

## THE MEDICINE CREEK TREATY AND THE STORY OF LESCHI AND QUIEMUTH

In late 1854, Governor Stevens gathered some settlers, U. S. government officials, and Indians from various tribes around the south end of Puget Sound at a place near Nisqually called Medicine Creek. He wanted the Indians to sign the treaty right then and there, and he didn't want to give them time to talk about it with the people back in their villages. Most of the Indians didn't want to sign, but they didn't feel they had a choice, because the U. S. army had a lot of men with guns. Enough of the Indians signed (or made Xs next to their names) to make the treaty official. The treaty meant that the Indians had to go live on the reservations that Stevens assigned to them.

The Nisqually and Puyallup Indians were upset by the reservations they were assigned to, because it was on hard, rocky ground, far from the rivers where they had always fished. Two brothers, Leschi and Quiemuth, went to Olympia to try to correct this, but they were labeled "trouble makers" and threatened with arrest. They fled into the foothills of Mt. Rainier. A group of settlers went off to find them.

While the settlers were searching for Leschi and Quiemuth, two U. S. soldiers were killed, and some Indians attacked settlers. Some people blamed Leschi for this, even though others said he was not in the area when these things happened. For ten months, there was fighting between Indians and whites. Then Governor Stevens called for a Peace Council, and promised to create better reservations. When Leschi came to this gathering, he was arrested. Quiemuth also surrendered. Quiemuth was murdered while he was in custody, and no one was ever arrested for this. Leschi was tried for the murder of one soldier. The jury could not come to a decision, and many people insisted he was innocent. A second trial was held, and this time he was declared guilty. He was hanged on February 19, 1858.

Many people – both Indian and settler – were deeply sorry that this happened, and angry that someone they regarded as a great man had been the victim of such a terrible injustice.

In 2004, 150 years after the Medicine Creek treaty was signed, the Washington state legislature passed a memorial calling on the state Supreme Court to acknowledge that Leschi's conviction was an injustice. The memorial also called on the public schools to teach young people the truth about this part of our state's history.

## CHAPTER 3

### Creating Washington's government

Starting in the 1840s, settlers from the East and Midwest began to come to the Oregon Territory in search of land to farm, adventure, and the opportunity to create new communities. At first, just a few came, but after 1846, when Britain gave up its claim to this area and the Oregon Territory became an official part of the U.S., the number of settlers multiplied every year. Most of them settled in the Willamette Valley, and they established Salem as their capital.

Fort Walla Walla, 1853,  
from a report published  
with the results of a  
railroad survey for the  
Northern Pacific Railroad



