Chapter 4
From settlers to statehood

Free land draws settlers west, and Britain and the United States decide on a border

Starting in the 1840s, thousands of settlers from the American East and Midwest began to come to the Northwest. Most of them wanted free land to farm and a chance to start a new life.

In 1846, Britain and the United States decided where the border should be between the lands the two countries claimed. Britain gave up its claim to all the land that is now Oregon and Washington. In 1846, the United States called all this land the Oregon Territory.

Once that happened, the flow of settlers grew from a trickle to a river.

art by MWillowsIllustration

At first, most settlers chose to live in the Willamette Valley, in what is now western Oregon. The land there was perfect for farming. The settlers established Salem as the capital of the Oregon Territory.

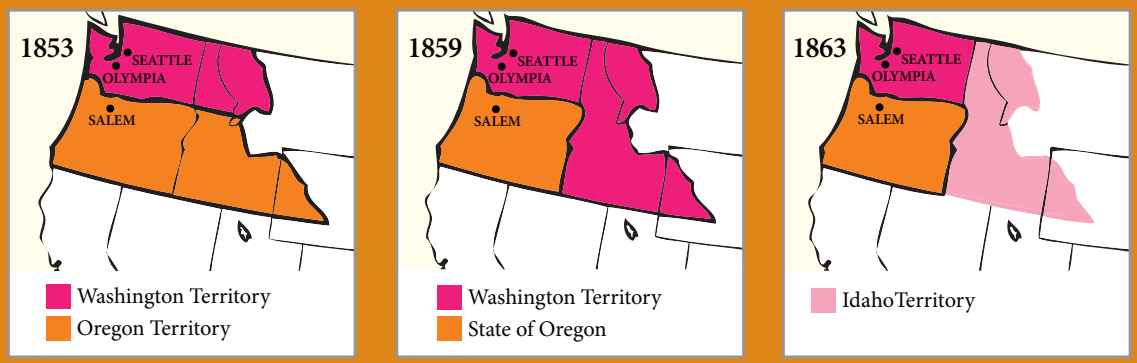
But by 1851, about a thousand settlers had come to what is now western Washington, and they wanted their own government, separate from Oregon. From the new settlements in Seattle and Olympia, it took at least three days to get to Salem, and people in Washington didn't feel the Salem government really cared about them. So they talked among themselves and decided to ask the U.S. Congress to declare the area north of the Columbia River a separate territory

In 1853, their wish was granted. At first, Congress included a lot of land that is now Idaho in the Washington Territory (see maps below).

In 1853, U.S. President Franklin Pierce appointed Isaac Stevens the governor of Washington Territory. Territories were controlled by the federal government, so the governor worked for the president of the United States.

Washington's borders changed.

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.



George Washington Bush, leader, farmer, and friend

In 1846, George and Isabella Bush helped lead a wagon train of several families from Missouri to Oregon.

George 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 the racism of the South.

However, when they arrived in Oregon, its territorial legislature had just passed a "lash law" that said any African Americans or other people of color would be whipped if they tried to settle there. So the Bush family and their friends decided to move 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.

In the years that followed, the Bush family became famous for their generosity to their neighbors and to new settlers. Their farm, garden, and orchard

drawing courtesy Office of The Secretary of State

produced abundant food, which they shared with all who needed it. They even ran a free hotel for travelers who were heading north on the Cowlitz Trail. And Isabella, who was a nurse, gave free medical care to both Indians and settlers.

When Washington became a separate territory in 1853, one of the territorial government's first acts was to ask the U.S. Congress to grant George Bush title to his farm, which otherwise would have been denied because of his race. Congress granted that request. But George Bush died in 1863 without ever having the right to vote.

The Bushes' eldest son, William Owen Bush, served in the Washington territorial legislature and introduced the bill to create Washington State University. He also continued his father's legacy as a leader in farming and won national awards for his work.

image 1985.66.362.146.2, courtesy Smithsonian American Art Museum, transfer from the National Museum of Natural History, Department of Anthropology, Smithsonian Institution

Chief Joseph of the Nez Perce

Treaty times

The president wanted Governor Isaac Stevens to negotiate treaties with all the Indians who lived in Washington Territory. The purpose of the treaties was to get the Indians to give up most of their lands, so that more settlers could come and live here.

