



*Mountain Forest*

# IS THIS A BARGAIN?

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## How Treaties Work For All Parties

**Purpose of This Activity:** To understand how different groups in Washington’s history shared natural resources. To understand the progress made over time toward finding fairer ways of sharing and managing the land.

Think about and discuss ways people solve differences—for instance, by a majority vote, by fighting, by flipping a coin, etc.

Using the background information given in this activity, create a two-act skit comparing conflict resolution styles used today to those in the past. After writing and practicing your script, videotape your dramatization or present it “live.” The first act is about treaties between Native Americans and settlers in this area. The second act is about a modern-day treaty in this state for land use.

## What is a Treaty?

Throughout the history of the world, groups of people have completed or fought with each other over land and resources. Often, a time comes when people want peace enough that they talk to each other. When nations or large groups do this, the agreement they reach is called a treaty. In the treaty, both sides agree on how they will share the land or the resources, or how they will act or behave toward each other in order to have peace.

**Act 1:** *Bargaining table, sometime around 1850.*

Use the following information to help write your script and develop characters. After reading the information in Scene 1, sum up the conflict in your own words, then list the main characters and a short description of their places in the conflict. This will make it easier to write your script.

## The Conflict

Native Americans were unfamiliar with the concept of private property. They owned some items individually, but land generally was not something “owned.” Property rights were limited to a few fishing sites and seasonal campgrounds. When the settlers claimed great expanses of land, the Native Americans could not understand—there was so much land to share. To the settlers, the ownership of property was important and had been for centuries. Their goal was to put the tribes on reservations and lay claim to the lands of the West themselves.

One reason the federal government wanted to buy out Native American rights was to secure lands for a railroad and for settlers. But the tribes did not want to leave the lands they and their ancestors had inhabited. To add to the dispute, the discovery of gold in eastern Washington Territory led to an invasion of prospectors. The Native Americans of the region responded with angry attacks on stray gold seekers. Soon the trouble spread to the western side of the mountains.

Communication was a big problem in making treaties. Tribes (each with their own language) were forced to rely on translators to negotiate for them. Most of the meetings were translated in the Jargon, a combination of some tribal languages, French and English that had been used for barter. The language consisted of only 300 words; the possibility for misunderstanding was enormous.

## The Characters

Chief Sealth, the well-known Salish tribal leader, was quoted by Dr. Henry Smith as saying, in 1854:

A few more moons. A few more winters—and not one of the decendants of the mighty hosts that once moved over this broad land or lived in happy homes, protected by the Great Spirit, will remain to mourn over the graves of a people—once more powerful and hopeful than yours. But why should I mourn at the untimely fate of my people? Tribe follows tribe, and nation follows nation, like the waves of the sea. It is the order of nature, and regret is useless. Your time of decay may be distant, but it will surely come, for even the White Man whose God walked and talked with him as friend with friend, cannot be exempt from the common destiny. We may be brothers after all. We will see.

Governor Stevens: Isaac Stevens was appointed as Washington's first territorial governor in 1854. On instructions from the federal government, he gathered tribes throughout the territory to sign treaties with the U.S.

Stevens was a young governor who had been an outstanding fighter in the Mexican War and was now Superintendent of Indian Affairs and the head surveyor for a northern railroad across the U.S.

General Palmer: General Palmer reflected the beliefs of the United States government—that it was in the tribes' best interests to be on reservations. In a speech to the Walla Walla Indian Council in 1855 he said:

How long will you...refuse to receive the light? I, too, like the ground where I was born. I left because it was for my own good. I have come a long way. We ask you to go but a short distance. We do not come to steal your land. We pay you more than it is worth...What is it worth to us? Not half what we have offered you for it. Why do we offer so much? Because our Great Father told us to take care of his red people. We come to you with his message to try and do you good...Whatever we promise to give you, you will get....

## Act 2: Bargaining table, around 1986

Use the following information to help write your script and develop characters. As you did with Scene 1, sum up the conflict in your own words after you read the information. Next, list the main characters and a short description of their places in the conflict. This will make it easier to write your script.

### The Conflict

Forests are important to the people of Washington. They are the ancestral home of tribes who have lived and fished here many centuries; they are a place of beauty and recreation to environmental groups; they hold the livelihood of foresters. All these groups value the forests, but they often value it for different reasons. Over the years, many disputes have arisen over how our state's woodlands should be used.

The dispute reached a climax in 1986 when a state board published a set of proposed forest regulations that were very unpopular. Battle lines were drawn. Lawsuits were threatened and laws were suggested. The disagreement looked like it would cost everyone involved a lot of time and money.

### The Characters

A chance meeting between Stewart Bledsoe, executive director of the Washington Forest Protection Association, and Nisqually tribal leader Billy Frank, Jr., raised the possibility of a solution to the forest practices dispute. The two men had grown to respect one another deeply. The decision was yes, agreement could be reached.

Negotiator/attorney James C. Waldo was contacted by Bledsoe and Frank. A veteran of many previous negotiations, Waldo quickly contacted key tribal and state agency heads. They, too, agreed that a negotiated solution might work. Environmental leaders and landowners were also brought aboard as necessary parts of the solution.

### The Resolution

The treaty they and others would try to create would be called the *Timber/Fish/Wildlife Agreement*. It was to reflect a whole new way of settling disagreements.

Fairly early in the process, a three-day retreat was held. Waldo opened the meeting with the house rules. No hostility, respect your neighbor's opinion and listen a lot. What followed left the participants stunned. The foresters learned the environmentalists didn't want all the forest landowners shipped to Siberia. The environmentalists found tree choppers loved Washington forests as much as bird watchers. The tribes spoke eloquently of their culture, history and the significance of the salmon to their life. At the end of the third day, Waldo asked the question everyone knew was coming: "Are you willing to try a negotiated solution?" The answer was best summed up by one of the participants: "I'm not sure I like it, but it's the best game in town."

Five months later, at 1:45 a.m. on Dec. 3, Stewart Bledsoe said to the parties involved, "That's all there is. There's no more." Bledsoe, the chief negotiator for the timber industry, felt he could concede no more. His nervous constituents were near revolt. There was a quick recess, whereupon Tulalip tribal member Terry Williams said, "I think we've got a deal." No one got everything they wanted, but everyone got something. And they learned the art of giving to get.