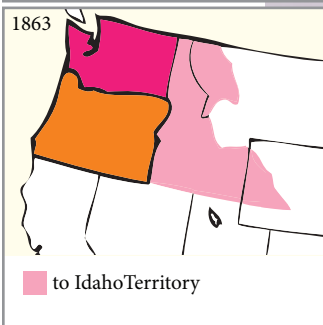
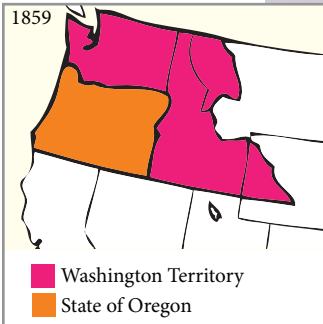
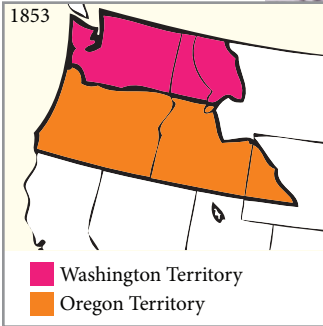
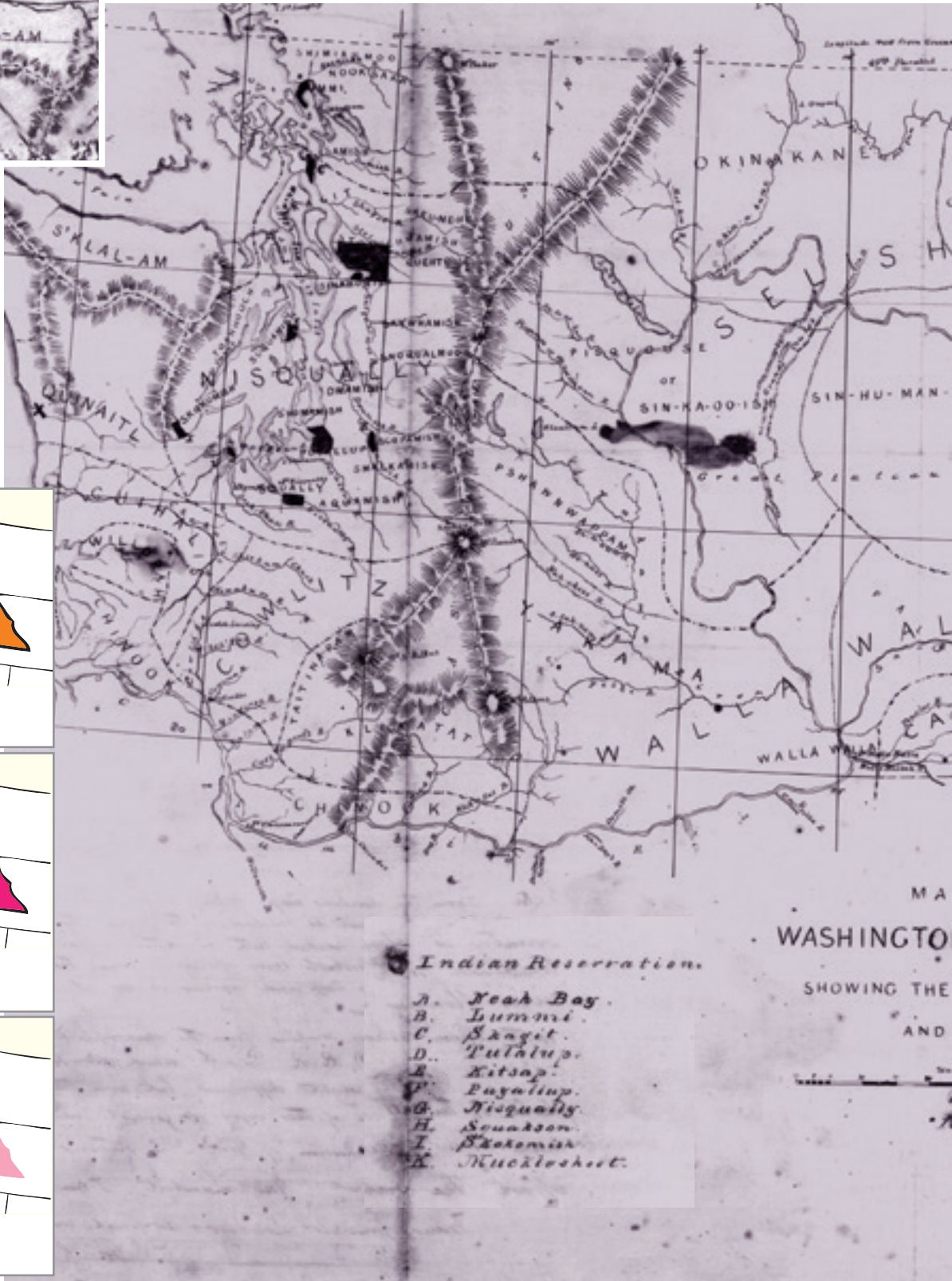
drawing courtesy Governor's Mansion Foundation



