



Montana  
**Office of Public Instruction**  
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**Indian Education for All**  
**Montana State Parks Lesson Plan**  
**Council Grove State Park**  
January 2010 (revised)

### **Title**

Council Grove: Site of the Hellgate Treaty of 1855

### **Content Areas**

Social Studies (History, Geography, Government, Tribal History)

### **Grade Level**

9<sup>th</sup>-12<sup>th</sup>

### **Duration**

2 50-minute class periods, plus 1 preparatory homework assignment and 1 homework assignment.

### **Overview and Objectives**

Council Grove State Park near Missoula marks the site of the 1855 Hellgate Treaty negotiations between the United States (represented by Isaac Ingalls Stevens, the governor of Washington Territory) and members of the Salish, Kootenai and Pend d'Oreille tribes. Although the result of the negotiations was the treaty creating the Flathead Reservation and the eventual removal of the tribes from the Missoula and Bitterroot river valleys, it is not clear that this was the intention of the tribes who attended the negotiations, nor did the treaty protect these tribes from loss of land and resources.

“The Hell Gate Treaty provided the legal foundation for a relationship between the tribes and the federal government. Indians came to talk about peace between the Salish and Kootenai and their enemies, the Blackfeet, not about land cessions or a treaty with the United States, because they saw no reason to "treat with friends." Poor interpreters, conflicting cultural values, and Stevens's short temper and haste created a document that participants interpreted differently. Reservation borders remained vague; tribal leaders believed they signed off land for two reservations, which Stevens knew would not be the case; the provision for "exclusive use and benefit" of the reservation for tribal people proved futile; the provision for Indian hunting and fishing in accustomed places was not followed by Congress; and so on. Stevens had none of this in mind.” (Excerpted from the review of *In the Name of the Salish and Kootenai Nation: The 1855 Hell Gate Treaty and the Origin of the Flathead Indian Reservation*, Robert Bigart and Clarence Woodcock, Eds. Reviewed in *Montana: The Magazine of Western History*, Summer 2000 by Jaacko Puisto.)

In this lesson students will learn that the expansion of America westward led to the rapid depletion of resources and the impoverishment of this region's tribes—which in turn exacerbated intertribal conflicts. Students will discover that Indian reservations are lands reserved by tribes in international treaties for their

exclusive use and occupation and that the U. S. government was/is obligated to provide payments and annuities to tribes for the tribal lands it acquired through treaties. Students will read the 1855 Hellgate Treaty and research why the treaty was negotiated, what the tribes understood it to mean, how the United States (and its non-Indian citizens) breached the terms of this agreement, and some of its short- and long-term consequences for the Salish, Kootenai and Pend d'Oreille people.

## Education Standards and Benchmarks

### *Indian Education for All*

**Essential Understanding 1:** There is great diversity among the 12 tribal Nations of Montana in their languages, cultures, histories and governments. Each Nation has a distinct and unique cultural heritage that contributes to modern Montana.

**Essential Understanding 4:** Reservations are land that have been reserved by the tribes for their own use through treaties and was not “given” to them. The principle that land should be acquired from the Indians only through their consent with treaties involved three assumptions:

*I. That both parties to treaties were sovereign powers.*

*II. That Indian tribes had some form of transferable title to the land.*

*III. That acquisition of Indian lands was solely a government matter not to be left to individual colonists.*

**Essential Understanding 7:** Under the American legal system, Indian tribes have sovereign powers separate and independent from the federal and state governments. However, the extent and breadth of tribal sovereignty is not the same for each tribe.

### Montana Content Standards

**Social Studies Content Standard 1:** Students access, synthesize, and evaluate information to communicate and apply social studies knowledge to real world situations. *Rationale: Every discipline has a process by which knowledge is gained or inquiry made. In the social studies, the information inquiry process is applied to locate and evaluate a variety of primary and secondary sources of information [which is then used] to draw conclusions in order to make decisions, solve problems and negotiate conflicts. Finally, as individuals who participate in self-governance, the decision-making process needs to be understood and practiced by students as they prepare to take on civic responsibilities.*

**Benchmark 1.2** Students will apply criteria to evaluate information (e.g., origin, authority, accuracy, bias, and distortion of information and ideas.)

**Social Studies Content Standard 2:** Students analyze how people create and change structures of power, authority and governance to understand the operation of government and to demonstrate civic responsibility. *Rationale: The vitality and continuation of a democratic republic depends upon the education and participation of informed citizens.*

**Benchmark 2.3** Students will identify representative political leaders and philosophies from selected historical and contemporary settings.

**Benchmark 2.4** Students will relate the concept of tribal sovereignty to the unique powers of tribal governments as they interact with local, state and federal governments.

**Benchmark 2.6** Students will analyze and evaluate conditions, actions and motivations that contribute to conflict and cooperation within and among groups and nations.

**Social Studies Content Standard 3:** Students apply geographic knowledge and skills (e.g., location, place, human/environment interactions, movement and regions.) *Rationale: Students gain geographical perspectives on Montana and the world by studying the Earth and how people interact with places.*

*Knowledge of geography helps students address cultural, economic, social and civic implications of living in various environments.*

**Benchmark 3.1** Students will interpret, use and synthesize information from various representations of the Earth.

**Benchmark 3.4** Students will analyze how human settlement patterns create cooperation and conflict which influence the division and control of the Earth (e.g., treaties, economics, exploration, borders, religion, exploitation, water rights, etc.)

