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# Primary Source Analysis: The Path to Violating Treaties

## A Word About Sources

**Primary sources** are documents, recordings, photographs, accounts, newspapers stories, films, and other records that historians study and analyze in order to describe and interpret the past.

**Secondary sources** are books, articles, and videos produced by scholars to explain and describe the past. One easy way to think about the difference is that historians study primary sources in order to write secondary sources about the past.

Many primary sources were written at the time of the events and the authors each had their own **perspective**, motivations, and position within society. Interpreting primary sources means comparing the information to other sources and other published work to analyze the information in the document. This is especially important when learning about Native American history.

As you'll see, federal officials and settlers often had had ulterior motives for creating documents and would exaggerate, leave out details, and sometimes lie in order to get access to the land and resources of Native American tribes. They considered themselves to be racially superior to Native people and saw Native people, culture, and languages as standing in the way of American progress. That doesn't mean these primary sources don't provide important information about the past, but it does mean that in order to read and understand them, the reader has to remember the perspective and motives of the person who wrote the document. This will help the reader determine if the claims and information in the document are true or false, and/or have been colored by an anti-Native **bias**.

Accounts of Native American voices also need to be put into context. Native people often didn't get a chance to write or communicate their ideas on their own, as Native American testimony was often written and recorded by federal officials. For example, you might notice Tribal leaders speaking in ways that are favorable to federal policies or federal officials. Why might this be? One reason might be that Native people had to think strategically about how to get federal officials to take them seriously. Part of that strategy might mean emphasizing that Native people were complying with federal policy or carefully framing their demands in ways that would be most appealing or flattering to federal officials.

In this activity, you'll get a chance to review some materials from primary and secondary sources describing the land losses experienced by the Confederated Tribes of Siletz Indians as a result of actions by U.S. presidents and Congress. To help make sense of these documents, answer the following questions about each primary document as you go:

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# Primary Source Analysis: The Path to Violating Treaties

*(Continued)*

1. Who created the document(s)?
2. What voice(s) are represented in the document(s)? What voice(s) are missing?
3. Why did the author(s) create the document(s)?
4. What claim(s) does/do the author(s) use to make their point(s)?
5. How does/do the document(s) help you understand the land losses experienced by the Confederated Tribes of Siletz Indians?

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## Part 1: 1865 Executive Order Reservation Reduction

*It wasn't long before the Coast (Siletz) Reservation began to appear very valuable to settlers in Oregon. This letter from Oregon Congressional Delegation advocates for reducing the reservation boundaries and gives insight into the thinking of settlers in Oregon hoping to gain access to Siletz land and the way that they justified their demands to the government.*

**Dec. 8, 1865 – Memo of Nesmith, et.al.**

**Washington D.C.**

**December. 8th 1865**

**To the Hon. James Harlan**

**Secretary of the Interior**

**Sir:**

The undersigned, the delegation in Congress from the State of Oregon, respectfully request that that portion of what is known as the Coast Reservation in Oregon, embraced within the following described boundaries be vacated and thrown open to occupation of the people, viz:

Commencing at a point two miles south of the Seletz [sic] Agency thence West to the Pacific Ocean ~ Thence South along said Ocean to the mouth of the Alcea River, thence up said River to the Eastern boundary of the Reservation ~ Thence North along said Eastern boundary to a point due East of the place of beginning ~ Thence West to the place of beginning.

The Coast Reservation is situated in Oregon, and extends from North to South along the Coast for a distance of about one hundred miles and is from twenty to thirty miles in width. It was selected in the year 1855 by the then Superintendent of Indian Affairs, as a location for the hostile tribes of Southern Oregon, and the selection was approved by the Department. The Indians were removed upon it, and it has been strictly held as an Indian Reservation, from which the whites have been excluded.

Within the Reservation is the Acquinna [Yaquina] Bay which is the best harbor in Oregon, South of the Columbia River. By reason of the strip along the Coast being set apart and exclusively occupied by the Indians, the large contiguous settlements of the Willamette Valley, which constitutes the finest Agricultural district upon the Pacific Coast are cut off from direct access to the Ocean, and debarred from the use of the Acquinna [Yaquina] Bay for the purpose of importing supplies or exporting their produce.