# From tribal lands to territory to Washington state —

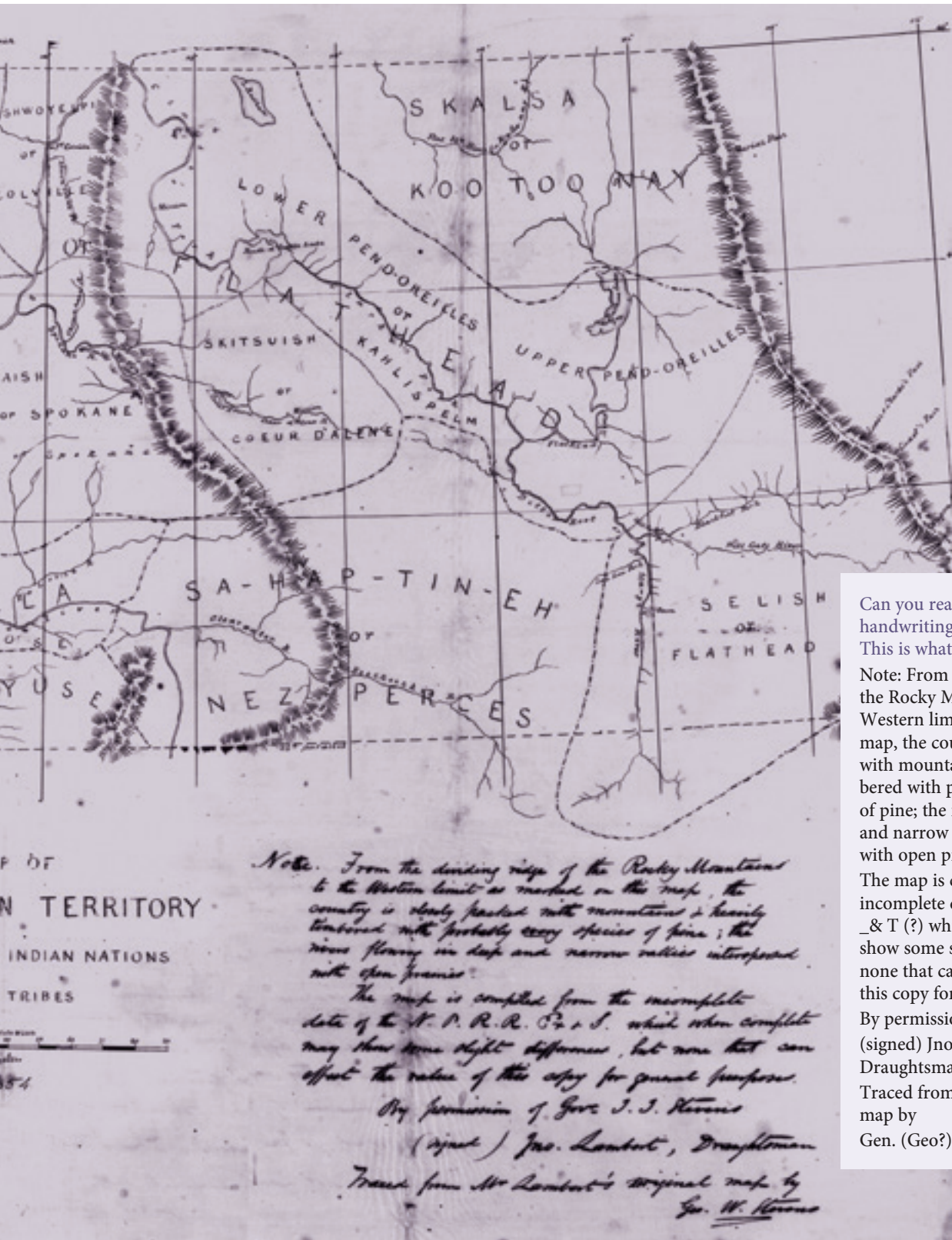


The large map, drawn in 1854, shows what early explorers knew about Washington's land and tribes. The maps below show how the borders of Washington changed when it became a territory in 1853, when Oregon became a state in 1859, and again when Idaho became a separate territory in 1863. The borders established in 1863 stayed the same when Washington became a state in 1889.





the story in maps



Can you read this older-style handwriting?

This is what we think it says:

Note: From the dividing ridge of the Rocky Mountains to the Western limit as marked on this map, the country is closely packed with mountains and heavily timbered with probably every species of pine; the rivers flowing in deep and narrow valleys interspersed with open prairies.

The map is compiled from the incomplete data of the N.P.R.R. E & T (?) which when complete may show some slight differences, but none that can affect the value of this copy for general purposes.