**Benchmark 3.7** Students will describe and compare how people create places that reflect culture, human needs, government policy, and current values and ideas. {Reservations, in this lesson}

**Social Studies Content Standard 4:** Students demonstrate an understanding of the effects of time, continuity, and change on historical and future perspectives and relationships. *Rationale: Students need to understand their historical roots and how events shape the past, present and future of the world. In developing these insights, students must know what life was like in the past and how things change and develop over time. Students gain historical understanding through inquiry of history by researching and interpreting historical events affecting personal, local, tribal, Montana, United States, and world history.*

**Benchmark 4.1** Students will select and analyze various documents and primary and secondary sources that have influenced the legal, political and constitutional heritage of Montana and the United States.

**Benchmark 4.2** Students will interpret how selected cultures, historical events, periods and patterns of change influence each other.

**Benchmark 4.4** Students will analyze the significance of important people, events and ideas in the major eras/civilizations in the history of Montana, American Indian tribes, the U.S. and world.

**Benchmark 4.6** Students will investigate, interpret and analyze the impact(s) of multiple historical and contemporary viewpoints concerning events within and across cultures...and political systems.

**Benchmark 4.7** Students will analyze and illustrate the major issues concerning [the] history, culture, tribal sovereignty and current status of the American Indian tribes and bands in Montana and the United States.

## Related Curriculum

See the FWP *Indian Education for All* lesson plans for Fort Owen State Park.

## Materials or Resources Needed

**Map of Montana**—a state highway map is fine for this lesson and is available for free from the Montana Department of Transportation’s tourism bureau. Alternatively, an excellent “zoom able” online map is available at: [http://www.mdt.mt.gov/travinfo/maps/montana\\_map.shtml](http://www.mdt.mt.gov/travinfo/maps/montana_map.shtml)

*The Salish People and the Lewis and Clark Expedition* by the Salish-Pend d’Oreille Culture Committee and Elders Cultural Advisory Council, Confederated Salish and Kootenai Tribes, University of Nebraska Press, 2008. Read the description of Člmé (Council Groves) from pages 44-45, and “Lewis and Clark in the Fold of Tribal History” pages 109-118.

*Montana, Stories of the Land* by Krys Holmes, Montana Historical Society Press, Helena, 2008. **Chapter 7, pages 124-129.** Be sure to see the timeline and map in this section! (Skip the section on Fort Laramie Treaty, p127-28.) At: <http://www.mhs.mt.gov/education/textbook/Chapter7/Chapter7.asp>

*Challenge to Survive, History of the Salish Tribes of the Flathead Indian Reservation. Unit III: Victor and Alexander Period, 1840-1870.* Salish Kootenai College Tribal History Project, Salish Kootenai College Press, Pablo, Montana, 2008. **Pages 19-28, “Relations with the United States Government.”** Available from OPI and Salish Kootenai College. Check your school library.

**Text of Hellgate Treaty of 1855**, available online at website of the Confederated Salish & Kootenai Tribes, [www.cskt.org/documents/gov/helgatetreaty.pdf](http://www.cskt.org/documents/gov/helgatetreaty.pdf)

**Use computers with internet to access above sites, if possible.** The “zoomable” online map is great if your classroom has computers; students can click on the tabs to add in features and detail.

**Attachments A-E**

## Activities and Procedures

**Teacher Preparation:** For a quick introduction to the issues and to become familiar with vocabulary used in this lesson, see the selected pages from *Montana, Stories of the Land*. Teacher will need to read and be familiar with the chapter from *Challenge to Survive...*, and the selected readings in *The Salish People and the Lewis and Clark Expedition*, as well as the Hellgate Treaty of 1855. Additionally, review the brief “Teacher’s Narrative” on treaties for Class Period 1. Ideally, the teacher should be familiar with all of the materials listed in this lesson plan, including the attachments and websites. **Note: Students will have a reading assignment due before Class 1 begins.**

**Student Preparation/Homework:** In advance of Class Period 1, students should be assigned to read the following materials: (Total reading time: 30-40 minutes)

- Attachment A (Who Are the Salish, Pend d’Oreille and Kootenai?);
- Pages 44-45 from *The Salish and the Lewis and Clark Expedition*. This is a very brief Salish history of Člmé (“Tree Limb Cut Off”, a.k.a. Council Groves).
- Pages 124-129 from *Montana, Stories of the Land* (p. 124-129, minus the section on the Fort Laramie Treaty).
- Having a print copy of each for in-class reference is also a good idea.

### Class Period 1: INTRO, GEOGRAPHY, and ANALYSIS OF THE HELLGATE TREATY

For this period, you will need:

- ✓ **Montana state highway map** (1 copy per small group or view project onto screen)
- ✓ **The Hellgate Treaty of 1855** (1 copy for each student)
- ✓ **Attachment E: Analysis and Discussion Questions for the Hellgate Treaty** (for teacher to read to lead the discussion, but print it for students as well.)
- ✓ **Notebooks or paper, pens, etc.**
- ✓ **If possible, use a computer lab** or have a way to project an internet map of Montana in front of the class. Treaty can be viewed online if using a computer lab.

