Understanding Treaties:
Students Explore the Lives of Yakama People Before and After Treaties

by Shana R. Brown (descendant of the Yakama Nation),
Shoreline School District.

Summary:

These lessons involve active role-play of the key players in the Walla Walla treaty negotiations. Students go beyond mere reenactment of facts and speeches, however, to analyze the goals of the tribes and the U.S. government, to evaluate bias, and to emotionally connect with what was gained and lost during this pivotal time. Students will realize that the term ‘treaty rights’ refers to the guarantee, by treaty, of pre-existing Indian rights, as opposed to special rights given or granted to them.

The first part, “Pre-Contact”, describes the lives of Native Americans prior to contact with settlers and the United States government by focusing on the Yakama people. This unit places emphasis on the connection that tribes had with the land and with the daily life that existed prior to Euro-American settlement.

The second part, “Understanding Treaties”, is an overview of the U.S.-Indian treaties of Washington State. This unit gives elementary school students the experience of losing places they hold dear and seeks to enrich their understanding of the treaties through role playing and journaling.

Essential Academic Learning Requirements (EALRs)
This unit focuses on EALRs in reading, history and geography. Click here for details.
Part One

Essential Questions for Students:
1. What sort of meaning and significance does the Sacred Circle have for Native American nations? What sort of beliefs and traditions do you have in your own lives?
2. Think about a place that is important to you. Why is it important? How would you feel if that place was taken away?
3. How did the Yakama Nation and other Native American tribes feel when their lands and important places were taken from them? Why?

Essential Understandings:
1. Students will understand that what is now Washington State hosted complex indigenous societies before contact with non-Indians.
2. Students will realize that the land known as the United States was neither “new”, wild, nor unexplored. (It had been explored, mapped, and had an infrastructure created by its indigenous inhabitants.)
3. Students will begin to understand what was at stake as these tribes reluctantly entered treaty negotiations with the United States.

Primary Sources for Student Examination (provided):
1. Images of primary documents and artifacts at the Washington State Historical Society.

Secondary Sources for Student Examination (provided):
1. “Yakama Creation Legend”
2. Map of Washington State
3. “The Legend of Mt. Adams”

Materials Needed:
1. Several pieces of drawing paper
2. Colored pencils or pens
3. Access to a Dictionary

Primary Sources: A piece of evidence created during the time period under investigation by someone who participated in, witnessed, or commented upon the events that you are studying. It is the surviving record of past events such as photographs, diaries, or artifacts.

Secondary Sources: Books, articles, essays, and lectures created, often using primary sources, that describe and interpret a time period after events have taken place.

Teacher Instructions:

Part One, Session One
Step I.
To truly understand the impact of the treaties between tribes and the United States government, one must also understand the importance of the land, its resources and the role each played (and continues to play) in the daily practical and spiritual lives of the tribes themselves. Only then can one comprehend what was at stake during the negotiations of
the Walla Walla Councils of 1855 and why treaty rights today are so painstakingly and ferociously guarded by the tribes who entered into them.

Therefore the lessons contained in these units begin with the sacred circle, the integral connection of tribes to their lands. Once students comprehend this symbiosis of people and land, they can begin to understand the high stakes of treaty negotiations and the legacy of sadness, anger, loss and empowerment that continues today.

Students are then—and only then—prepared to study the negotiations themselves.

**Step II.**
Prepare yourself for this discussion by reviewing the following materials: *Breaking the Sacred Circle*, *What is a Treaty?*, the Yakama Nation packet and Tribal Treaty Rights.

Explain to your students that for the next two classes they will study what life was like for the Yakama nation before the coming of the white man. Their historic lifeways are representative of the Plateau tribes who lived in what is now Washington, Oregon, Northern Idaho, and Montana. Though this might be review, it is essential in understanding the next part of the lesson, treaty settlements.

**Step III.**
Refer to the teacher copy of “Breaking the Sacred Circle” pp. 1 – 13 to explain the key elements of the circle.

Explain to the students that the common sacred symbol or object of great significance, for many of the (over 500!) Indian nations in the United States is the circle. Draw it on the board and ask why the circle might be so important to Indians. Responses might vary from seeing the symbol in more commonly seen crafts, such as dream catchers, to being a symbol for eternity, it has no sharp corners, it looks like the sun, the earth, etc.

Ask students if they know of any other symbols that are commonly understood among many countries, perhaps even the whole world. Responses might vary from a white flag, symbolizing surrender or peace, to the dove, the United Nations symbol on its flag, to the Red Cross as a symbol for medical assistance. Still others will identify the Christian cross, the Star of David, and other religious symbols.

Point out to the students that to combine all the meanings of the symbols they’ve just identified would just about illustrate the importance of the Sacred Circle to tribal people all over what is now the United States and Canada.

**Step IV.**
Students will now take out one piece of drawing paper and their pens or pencils. Ask them to:
- *Draw a circle as large as the paper allows.*
Read to your students the “Yakama Creation Legend” that describes the beginning of life of the Yakama Nation prior to non-Indian contact. Explain that as legends were handed down in the oral tradition, it is essential that the story be read aloud. As they listen to the Yakama Creation Legend, ask students to:

- Draw or list within or around the circle the important items and ideas contained in the legend.

Explain that living outside of this circle, that is, outside of natural harmony, was never considered a possibility for tribal people, as this belief was as fundamental as breathing. You might ask your students to think of beliefs, traditions, and life ways in their own lives that are important and help to define who they are as individuals, families, and communities. To give up all of that (and more) is what Indian people faced after the coming of the white man.

**Step V.**
Ask students to complete the following as homework:

- Create a floor plan of a place you consider uniquely yours and sacred. This is typically a bedroom, but could also be a favorite, private place that you like to go to play or think, or it could be a church or a place of prayer.
- Be as detailed as possible and list or draw all the items contained in this area.

This might be an opportunity to introduce or reinforce map skills. You will need to explain the bird’s eye or overhead view concept so that students can use this to define their floor plans. You may choose to model a floor plan by drawing a bird’s eye view of the classroom on the board.

Hand out the [floorplan assignment sheet](#) and ask students to complete this drawing before your next lesson on the history and everyday life of the Yakama People. You can explain to them that it will be used to illustrate the treaty negotiation process that the Walla Walla and Yakama tribes entered into in 1855.

**PART ONE, SESSION TWO**

**Step I.**
Distribute the copies of the [map of Washington State](#). Students should outline Adams, Chelan, Franklin, Kittitas, and Yakama counties and approximately half of adjoining Douglas and Klickitat counties. Stress that this is the area in which the Yakamas (as well as other tribes) roamed freely before the coming of the white man.

**Step II.**
Distribute “The Ancient Inhabitants of the Eyakema Valley”. The focus of this reading should be to understand the life ways of the ancient Yakama people and to connect to their previous day’s lesson about the sacred circle. Following this reading, have students do the [card sort](#) activity. This activity should be done after taking notes and discussion to reinforce comprehension of the readings from this lesson.

- Use the vocabulary words from the reading or the supplied [worksheet](#). You can use the blank cards provided on the worksheet to supplement the material with vocabulary choices of your own for words that you plan to introduce into the discussion.
- Group students into pairs.
- Ask them to sort the cards into 2 piles- one pile of words they know and one pile of words that they do not.
• Have students take the words they don’t know and turn them into flash cards by writing the definition of those words on the back, then practicing those terms with their partner.

• Once students are comfortable with the new words, ask them to sort the cards again. This time, they should create categories that different words fit into. In order to be a category, 1) the student has to be able to justify and explain their choice and 2) it must have more than one card. If needed, provide students with prompts for different ways that words can fit together (places, events, subject matter, ideas, etc.)

• Share out categories to the class and call on them for “evidence”. Ask if other students have these words in different categories.

**Step III. (Homework)**

Hand out and have them read the *Legend of Mt. Adams*.

**PART ONE, SESSION THREE**

**Step I.**

Students should answer, either alone or in groups, orally or in writing, the clarifying questions from the first student handout. The answers can be found in the *Legend of Mt. Adams* assignment from Session Two.

**Step II.**

Make sure each student has her own sacred space floorplan in hand. Facilitate a discussion where the students try to describe their sacred places. Compare the connections they feel to their sacred places with the connection of the Yakama people to their land.

**Step III.**

Assign students the following low-stakes writing assignment in class:

- **Journal for at least 15 minutes on the following questions**: “What are the things I believe are most important to the Yakamas? How are these things similar in importance to my own sacred place?”

**Part Two**

**Summary:**

This is a very brief lesson on the U.S.-Indian treaties of Washington State. The purpose is to give elementary students the experience of having to lose places they hold dear (this place is established by Lesson 1).

The students will be broken up into four groups, each representing different historic actors or stakeholders and interests. After each group is prepared for their role, the groups will engage in mock treaty negotiations. These negotiations will be used to illustrate the effects of U.S.-Indian treaties on both sides involved.

Students will then come together and debrief their experiences and
journal their experiences as homework or in-class work.

**Essential Understandings:**
- Through an experiential activity, students will understand the loss of land and resources as a result of treaty negotiations.
- Students will understand that treaties were a guarantee of pre-existing Indian rights, as opposed to special rights given or granted to them.
- Students will be readied for Washington State and United States History Lessons in middle school grades, dealing with westward movement, manifest destiny, and Indian removal policies.
- See also EALRs

**Primary Sources:**
1. Images of primary documents and artifacts at the Washington State Historical Society.

**Secondary Sources:**
1. “What is a Treaty?”
2. “Tribal Treaty Rights” by Carol Craig

**Materials Needed:**
1. A floor plan of their “sacred space” (see Lesson 1)
2. Colored pencils or pens
3. The photocopy of a detailed map of Washington State created in Session 2, Step I with the Yakama territories outlined.
4. Student Handouts 2, 3a, 3b, 3c, 3d

**Teacher Instructions:**

**PART TWO, SESSION ONE**

**Step I.**
Explain to students that today they will roleplay the potential loss of some of the sacred places they have drawn. Some will take on the role of a younger or older brother or sister in trying to share the sacred place and some will take on the role of parents.

**Step II.**
Have the students look at the maps of their sacred places and ask the following questions:
- "What would it take for you to be forced to give up your sacred places?"

Possible responses might include parents force them to move (but this could be a good thing, because they might have a promise of a bigger, better sacred place—as in the case of many colonists), a fire or some other disaster destroys it, or there is a family problem (death, divorce, or some other personal safety issue) that forces a move (as in the case of some colonists or immigrants)

- "What would it take for you to be willing to give up part of your sacred place?"

Possible responses might include a new family member who needs to share the space, or parents need part of the space for various reasons, etc.