By permission of Gov. J.I. Stevens (signed) Jno Lambert, Draftsman

Traced from Mr. Lambert's original map by

Gen. (Geo?) W. Stevens

map courtesy WA State Historical Society

## George Washington

**Bush** was among the first settlers who, in 1846, helped found the community that eventually became our state's capital. He was a free African-American who had been a very successful farmer in Missouri. He and his Irish-American wife, Isabella, decided to move to the Oregon Territory to escape from the racial prejudice of the South.

However, when they arrived in Oregon, the Territorial Legislature had just passed a "Lash Law" that subjected any African-Americans or other people

of color to being whipped if they tried to settle there. So the Bush family and the friends they were traveling with decided to come north of the Columbia River, where the laws were not enforced. The Bush family settled on what is now called Bush Prairie, just south of the present-day city of Olympia.

Local tribes and the Hudson's Bay Company helped the settlers survive their first winter. In the years that followed, the Bush family was famous for generosity to their neighbors and to new



drawing courtesy The Office of The Secretary of State

settlers, and for their hard work and skill at farming. Isabella was a nurse, and her medical knowledge was of special value to both settlers and Indians. The federal government gave white settlers land, but excluded people of color. So when the first Washington Territorial

Legislature met in 1854, they passed a resolution asking the federal government to make an exception for the Bush family. In 1855, the U. S. Congress passed "An Act for the Relief of George Bush, of Thurston County, Washington Territory," granting this request.

George Bush's son, Owen Bush, was elected to the Washington legislature in 1889. He introduced the legislation that created the college that is now known as Washington State University in Pullman.

But some came to what is now western Washington, and by 1851, they were campaigning to make the land north and west of the Columbia River a separate territory. From the new settlements in Seattle and Olympia, it took at least three days to get to Salem, and people didn't feel the Salem government really represented them. So the settlers in what is now Washington called meetings, published newspaper articles, and asked Congress to declare the area north and west of the Columbia River a separate territory. In 1853, their wish was granted, even though there were only about one thousand settlers north of the Columbia. Congress also made the territory much larger than they had asked by adding land to the east of the Columbia River (see maps).

In 1854, U.S. President Franklin Pierce sent Isaac Stevens to be the governor of Washington Territory. Territories were controlled by the federal government, so the governor worked for the President of the United States.

The President wanted Isaac Stevens to negotiate treaties with all the Indians who lived in the Washington Territory. The purpose of the treaties was to persuade the Indians to give up most of their lands, so that more white settlers could come and live here, and so that the federal government could grant them clear ownership of the land. From 1854-1856, Isaac Stevens traveled all over the state, and persuaded tribes to sign treaties in which the Indians promised to live on **reservations**, which were specific pieces of land reserved for them. In many cases, this meant the tribes had to **relocate**; that is, they had to move from where they usually lived. The tribes were promised small payments for the land they gave up, and they were promised that they could continue to fish, hunt, and gather in their “usual and accustomed places.” They were also promised government services such as health care and education.

The white people who wrote the treaties thought that Indians should settle down, learn how to farm, and live like white people. This didn’t make much sense to the Indians, who had been fishing, hunting, and moving around freely for thousands of years.

Isaac Stevens and the people who worked for him didn’t know very much about the Indians and their way of life, and they didn’t take the time to learn, because they were in a hurry to get treaties signed and get all the Indians grouped together on reservations.

There were brief wars between some of the Indians and the federal government over the terms of the treaties. The federal government won.

Within the next few decades, Washington began to fill up with settlers. These settlers wanted Washington to become a state, because then they could form their own state government instead of having a governor appointed by the President.

## Writing Washington’s constitution

In 1889, 75 men were elected to go to Olympia to write a state constitution. For Washington to become a state, a constitution had to be written and voters had to approve it.

Governor Stevens  
speaking to the  
Nez Perce, 1855, from the  
report published with the  
results of his railroad  
survey for the Northern  
Pacific Railroad



drawing courtesy Governor's Mansion Foundation

## Article I, Section 1 of Washington's state constitution:

All political power is  
inherent in the people,  
and governments derive  
their just powers from the  
consent of the governed,  
and are established to  
protect and maintain  
individual rights.