- 1) Using the online map of Montana (or a State Highway Map), locate Council Groves State Park. Note its proximity to Missoula, the Bitterroot Valley, and the Flathead Indian Reservation. Show students the traditional homeland of the Salish—essentially includes all of southwestern Montana on both sides of the Rocky Mountains and Continental Divide. (<5 minutes—keep this very quick) You will need a map again in activity 3.
- 2) Introduce the lesson by reading the Teacher Narrative (Attachment A, “Introduction to Treaties”) to your class. (5 minutes)
- 3) Provide each student with a copy of the Treaty or have them access it via the web address provided in the “Materials” section of this lesson. The class will read the entire Treaty (take turns, out loud, if you choose) and pause after each article to analyze what it says, using Attachment E as a guide and, when necessary, referring to a map. (This activity will take at least 40 minutes; if you do not finish in this period, have students provide written responses to any questions that did not get discussed in class and turn in at the beginning of the next class.)

### Class Period 2: THE HELLGATE TREATY IN SALISH HISTORY and PRESENTATIONS

For this period, you will need copies of the following materials for your students:

**Attachment B:** “As She Remembered It...” from *Char Koosta News*, archived June 27, 2004.

**Attachment C:** “The Treaty Lives On” by Darrell Gadbow, *Montana Outdoors*, December 2005.

**Essay: “Relations with the United States Government”** p.19-24 of *Challenge to Survive...*

**Essay: “Lewis and Clark in the Fold of Tribal History”** p. 109-118 from *The Salish People...*

- 1) Divide your class into three groups. Each group will have a different reading assignment: Groups 1 and 2 will each read one of the two essays; Group 3 will read both of the Attachments. While reading, each group should take notes regarding (a) What the tribes hoped to accomplish by meeting with the U.S. at Council Grove, (b) Tribes' perspectives of what the Treaty did or did not do, etc., (3) Short and long-term consequences for the tribes. *If they are using photo copies, encourage your students to highlight key points.* (20-25 minutes)
- 2) Each group will give a short (7-8 minute) presentation on the findings from that group's assigned reading. Presentations should focus on the three focal points listed above. It is important that each group have ample time to give detailed presentations, since the other two groups will not be reading the same materials. Allow discussion as time permits.
- 3) Assign homework (see Assessment).

## Assessment

Following Class Period 2, students will have a homework assignment to assess their comprehension of the materials and to provide them with an opportunity to express meaningfully their own impressions of this history. In 2-3 pages (single spaced) students should write a short essay in response to the following questions: **Now that you have read the Hellgate Treaty and learned about the settlement of southwestern Montana from a Salish perspective, what are your thoughts on the importance of tribal histories to the history of Montana? How are tribal histories and geographies important and what do they provide all of us that a history from only a non-Indian, U.S. perspective does not tell us? Why do different historical perspectives matter, then and now? What is one thing you learned in this lesson that you did not know before that changes the way you think about Montana and our collective histories?**

## Evaluation

Completion of readings, small group participation, presentations, class discussion, essay.

## Possible Extension Activities

- Invite a tribal member from the Confederated Salish & Kootenai Tribes to your classroom to learn about tribal history and the Hellgate Treaty.
- Plan a visit to: Council Grove State Park to look at the Memorial sign (treaty and traditional stories), nearby Fort Owen State Park, or the Peoples Center in Pablo, Montana to learn more about the Salish, Pend d'Oreille and Kootenai tribes!
- **Check out these great books to learn more about the tribes of the Flathead reservation:**
  - *Coyote Stories of the Montana Salish Indians* by Johnny Arlee, Salish Kootenai College Press, 1999. (Winter time only)
  - *Stories From our Elders*, Salish Culture Committee Publications
  - *In the Name of the Salish & Kootenai Nation*, Robert Bigart and Clarence Woodcock, Eds., Salish Kootenai College Press, 1996
  - *Indian Trails of the Northern Rockies*, Darris Flanagan, Stoneydale Press.
- **See these Websites:**
  - [http://anamp.org/BSP\\_Website/Flathead\\_Historical.pdf](http://anamp.org/BSP_Website/Flathead_Historical.pdf)  
Good historical overview of the Flathead Reservation
  - [http://en.wikipedia.org/wiki/Flathead\\_Indians](http://en.wikipedia.org/wiki/Flathead_Indians)  
(As of July, 2009, this Wikipedia site on the Flathead is quite good and accurate.)
  - <http://morphotoarchive.org/>  
Digital photo archives of the Museum of the Rockies.