From 1854 to 1856, Stevens traveled all over the state and persuaded tribes to sign treaties.

In the treaties the Indians signed, they promised to live on reservations, which were specific pieces of land reserved for them. In many cases, this meant

the tribes had to move from where they usually lived. Sometimes several tribes had to move onto one reservation together, even if they didn't like each other or get along.

The tribes were promised 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 Colville Tribe

The Confederated Tribes of the Colville Reservation comprise almost 10,000 people whose ancestors were members of 12 bands, or tribes, of Indians: Chelan, Colville, Entiat, Lakes, Methow, Moses-Columbia, Nespelem, Nez Perce of Chief Joseph's Band, Okanogan, Palus, Sanpoil, and Wenatchi (Wenatchee).

You might know some of those names as place-names: Okanagan and Chelan Counties, or the towns of Moses Lake, Entiat, and Methow Valley.

Those place-names are clues to where those 12 groups lived before settlers came, and before treaties created reservations. Some of those bands once had their own reservations, but they lost them when the federal government decided to take them away. That's why all 12 were bunched up on the same reservation. The federal government also reduced the amount of land for the original Colville Reservation by half.

Chief Joseph's Band came the farthest from their original home in the Nez Perce Nation. He and his band lived near present-day Wallowa, Oregon. In 1877, the federal government insisted that he and his people move onto the Nez Perce Reservation in Idaho, but they refused, and fled. Federal troops chased them, killed many of them, and finally forced the survivors to move to Oklahoma. In 1885, they were sent to the Colville Reservation. Chief Joseph's grave is in the small town of Nespelem on the Colville Reservation.

The building of the Grand Coulee Dam and the Chief Joseph Dam changed the lives of all the Indian people on the Colville Reservation. The dams created a dead end for salmon when they tried to swim upstream. They cut off all the fish from 1,400 miles of upstream rivers where Indians had fished for thousands of years. Today, people still talk about finding ways for the fish to get around the dams and return to their lost habitat.

image 2019.3.1.22 courtesy Washington State Historical Society, Tacoma WA

A photo of the Colville Reservation about 1912

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

Governor 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 U.S. government over the terms of the treaties. The U.S. government won.

drawing courtesy Governor's Mansion Foundation

Before photography was invented, companies, newspapers, and magazines hired artists to draw what they saw. This drawing is from a railroad survey. It shows Governor Stevens talking with Nez Perce people in 1855.

The Medicine Creek Treaty: The story of Leschi and Quiemuth

Just before Christmas in 1854, Isaac Stevens, Washington's territorial governor, held a meeting with Indians from several tribes around the south end of Puget Sound. They met near Medicine Creek, in the Nisqually Valley. Stevens was in a hurry to get the Indians to sign a treaty. The treaty said they would give up most of their land and live on a small part of it called a *reservation*.

He wanted the Indians to sign the treaty right then and there. He didn't want to give them time to talk about it with the people back in their villages. Stevens promised that they would always be able to hunt and fish in their "usual and accustomed places," and that the U.S. government would provide them with schools and other services.

It's likely that Governor Stevens and the Indians didn't fully understand each other, since they didn't speak the same language.

Some of the Indians were not happy about it, but enough of them signed to make the treaty official.

The Nisqually and Puyallup Indians were upset by the reservations they were assigned to because they were on hard, rocky ground far from the places where they had lived and fished. Two brothers, Leschi and Quiemuth, went to Olympia to try to correct this, but they were labeled troublemakers and threatened with arrest. They fled into the foothills of Mount 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. But many people 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 Indians and settlers—were deeply sorry that this happened. They thought Quiemuth was a great and honorable man, and that he was innocent.

In 2004, 150 years after the Medicine Creek Treaty was signed, the Washington State Legislature directed the Washington Supreme Court to acknowledge that Leschi's conviction was wrong. The legislature also called on public schools to teach young people the truth about this part of our state's history.

image from Wikimedia, in the public domain

The Dawes Act breaks up the reservations

Within a few years of signing the treaties, the federal government broke many of them, often because more settlers wanted land. In 1887, the U.S. Congress passed the Dawes Act. It assigned each Indian family a plot of land within the reservation and then sold off the rest of the reservation land to settlers. The main idea of this policy was to make more land available for settlers.