**Step III.**
Distribute copies of *What is a Treaty?* and ask students to read them in class.

**Step IV.**
Distribute the Vocabulary Graphic Organizer and make dictionaries available.

Engage in classroom discussion about:
- What are the meaning of the following terms: treaty and sovereignty?

This exercise can be done in a number of ways, either giving all students both terms to define or by dividing the class into half and assigning each half of the class a different word, with discussion to follow after the students have completed the activity. You have the option of dividing students into groups or having them work individually on this assignment. Alternately, this can be assigned as homework prior to the roleplaying session. Make sure students read and understand these terms before they begin to negotiate.

Consider asking students some of the following questions after they have completed this activity:
- What did you think your word meant?
  What does the word really mean?  How do those two things differ?  Do you think that this word can mean different things to different people?  How might it differ and why?
- What words did you think related to this word?  Why?  Out of the things that we have discussed so far, how many of them are connected to this word?  How are they connected?
- What sort of sentences did you come up with for this word?  Can this word be used in more than one way?

**Sovereignty:** “The exclusive right to exercise supreme political authority over a geographic region, group of people or oneself.”

**Step IV.**
Make sure each student has her own floor plan of her sacred place from the previous lesson. Break up the students into four equal groups—A, B, C, D— as follows:

<table>
<thead>
<tr>
<th>A. “Siblings”</th>
<th>B. “Siblings”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negotiates with Group B</td>
<td>Negotiates with Group A</td>
</tr>
<tr>
<td>Are as powerful (or less powerful) than the people they are negotiating with.</td>
<td>Are as powerful as people they are negotiating with.</td>
</tr>
<tr>
<td>Want to get as much of the other person’s sacred space as possible.</td>
<td>Willing to help siblings.</td>
</tr>
<tr>
<td></td>
<td>Want to protect as much of their sacred place as possible.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. “Sons/Daughters”</th>
<th>D. “Parents”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negotiates with Group D</td>
<td>Negotiates with Group C</td>
</tr>
<tr>
<td>Are less powerful than other group.</td>
<td>Are enormously powerful.</td>
</tr>
<tr>
<td>Less willing to help others because of how they have been treated in the past.</td>
<td>Want to get as much of the other person’s sacred space as possible.</td>
</tr>
<tr>
<td>Trying to protect as much of their space as possible.</td>
<td>See the other side’s surrender as inevitable.</td>
</tr>
</tbody>
</table>
Note: Those who do not have floor plans should be placed in either Group A or Group C instead of B or D.

Step VI (optional).
Break the students into their assigned groups and distribute their corresponding handouts (3a – 3d).

Note: Students will negotiate in pairs, but the group discussions will allow students to brainstorm ideas, address concerns, and understand goals and concepts. If you are short on time, or if you believe your students understand the concepts involved, you might skip this step.

All students should feel free to negotiate a treaty based on what is best for them individually and what is unique to their situation (the maps of the sacred places), but ask that they remain within the parameters of the handouts.

You will need to explain to students the roles associated with their group designation by getting them to look at the top of their Treaty Negotiation handouts. Expect that all students will want to be parents (the power structure will not be lost on them!) You, the teacher, will act as the ultimate authority in these negotiations. Note: You will constantly side with Group D (the parents of Group C) and Group B (siblings of Group A) even if their tactics are unfair.

Give student groups time to work through the questions and concepts in the handouts and develop their strategies. After students have had time to prepare their strategies, place each tribal representative with a corresponding colonial or U.S. agent.

Distribute Student Handout 4 for students. Ask them to record their treaty settlements on the handout.

Let the negotiations begin! Allow at least 15 minutes for the negotiations. Expect that discussions will get heated; try your best not to interfere.

Homework: Ask them to journal about their feelings during the treaty negotiation.

PART TWO, SESSION TWO

Step I.
Be sure to re-read sections II and III of the "Tribal Treaty Rights" outline before you embark on the next portion of this lesson.

Give students a mini-lecture to review important points of previous readings so that they can better analyze the negotiations that they have recently completed.

Review what a treaty is and give two examples:
1. An early treaty between a tribe and the English colonial government, e.g. the Iroquois.
2. A later treaty between a tribe and the United States government, e.g. the Yakama.
Be sure to discuss the nature of both treaties.
Bring the class back together. Collect their papers and organize them into two piles: 1) the A-B negotiations and C-D negotiations. Read examples from each set aloud.

Ask how sibling-to-sibling negotiations differed from parent to child negotiations.

Project the 1851 map provided of the United States. Use this map to illustrate to students the approximate locations of the groups in the following discussion.

Share with the students that the primary differences between early treaties (i.e. English colonial treaties with Indian tribes versus later treaties (U.S. government treaties with tribes) were identical to their own experiences. Explain what each group represented (Group A represented English Colonial interests, Group B Northeast tribes, Group C United States interests and Group D Washington Territory tribes).

Explain that:

- These feelings and realities are identical to the realities of treaty tribes from colonial times to the end of treaty negotiations in 1870.

Incorporate elements of the Tribal Treaty Rights reading, e.g. the General Allotment Act of 1887 or the pressure in the 1950’s to terminate tribal identity. Facilitate a discussion that during the treaty era, the United States government broke almost all of its treaties, including the over 60 treaties it negotiated with Pacific Northwest tribes.

**Step III.**
Facilitate a discussion by asking students to look at their newly negotiated sacred places, then discuss the following:

- What is different about the geography?
- What personal habits or practices will have to change as a result of the treaties you negotiated?
- Did you ever feel threatened or feel like you had no choice in what was happening to their sacred places?

Now that they see their sacred places carved up (and for some they might be displaced altogether), also ask them to answer the following questions:

- How do you feel toward the person with whom you negotiated?
- What is the level of trust and respect between you and them?
- How confident are you that you’ve seen the last of this type of negotiation?
- Do you feel like you were given rights to your sacred places, or did you feel like rights were taken away?

Be sure to allow time for the sharing of emotions. Students may either journal or discuss in pairs, groups, or as a class. For further suggestions, see “Extended Activities” below.

**Extended Activities**

1. Ask students to research the actual treaty negotiation of the tribes of the Northwest. What were the outcomes? What were the long-term effects? See this site for the text of all treaties: http://washingtonhistoryonline.org/treatytrail/treaties/timeline/timeline.htm
2. Visit the Washington State History Museum. Visit other local tribal museums (See the Governor’s Office of Indian Affairs as a starting point for internet and contact information: http://www.goia.wa.gov/Tribal-Information/Tribal-Information.htm.)

3. Emotional Responses: Depending on the intensity of the emotions of the students, teachers will likely bear witness to emotions ranging from anger and resentment to extreme sadness. Teachers can and should support their students during this experience. Help students understand that these emotions are exactly those of nearly all of the tribes who entered into treaties with the U.S. Government. There are a number of ways to address the emotions and allow students to express their feelings:

- Have students create artwork that expresses their feelings
- Have students journal
- Write creative stories about how they feel the negotiations should have occurred and what the results should have been
- Contact local tribes and ask about their treaties and negotiations
- Write letters to local tribal councils expressing their concern, asking questions, or merely expressing what they’ve learned.
YAKAMA CREATION LEGEND

This legend has been told and retold from generation to generation to recall the history of the Yakama People.

In the beginning, our Creator spoke the word and this earth was created. He spoke the word again and all living things were put on earth. And then He said the word and we, the [Indian] people, were created and planted here on this earth.

We are like the plants of this earth. Our food was put here as plants to feed us; just like when we plant a garden. That is the way our earth was in the beginning.

There were salmon, deer, elk, and all kinds of birds. It is as if our bodies are the very end of this earth, still growing while our ancestors are all buried in the ground.

He named everything He created. He put water on this earth. He made it flow into the rivers and lakes to water this great garden and to quench the thirst of the people, the animals, plants, birds and fish.

He took the feet of the people and made them walk on this earth. He created the horse, which is like a human being. He put the horse and the people together to help one another.

All of the land where we live and where our ancestors lived was created for the [Indian] people.

Legend reprinted courtesy of Consortium of Johnson O’Malley Committee – “The Way It Was.”
This map shows the locations and reservations of the 29 Federally Recognized Tribes of Washington State. Some off-reservation tribal trust land is also shown. The Samish, Snoqualmie, and Cowitz Tribes have recently received federal recognition and do not have reservations at this time. Their map locations are the approximate locations of their tribal offices.
LEGEND OF MOUNT ADAMS

Mount Adams (12,307), the second highest peak in Washington, stands in the southwestern part of the state. The Yakamas called it Pahto. They claim it as their mountain. On a clear day Pahto (Mt. Adams), the sacred mountain of the Yakamas, towers above the Lower Valley. The great white mountain represents the ways of the past – the pursuit of game on the foothills, the gathering of wild plant foods on the lower slopes and the snows which give life to everything. Most of all, Mt. Adams symbolizes the strength of the People, who in spite of years of adversity, forged a truly strong and great Nation. This is a legend told by Jobe Charley . . . .

Back when the mountains were people, Sun was a man. He had five mountains for his wives. One was Plash-Plash, where the Goat Rocks are now. Plash-Plash means “white spots.” Another was Wahkshum, west of Satus Pass. The others were Mount Adams, Mount Rainier and Mt. St. Helens.

Sun traveled from east to west, of course. So Wahkshum was the first wife he talked to every morning. Plash-Plash was the second, and Pahto was the third. Pahto became jealous of the other two and made up her mind to get rid of them.

Jealous and angry, she fought them and broke down their high heads. All that is left of Plash-Plash is Goat Rocks. All that is left of Wahkshum is the mountain called Simcoo Mountain and the little huckleberry bushes on it. Rainier and St. Helens were so far away that Pahto left them alone.

Pahto was happy. Every morning she was the first wife Sun spoke to. She was the tallest mountain around, and she was proud and strong. But she was not satisfied. She crossed the river and went to the mountains south of her and brought back all their grizzly bears, black bears, elk, deer, pine nuts, huckleberries, roots and herbs. From the river and creeks she took the salmon and trout and put them in her streams that flow down the side. She planted the berries and the pine nuts and the roots all around her. She turned loose the elk, deer and bears. That’s why there is plenty there today.