## Attachments

**Attachment A:** Who are the Salish? (brief intro to the Salish people)

**Attachment B:** “As She Remembered It...” from *Char Koosta News*, archived June 27, 2004.

**Attachment C:** “The Treaty Lives On” by Darrell Gadbow, *Montana Outdoors*, December 2005.

**Attachment D:** Teacher’s Narrative (Introduction to Treaties)

**Attachment E:** Analysis and discussion questions for Hellgate Treaty of 1855

## Attachment A—Who are the Salish, Pend d’Oreille and Kootenai?

The Salish are the easternmost tribe of people who traditionally speak a dialect from the Salishan language family, which extends from Montana all the way to the Pacific Coast and generally on the north side of the Columbia River. The sprawling aboriginal territory of the Salish straddles both sides of the Continental Divide in what is now the state of Montana. At around 1750-1800, because of losses from epidemics and pressures from rifle-armed Blackfeet, the Salish focused their population into the Bitterroot Valley and the western portion of their overall aboriginal territory. Today the Salish people are based on the Flathead Indian Reservation, a 1.2 million acre area north of Missoula, Montana. The reservation is part of the original homeland of the Pend d’Oreille. There are 6,961 enrolled members of the Confederated Salish and Kootenai Tribes, of this population 4,244 live on the reservation (Source: *Montana Indians: Their History and Location*, Montana Office of Public Instruction, 2004, p. 28)

The Salish People have sometimes been referred to as The Flatheads. This is a misnomer that took shape shortly after Lewis and Clark came through the area. The Salish have also been referred to as Bitterroot Salish, in reference to part of their homeland, the Bitterroot Valley, south of the present day Missoula, Montana. In their own language, the people call themselves the Se’lis (pronounced Se’-lish). Salish is the common English rendition of the word and is used in most official tribal documents today. (Source: Salish-Pend d’ Oreille Culture Committee, *A Brief History of the Salish People*, p. 6)

Three tribes eventually became members of the Confederacy made by the government treaty of 1855. These tribes are the Kootenai, Pend d’Oreille and Salish. [Note: The Kootenai are a distinct cultural and linguistic heritage unrelated to these other tribes. Only a small portion of the Kootenai settled on the Flathead reservation and today many Kootenai live in Idaho, Washington and British Columbia.]

The ancestral territory of the Salish, who have lived in this region for at least 12,000 years, stretches as far east as the Madison Buffalo Jump near Three Forks, Montana, although the primary region of their homeland includes the Big Hole and Bitterroot valleys and the region now occupied by Missoula.

Students may also visit the website: [www.montanatribes.org](http://www.montanatribes.org) for Salish and Kootenai perspectives on the 1855 Hellgate Treaty. See Essential Understanding 4 – here is the direct link: [http://www.montanatribes.org/digital\\_archives/matrix\\_eu4.php?page=eu/eu4](http://www.montanatribes.org/digital_archives/matrix_eu4.php?page=eu/eu4)



**“Flathead Indians Camping,  
Southeast of Missoula.”**

Circa 1880-1885.

Photographer unknown.

*Photo used by permission from  
the Museum of the Rockies Photo  
Archives Collection, Bozeman,  
MT.*

Mount Sentinel is located in the  
background, east of the camp.  
Today Missoula extends across  
this valley, obliterating these  
camping grounds and the sites  
where generations of Salish  
harvested bitterroot.

**Attachment B**

**As She Remembered It—Stories of the Last Remaining Member of the  
Bitterroot Salish Band, Mary Ann Toppseh Combs**

Char-Koosta News, Thursday, May 27, 2004, archived June 27, 2004.



*Photo of Mary Ann Toppseh Combs of  
Arlee, courtesy of the Confederated Salish  
and Kootenai Cultural Commission*

Mrs. Mary Ann Toppseh Combs of Arlee was the last surviving member of the Salish Indian band of about 250-300 people forced in 1891 from the Bitterroot to the Flathead Indian Reservation by way of the Jocko Valley.

Led by Chief Charlo, this band of Salish for decades defied the government’s orders to move north to the

reservation.

In her later years, in oral histories preserved by Char-Koosta News, the official news publication of the Flathead Indian Nation, Combs said she didn't remember hardship in the Bitterroot Valley. She spoke of a garden with melons, squash and onions, and neighbors who were nice to her family, in particular a blacksmith. She said it was the government who made them move out, not their neighbors.

On the trip north she said all the people cried, dragging their tipi poles behind their horses as they passed along wooden rail fences that by then crisscrossed what had been the vast, unmarred homelands of her Salish ancestors.

Two people were hurt during the journey that took a little under a week. Chief Charlo held a prayer in the evenings to help the grieving people.

Combs said she also grieved leaving the Bitterroot and felt a great sadness that the government failed to keep promises that would have helped her people. But, she said her greatest sorrow was at times when the faith of her people failed. In her later years she was a spiritual traditionalist and devout Catholic who was respected as a spiritual leader of the tribe.

Even in her nineties she would walk the nearly two miles from her cabin, where she lived by herself, into Arlee. Mary Ann Toppseh Combs died June 16, 1978.

*[Note: According to her obituary in the Char-Koosta News, July 7, 1978, Mary Ann Pierre Toppseh Combs was born December 10, 1882 and was 10 years old at the time of her tribe's forced removal from their ancestral homeland.]*

## Attachment C

**"The Treaty Lives On,"** by Daryl Gadbow

**Council Groves State Park commemorates "The place of tall trees with no limbs," where Indian tribes reluctantly gave up most of their homeland 150 years ago.**

A pileated woodpecker flies up into the gnarled, broken crown of a centuries-old ponderosa pine. Like those of other ancients nearby, the pine's lower limbs have long rotted and broken off. In the Salish language, this site along the Clark Fork River, 10 miles west of Missoula, is known as Chilmeh—"the place of tall trees with no limbs."

