistance from Native parents.

Similarly, Native resistance to assimilation by allotment presaged the BIA abandonment of lands allotted in severalty to force American individualism onto Native people. Lewis Meriam, in his 1928 report to the Secretary of the Interior on the state of Indian Education, argued that allotment had failed, and that those who shaped the policy had failed to grasp “the strength of the ancient Indian custom of communal ownership,” echoing the same argument the Umatilla council had made, based on the same economic points, forty-three years earlier.⁸¹ Despite the numerous incentives to sell their land, and the pressure from the BIA to become nuclear family farmers, most Plateau families had leased their allotments and continued to practice seasonal rounds and traditional family relationships.

⁷⁷ Lewis Meriam et al, *The Problem of Indian Administration* (Baltimore, Johns Hopkins Press: 1928), commissioned by Hubert Work, Secretary of the Interior; Adams, *Education for Extinction*, 362.

⁷⁸ BIA and DOI, Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, Vol. 1880, GPO 1880, 168.

⁷⁹ *Ibid.*, 199-201.

⁸⁰ *Ibid.*, 257.

⁸¹ Lewis Meriam et al, *The Problem of Indian Administration*, 460-461; Letterbook of the Umatilla Indian Agency, 1860-1880, 262.

The legalization of Native religious practices – in fits and spurts, over the twentieth century – was an important step towards justice. But it is equally important to the survival of Plateau traditions and religious practices – those adopted over the turn of the century, and those maintained since time immemorial – that people actively maintained them, despite constant pressure from agents to stop. Similarly, Yakama and Umatilla insistence on traditional forms of decision-making continued throughout the early 20th century; the agents' complaints about listening to council, and refusal to take their priorities seriously, did not stop their efforts to continue to keep their relationships alive. The legal acknowledgment of tribal governments in 1934 did not create tribal or general councils on the Yakama or Umatilla nations any more than the treaties created the rights to fish, hunt, and dig; it only provided them with the bureaucratic paperwork the U.S. needed to force it to respect them.

Conclusion

One of the themes that keeps coming up, as I have read and searched and tried to make sense of over 150 years, is the staggering level of continuity between past and present. The 1850s have often felt both impossibly far away, and barely removed at all from the present. I read E. Thomas Morning Owl's description of tamánwit a few years after reading the Council Proceedings at Walla Walla: "In the stories of our people, tamánwit is an ideology by which all things of the earth were placed by the Creator for a purpose."¹ I wracked my brain for where I'd heard the description before, until I realized it was an echo of what K'amáyax̄in, Piyópiyo Maqsmáqs, and Páaxat Qoqóoxnim had said in 1855. The master narrative – that the past for Native nations is impossibly distant, and modernity is incompatible with tradition – can be hard to shake off, but the continuity of sovereignty on the Plateau certainly outshines it, if you look.

Most of the current Plateau nations start their names with "The Confederated..." and go on from there.² As I worked through the historical sources and secondary literature through writing this dissertation, I often struggled to connect modern tribal governments to historic leadership before the treaties. The problem is, American political discourse and early 20th century historiography constructs governments and peoples in a binary that can be hard to shake: pre-state or non-state, and modern nation-state. Confederations defy the binary. Generations of tribal leadership worked hard, in impossible situations, to not only maintain sovereign relationships, but to build governments that would reflect their web of relations – often against the wishes of

¹ Thomas Morning Owl, "Tamánwit" in Jennifer Karson, ed. *Wiyáxayxt / Wiyakáa'awn / As Days Go By: Our History, Our Land, Our People* (Pendleton, OR: Tamástslíkt Cultural Institute with Seattle: University of Washington Press, 2006), 3.

² Here I refer to the Coeur d'Alene Tribe, the Confederated Tribes of the Colville Reservation, the Confederated Tribes of Grand Ronde, the Nez Perce Tribe, the Confederated Salish and Kootenai Tribes, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs, and the Confederated Tribes and Bands of the Yakama Nation.

the BIA. I don't wish to deny the very real pain of people and bands forced to choose, in the 1850s, one group of relatives over another, nor that of their descendants, still only allowed to consider one reservation their legal home. But at the same time, the decisions of tribal leaders over the seventy years after the treaty, fighting to keep their sovereignty alive through building confederations, is a beautiful work of effective political strategy.

I have often struggled with the concern that because this concept of sovereignty includes legal definitions other than ownership, it might be used, as older ideas have been, to argue that tribal governments therefore cannot properly own land, because ownership is the primary relationship to land that the U.S. legal system understands. But there are two points that must be considered. First, the concept of sovereignty *over* land as ownership *alone* must change; acting as though neither the land nor any living thing on it but humans have rights has had manifestly disastrous consequences on the Plateau and elsewhere. And second, any and every step towards restoring sovereignty should be taken wherever possible – ownership of more land would allow tribes to expand other sovereign rights towards it.

The states of the Pacific Northwest have done nearly everything in their power to hamper tribal sovereignty at every possible juncture, and at least in the first fifty years after the treaties, the federal government only supported the tribes haltingly, when pushed to do so. Tribal leaders understood from early on that they were up against a vast and complicated colonial structure, and built relationships with other tribes and, at times, settlers, to find places where they might successfully push back against the machine. Individuals within the structure of settler-colonialism have, at times, allied with tribal interests, but I have only seen evidence of this as effective when there was active participation and relationship-building with tribes. The agents who thought of themselves as kind saviors, as wanting to help Native people, but who did not

seek out relationships in a spirit of reciprocity, often did a great deal of damage and, in the long run, wound up writing some of the most bitter, prejudiced reports in the records.

The same, and its inverse, continues to be true today. Environmental policies that strive to “save” the land without reference or cooperation with tribal knowledge of the Pacific Northwest, while well-intentioned, have done a great deal of damage. A combination of destructive logging and fire suppression, for example, has led to destructive wildfires, with less of the renewal that tribal prescribed burns created.³ Hydro-electric dams, the Northwest’s signature source of clean, green electricity for decades, have decimated the salmon runs and even destroyed salmon spawning grounds, covering the necessary gravel with soft silt.⁴ These well-intentioned policies seek to more effectively utilize and protect the land’s resources – but the land is not a commodity, but an entity, and the best way to care for it remains, as with many elders, to restore it to the care of its relatives. The land back movement often frightens and confuses American settlers, who picture a mass transfer of the commodified property of the U.S. into tribal governments’ hands in immediate entirety. But the CRITFC, a highly successful intertribal coalition whose work at restoring the salmon to Nch’í Wána has born life-giving fruit, is a real example of a step towards land back – and their work has certainly benefited settlers who fish alongside Native people. It might be better to think of land back in 1855 terms: “...a parcel of land in each tribe for the Americans, but the land and your country is always yours, we would then have given with good will what he would have asked us and we would have lived with you all as brothers.”

³ Brogan L. Watson, Scott B. Lukas, Lesley R. Morris, Sandra J. DeBano, Heidi J. Schmalz, A. Joshua Leffler, “Forb Community Response to Prescribed Fire, Livestock Grazing, and an Invasive Annual Grass in the Pacific Northwest Bunchgrass Prairie,” *Applied Vegetation Science* 24 (2021).

⁴ N. J. Leonard, M. A. Fritsch, J. D. Ruff, J. F. Fazio, J. Harrison, and T. Grover, “The Challenge of Managing the Columbia River Basin for Energy and Fish,” *Fisheries Management and Ecology* 22 (2015): 88-98.

Awkláw íkush. Now I'm finished.

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