

# Treaties with American Indian Nations

As you know, a **treaty** is a formal agreement between two or more nations. It is recognized in international law. During Washington's Presidency, the United States signed both the Jay and Pinckney Treaties. Between 1777 and 1871, the United States also entered into almost 400 treaties with various Indian tribes. In this section, we will examine four of the most important treaties with Indian nations concluded during the terms of Washington and the other early Presidents.

The story really begins even earlier. Back in 1775, the Second Continental Congress began discussions with the Iroquois (or the Six Nations, known in their native language as the Haudenosaunee, or People of the Longhouse). The colonists wished to prevent the Iroquois tribes from allying with the British during the Revolutionary War.

Once independence was declared, Americans entered into treaties with tribes just as the British had done. The United States concluded a treaty with the Iroquois as early as 1777. By entering into treaties with Indian tribes, the United States was recognizing these tribes as "nations." On their part, the tribes of the Northeast entered into these agreements by providing traditional strings and belts of ceremonial shells, known as wampum.

The new national government found itself in competition, however, with the states. Under the Articles of Confederation, for example, New York negotiated its own separate treaties with the Iroquois and other tribes. The national government was trying to conclude its own agreement with the Iroquois at the same time. Often, state governments tried to bribe or coerce tribes to give

up some of their lands. Tribal leaders sometimes agreed to surrender tribal territory in order to get better security for their remaining lands. In some cases, tribal leaders were bribed by gifts.

To protect the Indian tribes in the Northwest Territory, especially from the actions of state governments, the Northwest Ordinance (1787) specifically stated that:

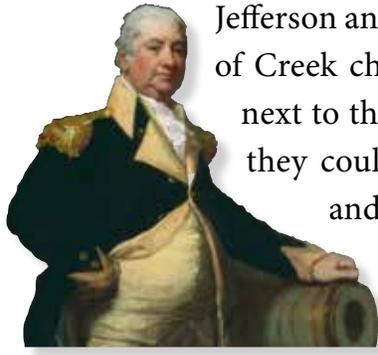
"The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress . . ."

That same year, the authors of the U.S. Constitution placed the treaty-making power exclusively (*only*) in the hands of the new federal government. States could no longer conclude their own treaties, either with foreign nations or with Indian tribes.

For the next 90 years, only the federal government had the power to conclude treaties with the Indians. Some examples of major treaties concluded under Washington and the other early Presidents were the following:

## The Muscogee Treaty (August 7, 1790)

This treaty between the United States and the Creek nation was written on three pieces of parchment sewn together. It was signed by President George Washington, Thomas



**Henry Knox**

Jefferson and Henry Knox. A large number of Creek chiefs and warriors left x marks next to their names. (This indicated that they could not actually read the treaty and could only have it read to them.)

The treaty stated that its goal “was to remove the causes of war by [determining] their [boundaries] and making other necessary, just and friendly arrangements.”

Like most of these treaties, this one carefully defined the land to be left for exclusive use by an Indian tribe:

“The boundary between the citizens of the United States and the Creek Nation is, and shall be, from where the old line strikes the river Savannah; thence up the said river to a place ... where a north east line to be drawn from the top of the Occunna mountain shall intersect...”

Settlers were banned from entering this territory: “If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the Creeks lands, such person shall forfeit the protection of the United States, and the Creeks may punish him or not, as they please.”

Another article of the same treaty stated that “No citizen or inhabitant of the United States shall attempt to hunt or destroy the game on the Creek lands: Nor shall any such citizen or inhabitant go into the Creek country without a passport first obtained from the Governor of some one of the United States . . .”

Finally, the United States promised to provide domestic livestock and farming tools to the



**Opothleyahola, Chief of the Muscogee Creek Indian Tribe**

Creeks, in an attempt to encourage more farming and less hunting.

This treaty was typical of the agreements concluded with Indian nations at the time. However, these provisions were not respected. As you will learn in Chapter 10, in the 1830s the Creek Indians were forced to move farther west to make room for settlers.

### **The Treaty of Canadaigua (November 11, 1794)**

This treaty was concluded between the United States and one of the Iroquois nations. President George Washington signed for the United States, while a large number of Iroquois chiefs placed their marks next to their names, including Red Jacket, Corn Planter and Handsome Lake.

The treaty recognized tribal lands reserved to other Iroquois nations in other treaties and specifically defined the lands to be reserved to the Seneca tribe (much as the treaty above had reserved land for the Creeks):

“The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga Nations, in their respective treaties with the state of New-York, and called their reservations, to be their property. . .”