The Great Spirit was watching, and thought: “There must be a law that any wrong doing shall be punished.” But Pahto was not punished right away. The other mountains saw how tall and strong she was, so they said, “We’ll not do anything about what she has done. We’ll just let it go.”
But Klah Klahnee, “the Three Sisters,” said among themselves, “Pahto is too proud and greedy. We must do something.” They talked to Mt. Hood, “Why don’t you destroy Pahto? Why do you let her get the best of you? You are tall and strong. Someday there will be people on the earth. When they find that we have let Pahto destroy us and steal from us, they will make fun of us.” So, Wyeast (Mt. Hood) fought Pahto. “If I get the best of her, I will give back all she has stolen from us.” But first Wyeast said to Pahto in a nice way, “I want you to give back half of what you took from us, so our people in our part of the country can have the same food as you dear people have. I ask you in a nice way.” But Pahto was greedy. “No, I shall never give you anything.” So, they fought. . . Up to that time, Pahto had had a high head. Wyeast hit her from the eastside and knocked her head off. Today on the north side of Pahto there is a pile of the fine rocks a half a mile long. These rocks were once Pahto’s head. Then Wyeast thought. “I’ll leave a little bit of everything here and there that Pahto took away, Pahto can’t have everything.” So Wyeast shared with the other mountains.

The Great Spirit saw all that had happened. He did not help Pahto, he thought she deserved all the punishment that she had got for she destroyed the heads of Wahkshum and Plash-Plash. That will be the law. If people do wrong, they will be punished in the same way.

But after Pahto lost her head she became mean. When she was angry, she would send a big thunder-storm and much rain. In the winter she would send big snows and in the spring there would be floods. All thru the Valley there were lakes from the big floods. The first people had to live only in the mountains.

The Great Spirit was watching. He saw all that happened. He said, “I will make a new head for Pahto, so she will not be so mean. I will send White Eagle and his son Red Eagle to be your head. Don’t have hard feelings towards the other mountains and don’t flood the earth again. Remember you are the daughter of the Great Spirit.”

Pahto said, “I am glad you have given me the eagles. I will forgive the other mountains and I will not flood the valley anymore.” Then she raised her right hand and said, “I did not know that the Great Spirit is my father. I am sorry for all the wrong things I have done.”

Then the Great Spirit replied, “I gave the world to you mountains, I put you here and there where I wanted you to. Some of you I made high, and some I made low. You should never destroy Plash-Plash and Wahkshum.”

From that time on to this day it is really true in your belief and in my belief that the Great Spirit is the father.
The beautiful Valley lies along the Eastern Slopes of the Cascade Mountains in the south-central part of the state of Washington. The snowcapped peak of Mt. Adams dominates the western horizon. The eastern foothills of this great mountain are heavily timbered, dotted with alpine lakes and laced with streams, creating a natural habitat for fish and wildlife. The lower ridges and the cultivated valley floor produce a large variety of crops and are noted for apples and cattle. Here is the land of the Yakamas – the Indian Reservation of one million four hundred thousand acres, one and a half times larger than the state of Rhode Island.

During the last stages of the Pleistocene Ice Age, some 14,000 years ago nomadic bands roamed the Great Plains that would eventually become Eastern Washington. The Peaks of the Cascades had already been uplifted and stood raw and treeless.

The plains east of the southern Cascades consisted of volcanic basalt rock and wind-blown dust from the sandy deserts to the south. Rivers and streams eroded the soil and brought fresh water to sustain life. Vegetation, fish and animals were in abundance and provided for the People who inhabited the new land.

The first People to inhabit this land were proficient in the hunting and preservation of wild game, in the catching of salmon and the gathering of wild plant foods. Gathering food made them a People on the move. In early spring the migration led to the traditional root grounds at the timberline where, as the snow melted and left the earth uncovered and wet, the tender roots were easy to dig. Then to the rivers and streams for the great salmon runs. Deer, elk and other game were hunted in the summer in the high country. Finally, just before the winter snows, the fields of huckleberries that grow on the foothills of Pahto (Mt. Adams) were harvested.

The People’s survival from year to year, generation to generation, was assured. Their way of life was in rhythm with nature. Earth and life were sacred. The land taught material and spiritual values.

In the early 1700’s they acquired horses and became highly skilled horsemen. The horse made possible expeditions to the plains east of the Rockies to hunt the plentiful buffalo, a journey of many months.
One legend told and retold from generation to generation recalls the ancient history of our Yakama People.

In the beginning, our Creator spoke the word and this earth was created. He spoke the work again and all living things were put on earth. And then he said the word and we, the (Indian) people were created and planted here on this earth.

We are like the plants of this earth. Our food was put here as plants to feed us; just like when we plant a garden. That is the way our earth was in the beginning.

There were salmon, deer, elk, and all kinds of birds. It is as if our bodies are the very end of the earth, still growing while our ancestors are all buried in the ground.

He named everything he created. He put water on the earth. He made I flow into the rivers and lakes to water this great garden and to quench the thirst of the people, the animals, plants, birds and fish.

He took the feet of the people and made them walk on this earth. He created the horse; which is like a human being. He put the horse and the people together to help one another.

All of the land where we live and where our ancestors lived was created for the (Indian) people.*

*This legend reprinted courtesy of Consortium of Johnson O’Malley Committee – “The Way it Was.”
BREAKING THE SACRED CIRCLE
BREAKING THE SACRED CIRCLE

Dr. Terry Bergeson
State Superintendent of Public Instruction

Dr. Andrew Griffin
Director
Higher Education, Certification
And Community Outreach

Denny Hurtado, Supervisor
Indian Education/Title I Program

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Introductory Note

Breaking the Sacred Circle is being distributed by the Indian Education Office, Multicultural/Equity Education Section, Division of Instructional Programs and Services, Office of the Superintendent of Public Instruction, Washington State. The Indian Education Office conducts regular meetings with the Washington State Native American Education Advisory Committee (WSNAEAC) which is composed of Native Americans from reservation and urban areas within Washington State. Three members of WSNAEAC reviewed and edited the content of this document: Ray Mitchell, Edmonds School District; Elaine Grinnell, Port Angeles resident; and Judy Milhofer, Spokane School District. WSNAEAC reviews all documents of this kind prior to publication and discusses them in their regularly scheduled meetings. The three WSNAEAC members mentioned above served as a subcommittee to review this publication and report to WSNAEAC and the American Indian community.

This article, written by Dr. Willard Bill, Supervisor of Indian Education within SPI, should be useful to secondary teachers in Washington State. Teachers are encouraged to implement the article into their curriculum, and it is the intent of the Indian Education Office that this document serve as a springboard for student discussion of American Indian issues.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>The Sacred Circle</td>
<td>1</td>
</tr>
<tr>
<td>Definition of the Circle</td>
<td>4</td>
</tr>
<tr>
<td>Intrusion</td>
<td>14</td>
</tr>
<tr>
<td>Spiritual Confusion</td>
<td>19</td>
</tr>
<tr>
<td>Acquisition</td>
<td>22</td>
</tr>
<tr>
<td>Justification</td>
<td>27</td>
</tr>
<tr>
<td>Dissolution</td>
<td>28</td>
</tr>
<tr>
<td>Exclusion</td>
<td>34</td>
</tr>
<tr>
<td>Lack of Harmony</td>
<td>39</td>
</tr>
<tr>
<td>Cultural Disintegration</td>
<td>43</td>
</tr>
<tr>
<td>Conclusion</td>
<td>45</td>
</tr>
<tr>
<td>Define Terms</td>
<td>50</td>
</tr>
<tr>
<td>Study Questions</td>
<td>51</td>
</tr>
<tr>
<td>Footnotes</td>
<td>53</td>
</tr>
</tbody>
</table>
American Indians and Alaskan Natives lived for thousands of years on the North American Continent prior to contact with Europeans. They lived in harmony with themselves, as is evidenced by the lack of protracted warfare and standing armies. They also lived in harmony with nature. The environment of North America was unspoiled when Europeans began to explore the continent in the fifteenth century. To have lived for such a long period of time on the North American Continent, is a testimony to the Indian's ability to maintain a balance between the physical, mental, spiritual, and cultural aspects of life.

The Western idea of linear development and progress was foreign to the American Indian and Alaskan Native. Rather, the idea of cyclical reaffirmation was the foundation for philosophies of the indigenous peoples of North America. Animal and plant kingdoms were treated as equals, and this idea gave such value to life that exploitation, on a large scale as we know it today, was not possible. The goal of the traditional Indian was to strike a harmonious balance with nature and not to attempt to control it.

However, the migration of Europeans to North America distributed the balance of living in the "Sacred Circle of Life" for the American Indian and Alaskan Native. From the time of contact with Columbus in the late fifteenth century, it became increasingly difficult for the indigenous people of North America to live in harmony with the other newly-arrived humans.
The White man, both directly and indirectly, infringed on the cultural and spiritual components of the American Indian and Alaskan Native. Aboriginal spirituality and its concomitant religion were viewed as mere superstition and the culture as the juvenile aspirations of a primitive and backward people. The American Indian-Alaskan Native culture suffered from contact which caused physical and mental suffering. The life span of American Indians and Alaskan Natives has been lower than the national average throughout the twentieth century. Problems of apathy, alcoholism, and other conditions of poverty, have been the result of the imposition of an alien culture on the cultures of North America.

This unit will attempt to establish factors that we must examine to understand the American Indian and Alaskan Native cultures in the latter decades of the twentieth century. Traditional values have doggedly persisted among various tribes and villages in North America; and a number of Indian communities are developing tribal resources, both human and material, to insure self-determination.

But the development of both human and material resources is complicated because the Sacred Circle was broken during the Indian-White contact period. Tribes and villages are continuing to recoil from oppressive policies perpetrated at every level of government from the earliest days of contact. These policies served to break up the continuity of the Indian culture.

Indian culture was attacked during the contact period via military attacks, treaty signing, subjugation, disease, and relocation. Tribal leaders are faced with the problem of repairing the Sacred Circle. How can they do it? This is a question that faces the contemporary political and
spiritual leader of the tribe and village. American Indian-Alaskan Native leaders must make crucial, accurate decisions to maintain their land and mineral resources for succeeding generations of Indian youth. This is a question that must be answered to enable the tribes to function at full strength.
The Sacred Circle

Definition of the Circle

American Indian-Alaskan Native cultures were cooperative societies that depended on each facet of their environment for sustenance. This was reflected in the beliefs of the tribe, band, or village. There was a need to interrelate for survival, and this need was passed on through the centuries. The native person found himself threatened if he were in a situation where he had to function in isolation. This metaphysical-based idea was expressed by a contemporary Indian speaking from Wounded Knee, South Dakota.
We believe in the sacredness of a circle where everything has its own place, from the lowliest insect to the sun. When I have a brother he is actually part of me because we believe we're part of the same earth and my power goes through that to him, and his to me. . . . You accept all people as being part of you, and you're able to extend that not only to the people but to everything. These things are part of the nature of Indian people and our cultural heritage. We never think that we have to conquer anything. We don't have to build a big dam to divert a river that would eventually end up harming the balance of nature. We don't have to send something to the moon—which is our sister—and take away a part of her flesh and bring it down here for no reason whatsoever. Those things are not be done and the great circle is not to be tampered with. And the American people are learning that finally.