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## Part 1: 1865 Executive Order Reservation Reduction

*(Continued)*

There are about two thousand Indians residing upon the Reservation, about fifteen hundred of whom reside North and five hundred South of the strip which we ask to be vacated. Upon that strip there are no Indians residing, and as it consists principally of rugged and heavily timbered mountains it can never be of any possible use to the Indians, who have more arable land to the North and South of it than will ever be required for their use.

The Indians are understood to have no objection to the proposed reduction of the Reservation, and they are not there by virtue of any treaty stipulation, but simply as above stated by reason of an order of the Department. The occupation by the Indians of such an extensive strip of country between the settled portions of the State, and the Ocean embracing so fine a harbor is a constant source of annoyance to the people and involves them in trouble with the Indian Department and its Officers by reason of their attempts to enforce the intercourse laws.

We are convinced that by the vacation of the propose strip the Indians will suffer no loss, or inconvenience while the people of our State will be greatly benefitted by reason of the removal of the present obstruction to commerce.

**We are Very Respectfully  
Your most Obedt. Servants**

**J.W. Nesmith**

**Geo. H. Williams**

**J.H.D. Henderson**

Source Citation: Memo from the Oregon Delegation to Secretary of the Interior, 8 December 1865, Records Relating to Indian Reservations, ca. 1868 - 1964, Box 56, "Table Rock—Coast" folder, Record Group 49: Records of the Bureau of Land Management, National Archives and Records Administration, Washington D.C.

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## Part 1: 1865 Executive Order Reservation Reduction

(Continued)

*The following letter was written by the Indian Agent in charge of overseeing the Coast Reservation. Written after the president reduced the reservation via executive order, the agent describes the frustration of Native people who had been living on the strip stolen from the reservation. Compare the results described in the following letter with the claims in the letter above justifying the reservation reduction.*

**Rec'd. Jan. 27th**

**Siletz Agency, Jan. 8th 1866**

**Sir,**

I have the honor to acknowledge the receipt of your letter of 5th inst. in which the following is communicated: "The President has relieved from the Reservation the following Boundary Commencing at a point two miles south of Siletz Agency thence West to the Pacific Ocean thence south along said ocean to the mouth of the Alsea River, thence up said river to the Eastern boundary of the Reservation thence north along said Eastern boundary to a point due East of beginning thence West to the place of beginning."

You also direct that I do not interfere with persons settling upon said tract so long as they obey the intercourse laws.

I have here to state that quite a number of Indians under my charge are already occupying the tract of country above described. They were located there by me some years ago, since which time many of them have erected houses and opened fields, feeling themselves permanently located. Soon after the news was received that it was opened to white settlement quite a large number of persons were on the ground cutting timber and erecting houses.

This I assure you created no little excitement among the Indians; some of them were in favor of fighting for their rights while others called upon me for protection referring me to my past promises that no part of their country should be taken away from them without their consent. I explained the matter [sic] to them in the most favorable light possible; I told that their great Father at Washington was not aware that any of them occupied that portion of the Reservation. This fails however to give satisfaction.

They say that their country was taken from them, before without compensation and that the Coast Reservation was given in lieu of it now that is to be taken and that it would be better for them to die rather than give it up. They can be forced to submit but will it be good policy to do it without some kind of compensation. It is the character of an Indian to retaliate and to seek secret revenge when he considers him self wronged and in this case unfortunately the arguments are all in his favor.

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## Part 1: 1865 Executive Order Reservation Reduction

*(Continued)*

I would therefore most respectfully suggest the propriety of making some compensation to them. By that means, their confidence and good will can be retained and they will feel more encouraged and better satisfied to go on and make permanent improvements upon that portion of the reservation which is retained to them.

I would most respectfully submit the foregoing and await further instructions.

**Very Respectfully**  
**Your obt. servt**

**Ben Simpson**  
**Hon U. S. Indian Agent**

Source Citation: Agent Ben Simpson to Superintendent J.W.P. Huntington, 8 January 1866, National Archives Microfilm Publication M2:Records of the Oregon Superintendency of Indian Affairs 1848-1873, reel 22.