The woodpecker moves from tree to tree in search of insects, drumming a staccato beat on the tall trees' trunks. A century and a half ago, a similar sound emanated from among the old sentry pines at what is today Council Grove State Park. They were the echoes of drums, and they signaled a solemn occasion.

Somewhere near the present park, in the summer of 1855, nearly 2,000 members of the Salish, Kootenai, and Pend d'Oreille tribes gathered to meet with Issac I. Stevens, governor of Washington Territory. There, they negotiated a treaty that would forever change the Indians' lives.

"We had a good way of life before the treaty, where everything was in order," says Johnny Arlee, a Salish tribal elder and cultural advisor for the Confederated Salish and Kootenai Tribes' Health and Human Services Department. "The treaty took away our homeland and a social system that worked for us."

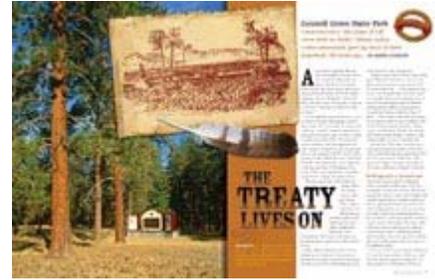
Father Adrian Hoecken observed that Indian society firsthand. A Jesuit priest present at the treaty council 150 years ago, Hoecken wrote letters describing the scene of the historic treaty negotiations.

"Indian warriors from all the tribes of the great Flathead Confederacy rode over the plains and mountains to a powwow with Governor [Stevens]...." The rendezvous, he wrote, "lay along the flats of a wide, swift river swollen from recent summer rains. It was a biannual battleground of Blackfeet and mountain Indians, the passageway through the Rockies called the Gate of Hell.... There, under a clear sky and ringed by mountains, with the prim military tents of the whites facing the humbler Indian teepees, the Flatheads [Salish], Kootenais, and Pend d'Oreille fought a stubborn diplomatic battle for their ancestral lands."

On July 16, 1855, after a week of contentious negotiations, leaders of the three tribes reluctantly signed an agreement with the U.S. government. Called the 1855 Treaty of Hellgate, the agreement altered the course of history in western Montana.

### **Relinquish a homeland**

The treaty set the stage for ending the tribes' seasonally mobile way of life. For thousands of years, the Indians had moved around the region to sites rich in plants and wildlife important for medicine and food. But by signing the federal document, the tribes relinquished to the U.S. government the bulk of their aboriginal homeland, an area of about 21,000 square miles (most of today's western Montana). The three tribes, which the treaty combined into what became known as the Confederated Salish and Kootenai Tribes, also agreed to consolidate on a 2,000-square-mile reservation in the Flathead Valley.



*This story is featured in  
Montana Outdoors  
November/December 2005*

Stevens, the U.S. government's ambitious 37-year-old representative, had clear orders from the nation's capital to settle the "Indian question" in Washington Territory. Under Stevens's direction, the route for a railroad to the Pacific Coast, which would open the door to increased white settlement, had been surveyed in 1853 and 1854. It crossed lands long inhabited by several American Indian tribes, which at the time were considered by the U.S. government as independent, sovereign nations.

Stevens was charged with weakening that sovereignty and doing it quickly. In 1854, he concluded a treaty with several tribes in the Pacific Northwest. The following year, he set out to do the same with other tribes in the region, including those in today's northwestern Montana.

### **Different expectations**

According to Robert Bigart, co-editor of *In the Name of the Salish and Kootenai Nation* (a textbook on the Hellgate Treaty used by Flathead Reservation school districts), the tribes that gathered at Council Grove in 1855 had vastly different expectations for the treaty council than Stevens did. The tribes expected to receive assurances that the U.S. government would provide protection from their old enemy, the Blackfoot Tribe, in their common buffalo hunting grounds of eastern Montana.

"The tribes thought they would talk about arranging peaceful access to the buffalo herds," says Bigart, director of the Salish Kootenai College Press. "But Stevens was there to get the Indians onto a reservation and open up a transportation route to the West."

Stevens grouped the Salish, Kootenai, and Pend d'Oreille together as a single "confederacy," even though the three tribes had significantly different homelands and customs. The Salish homeland was centered in the Bitterroot Valley, the Kootenai lived in today's northwestern Montana, and the Pend d'Oreille's ancestral home was in the Flathead Valley and the country to the west. A small area around Missoula was the only territory shared by all three tribes.

The Indians were surprised when the territorial governor's treaty proposed to place the three tribes on one reservation. Not surprisingly, they disagreed over the location. Alexander, chief of the Upper Pend d'Oreille, and Michelle, chief of the Kootenai, favored the Flathead Valley reservation site. But Salish chief Victor resisted Stevens's plan, insisting that his people be allowed to stay in the Bitterroot Valley. In return for signing the treaty, Chief Victor received assurances from Stevens that the U.S. president would survey the Bitterroot to determine its suitability as a reservation for the Salish. The promised survey, however, was never conducted.

Roughly 275 Salish refused to leave the Bitterroot Valley for several decades after the Hellgate Treaty was signed. They established farms in the area and stayed until forced to move to the Flathead Reservation in 1891.

"Victor never intended to give up the Bitterroot," says Julie Cajune, a tribal member developing an American Indian history curriculum for Salish Kootenai College. "He believed it would be surveyed and there'd be two reservations, with the Salish remaining in the Bitterroot."