The preceding statement was made by a contemporary Indian leader explaining a personal view during a confrontation at Wounded Knee, South Dakota. The statement is not too different from proclamations made throughout the contact period by Indian leaders when they explained their views to representatives of different cultures.

Lame Deer clearly details what the traditional concept of the circle was. He notes that the circle is found in nature as well as in the behavior patterns among American Indians.
He states:

... To our way of thinking the Indians' symbol is the circle, the hoop. Nature wants things to be round. The bodies of human beings and animals have no corners. With us the circle stands for the togetherness of people who sit with one another around the campfire, relatives and friends united in peace while the pipe passes from hand to hand. The camp in which every tipi had its place was also a ring. The tipi was a ring in which people sat in a circle and all the families in the village were in turn circles within a larger circle, part of the larger hoop which was the seven campfires of the Sioux, representing one nation. The nation was only a part of the universe, in itself circular and made of the earth, which is round, of the sun, which is round, of the stars, which are round. The moon, the horizon, the rainbow--circles within circles, with no beginning and no end.²

The traditional Indian activities were conducted with the circle in mind. It was believed that the power of the world worked in circles. The American Indian was part of a strong culture, and the origin of the strength was working in a circular fashion. Black Elk referred to this as the power originating from the sacred hoop of the nation.³ As long as the hoop was unbroken the American Indian, as a people, flourished.

Black Elk drew examples of how the earth worked in circles from the environment around him--the roundness of the sky, the earth, and the stars; birds make their nests in circles, which is similar to the way that the
Plains tribes make their tepees; the sun and moon rise and set in a circle; the seasons of the year also make a circle by changing and returning each year to where they had been previously.\textsuperscript{4}

Black Elk observed that the Sacred Circle was in fact being broken, and the American Indian was being placed in boxes. They were restricted to such an extent that they could not carry on the traditions that had been established for generations. He believed that this caused a loss in power and led to the death of the Indian people.

The most blatant example of the restrictions was the development of the reservation system, with all the accompanying restrictions on the Indian people. Often many bands or tribes, which may or may not have had anything in common, were banded together on one reservation. The federally-established reservation boundaries did not take into account cultures, economy, or territorial rights. The traditional boundaries of the Indian tribe were well identified and they extended for much greater distances than the artificial reservation boundaries permitted.

The reservation was often located on an abandoned military fort or undesirable land. The government did not take into account the methods of gathering fruit and berries; the hunting ground for deer, elk and other large game; and traditional fishing grounds or water passages for collecting sea life. It certainly did not allow for trading that was a vital part of inter-tribal economy. The ignorance that the United States demonstrated in constructing reservation boundaries was an example of how the Sacred Circle was being broken for the American Indian.

Throughout the nineteenth century the federal government further contributed to breaking the circle by dividing up land and allotting it to individual Indians. The General Allotment Act (24 Sta. 388) was enacted by Congress in 1887. This legislation became known as the Dawes Act, and its
history has been infamous as far as Indians are concerned. It is a classic example of how the American Indian culture was disrupted and fractured in the nineteenth century. Reservation lands were allowed to be parceled out to individual Indians, and citizenship was conveyed to them if they ended the trust status of the lands. In other words, the land was taken out of jurisdiction of the reservation and the Department of the Interior. We should note that citizenship was not granted to American Indians and Alaskan Natives until 1924, and the offer of citizenship provided some incentive to indigenous people.

Indians could also obtain citizenship by moving away from the tribe and adopting the "habits of civilized life." The two ideas—alloting individual parcels of land to Indians and encouraging them to move away from their families—were two critical breaks in the circle. Land had been used by the tribe in a communal way for centuries. The resources within the tribal boundaries were to be shared and used for the benefit of a group. Members of the tribe were often dependent upon other members of their own and of other tribes. Certainly, to live in close proximity to other tribal members was one of the characteristics of the tribal life.

Therefore, Indian leaders throughout North America could see their traditional life style being by-passed by an alien culture that placed high priority on individual ownership of property and living an atomistic life as a self-sustaining individual. This nineteenth century assault on the values of the aboriginal inhabitants was to continue into the twentieth century with modifications of style, but not of substance. The twentieth century Indian had to try to survive—not in the traditional style, but within a culture that valued individual property ownership. Black Elk stated the case quite succinctly.
Once we were happy in our own country and we were seldom hungry, then the two-leggeds and the four-legged lived together like relatives, and there was plenty for them and for us. But the Wasichus came, and they have made little islands for us and other little islands for the four-leggeds, and always these islands are becoming smaller, for around them surges the gnawing flood of the Wasichu; and it is dirty with lies and greed.⁶

Estimates have varied as to how many Indian "two-leggeds" there were at the time of contact. Dobyns has estimated that there were approximately 9,800,000 Indians in North America at the time of contact. The figures for the New World population were staggering. The same study estimates that there were ninety million Indians at the time of contact with Europeans. This would mean that the population of the western hemisphere was about the same as the population of Europe at the time of contact.⁷ Consequently, by the time anyone started counting the Indian population, most had disappeared. Black Elk's observations were all the more urgent in light of the original population.

Chief Luther Standing Bear indicated the extent that breaking the circle hurt the native culture. He stated:

The man who sat on the ground in his tipi meditating on life and its meaning, accepting the kinship of all creatures and acknowledging unity with the universe of things was infusing into his being the true essence of civilization. And when native man left off this form of development, his humanization was retarded in growth.⁸
The white man had difficulty realizing that the Sacred Circle existed for the aboriginal people. It was beyond the comprehension of the outsider to realize that the Indian had a culture that was founded on a well-thought-out philosophy of life and eternity. The white man, whose roots were in Europe, believed that they were more advanced culturally than the people who had inhabited the North American Continent for thousands of years. When attempts were made to establish Indian/non-Indian relationships, the outsiders did not know how to make their offer in such a way that it would strengthen the native culture.

Tatanga Mani's (Stoney Indian) contrasted the white man's education with the traditional Indian education. It should be noted how the mental activity is linked with nature and religion. He points out how difficult it was for the white man to establish cross-cultural communication.

Oh, yes I went to the white man's schools. I learned to read from school books, newspapers, and the Bible. But in time I found that these were not enough. Civilized people depend too much on man-made printed pages. I turned to the Great Spirit's book which is the whole of his creation. You can read a big part of that book if you study nature. You know, if you take all your books, lay them out under the sun, and let the snow and rain and insects work on them for a while, there will be nothing left. But the Great Spirit has provided you and me with an opportunity for study in nature's university, the forests, the rivers, the mountains, and the animals which include us.
The American Indian and Alaskan Native perceived the world as intimately linked to, and a product of, the physical environment. To understand the Indians' world one must understand the environment, because most Indian people did not live in houses that separated the individual from the environment. Not because they had no choice. Indians of the Pacific Northwest, for example, made their houses out of cedar and many of these longhouses were larger than contemporary homes, some being inhabited by many families. Rather, the native people lived in the elements to such an extent that they did not need total shelter to protect their bodies. The hunters or fishermen had to live outdoors for extended periods of time; consequently, the tougher they could be, the more comfortable they would be during those periods of time when their skills of hunting or fishing were called into play.

The aboriginal person identified with the environment in a very personal way. Lame Deer states:

A human being, too, is many things. Whatever makes up the air, the earth, the herbs, the stones is also part of our bodies. We must learn to be different, to feel and taste the manifold things that are us.10

American Indians (similar to Lame Deer) spoke of their personal frustrations as they attempted to reconcile the differences in their philosophies and those of the white man. One of the most eloquent spokesmen was Chief Sealth--principal chief of six tribes in the Pacific Northwest. Today the City of Seattle bears his name, and he is remembered for the speech he made in 1855 that indicates the importance of the physical environment to the Indian.
Your religion was written on tablets of stone, by the iron finger of your God, lest you forget it. The red men could never remember it or comprehend it. Our religion is the tradition of our ancestors, the dreams of our old men, given them by the Great Spirit, and the visions of our sachems and is written in the hearts of our people. . . . Every part of this country is sacred to my people. Every hillside, every valley, every plain and grove has been hallowed by some fond memory or some sad experience of my tribe. Even the rocks which seem to lie dumb as they swelter in the sun . . . thrill with memories of past events connected with the fate of my people.11

Contemporary Indian leaders state their case in a similar way to that mentioned by Chief Sealth over a hundred and twenty-five years ago. In a Washington State task force report during the 1970's, an Indian leader expressed it this way:

The Indians think of themselves as participating with nature in the cycle of life. They hold for nature a respect and reverence that is spiritual. To the Indian land is sacred. To attempt to subdue or subvert the natural world is to him sacrilege. He understands the vital interdependence between man and his natural environment.12

The passage from this hearing conducted in Washington State points out how the contemporary Indian regards the physical world and the spiritual world as integrally linked. This idea has remained unchanged throughout the years. Indian leaders who were in the forefront of the contact between
tribes and non-Indians, made similar statements regarding the land, water, air, and other resources that the Indian could not perceive owning or selling. Throughout the contemporary period, Indians and Alaskan Natives have made similar proclamations. In the Washington task force report, a Western Washington Indian leader expressed this idea regarding land:

To the Indian, land was not simply a plot of clay to occupy, to build a house or barn or city or ranch on, or to sell for cash. Land was owned communally and could not be sold by an individual Indian. It was not "developed" for commercial use, but kept in its natural state and appreciated, even worshipped. According to the oral tradition of the Western Washington Quileutes, the trees talked to the Indians. The ocean, the birds, the rocks and the mountains communed with the Indians and passed on to the red man the secret wisdom of nature.13

A contemporary Indian writer, Vine Deloria, noted this feeling of reverence for the land in his book God is Red. He noted that life and death and resurrection linked the Native American to the cyclical rhythm of nature and the physical world:

But in the Indian the spirit of the land is still vested; it will be until other men are able to divine and meet its rhythm. Men must be born and reborn to belong. Their bodies must be formed of the dust of their forefather's bones.14
Tribal Treaty Rights

This short history will help understand that tribal treaties are a fundamental part of tribal constitutional democracy, and that by signing treaties, the United States affirmed the coexistence of separate cultures and government within a common land base.