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## Part 2: 1875 Congressional Reservation Reduction

*Unlike the 1865 reduction, the 1875 reservation reduction was done as an act of Congress. When Congress considers bills, the public debate and testimony supporting or opposing each proposed bill are recorded and published. This primary document is an excerpt of the Senate debate considering the bill to reduce the reservation. Note the way that the Senator from Oregon, John H. Mitchell, tries to defend the bill and convince other Senators to support its passage. (Note: Key sections have been highlighted for emphasis.)*

Source Citation: Feb. 20, 1875, vol. 3 Congressional Record, 43d Congress, 2d session, pp.1528–9. Full text available at: <https://public.csusm.edu/nadp/d135.htm> (accessed March 17, 2022)

**Mr. MITCHELL** [John H. Mitchell (R-OR)]. I offer the following amendment, to come after line 1723:

That the Secretary of the Interior be, and hereby is, authorized to remove all bands of Indians now located upon the Alsea and Siletz Indian Reservation, set apart for them by Executive order dated November 9, 1855, and restored to the public domain by Executive order on December 21, 1865, and to locate said Indians upon the following described tract of country, namely: Beginning at a point two miles south of the Siletz agency; thence west to the Pacific Ocean; thence north, along said ocean, to the mouth of Salmon River; thence due east to the western boundary of the eighth range of townships west of the Willamette meridian; thence south with said boundary to a point due east of the place of beginning; thence east to the place of beginning; which is hereby set apart as a permanent reservation for the Indians now occupying the same, and to be hereafter located thereon. And all the balance of said Alsea and Siletz reservations is hereby thrown open to settlement under the land laws of the United States.

**Mr. SHERMAN** [John Sherman (R-OH)]. I want to know if this comes from any committee. It is just by such amendments as this that the Indian appropriation bill has been made what it is: a mess of undigested legislation. I raise the point of order, if the chairman of the committee does not do it.

**The PRESIDING OFFICER** [Thomas W. Ferry (R-MI)]. What is the point of order?

**Mr. SHERMAN.** Whether this amendment comes from a committee.

**The PRESIDING OFFICER.** There is no appropriation in the amendment as the Chair understands.

**Mr. SHERMAN.** This makes a new commencement of expenditure—the removal of Indians from reservations.

**Mr. MITCHELL.** Not at all. I will explain to the Senator and the Senate the object of this amendment in a very few words.

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## Part 2: 1875 Congressional Reservation Reduction *(Continued)*

**Mr. INGALLS** [John J. Ingalls (R-KS)]. Are there any white settlers on the tract proposed to be set apart as a reservation?

**Mr. MITCHELL.** There are not. In 1855 a treaty was made with these Indians that never was ratified by the Senate. Consequently that failed. In November, 1855 by Executive order a reservation was set apart for these confederated bands of Indians. That reservation extended for a distance of ninety miles along the Pacific Ocean, extending from Cape Lookout down the coast that distance, and extending out in an easterly direction twenty miles. In 1865, by another Executive order, twenty miles in width in the center of this reservation which was under the former Executive order was designated as the Coast Range reservation, was relieved from the former Executive order and thrown open to settlement, thus creating two reservations, the one called the Siletz on the north, the other the Alsea on the south. Heretofore and at the present time we have had two agents, one in charge of the Siletz Indians and one in charge of the Alsea Indians. On the Alsea reservation there are about two hundred Indians. On the Siletz reservation there are about twelve hundred Indians. There is no necessity whatever for the Government paying two agents, as it is now doing. The Secretary of the Interior and the Commissioner of Indian Affairs are very anxious to have the authority to transfer the two hundred Indians of the Alsea reservation to the Siletz reservation and have a permanent reservation declared, and throw the rest of the country open to settlement. That is all there is in the amendment. Instead of taking anything out of the Treasury, it simply saves the amount that the Government is now paying in keeping up the Alsea Indian reservation.

I will further say that this measure is strongly recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, by letters which I have here, and also by a telegram which I have received this morning from the Secretary of the Interior, urging that this be done even though no appropriation be made. He thinks there ought to be an appropriation, but I am advised not to ask any appropriation.