State constitutions are similar to the U.S. Constitution, but not exactly the same. Like our national Constitution, state constitutions set up the basic organization of government and spell out the rights of citizens. They are the foundation on which government is built. But state constitutions are usually more specific, and have more detail. For instance, our state constitution describes certain services that state government must provide – schools, prisons, and state institutions to care for people who have certain disabilities. The federal Constitution doesn't say anything about what services our national government must provide.

State constitutions can also differ from our national constitution in the rights they give to citizens. For instance, Washington's constitution has stronger protections of people's privacy, our right to own guns, and stricter separation between religion and government.

Among the people (called *delegates*) who wrote our constitution there were 22 lawyers, 19 farmers or ranchers, nine storeowners or bankers, six doctors, three teachers, and three miners. There were no women in the group because women didn't have the right to vote, except in elections for local school boards. There were also no Indians. At that time, Indians were considered citizens of Indian nations, not citizens of the United States. There were also many Chinese immigrants in Washington, most of whom came here to work in the mines and help build the railroads, but they weren't allowed to become citizens, so they weren't represented either.

Starting on the 4th of July, 1889, the 75 men set to work. They didn't start from scratch. They copied parts of the constitutions of other states, and some sections from an earlier draft of a Washington state constitution that had been written in 1878.

### **Suffrage: the right to vote.**

This is a very confusing word, because it sounds like it's related to "suffer," but it's not. It comes from the Latin word *suffragium*, which also means the right to vote. To make it even more confusing, a *suffrage* can also be a kind of

prayer – but that meaning seems to have fallen out of use. Another mystery about the word *suffrage* is why it's almost always used in connection with *women's* right to vote, but rarely in discussions of other people's right to vote.



## Big Debates

They had big debates about many issues. For example, they had a long argument about whether the constitution should give women the right to vote. Some thought women should be allowed to vote, but they were afraid that if they said so in the constitution, the voters would reject it, and that would delay Washington becoming a state. Others didn't want women to have the vote because they were afraid women would vote to outlaw alcohol. Companies that made beer and whiskey lobbied to keep women from getting the vote. In the end, the writers of the constitution decided not to put women's suffrage in the constitution. They put it on the ballot as a separate measure, and it was defeated by the all-male voters.

University of Washington Libraries, Special Collections. Neg UW594



The Northern Pacific Railroad

were angry at the prices the railroads charged. A lot of people also thought the federal government had given away too much public land to the railroads, and that the owners of the railroads and other big companies had too much power and influence over government.

People didn't want the railroads and other big businesses to get control of our state government. So the drafters of our constitution included several things to try to prevent

*When the legislature ran out of stationery in 1877, a resolution was written on a shingle.*

The delegates who wrote the constitution also argued about the power of railroads and other big companies. The opening of the railroads in the early 1880s caused a huge population explosion. Railroads opened the state to more settlement, and made it possible for the farmers and ranchers in Eastern Washington to get their products to market. But many farmers and ranchers





University of Washington Libraries, Special Collections, neg. A. Curtis 19943

citizenship was allowed starting in 1946; for Japanese-Americans and people from other countries in Asia, eligibility for citizenship was finally granted in 1952.

**1964** The 24th Amendment to the Constitution, adopted in 1964, prohibits states from charging a “poll tax” (a requirement that people pay to vote) that was mainly intended to exclude African-American voters.

**1965** The Voting Rights Act was passed by the U. S. Congress, finally ending state practices designed to exclude African-American voters.

**1971** The 26th Amendment to the U. S. Constitution lowered the voting age from 21 to 18 years.

**2013** A U. S. Supreme Court decision weakened the Voting Rights Act. It stopped federal oversight of states that had a history of discrimination in their voting laws.

## A Quick History of Voting Rights

**1776** When the U. S. first became an independent nation, state governments decided who could vote. In most states, only white males who owned property were allowed to vote; in some instances, widows who owned property were allowed to vote, too.