I. Pre-non-tribal contact
   A. Tribal tenure in the Northwest
      1. Tribal people have been living in the Pacific Northwest since the beginning of time—at least 15,000 years.
      2. Tribal people had an established relationship with their homeland longer than any other culture of Europe or the Middle East.
      3. Over a hundred distinct aboriginal cultures existed in the Pacific Northwest lands.
   B. Tribal ownership of land
      1. Because Yakama and other tribes are sometimes described as 'nomadic,' many people think the tribes had no fixed relation to the land base.
      2. While tribes did not share the European notion of individual land ownership, they had their own system of ownership and use.
      3. Each tribe occupied and used a particular territory.
         a. Tribes moved with the seasons to make the best use of the natural environment.
         b. Each tribe and family within a tribe had designated hunting, fishing, and gathering places.
   C. Land and resources preservation
      1. Despite continuous use of 10,000 years or longer, the area's natural resources were preserved.
      2. Tribal cultures in the Pacific Northwest had many ways of protecting the land and its resources.
         a. The profound respect the tribal people shared for land, water, animals, plants, and nature in general, was both pragmatic and spiritual.
      3. Tribes practiced conservation methods such as limiting the number of times a particular spot was used for camping, and specifying only certain times when fish could be caught.
      4. Legends and traditions taught by elders instructed that the land and all the things of nature must be respected and protected from overuse.
      5. The spiritual value of the land protected it from misuse. For the Yakama tribal people, all land was and is sacred—it sustained them and their culture, it was the link to the past of their ancestors.
         a. Ceremonies such as the first-salmon, first-deer, and first-root observances paid respect to the spirits of nature.

E. Tribal Government
1. Each village and tribe developed its own complex political system.
2. Elements of leadership through inheritance and by condition of wealth, participatory democracy, and representation were part of the political system of the aboriginal people.
3. The basic unit of government was generally the village.
   a. Leaders were drawn from a village's household group.
   b. Leaders were also chosen for particular activities or functions.
4. The formation of alliances with other tribes and villages, seasonal movements, and settling disputes were among the decisions made by tribal leaders.
5. Established procedures were followed for decision-making and dispute resolution.
   a. Decisions were usually made by consensus of the council of village leaders or sometimes consensus of all adults in a village or tribe.

II. Treaty beginnings
   A. Arrival of Europeans on this continent
      1. When European powers in the opening decades of the 16th century began staking claims to the lands of what would be called America, their purpose was to gain an economic and political foothold in the "new world," as means of shoring up the wealth and power of their respective monarchies.
      2. As the following two centuries would show, the success of their enterprise depended upon extraction of local products and resources for European markets and transplanting of European life into America.
         a. And, this in turn, required European settlement and acquisition of tribal lands.
   B. Justifications for acquiring tribal lands
      1. The Spanish Crown, being among the first European powers to gain a foothold in North America, requested that one of its leading intellectuals, Francisco de Victoria, advise on European rights in the western hemisphere.
         a. His analysis set forth several lasting principles, among them, that Europeans could legally acquire tribal lands but because tribes had title to the land their consent was required before lands could be taken.
      2. Victoria's principles of tribal aboriginal title and consent requirements were widely accepted by 16th, 17th and 18th century authorities on international law.
         a. His legal principles became the cornerstone of tribal treaty law.
      3. Other legal moral theories were used to legitimize the acquisition of tribal lands, principally, the "doctrine of discovery."
         a. This notion held that the "discover" of "unoccupied lands" (unoccupied by Europeans) had the right to assume title to these lands in the face of competing claims of other European nations.
         b. Over the centuries of early American history, the consent theory together with the doctrine of discovery shaped how the European
sovereigns, and then, the United States would deal with tribes and their land.

C. Tribal response
1. While tribes chose to greet the Europeans with friendship and assistance, they nonetheless desired to maintain a separate homeland and way of life.
   a. In defining their relationship with the Europeans, the tribes also chose not to make treaties with individual settlers, who were given to reckless intrusions on tribal lands and rarely appreciated the fact of tribal governments and sovereignty.
   b. Tribes were only willing to make agreements with representatives of the colonies or the "King."

D. Tribal treaties
1. The origins of treaties are found in Spanish jurisprudence and the evolution of international law. Tribes, and treaties in general, are procedures of international law, and as such, they are mutually agreeable contracts between sovereign nations.
2. Treaties, and not other forms of legal agreements, were made with tribal people because tribes were independent nations who possessed title to the land and who exercised all rights inherent in their sovereignty, "the treaty was not a grant of rights to the tribes, but a grant of rights from them--a reservation of those not granted." (U.S. v. Winans, 1905).
3. Treaties were also based on Victoria's principles that land should be acquired from the tribes only with their consent and that acquisition of tribal lands was solely a governmental matter, not to benefit to individual colonists or settlers.
   a. These tenets were adhered to in the earliest dealings between Europeans and tribes.

E. Colonial Treaties
1. Getting tribal consent to acquire and settle lands was more than a legal requirement, it was a practical necessity when for many decades powerful tribal nations outnumbered settlers.
2. The colonies and the various European powers made treaties with tribes to secure land for settlement and to make alliances, sometimes military alliances with the tribes.
3. For their part, tribes made treaty agreements to establish containment lines beyond which no European settlements were to occur, to gain protection from settlers, and to generally secure the peace.

F. United States and tribal treaties
1. When the U.S. replaced the colonies and the European states, the new federal government gave itself, first in the Articles of Confederation and then in the Constitution, the exclusive power to make treaties and to manage tribal affairs.
2. The new government continued the treaty process with tribes until 1871.
3. Through treaties, the U.S. acquired both lands and legal responsibilities; and the Yakama Tribe ceded over 12 million acres of land in return for
homelands, protection, and for material and political assistance.

III. Treaty times—1850–1870

A. Westward expansion
1. Prior to the 1850s Northwest tribes were affected very little by Spanish settlements in California and by the activities and employees of the great fur companies.
2. Not until the 1850s, after the expansion of the U.S. territories and the discovery of gold in California, did white settlers begin to encroach upon tribal native population.

B. Settler's attitude
1. White settlers were imbued with the spirit of manifest destiny and, much like earlier colonists, regarded the tribal people as an obstacle to the country's progress. Tribes were neither Christians or farmers, they were 'savages' who weren't using—cultivating or mining—the land.
2. From the vantage point of both settlers and government, the only hope for tribes was to assimilate into American life by changing their customs, dress, religion, language, occupations, and philosophy.

C. Government politics
1. Beginning in the 1850s, the federal government embarked on aggressive policy of securing land for settlers through treaties with western tribes.
2. Between 1851 and 1868, over 60 treaties were negotiated with Pacific Northwest tribes—many were never ratified.
3. Prior to the mid-19th century, land reservations were not a primary ingredient of federal tribal policy--the government (had been able to move tribes westward into areas without settlement).
4. The expansionist period brought newcomers to all parts of the continent, and tribes were insisting on reserving a portion of their original homeland.

D. The tribes negotiate
1. Dramatic changes were taking place in tribal country:
   a. Strangers were settling on tribal lands. Plowing was destroying root plants, and pigs and cattle were scaring off game. Missionaries were urging tribes to abandon their traditional religions.
   b. Tribes saw treaty-making as a means to retain a homeland where their activities would not be disrupted and their culture could be kept separate from the growing numbers of immigrants.
2. The tribes three main goals in reserving a portion of their homeland was to:
   a. preserve land and natural resources.
   b. preserve culture and traditions
   c. preserve tribal governments.
   d. In addition to reserving their traditional economies and cultures by retaining rights to hunt, fish, gather roots and berries in their usual and accustomed places, including ceded lands outside of the reservation boundaries.

E. Consequences
1. While the U.S. got its land and the treaties themselves reflect the tribes purposes in treaty-making, what was not foreseen was the enormous displacement of tribal people that took place in the following two decades despite treaty promises.

2. Some tribes were divided among as many as four different reservations; on the Yakama reservation there were more than a dozen different tribes.

3. Others had their reservations holdings reduced from their original size.

IV. Treaties today
A. Sovereignty

1. "Indian tribes are part of the constitutional structure of government. Tribal authority was not created by the Constitution—tribal sovereignty predated the formation of the United States and continued after it—but tribes were acknowledged by the Constitution in the reaffirmation of previously negotiated treaties (most of which were with Indian tribes), the two references to "Indian not taxed," and the Indian Commerce Clause." Charles F. Wilkinson, 1987.

2. It is inherent; it cannot be given to one group by another.

3. Prior to making treaties, tribes were independent sovereign nations—they possessed all the power of government.
   a. Today tribe are quasi-sovereign, that is, they retain domestically most powers of government.

B. Tribal jurisdiction

1. According to Worcester v. Georgia (1832), the single most important Supreme Court decision on treaty law, the Constitution rendered tribes subject to the legislative power of Congress and ended the external powers of sovereignty (such as power to make treaties with foreign nations and power to make war), but did not affect the domestic powers of self-government.

2. Over the years, Congressional acts have eroded some of the original scope of tribal jurisdiction.
   a. For example, the Major Crimes Act of 1855 allows certain crimes committed within tribal jurisdiction (murder, rape, robbery) to be tried in federal courts. Nonetheless, tribal powers today include the power to enact and enforce laws, the power to tax, the power to regulate hunting, fishing, the power to zone and otherwise determine land use, and the power to determine the form of tribal government institutions.
   b. Tribal governments also operate and regulate businesses and provide a full range of social services.

C. State jurisdiction

1. States do not have inherent power, that is, jurisdiction, within reservations.

2. This concept of state exclusion is based not the status of tribes and the constitutional fact that tribal relations are a matter of federal jurisdiction.

3. States and their non-tribal citizens have been viewed as representing interests that were in direct conflict with tribal survival
a. the federal government was viewed as being responsible for protecting tribes from states.

4. The original and total proscription against any state jurisdiction has been eroded over the past century and a half. The most pervasive transfer of jurisdiction to the states is Public Law 280.
   a. Enacted by Congress in 1953 this law authorized certain states including Washington to assume civil and criminal jurisdiction over tribes within their boundaries.
   b. Fortunately in 1968, legislation was passed that provided for reacquisition of tribal jurisdiction.

D. Trust responsibility
   1. Tribes are governmental units that have a special political relationship with the federal government.
   2. That relationship, the trust relationship, derives from treaty provisions that call for, among other things, the federal government to protect tribal property.
   3. The federal government's trust responsibility to tribes has three components
      a. It is obligated to safeguard and enhance tribal land and natural resources
      b. tribal government
      c. tribal social services
      d. and, to provide funds, necessary to meet these obligations.
   4. The trust responsibility encompasses the entire federal government, including the executive branch and all its agencies, and Congress.
      a. For Congress, the trust relationship is both a source of and a limit to its power.