**Mr. THURMAN** [Allen D. Thurman (D-OH)]. I ask the Senator whether his proposition has been considered by any committee?

<sup>1</sup> Building on what you learned in the previous lesson, “Siletz History: Creating the Coast (Siletz) Reservation,” you may notice the way that Sen. Mitchell’s history glosses over the relationship of the Coast (Siletz) Reservation to multiple ratified treaties. How does that change our understanding of the rest of his historical summary?

<sup>2</sup> The Coast (Siletz) Reservation had long had a sub-agency located in Yachats called the Alsea Sub Agency. When the 1865 reduction removed the strip of land from the middle of the Coast (Siletz) Reservation, federal officials sometimes referred to the remaining southern section as the Alsea Reservation—as Mitchell does here.

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## Part 2: 1875 Congressional Reservation Reduction *(Continued)*

**Mr. MITCHELL.** I will state that it was submitted to the Committee on Appropriations about the time this bill was reported, and since that time I think I am justified in saying that I have had the consent of a majority of the Committee on Appropriations and also the majority of the Committee on Indian Affairs to offer this amendment.

**Mr. ALLISON** [William B. Allison (R-IA)]. The Committee on Indian Affairs considered this matter very fully and first objected to it simply because there was an appropriation asked of \$25,000. Afterward the Committee on Appropriations inserted for the benefit of this tribe \$15,000 with the understanding that these two reservations should be consolidated into one. There is no law authorizing it, but the Commissioner of Indian affairs stated distinctly to us that no additional appropriation would be required if these reservations were consolidated. I think they ought to be consolidated.

**Mr. SHERMAN.** I desire to say a few words in regard to the character of this legislation. I can give the Senate some examples where this kind of legislation has brought us into trouble. Here is a proposition compulsory in its character without consulting the Indians to remove two hundred from one reservation to another, and the reason given for it is to save the expense of an Indian agency. That is a very small matter. The expense of removing these Indians according to the estimate of the Department is \$25,000. That is too much to pay to stop one agency.

**Mr. MITCHELL.** That is an entire mistake on the part of the Senator from Ohio.

**Mr. ALLISON.** If the Senator will allow me—

**Mr. SHERMAN.** If I have the floor I want my five minutes; I do not wish to be interrupted. The Senator from Oregon himself said that the Secretary of the Interior had estimated for this service \$25,000, but finding he could not get the appropriation or that there was doubt about it, in order to get a mandatory clause in the law for the removal of the Indians he was willing to do it without an appropriation. It was just such an amendment as this to an Indian appropriation bill that caused the Modoc war that cost us \$8,000,000. A mandatory provision was made in an appropriation bill to compel the removal of a little band of Indians not two hundred in number. This is a serious matter.

**Mr. THURMAN.** Can my colleague tell us how much the Modoc war cost?

**Mr. SHERMAN.** Between eight and nine millions, I think, according to the War Department; but I am not certain. It was a great sum of money, and many men were killed in that war. The famous Choctaw claim arose under a resolution offered by a Senator from Arkansas, Mr. Sebastian, which was debated just about ten minutes. An objection was made to it, but Mr. Sebastian turned it off with a few words and upon that award as it was said to be, a mere resolution of the Senate, was founded

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## Part 2: 1875 Congressional Reservation Reduction *(Continued)*

the famous Choctaw claim which was defeated in the House of Representatives only a few days ago and which held this very Indian bill for two or three days. The famous award upon which the Choctaw claim rests was made in ten minutes in the Senate on the motion of a single Senator presenting the report of the Committee on Indian Affairs.

If we are to consider this question of removing Indians from one reservation to another, it ought to be rerated as a serious matter, which it may at any time become. It seems to me that it is sufficient answer to this proposition that it is not reported by the Committee on Indian Affairs, it is not accompanied with the necessary appropriation to carry it into execution, which of itself is a suspicious circumstance; and the reasons for it are not given in a written report. It is manifestly the purpose to disturb this Indian reservation, a part of it having already been taken, and this mandatory provision requiring the removal of these two or three hundred Indians is to be carried out by money paid out of an appropriation made nominally for some other purpose, perhaps made for the education and support of these very Indians, which will be used in removing them forcibly against their will to some other portion of this same reservation. That is the way it appears to me. I think provisions of this kind ought to be made after examination and upon the responsibility of a written report made from the Committee on Indian Affairs. Then I would not object.