**1855** By 1855, all the states had dropped the requirement that voters own property, so all white males could vote.

**1868/1870** In 1868, the 14th Amendment to the U. S. Constitution

recognized the citizenship of all African-Americans, and gave male African-Americans the right to vote. The right to vote was made explicit in the 15th Amendment. (Still, voting rights were denied to African-Americans in spite of these amendments.)

**1890/1920** In 1890, Wyoming became the first state to give women the vote. In 1910, Washington became the fifth state to grant women the vote. Washington’s action recharged a nationwide

campaign for women’s suffrage. Ten years later, the 19th Amendment to the U. S. Constitution gave all women the right to vote.

**1924/1950s** In 1924, the U. S. Congress passed the Indian Citizenship Act, giving U. S. citizenship to all Native Americans. But, it wasn’t until the 1950s that Indians were able to vote in all states.

**1943/1952** For the first time, in 1943, Chinese-Americans were allowed to become citizens, and to vote. For people from India,

this. They made it illegal for state government to loan money to private companies. They even forbade elected officials from accepting free railroad passes. They insisted on strict separation between private business and state government.

They also had big debates about what to do with the 2.5 million acres of land that the federal government gave to the state. Income from logging and other uses on some of this land was supposed to be used to fund schools and other public buildings. In other states, public lands had been sold off to business owners for a tiny fraction of their real value. People in Washington didn't want that to happen here, so they wrote a strong statement that public lands must never be sold for less than they were worth. (It worked. Today, Washington's state government still owns millions of acres of land, and logging and other activities on that land raise money to help pay for building schools and maintaining our state capitol.)

The biggest arguments, though, were over what to do about tidelands. A lot of businesses had already been established on tide-

lands. For instance, Henry Yesler had established a sawmill on the tidelands in Seattle. After a lot of debate, it was decided that the state would continue to own the tidelands but would lease some of them to private businesses. (At the time, the writers of the constitution didn't think about the fact that tidelands were part of the "usual and accustomed places" that Indians had been promised rights to fish and gather clams and oysters.)

People's distrust of powerful businesses also influenced the way our state executive branch is organized. The writers of our constitution wanted more than the separation of executive, legislative, and judicial branches of government. They wanted to disperse



photo courtesy Northwest Indian Fisheries Commission

***Tideland:*** land that is under water when the tide is in but not when the tide is out.

*Tidelands are important for several reasons:*

*oysters, clams and other creatures we eat live there; they provide important habitat for many birds, sea creatures and plants, and tidelands provide access to the ocean (and to Puget Sound and other bays and harbors) that are important for shipping and industry. Many of the tidelands in urban areas have been filled in to make more dry land, and some have been dug up to create deeper water for boats and ships.*

power even within the executive branch, so that no one official would have too much power. They had seen how easily public officials could be corrupted by wealthy business owners, and they wanted to make sure that our government was honest and accountable to the voters. That's why they created an elected Commissioner of Public Lands to protect the legacy of state-owned land. And that's why we have nine separately elected statewide officials in our executive branch.

## Agreement about education

But while the writers of the constitution disagreed about many things, there was one area where they all agreed: education. In fact, the most famous part of Washington's constitution is this statement:

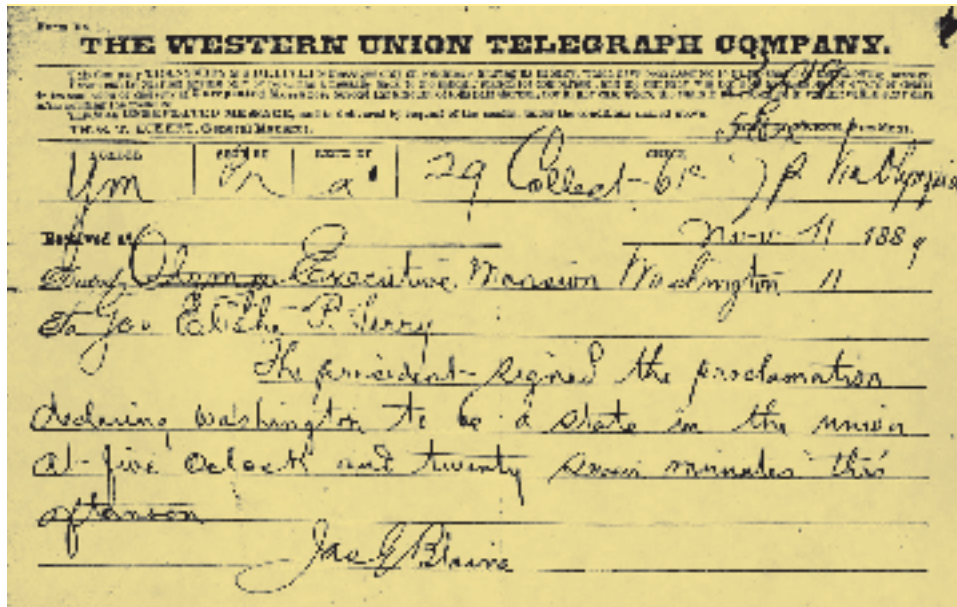
*“It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.”*