E. Supreme Court and federal case law
   1. Of the three branches of government, the judicial branch which comprises the federal court system, has been the most consistent in upholding and protecting treaty rights.
      a. Furthermore, Supreme Court law forms the analytical framework for tribal law--it has defined and refined the above-described as a basic concept of tribal treaty law.
   2. The court has also adopted general rules of interpretation that apply to treaties.
      a. Treaties must be interpreted as parties understood at the time of signing.
      b. when a treaty provision is doubtful or unclear, the treaty must be interpreted so as to promote its central purpose.
      c. in interpreting treaties, ambiguities are to be resolved in favor of the tribes. (Because tribes has an oral and not a written tradition and because treaties were written in English.)
      d. terms of a treaty are to be construed, not according to technical meaning, but the way in which tribes would have understood them at the time of signing.
V. Tribes today
   A. Land and natural resources: On-reservation
      1. In treaties, Washington tribes intended that their governments would remain in control of their reservation lands as a means of maintaining their cultures and economies.
         a. today, Washington tribes have maintained nearly exclusive jurisdiction over on-reservation lands and resources.
         b. However, in 1887 Congress enacted legislation with lasting impact on tribes across the country.
      2. The purpose of the General Allotment Act
         a. It divided tribal lands among tribal people--was to assimilate tribes by breaking up the tribally based ownership of land.
         b. Under the act, individual allotments usually did not amount to all the previously held tribal lands. As originally enacted, it provided for allotments of different quantities of land to various classes of tribal people, i.e., one-quarter section to heads of families, one-eighth section to single persons over the age of 18 years, one-eighth section to orphaned children under the age of 18, and one-sixteenth to all other single persons under the age of 18.
         c. The remaining lands were declared surplus and opened to non-tribal settlement.
         d. Additional lands were lost when tribal members sold their allotments.
         e. Some 90 million acres of tribal lands went out of tribal lands because of this and other allotment acts.
      3. The Indian Reorganization Act of 1934
         a. prevented further allotments of tribal lands and made funds available for tribes to buy lands back.
         b. However, for many Washington tribes, the General Allotment Act had the (intended) effect--a very important underpinning for tribal culture and cohesion, the tribal land base, was lost.
      4. Land and water codes, hunting and fishing regulations (for both tribal and non-tribal people) and other resource protection measures have been established by Washington tribes.
   B. Off-reservation natural resources: Fishing rights
      1. Washington tribes reserved resources and lands at usual and accustomed places outside the reservation boundaries.
         a. Traditional places where tribes hunted, fished, and gathered foods.
      3. Columbia River Tribes, including the Yakama, have gone to considerable effort to protect their reserved fishing rights.
         a. While of paramount importance to the tribes, salmon, including steelhead, play a vital role in their culture, religion, and economies of all Washington tribes.
       4. The Supreme Court and federal courts have interpreted the treaty fishing
rights of Washington tribes in numerous cases as far back a 1905, and have in nearly every instance, re-affirmed tribal rights.

5. Principal features of these fishing rights include
   a. entitlement of 50 percent of the harvestable fish passing by usual and accustomed fishing places;
   b. state involvement in tribal fishing is limited to those regulations reasonable and necessary for conservation that do not discriminate against tribal people.
   c. the right to hatchery fish and, to environmental protection of fish habitat, because treaty fishing rights are more than "the right to dip a tribal net into the water and bring it out empty."
   d. These rights along with tribal jurisdiction and management can and do protect natural resources for the benefit of all people.

C. Economic development
   1. Treaty-guaranteed natural resources together with tribal jurisdiction form the basis for economic development as well as for cultural and economic self-sufficiency.
   2. Attacks on tribal rights have often thwarted economic development.
      a. Tribal efforts are diverted to defending basic rights rather than focused on planning the wise use and development of tribal resources.
   3. The questions and contours of economic development for tribes are in many respects different than for local and state governments or businesses.
      a. For example, because tribal lands are held in trust by the federal government the land can't be mortgaged to raise investment capital.
      b. The federal government also has broad control over tribal monies, a problem that is compounded by complex and confusing laws, regulations, and administrative directives.
   4. Nonetheless, in recent years there has been a comparative flurry of tribal economic development across the country.

D. Restoration
   1. In the 1950s political pressure was brought to bear on Congress to end the federal government's relationship with and the tribal status of tribes.
   2. In the late 50s and early 60s, 64 tribes and bands were terminated. As a result, tribal lands were disposed of; the trust relationship was ended for most purposes, state judicial and legislative authority was imposed, and laws went into effect without the understanding of informed participation of the tribes involved.
      a. Congress has the authority to re-establish federal tribal status for terminated tribes.
      b. Other terminated tribes in Washington have managed tribal cultures and governments, and worked to regain their federal status.

VI. Treaties tomorrow
A. Old treaties
   1. Some challenge the validity of treaties by saying that treaties are not real treaties, that they have become invalid with age and circumstance.
      a. This notion has no basis in fact. Treaties with tribes are binding today, and like the Bill of Rights and Constitution, they don't expire with time.

B. Assimilation
   1. Others argue that treaties should be abrogated for the benefit of tribal and non-tribal people alike.
   2. This suggestion that tribal people should become like everyone else ignores over 500 years of history in which tribes have chosen over and over again to remain different.
      a. Even after nearly a century of federal policies and program geared to assimilate tribes at any cost, tribes have maintained distinct and separate cultures.
   3. Tribal people are not like other U.S. citizens because they are entitled to the treaty-guaranteed rights of their tribes and because they have a land base as well as distinct and definable culture.
      a. As citizens of their tribes, tribal people are a legal or political entity, not an ethnic group.

C. Treaties are tools
   1. Treaties are essentially a tool that can be used by tribes to protect property rights, cultural identity, and powers of government.
   2. Treaty rights have their foremost importance as a method by which tribal governments can serve the needs of their people.
   3. Tribal government, in turn, becomes a means that support the survival of the tribe.
Suggested Readings


*Tribal Sovereignty: Indian Tribes in U.S. History*, 1979, Fay Cohen, Jeanne Hevuing, United Indians of All Tribes Foundation.


Today, all Americans live on what was once Indian land. Treaties transferred that land from Indian to United States control.

Treaties are documents that formalize relationships and understandings between two or more sovereign states. Sovereign states govern themselves, recognizing no superior power. Like the thirteen original states, Indian tribes were originally considered independent nations with established territories and the power of self-governance. Treaties brought Indian tribes into the Union with their inherent sovereignty intact, although federal statutes, court decisions, and administrative policies limited its actual exercise.

Long before the American Revolution, Indian tribes formed complex networks of alliances. In 1751, Benjamin Franklin noted the contrast between the masterful alliances within the Iroquois Confederation and the inability of early colonial leaders to do the same:

"It would be a very strange thing if Six Nations of Ignorant Savages should be capable of forming a scheme for such a Union and be able to execute in such a manner, as that it has subsisted for ages, and appears indissoluble, and yet a like Union should be impracticable for ten or a dozen English colonies."

Letter to James Parker, 1751.

President George Washington signed the first treaties with Indian tribes for the newly independent United States. These first negotiations were between two bargaining equals and were treaties of peace. Both sides were militarily powerful.

Indian tribes believed the treaties became effective when they were signed. But United States law required Congress to approve all treaties after they were negotiated. Between 1789 and 1871, the United States negotiated approximately 800 treaties, but Congress ratified, or approved, fewer than 400—including the ten treaties negotiated by Isaac Stevens between 1854 and 1856.
Federally-Recognized Tribes of the Columbia-Snake Basin

U.S. Army Corps of Engineers
U.S. Bureau of Reclamation
Bonneville Power Administration
PREHISTORY AND CULTURE

The people composing the Yakama Indian Nation have lived in this area for thousands and thousands of years. They used the entire forest from the lowlands around the Columbia River to the snow-clad Cascade Mountains. Known locally as the “Taptail” or “Wap-tail-min,” the Yakama name meaning a “narrow river people” may refer to the narrows in the Yakima River at Union Gap where a large Indian village was located in the past. One of the first whites to visit the area, Alexander Ross, a Canadian pioneer, fur trader and author whose writing includes some of the first detailed accounts of the territory, described an Indian encampment while on a horse-buying trip to the Kittitas in 1814 for the Northwest Company at Fort Okanogan: “It extended six miles in every direction, and containing not less than 3,000 men, exclusive of women and children, and triple that number of horses, a very imposing sight.”

People spent the coldest months in winter villages that were generally located on the valley floor, a place with a relatively moderate climate. Reliable sources of wood and water, and protection from cold winds, could be found there.

Food resources were also plentiful along the watercourses, such as deer, elk, salmon and steelhead, and other riparian and desert plants and animals.

In the springtime, as soon as the first edible greens appeared above the ground, people began preparing to move across the countryside in search of fresh food. The melting snows would be followed upslope, and edible roots would be collected as they matured. Some people would go to the rivers to fish. Others would remain in the mountains following the maturing plants upslope, ending with the huckleberry harvest in the fall. At that time, foods would be either stored or transported back to the winter village from both the mountains and the rivers, and people would settle in once more, living on stored foods and occasional fresh meat until the next spring.

The valley floor looked much different prior to the signing of the treaty of 1855 than it does today. The valley was wet in many places, covered with stream meanders, oxbow sloughs and wetlands, of both perennial and seasonal nature. Each watercourse supported groves of oaks and cottonwoods, and each had a riparian corridor that hosted a variety of plants, waterfowl, and four-legged animals. It was possible for a person to canoe from White Swan to the Yakima River without ever using Toppenish Creek - something that would be impossible today. The drier areas were covered with grasses, and mixed in with the grasses were sagebrush. Today, for the most part, only the sagebrush remains.

The Yakama then and now believe every rock and tree of their homeland, every stream and lake, animal and bird - all things - are
imbued with spirit: their land literally was alive to them, not dead matter. All that exists - not just humans, animals and plants but rock, water and air - is alive and sacred. From our place among the beings of the world, the traditional Yakama seek to maintain relationships with everything that is alive. These relationships must be in order: for as these beings are sacred, so these relationships are sacred. Something is sacred only when it is in its proper place. It could even be said that being in their places is what makes them sacred, for if they are taken out of their place, even in thought, the entire order of the universe would be destroyed. Sacred objects therefore contribute to the maintenance of order in the universe by occupying the places allocated to them. To occupy our own place in a correct proportion and balance to the rest of creation is central to Yakama spirituality. To place ourselves above other life would be presumptuous and violate Yakama cultural and spiritual ideals of generosity and hospitality. Life, land and water are the cultural spiritual resources to the Yakama People.

The Yakama People’s relationship to the land is indicative of this respect. The Earth is everyone’s mother. She supports all life: from her all the people - salmon, roots, berries, humans - take their sustenance. The people’s relationship to the earth must always be one of recognition of their interdependence. The proper balance must be nourished and renewed between people and the continuing creation of the earth. It is inconceivable to traditional Yakama to “own” their mother. Rather, the human people see themselves as a living part of the living whole.