**Mr. ALLISON.** There Indians are on this reservation wholly by executive order. They are not there under any treaty stipulation. They can be removed at any time by executive order without legislation; but as I understand the amendment proposed by the Senator from Oregon, it is to fix by law a reservation for these Indians. It is very easy to propose an amendment as suggested by the Senator from Ohio that these Indians shall not be removed without their consent being first obtained, and I think that would be a very proper amendment. Therefore, if he will allow me, I will offer such a proviso.

**Mr. SHERMAN.** I think the proposition ought to come in due form from the Committee on Indian Affairs, and they ought to take the responsibility of it. I am not prepared to frame an amendment.

**Mr. ALLISON.** I care nothing about the amendment itself here; I only make a suggestion in reference to it. I move to insert at the end of the amendment this proviso:

Provided, that these Indians shall not be removed until their consent has been obtained.

**Mr. MITCHELL.** I desire to say in answer to the honorable Senator from Ohio that he assumes that this whole proceeding, this recommendation of the Commissioner of Indian Affairs and of the Secretary of the Interior has been without any investigation of the matter on the ground, without any reference to whether or not the consent of the Indians has been obtained. I will state for the benefit of the Senate that this matter has been investigated not only by the agents of the two reservations but by two Indian inspectors, and their reports are on file in the Indian Department, and upon them the Secretary of the Interior and the Commissioner based their recommendation.

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## Part 2: 1875 Congressional Reservation Reduction *(Continued)*

As the honorable chairman of the Committee on Indian Affairs states, the committee have considered the matter, and the only objection they found was the fact that the original proposition referred to the Committee on Indian Affairs asked for an appropriation of \$25,000, not for the purpose of removing these Indians, but for the purpose of providing for them after they should be removed, mainly for the purpose of constructing a grist and saw mills on the Siletz reservation. That is what the Commissioner of Indian Affairs wanted \$25,000 for, but the Committee on Appropriations in this bill have provided for that. Consequently there is no necessity for the appropriation in this amendment.

Again, I call the attention of the Senate to this provision in this bill already agreed to:

For the general incidental expenses of the Indian service in Oregon, including transportation of annuity goods and presents, (there no special provision therefor is made by treaties) and for paying the expenses of the removal and subsistence of the Indians in Oregon, (not parties to any treaty,) and for pay for necessary employees, \$50,000.

So that a general appropriation is already made by the provisions of this bill, a part of which may be applied to the removal of the Indians; and the cost of removing two hundred Indians twenty miles certainly cannot be very much.

Now, I hope the amendment will be adopted, inasmuch as the chairman of the Committee on Indian Affairs says it has been considered and that the only objection raised by that committee has been obviated by the withdrawal of any demand for an appropriation.

**Mr. INGALLS.** When this amendment was before the Committee on Indian Affairs my objections were based upon the fact that it involved an appropriation for purposes which I believed to be unnecessary. The Senator from Oregon has endeavored to make an amendment palatable to the Senate by striking out the clause which provides for an appropriation. Upon turning to page 70 of the bill, under the head of incidental expenses of the State of Oregon, to which the Senator from Oregon has called our attention, I find that the amount of \$40,000 originally passed by the House has been raised by the Committee on Appropriations of the Senate to \$50,000. If the object is to induce the Senate to adopt this amendment by striking out the appropriation, concealing the fact that the appropriation has been placed in another portion of this bill, I for one am unwilling to be a party to any such transaction. If the Committee on Appropriations have raised the sum for incidental expenses in Oregon from \$40,000 to \$50,000 to enable this amendment to be put into effect and at the same time to appear to be without expenses to the Government, I think it is not exactly a fair transaction. I should like to hear from the committee whether that is the fact or not.