Cajune notes that in addition to the entire concept of treaties being foreign to the Indians, the treaty negotiations were complicated, and the tribes were frustrated by the language barrier. "There were a lot of problems with translation," says Cajune. "And the Indians at the council didn't know all the ramifications of signing the treaty. They went in thinking it would solve some competition and animosity with other tribes."

### **Binding agreements**

Though the 1855 Hellgate Treaty resulted in a great loss for the Indians, the document has been valuable over

the years as recognizing and granting specific rights to the Confederated Salish and Kootenai Tribes. In agreeing to the treaties, the tribes became a “domestic dependent nation” under federal law. Courts have consistently held that Indian treaties are binding agreements entered into by the federal government in return for permanent land cessions by the tribes. In these documents, the federal government recognizes the limited sovereignty still held by American Indian tribes.

Vernon Carroll is FWP’s state parks interpretive specialist for Montana’s west-central region. He says attorneys for the state and the tribes have in recent years referred to articles in the treaty (in combination with state claims of authority) as the basis for a joint state and tribal agreement to manage nontribal hunting and fishing on the Flathead Reservation. Another example of the treaty’s vitality today, Carroll says, is that its provisions for protecting the tribes’ fishing rights were cited in the recent federal Environmental Protection Agency decision to remove Milltown Dam on the Clark Fork River.

“The Clark Fork runs through the historic homelands of all three tribes, making it important to tribal members,” he says. Because of their treaty rights, the tribes also received millions of dollars from the Bonneville Power Administration in mitigation for fish and wildlife habitat lost when Hungry Horse Dam was constructed on the Flathead River in the 1950s.

### **Honoring the tribes**

In 2003, Montana honored the tribes by agreeing to the Indians’ request to cast the document in bronze and place it in a memorial at Council Grove State Park.

“When the tribes installed the memorial, they told us they were proclaiming that this site continues to be important to them,” says Doug Monger, head of FWP’s State Parks Division. “We feel it’s important to provide opportunities for park visitors to learn about the treaty and this location and all it meant to changing the lives of those who came before us.”

According to Lee Bastian, FWP west-central region state parks manager, Council Grove State Park was created in 1978 when FWP acquired 186 acres of Clark Fork River bottomland from the George Duseault family. “We had recognized for years the importance of preserving the site because of its historical significance,” Bastian says.

For 25 years, the park’s only acknowledgement of that history was a small, inconspicuous plaque. That changed in 1999 when Cajune, then coordinator of the Ronan school system’s Indian Education Program, was teaching a class at the park. While talking to students about the native perspective of the Lewis and Clark Expedition, Cajune noticed the small treaty plaque. She was shocked, she says, that the old sign incorrectly stated the tribes had given up their hunting and fishing rights in the treaty. (Article 3 of the treaty reserves to the tribes the rights of hunting, fishing, gathering, and grazing on open and unclaimed lands off the Flathead Reservation but within their home territory.) Members of the Salish and Kootenai Tribal Council were equally surprised when Cajune told them about the sign. Tribal elders met with Bastian, and by the following year, plans were under way to create a memorial.

Cajune became the primary organizer of the tribes’ memorial project at the park. She consulted with Salish and Kootenai elders and the tribal culture committees to learn what they wanted on the memorial. “People immediately wanted the display to tell everything—our story from time immemorial,” she says. “But that wasn’t realistic. We finally all agreed that the entire text of the treaty definitely needed to be part of the memorial.”

All 12 articles of the treaty, cast in bronze, became the central panel of the three-panel memorial, mounted on a stone foundation.

The other two panels describe the tribes' history before and after the treaty. One panel shows a map of aboriginal homeland territories without state borders. Drawn by a tribal artist using old maps of aboriginal homelands, the memorial map is intended to dispel a myth about the tribes. In the past, says Cajune, some state and federal officials have referred to the Indians as "nomadic," loosely defined as "wandering aimlessly," in order to refute tribal claims of home territories.

"The fact is," says Cajune, "the Salish, Pend d'Oreille, and Kootenai had seasonal movements, passed from generation to generation, where they lived, hunted, or gathered. It was not random wandering. That's why the map includes different pictures of the specific plants and animals that drew people to those specific locations."

Other pictures on the memorial panel tell the tribal legends of creation. "We hope they show the general public that this area was an ancient tribal world," Cajune says.

The third panel on the memorial explains contemporary Indian issues related to the history of the treaty, such as why the tribes have the right to control the natural resources on their reservation. Despite the tribe's satisfaction in setting the record straight, there was little celebrating when the memorial was officially dedicated in October 2003.

"For many of us, the dedication was a solemn occasion," says Cajune. "It was a very emotional thing for a lot of people. I know it was for me."

Tribal elder Johnny Arlee spoke a prayer at the dedication and then related the history of the 1855 council. Cajune says she had mixed emotions afterward. "On one hand, I'm forever grateful that our ancestors were able to save even a small piece of our traditional land," she says. "But when Johnny talked that day, and the singers sang, I felt a sense of what our ancestors went through when they lost so much of their beloved homeland."

Today, students on the Flathead Reservation study the history of the 1855 Hellgate Treaty and what it means to residents of the reservation. Cajune says she hopes other teachers in western Montana take their students to Council Grove State Park to learn about the treaty and its historical significance to the state.