HISTORY

In 1842, the Oregon Trail reached the Willamette Valley and opened the floodgates for hordes of immigrants from the east. As more and more white people settled in the Yakama country, the clash of two different cultures escalated into armed conflict. The following account, taken from the Smithsonian Institute’s Handbook of North American Indians, History of Indian-White Relations, states:

“Large numbers of White settlers arrived in Oregon during the 1840s...and as their numbers increased, conflicts arose with the many small Tribes of Indians who inhabited the Pacific Northwest. Missionaries had set up stations in the 1830s, but they were unable to quell antagonisms, and when Marcus Whitman, his wife, and other Whites were killed by Indians in 1847, the Federal government realized at last the need for official administration of the territory...H owever, not until June 5, 1850, did Congress extend the provisions of the trade and intercourse act to Oregon and otherwise provide for Indian affairs in the region. Commissioners were appointed to negotiate treaties with the Indians, with instructions to extinguish Indian title to all lands west of the Cascades to concentrate the Indians on reservations. They met resistance to their plans from the Indians, and the six treaties they negotiated were
rejected by the Senate. Subsequent treaties, too, failed to be ratified. In 1854-1856 new treaties with the Tribes in Oregon and Washington were negotiated... (The treaties extinguished Indian title to most of the land in the Pacific Northwest, assigned the Indians to reservations, and provided annuities and other assistance. The treaties with the coastal Tribes recognized their fishing rights. Meanwhile, the movement of miners and settlers into Oregon and Washington precipitated severe conflicts with the Indians that ranged through the mid 1850s (Rogue River and Yakima war), and new warfare broke out in 1858.)

Pressed to clear the land for white settlement, the federal government began negotiations with various Indian tribes in the territory. In the summer of 1855, the Walla Walla valley was the site selected for treaty talks with the inland tribes of the area, including the tribes and bands of the Yakama people.

By May 29, 1855 most of the expected Indians had arrived, and accordingly, at two that afternoon, the council was formally opened. Joel Palmer and Isaac Stevens sat beneath the arbor with their secretaries, agents and interpreters, while the Indians gathered in a vast semicircle before them. The number of Indians is in dispute, with one source claiming two thousand, another saying one thousand, and Kip estimating five thousand. What ever the actual number, there was a significant representation of the region's population of about fourteen thousand Indians. This may not have pleased Stevens, who preferred dealing with tribal notables. It is possible that he either was ignorant of or disregarded the Indian belief in communal ownership of the land and that, in theory at least, no chief or group of chiefs had the power to sign away what belonged to all.

The leaders of the Yakama People of that time were devastated to learn of the threat of losing all the resources. The Yakama attendees said very little during the first days of the 1855 treaty council. When they finally spoke, they expressed four objections to the federal proposal.

First, they did not believe Stevens and Palmer, the United States Treaty Commissioners. A second concern was that the treaty commissioners had not consulted with the indigenous peoples on the location of the reservations. These United States representatives had drawn up the reservation boundaries "without our having any voice in the matter," Young Chief stated. The intent of the federal government, of course, was to separate the Nch'i-wana (Columbia River) Plateau People from their ancestral lands and resources, and to obtain lands for the railroad and for the benefit of immigrating farmers. To the Yakama Peoples, this meant leaving religious, spiritual, cultural and traditional areas. This was most troubling, since nearly all lands proposed to be ceded contained the graves of their ancestors. Culturally and spiritually to the Yakama Peoples present at the Council, this meant being torn from their ties to the past, a traumatic deprivation that would leave them alone in the present. The final concern of the Yakama Peoples attending the treaty council was that they would be obliged to live with tribes other than their own.

After 13 days of negotiations, the Yakama Treaty was finally signed with much anguish by Chief Kamiakin, head of the 14 tribes and bands of the Yakamas on June 9, 1855. Indian leaders who also signed the treaty were Skloom, Wohi, Tecole-kun, La-hoom, Doo-latoose, Sch-noo-a, Meni-nock, Shee-ah-cotte, Sla-kish, Elit Palmer, Tuck-quelle, Wish-och-knipsit and Ka-loo-as. With the signing of the treaty, the Yakamas were forced to relinquish nearly 11 million acres of their homeland. They were allowed to keep 1.2 million acres, known at first as the Simcoe Reservation and later as the Yakima Reservation.

To the Indian people, the treaties were looked on as a means of ensuring survival for their tribes and for retaining at least a portion of their homeland. Regarding their treaties as a sacred
pledge on the part of the federal government, the tribes viewed their agreements as valid as long as the United States existed.

Four long years would come and go before the treaty was ratified by the Senate on March 8, 1859. James Buchanan, as President of the United States, signed the Yakama Treaty on April 18, 1859. This delay increased tensions between Indians and whites and led to the eventual outbreak of hostilities in 1855.

Even though the Yakama Treaty would not be ratified by the Senate and signed by the President for four years, Governor Stevens distributed legal notices to the Northwest newspapers declaring the ceded lands in all Indian treaties to be open and available for white settlement only a month after the treaty signing. Kamiakin led a group of Indians from several of the area tribes and bands to resist Steven’s plan to open their homelands to white people. Military expeditions against the Yakamas and the other tribes in late 1855 failed to quell the uprising. In the spring of 1856, a strong command was sent to occupy the Yakama country, especially the vital fishing sites. By late summer, the war had drawn to an inconclusive close. The unrest in the Columbia basin continued until the spring of 1858. In May 1858, a force of Spokane, Coeur d’Alene and Palouse warriors attacked the military command of Colonel Steptoe, who eventually escaped to Fort Walla Walla. The Indian force was later defeated at the Battle of Four Lakes on September 1, 1858, and at Spokane Plains on September 5, 1858. Shortly thereafter, 15 Indian leaders were hanged by Colonel Wright at Latah Creek, near Spokane. Kamiakin escaped the hangings, but Chief Owhi was shot and killed at Latah Creek. Thus, the Yakama War drew to a close in 1858. The bands and tribes of the Yakama retired to their reservation and began to learn farming.

Farming brought a change in character not only in the Yakama traditional way of life, but in the character of the land itself that the Yakama revered. Many things changed with the passage of the Allotment Act (Dawes Act) in 1887. Under the Allotment Act, the federal government divided communal lands into individual holdings. Individual tribal members were given title to 80 acre allotments, and “surplus” lands were sold to whites. Most of the first allotments were found along the larger watercourses. By 1900, all lands along streams and containing sub-irrigation were allotted. Also, all lands seen fit for irrigation were claimed, as were even the arid places populated by sagebrush, even though no water was yet available for irrigating those arid lands. Government representatives realized that for most people to subsist through agriculture, more land would have to be brought into production. Numerous wetlands were drained, and other areas were leveled and filled to obtain additional agricultural lands. Accordingly, several ditches were constructed. By World War I, a large-scale irrigation system, the Wapato Irrigation Project, was in place.

As the Allotment Act was implemented, followed by the spread of irrigation agriculture, many former grazing lands were no longer available for grazing. Allottees with irrigable land tended to rely on agriculture as a means of subsistence, while those without irrigable lands tended to rely on livestock. Sheep in particular became big business.

By the early 1900s, sheep grazing was eclipsed by that of cattle. During the 1930s, various Indian cattle associations were formed. Many Indian families made their living raising cattle, and a few still do.

Non-Indians gradually gained control over reservation lands. This was accomplished through the purchase of lands of deceased Indians through their heirs, through the purchase of Indian lands that had received fee patents, and through the leasing of Indian allotments. Indians were encouraged to sell the lands they inherited by government representatives and other whites. In
Forest Management

Until the 1940s, forest management was primarily fire control with some individual allotment harvest. In 1941, the general council decided to sell tribal timber. The first formal forest management plan was developed in 1942. Timber harvesting under this plan began in 1943. Nearly all cutting was directed toward Ponderosa pine stands where western pine beetle outbreaks were near epidemic levels.

As long-range management objectives were developed, forest management plans were prepared and updated. The basic policy in the beginning was to bring the reservation forest's virgin stands into a managed state compatible with sustained yield objectives. This policy evolved over the next five decades into a multiple use policy integrating Yakama social and cultural values and goals with their economic goals for the future.

The Yakama Indian Reservation is the homeland of the Yakama People, and as such possesses important religious and spiritual values. Concern is often expressed regarding how all values of the forest ecosystem will be maintained or enhanced. To protect these values several areas within the forest are removed from commercial timber production. These sites include food and medicinal plant areas, sites of traditional cultural and spiritual use, and current-use sites. On areas where commercial timber production occurs, the primary objective is to protect the forest ecosystem while sustaining the production of timber in balance with other values. These values include: soil productivity, water quality, old growth, native vegetation, fish and wildlife populations and habitats, archaeological and historical properties, employment opportunities and income to support the economic needs of the Yakama Indian Nation.

Since harvest began in the 1940s, the Yakama tribal leadership has established a special version of multiple use, incorporating specific values unique to the Yakama people. As a result, uneven-aged management is the preferred silvicultural system. Harvests include a mix of single tree, group selection and small patch cutting practices that produce an uneven-aged structure. Some of the specific tribal desire that are incorporated into current silvicultural systems include the following:

- Maintain long-term ecosystem productivity and function.
- Consider all values of the forest during all levels of the decision-making process. Although the Yakama nation depends on the forest for most of its annual income, management decisions will not be based on monetary value along.
- Maintain a natural appearance in the forest.
- Maintain large diameter trees.
- Maintain stands that contain diversity in species, size class, and structure.
- Prohibit the use of pesticides and herbicides.

In the long run, irrigation benefited non-Indians the most, for they gained access to and even control of land and water through the purchase and lease of Indian allotments.

Fences, farms and ranches are a living testimony to the effectiveness of the Allotment Act. As a person drives through the valley, he can consider the landscape of the past. When the road begins to wind upward, leaving the valley floor behind, the world of the desert roots comes into view. It is a garden of wild foods. This area persists up to, and even a little past, the Mill Creek Guard Station, where the road begins to enter the Yakama Forest. The area where desert and forest meet has been used by Yakamas for untold centuries. It remains important today, and in terms of traditionally-valued plants and
animals, cannot be easily matched by any other portion of the forest.

Removal to the reservation, white settlement patterns, and federal law profoundly changed the land, and the Yakama Peoples' relationship to the land; but as the 20th century dawned, these same factors were profoundly changing another great source of spiritual and cultural nourishment to the Yakama: water, in particular, Nch’i-wana, the Columbia River.

The Nch’i-wana was the lifeline of the Yakama People in the past, and still is. The watershed of the Nch’i-wana is a vast network of resources that housed, fed and clothed the people of the Fourteen Tribes and Bands. Stretched along the life line were places of residence with all the associated qualities that endear the landscape to the people. Villages, “winter residences,” were characterized with play areas, gathering areas, and communal houses, or long houses, and were associated with nearby internment of the ancestors.