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## Part 2: 1875 Congressional Reservation Reduction *(Continued)*

**Mr. MITCHELL.** In the absence of any answer from any member of the committee, I will state that I know that had no reference whatever to any contemplated amendment of this kind. The amount was raised on the recommendation of the Department, because the amount inserted in the House bill was wholly insufficient to meet the expenses.

**Mr. INGALLS.** Can I have the attention of the Senator from Minnesota for the moment?

**Mr. WINDOM** [William Windom (R-MN)]. Yes, sir.

**Mr. INGALLS.** I wish to inquire upon what ground the Committee on Appropriations raise the sum for general incidental expenses in Oregon from \$40,000 to \$50,000.

**Mr. WINDOM.** I understand it was for the purpose of removal and general purposes of the Indian service there. The amount appropriated was not enough.

**Mr. INGALLS.** Did it involve the expense of the contemplated consolidation of the Alsea and Siletz reservations?

**Mr. WINDOM.** I think it did not. We had a request from the Secretary of the Interior for a larger amount appropriated for the Indian service in Oregon.

**Mr. ALLISON.** As I understand the matter, the Commissioner of Indian Affairs did state that if this amount was raised to \$50,000 it would cover the expenses of removal; and if it is not intended to remove these Indians and consolidate them, I think the amendment enlarging the appropriation ought not to be agreed to.

**Mr. MITCHELL.** This is a matter which will come up again in the Senate, I suppose.

The **PRESIDING OFFICER.** The question recurs on the amendment of the Senator from Oregon as amended.

The amendment to the amendment was agreed to.

The **PRESIDING OFFICER.** The question recurs on the amendment of the Senator from Oregon as amended.

The amendment, as amended, was agreed to.

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## Part 2: 1875 Congressional Reservation Reduction *(Continued)*

*As we saw in the debate above, obtaining consent from Native people was a key justification for the 1875 reduction. Federal officials in the Indian Office claimed that Siletz people agreed to the reduction despite receiving the following letter from the Indian Agent at Siletz describing a conference that he had with people living near the Alsea Agency in 1874, an area that was eventually included in the 1875 reduction despite the testimony of Native people.*

Source Citation: Fairchild, Siletz Agent, on behalf of Alsea headmen [M234 Roll 619 Doc. 2]

### **U.S. Indian Agency**

**Siletz, January 28, 1874**

**Sir,**

I have just had an interview with three chiefs of the Indians at Alsea Sub Agency who desired me to write me to write you in relation to their interests. They were unable to see Col. Kemble when he visited that Agency on account of the shortness of his visit, not having received notice in time to be present at the council. They said "that the country where they lived was nearly worthless to the whites"—"that it was near the Sea Coast, sandy and barren and unfit either for farming or grazing"—"that in fact no white men even settled near there"—"that it was their home"—"their fathers lived and died there"—"that all of them desired to remain"—"that some people were telling them they would have to remove and their hearts were very sorry"—"that they wanted to die in their country and leave it to their children"—"they did not want any other country"—"that when they looked around then they saw nearly all their people were dead and it would not be long before they too would go and then the whites could take their land"—"that now they earnestly asked to be let alone to die in the land their fathers gave them"—"that years ago the Government gave the land they now occupy to them and they do not wish to leave it"—"that they had never had trouble with the whites, never steal, and never killed any whites"—"when they want anything of the whites they do not beg but buy it"—"that no white man can say they have conducted themselves bad"—"have always been good friends to white people"—"that the Government has never given them much, and now although they would like some things to help lift themselves up, but they desire above all things to be let alone and allowed to die in the country the Government has given them"—"that they came here to tell me all that was in their hearts and desired me to write to the Great Chief in Washington their words."

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## **Part 2: 1875 Congressional Reservation Reduction** *(Continued)*

In compliance with their request I have taken minutes of the conversation which is substantially given above. What is said about worthlessness of the country they occupy for farming and grazing. I believe is true and it would seem that the request they make is but reasonable and just. These Indians have never received much from the Government and now do not ask anything but privilege of living and dying in the country the Government once given them as their own.

**Very Respectfully,  
Your Obedient Servant  
J.H. Fairchild  
U.S. Indian Agent**

**[To:] Hon. E.P. Smith  
Com. [Commissioner of] Indian Affairs  
Washington D.C.**