### **Council Grove today**

When school groups and others visit the park, they find a place that looks much like it did 200 years ago. As in 1855, the site contains a broad grassland meadow along the Clark Fork River, ringed by weathered ponderosa pines and mature cottonwoods. It's still an inviting setting for large gatherings.

Bastian says Council Grove is designated as a "primitive" state park, meaning that FWP limits development to preserve its natural characteristics. Besides the memorial, the only facilities are a gravel entrance road, a small parking lot, a half-dozen picnic sites with tables and fire rings, a restroom accessible to people with disabilities, and a few well-defined foot trails.

An island covered with willows, wild roses, cottonwoods, and pines makes up most of the park's acreage. In summer, visitors can easily reach the island by wading a shallow channel of the Clark Fork. Part of the mile-long island is managed by the U.S. Forest Service as part of the Lolo National Forest.

In addition to being an important historic site, the park hums with quiet recreational activity. “Many people go to the park because it’s an open, natural area,” says Bastian. “It also provides good access to the Clark Fork River. From Missoula, you can be there in 25 minutes and enjoy the wonderful scenery. The whole park is such a neat spot. People who go there can really unwind.”

Those who visit the state park in spring are likely to see other visitors glued to their binoculars, studying the variety of birds attracted to Council Grove’s riparian habitat. In summer, expect to see people splashing in the Clark Fork River, picnicking on sandbars, fishing, strolling in the shade of the cottonwoods, and riding horses.

In the fall, bow-hunters are allowed into the park for a few weeks to stalk the river bottom’s prolific white-tailed deer. Water-fowlers set up decoys and blinds in the park’s backwaters and sloughs.

Rapidly encroaching residential development on nearby land and the gradual loss of the ponderosa pines to age are the main threats to the park. “Housing developments around the park are a major concern,” Bastian says. “For a long time, Council Grove has been surrounded by open agricultural fields, which help create the feeling that it is actually bigger than it is. That changes when houses start popping up.”

As for the pines, Bastian says they are an essential element of the park’s history and cultural significance. “Unfortunately, we’ve lost some of those big old ponderosa pines to windstorms over the years, and there’s not a lot of regeneration,” he says.

Missoula groups such as the YMCA, Boy Scouts, and local schools use Council Grove for nature and recreation programs. FWP and other agencies frequently schedule interpretive natural history and cultural activities at the park. Cajune says the Salish and Kootenai tribes plan to use Council Grove to make interpretive presentations on the history of the Hellgate Treaty.

Members of the Confederated Salish and Kootenai Tribes say it’s important to have a sanctioned site where they can tell others about their history. Unfortunately, that history is so bittersweet that some tribal members find it difficult to visit the state park.

“Some people have told me they can’t go to the memorial,” says Cajune. “It would just be too sad for them, too overwhelming. So yes, it’s good that this site has been preserved as a state park. And yes, we have a deep love and attachment to the land that was saved for us. But to many members of the tribe, this is also hallowed ground, the site of a great loss.”

(Daryl Gadbow is a freelance writer in Missoula. This story is featured in *Montana Outdoors* November–December 2005. Retrieved on July 25, 2009, from <http://fwp.mt.gov/mtoutdoors/HTML/articles/2005/CouncilGrove.htm> )

## Attachment D

### Teacher's Narrative: Introduction to Treaties

It is important to recognize that Treaties are constitutionally protected, government-to-government agreements creating long-term, mutually binding commitments. This is important because treaties, like the Hellgate Treaty, recognized and acknowledged the sovereignty of the native participants. (Today, treaties form the legal basis from which most tribes have federal recognition by the United States government.)

Indigenous peoples of the West were unfamiliar with the concept of private property when it came to land. They owned some items individually, but land generally was not something “owned.” To the settlers, on the other hand, the ownership of property was important and had been for centuries.

One of the reasons the federal government wanted to create reservations was to secure lands for a railroad and for settlers, so as to fulfill the colonialist ambitions of Manifest Destiny. Indigenous peoples did not want to leave the lands their ancestors had inhabited, in some cases for many thousands of years. Furthermore, tribes were not aware that the United States would not stand by most of the provisions of the treaties and that the tribally owned “reserved” lands would, eventually, be whittled down to a fraction of what the treaties specified.

Communication was another significant problem in making treaties. Each tribe had its own language, unspoken by the representatives of the U.S. government, and so they were forced to rely on translators to negotiate unfamiliar concepts for them. Confounding the situation further was the fact that by the mid-1800s, many tribes were extremely impoverished, their natural resources depleted and their populations greatly reduced by repeated epidemics of infectious diseases of European and Euro-American origin. Thus weakened, most tribes had little choice but to sign the treaties and hope for the best. Even then, as we will discover in this lesson, the United States failed to ratify some of the signed treaties its representatives had negotiated and, in other cases, violated the terms of ratified treaties.

In this lesson, we are going to read the Hellgate Treaty of 1855 and analyze it as an historical, primary source document. We want to find out: Who participated in creating this treaty? What did the different parties gain or lose in the treaty? What was promised or committed to in the treaty (in other words, what provisions does it make)? Are there biases or imbalances of power in the treaty, and if so, why?