The development of hydroelectric and other major system uses of the Nch’i-wana began a disruption of the food chain that was largely unanticipated. Neither the federal government nor the Native American leaders were prepared for the massive reduction in productivity of the Nch’i-wana watershed. Loss of fisheries habitat quickly began to cripple the traditional lifeways of Yakama Peoples as access to and productivity of their fisheries plummeted.

The entire Nch’i-wana watershed, with all its vast spawning habitats played a role in the production of the salmonids that passed through the Yakama Nation’s traditional fishing grounds. In this sense, the blockage of salmon runs by the Grand Coulee Dam, the plowing of a stream
adjacent to Arrow Lake in British Columbia, the over-fishing of Redfish Lake in the hinterland of what is now Idaho, all had their contributions toward destroying the viable fisheries of the traditional fishing sites of the main stem, that now lie as dormant as archaeological ruins.

INTO THE FUTURE

The Yakama Indian Nation is considered a treaty nation made up of 14 tribes that signed the treaty of 1855 at the Walla Walla treaty grounds. The treaty reserved an original portion of their homeland totaling 1.3 million acres. The nation ceded over 12 million acres during those peaceful negotiations and provided treaty rights on those ceded lands outside the reservation. Among treaty provisions are the right to fish, hunt and gather at all the usual and accustomed places on the reservation and ceded area.

The Yakama Indian Nation rejected the Indian Reorganization Act of 1933, called the Wheeler-Howard Act, which returned unallotted lands on the reservations back to the tribes in the disastrous wake of the Allotment Act, and appropriated development funds for tribes that reorganized their governments along corporate lines. Instead of reorganizing on a corporate model, in 1933, the tribe elected to restore their Indian leadership, which had been decimated by warfare. A representative was selected from each of the 14 original bands and tribes of the Yakama confederation, and the government was formally established in 1944. Governmental affairs are run through a committee system which reports directly to the tribal council. A general council, comprised of all enrolled tribal members over the age of 18 years, elects the members of the council to represent the Yakama Nation.

The general council conducts annual meetings, usually the last week of November. Tribal protocol may delay the meeting by a tribal member’s death or inclement weather. Major Yakama Indian Nation issues are addressed and acted on. Tribal council members are elected at the general council meeting. Of the 14-member tribal council, seven members are elected every second year at the general council, and serve four-year terms. Tribal council members are appointed to committees, of which their are eight standing committees and seven special committees. Legislation passed by the general council is in resolution form that is passed and approved by the total membership. These legislative acts are laws of the Yakama Indian Nation. For instance, in 1994, the symbolic spelling of the tribe was changed by Resolution T-053-94 from “Yakima,” in order to reflect the name originally used in treaty negotiations: “Yakama.”

The Yakama Nation is now pursuing a strategic plan, “...a comprehensive approach to job creation and prosperity for the Yakama Indian nation and its people in the 21st century.” Bringing together the vision of the elders and the vigor of the youth the strategic plan represents an effort to coordinate and integrate a plan of action for the reservation. A score of different projects designed to expand existing projects or to start new endeavors will provide jobs and revenues in a variety of fields categorized into agriculture, natural resources, industrial development, recreational tourism and human resources.
My Sacred Space-Floorplan Assignment Sheet

In the box below, draw a floor plan of a place that you consider yours and that is special to you. This might be your bedroom or some place that you like to go to play or think. Be as detailed as you can and make sure that you list or draw all of the items that belong in that place either inside the box or on the back of this paper.
CARD SORT ACTIVITY

INSTRUCTIONS

- Use the vocabulary words from the reading or the supplied worksheet. You can use the blank cards provided on the worksheet to supplement the material with vocabulary choices of your own for words that you plan to introduce into the discussion.
- Group students into pairs.
- Ask them to sort the cards into 2 piles- one pile of words they know and one pile of words that they do not.
- Have students take the words they don’t know and turn them into flash cards by writing the definition of those words on the back, then practicing those terms with their partner.
- Once students are comfortable with the new words, ask them to sort the cards again. This time, they should create categories that different words fit into. In order to be a category, 1) the student has to be able to justify and explain their choice and 2) it must have more than one card. If needed, provide students with prompts for different ways that words can fit together (places, events, subject matter, ideas, etc.)
- Share out categories to the class and call on them for “evidence”. Ask if other students have these words in different categories.

volcanic proficient
migration habitat
expeditions symbolize
<table>
<thead>
<tr>
<th>legend</th>
<th>sacred circle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creator</td>
<td>nomadic</td>
</tr>
<tr>
<td>inhabit</td>
<td>sacred</td>
</tr>
</tbody>
</table>
Using complete sentences, answer the following questions:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name some of the counties in Washington state that once were considered the land of the Yakamas.</td>
<td>What two values do the Yakamas believe are taught by the land?</td>
</tr>
<tr>
<td>What sort of food did the Yakamas harvest? What kind of effect did this have on their lifestyle?</td>
<td>When did the Yakama people first acquire horses? What changes did horses bring to the way that they lived?</td>
</tr>
<tr>
<td>Which mountains does Yakama legend say are married to the sun? What is the name of the one we know as Mt. Adams? Why was she important?</td>
<td>Think about what you’ve learned in previous lessons about “The Sacred Circle.” How did ancient Yakama life ways reflect the basic principles of the circle? Include everyday existence as well as special and sacred events.</td>
</tr>
</tbody>
</table>
What is the word?

What do you think this word means?

Look this word up in the dictionary. What is the definition?

What other words can you think of that relate to this word?

Use this word in a sentence.
TREATY NEGOTIATION WORKSHEET

NAME: __________________________   DATE: __________________________

YOUR GOAL:
To convince your pretend brother or sister to give YOU as much of his or her sacred place as possible.

<table>
<thead>
<tr>
<th>How might being younger affect your ability to get all or part of a sacred place?</th>
<th>How might being older affect your ability to get all or part of a sacred place?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>What reasons can you make up to convince your sibling that you need his/her sacred place?</th>
<th>Your pretend sibling just wants to make sure that no one else can be on his or her remaining sacred place. They want to make sure that no one tries to take part or all of it in the future and maintain peace in the family. What promises can you make to ensure that those interests are met?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>How much of the sacred place do you want?</th>
<th>How much of the sacred place do you need?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
What would you like to change about the sacred place? (Paint it? Add or take away furniture? Divide it?)

What can you give in return for use or ownership of part or the entire sacred place? (Hint: Look at your own sacred place or think about other things or services you can offer.)

What are you willing to provide, promise, or do in order to secure part of the sacred place?
TREATY NEGOTIATION WORKSHEET

NAME: __________________________   DATE: __________________________

YOUR GOAL:
To protect as much of your sacred place as possible.

YOUR SITUATION:
- You view your sacred place as the most important place in your life.
- You are open and eager to share with those who are in need of your help.
- Your first responsibility is to care for your sacred place and keep it safe.

Alone, or as a group, answer these questions. There are no right or wrong answers but doing your best thinking will help with your upcoming negotiation with your pretend brother or sister.

| In what situations might you be willing to give up part or all of your sacred place to your brother or sister? | What is most important for you to keep? |
| What could your brother or sister give to you to get you to give up part or all of your sacred place? | What if your pretend sibling wishes to make major changes on your sacred place? (Paint the walls a really awful color, change the furniture or... ?) |
| What difference does it make if your pretend brother or sister is... Older than you? | What difference does it make if your pretend brother or sister is... Younger than you? |
TREATY NEGOTIATION WORKSHEET

NAME: __________________________   DATE: __________________________

YOUR GOAL:
To protect as much of your sacred place as possible.

YOUR SITUATION:
- You view your sacred place as the most important place in your life.
- You are unwilling to help out because so many of your relatives (and even your parents’ friends!) have come onto your sacred place without your permission. They have even started changing things around and wrecking the most valued parts of it.
- Your parents don’t really like how you’ve maintained your sacred place (kept it how you wanted it) or even how you’re using it. This doesn’t make sense to you, because it is how you have always used your sacred place.
- Your parent is really mad at you because you want to be a lion tamer when you grow up, and everyone else in the family is either a doctor or lawyer.
- Your parent has already taken away and changed your sister’s bedroom and your sister now has to sleep on the couch and keep her clothes in the basement.
- Your first responsibility is to care for your sacred place and keep it safe but no one seems to care.

Alone, or as a group, answer these questions. There are no right or wrong answers but doing your best thinking will help with your upcoming negotiation with your pretend parent.

<table>
<thead>
<tr>
<th>Predict the difficulties a son or daughter might have in negotiating with a parent.</th>
<th>What about your situation makes it difficult to trust that your parent will honor the treaty you will negotiate?</th>
</tr>
</thead>
</table>

| What is most important about your sacred place? What if your parent wishes to take all of it or alter it in some way? | What power do you have over your parent? |
TREATY NEGOTIATION WORKSHEET

NAME: __________________________   DATE: __________________________

YOUR GOAL:
To get all of your son’s or daughter’s sacred place for your personal use.

YOUR SITUATION:
- You are starting a new business and you need your child’s place for the business.
- You do not view this space as “sacred”. It’s not a church or temple so it can’t be all that important.
- You have already started using this space and have let others use it, too, so it should be no surprise that you need it.
- Your child doesn’t even use this place to its full potential, and it seems to you that s/he keeps it dirty. Your child obviously does not need this space, because s/he doesn’t use it properly.
- Everyone in your family are doctors and lawyers and it makes matters worse that your child wants to be a lion tamer. Her space is filled with what you call “circus garbage”. You need to talk sense into this child and convince her that what she wants to be is worthless.
- You already use your daughter’s bedroom for another business so you can’t really go elsewhere in the house.
- This is for the good of the whole family so your child should be willing to sacrifice.
- You own the house and you make the rules. The whole negotiation thing is just a formality. You could just throw your child out of his/her place but you’re trying to be nice. You wouldn’t look good to the rest of the family if you did that.

Alone, or as a group, answer these questions. There are no right or wrong answers but doing your best thinking will help with your upcoming negotiation with your pretend parent.

<p>| What do you want to do with this child and with his/her space? | What power do you have to go through with your plan? |
| How will you deal with unhappy family members if you just take your child’s space? | You can’t get rid of your child (and s/he’s not your favorite anyway) so what can you do to make him/her agree? What might the long-term effects be? Do you care? |</p>
<table>
<thead>
<tr>
<th>Name:</th>
<th>What did you get?</th>
<th>What did the other party in your settlement get?</th>
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<tr>
<td>What did you give up?</td>
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<td>What did they give up?</td>
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<tr>
<td>Why?</td>
<td></td>
<td>How did you come to this agreement? Do you think it was fair? Why or why not?</td>
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<tr>
<td>How do you feel?</td>
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