No other state has such a strong constitutional statement about the importance of public schools. Because this is such a strong statement, courts have ruled that our state legislature has to provide all public schools with enough money to pay for all students' "basic education." It's up to the legislature to define what "basic education" is. (People argue about this often, because what's "basic" changes over time. For instance, computer skills are basic to everyone's education now, but they weren't 25 years ago.)

The result of Washington's definition of education as the state's "paramount duty," is that schools in Washington get most of their funding from the state government. In many other states, schools get most of their funding from local governments.

Also, our constitution says we must educate all children "residing" in Washington – not just those who are citizens. Originally, this was meant to protect (among others) the children of the Chinese immigrants. Today, it makes it clear that immigrants from any country can go to our public schools.





The telegram announcing Washington's statehood was sent collect — which means that the new state governor who received it had to pay for it. This was the federal government's way of saying "OK, you're a grown-up state now, so you have to pay your own bills." At the same time this telegram was sent, another was sent to the outgoing territorial governor, who worked for the federal government – and the federal government paid for that one.

## Statehood

The writers of our constitution finished their work, an election was held, and the voters passed the new constitution. Then it was sent off to Washington, D. C. There was just one problem: the governor forgot to sign it. So it had to be sent back to Olympia, signed, and sent back (by train) to the nation's capitol. Finally, on November 11, 1889, Washington became the 42nd state.

## Amendments

It takes two steps to amend (change) any part of our state constitution. First, both houses of the state legislature have to pass a proposed amendment by a two-thirds majority. Second, the amendment has to be put on the ballot and passed by voters by a simple majority at the next general election. As of 2004, the constitution had been amended 96 times.



Courtesy of the artist: Shirley A Stirling, ShirleyBird Studio

In 1972, Washington voters passed House Joint Resolution (HJR) 61, the Equal Rights Amendment, to the state constitution.

It had been referred to the voters after having been passed by a 2/3 majority of the state House and Senate.

One of the most important amendments to the constitution was passed in 1912, when the initiative and referendum were added to the section on the legislative branch of government. (See page 33 for more on this subject.)

In 1972, another amendment was passed to ensure equal rights for women. It reads "Equality of rights and responsibilities under the law shall not be denied or abridged on account of sex." This is called the *Equal Rights Amendment* or ERA. It was proposed as an amendment to our national constitution, too. But an amendment to our national constitution has to be passed by Congress and ratified (agreed to) by the legislatures of 38 states, and the national ERA never quite achieved that goal. This is an indication of how much more difficult it is to amend our national constitution than our state constitution.

Another interesting amendment was passed in 1988. Our original state constitution said we should have institutions to care for "the blind, deaf, dumb or otherwise defective youth" and the "insane and idiotic." That language was considered normal at the time, but today we think it's mean and insulting. Ralph Munro, who was our Secretary of State for many years, worked to pass a constitutional amendment to change it. He succeeded, and now it reads "youth who are blind or deaf or otherwise disabled"; and "persons who are mentally ill or developmentally disabled."

### *The Washington State Insect*

A group of students from Crestwood Elementary School in Kent asked the state legislature to name the Green Darner Dragonfly the official state insect. Over 100 other school districts supported the students, so the dragonfly became the state insect in 1997.



art by MWillowsIllustration