We will also be using the treaty to study the geography of the proposed reservation and we will compare that with the actual reservation. (Initially the reservation was called the Jocko Reservation, later that name was changed to the Flathead Reservation.)

Later in this unit, we will study histories of the Salish people, written by Salish elders, regarding their accounts of the treaty-making council, why there were problems making a treaty with the United States, the forced removal from the Bitterroot of one band of the Salish, and the short- and long-term consequences of the treaty and the reservation it created. IT is important that we study this history from a Salish viewpoint so that we have an understanding of the impacts federal Indian policy and those of Euro-American settlement in Montana, because these actions (and their consequences) continue to affect the lives of Native Americans today and are an important part of our collective national and state history.

## Attachment E (two pages)

### Analysis and Discussion Questions for Reading the Hellgate Treaty

Examine each Article of the Treaty for its provision. What does each Article mean? Who benefits from each Article or provision in the treaty? In addition to these general questions, please answer the specific questions pertaining to each individual Article of the Treaty:

**Who** participated in the treaty negotiations?

**What** language is the treaty written in? Why does this matter, especially for the tribes?

**Article I:** How are the terms of Article I (such as “cede, relinquish and convey to the United States all their right, title and interest..”) problematic from a cross-cultural conceptual framework? (Consider the vastly different notion of land tenure from a Salish, Kootenai or Pend d’Oreille perspective.)

Approximately how much land, in square miles, did the tribes have to cede to the U.S.? (Use your highway map and a ruler to get a rough estimate of this land.) Convert these square miles to acres. (640 acres per 1 square mile). Which tribe lost nearly its entire homeland in this treaty?

**Article II:** Looking at the map, use the treaty to determine, generally, the geographical boundaries of the proposed Flathead reservation. How does the Flathead reservation as described in the treaty compare with the reservation as it is demarcated on the map? Are the boundaries the same?

Who does Article II allow to live on the reserved lands? Who cannot without tribal permission?

What does the fourth paragraph of Article II guarantee? (Two things—one for whites, one for Indians who are now living on lands to be ceded.)

**Article III:** Who benefits from road-building across the reservation? What else is guaranteed by this portion of the treaty? Why are these provisions important?

**Article IV:** How much is the U.S. obligated to pay for the ceded lands, in dollars? Using the estimated number of square miles or acres of land ceded in Article I, what was the cost per acre that the United States paid for the lands it acquired from the Salish, Kootenai and Pend d’Oreille?

What stipulations does the treaty put on the tribes regarding their reserved lands?

Who controls the funds generated from the sale of the ceded tribal lands? What guarantee do tribes have that this money and annuities shall ever be paid? Is there any explicit provision that the tribes can reclaim their lands if the United States does not fulfill its end of the treaty?

**Article V:** What kinds of schools does the treaty stipulate? Why do you think these schools are in the treaty? What purpose would such schools have? What else does this Article provide?

**Article VI:** What does the treaty say can be done to reserved tribal lands? At whose discretion would tribal lands be allotted? Who does *not* get a say regarding future allotment? Who would benefit from this action?

**Article VII:** What protection of annuities is offered here?

**Article VIII:** What two stipulations does this section of the treaty make these tribes agree to? What does “dependence” mean in this context? How is agreeing to dependence an attempt to undermine the sovereign authority of the tribes, and how might this status be used against tribes to divest them of their reserved lands later on? (Think: Dawes Act of 1887)

Who are considered “citizens” in 1855? Who are not considered “citizens” in 1855, and as non-citizens, do they have any legal rights or representation?

**Article IX:** What is the consequence for possession of alcohol by a tribal member on the reservation?

**Article X:** What does this section guarantee?

**Article XI:** What does this Article of the treaty mean? First, what does it say will be done regarding the lands in the Bitterroot? Who would this reservation be for? Who will determine whether or not a reservation would be better located here? Why don’t the tribes have a say in the location of the reservation, particularly the Salish (referred to in the treaty as the Flathead)? What final stipulation does this Article make regarding when or if white settlers could move onto this land or not? (Later in this lesson you will learn whether or not these lands were ever in fact surveyed...) How might this Article (and the U.S.’s failure to follow through on surveys) have created a situation of confusion regarding the Bitterroot?

**Article XII:** What is the purpose of this Article? (Binding agreement between the tribes and the U.S. Government)

**Ratification:** This treaty was ratified by Congress on March 18, 1859, nearly 4 years after it was signed. Why is ratification important? How long did tribes have after ratification before being required to move to the reservation on the Jocko (the Flathead reservation)—see Article II if you do not remember. What about the Salish (“Flathead”) living in the Bitterroot? Were they required to move after ratification or not? Why is that unclear and what were they waiting on?

**In sum:** Who benefited most from the Hellgate Treaty? Who benefited least? Which people were left in limbo?

Does the treaty appear to address any of the concerns or needs of the tribes listed or stipulated in it? For instance, what evidence is there to suggest that tribes had much of any say regarding the creation of a reservation (or two separate reservations) or regarding the control over their reserved lands?

Do you think the tribes understood, in the same way that Isaac Stevens and the U.S. Government understood, the provisions of the treaty? Why or why not?

Do you think that the Hellgate Treaty was fair? Why or why not? Would you think the same if you were a descendent of one of the Salish, Pend d’Oreille or Kootenai tribes?