It was also a way to try to make Indians be more like White people. Instead of sharing land, Congress wanted Indians to adopt the idea of each person or family owning their own land. Instead of hunting, fishing, and gathering, they wanted Indians to become farmers.

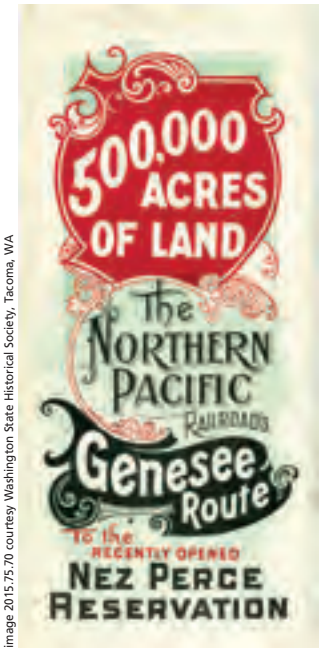


image 2015.75.70 courtesy Washington State Historical Society, Tacoma, WA

The settlers didn't think that Indian culture, history, or languages would survive. After all the Indian deaths from European diseases and all the wars against them, there weren't very many Indians left. Most non-Indians didn't understand the value of the Indians' ways of life.

Writing Washington's constitution

Before long, settlers wanted Washington to become a state, because then they could elect their own government instead of being governed by the federal government.

Early in 1889, the federal government agreed to let several territories become states. But first the people in those territories had to write state constitutions. So the Washington territorial government held an election to choose the people who would write it. Seventy-five men were elected to go to Olympia to start writing.

Among the people (called delegates) who wrote our constitution were 22 lawyers, 19 farmers or ranchers, nine store owners or bankers, six doctors, three teachers, and three miners. Only one had been born in Washington.

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 had come 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 July 4, 1889, the 75 men set to work. They didn't start from scratch. They copied parts of the constitutions of other states and from an earlier draft of a state constitution that had been written in 1878. When they ran out of paper in 1877, one resolution was written on a shingle. (A shingle is a piece of wood—usually cedar—that is used to make roofs or to cover the sides of a house.)

What's the connection between women's suffrage and banning alcohol?

In the 1800s, hardly any women had their own money. And once they married, if they did have any money, the husband had control of it.

If the husband stopped at a bar and spent all his money drinking, the family had nothing. Also, when husbands got drunk, sometimes they got mean and violent. There were no laws against men beating their wives and children.

So it's not surprising that a lot of women thought their lives would be better if men didn't drink. A woman named Carrie Nation even showed up at a bar and broke all the liquor bottles and the barrels of beer with an axe. That really did scare the companies that made their money making and selling alcohol.

People wanted to outlaw alcohol for other reasons too. Some religions were against drinking, and many people thought drinking was rude and uncivilized.

The companies that sold beer and other kinds of alcohol were afraid that if women could vote, they would get the government to ban alcohol.

Starting in January 1920, making and selling alcohol was made illegal in the United States. But this wasn't because women had gotten the vote; that didn't happen until August 1920. In the end, making alcohol illegal (called Prohibition) just caused a lot of crime because people made it anyway. Thirteen years later it became legal again.

A quick history of voting rights

1776

When the United States 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.

1856

By this year, all the states had dropped the requirement that voters own property, so **almost all White males** could vote.

1868/1870

In 1868, the 14th Amendment to the U.S. Constitution recognized the citizenship of all **African Americans**. In 1870, the 15th Amendment gave Black men the right to vote. For 12 years, they did vote, and elected many Black leaders. After that, the federal government let southern states deny the vote to Black people, which didn't end until the national Voting Rights Act was passed in 1965. Even then, people had to struggle to enforce it.

1890/1920

In 1890, Wyoming became the first state where **women** won the right to vote. In 1910, Washington became the fifth state to grant women the vote. Ten years later, in 1920, the 19th Amendment to the U.S. Constitution gave all women the right to vote, but **African American women were still excluded** by state laws in southern states.

1924/1950s

In 1924, the U.S. Congress passed the **Indian Citizenship Act**, giving U.S. citizenship to all Native Americans. However, it wasn't until the 1950s that Indians could vote in all states.

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

1943/1952

In 1943, **Chinese Americans** were allowed to become citizens and to vote. For people from **India**, citizenship was allowed starting in 1946; people from **Japan and other countries in Asia** were finally able to become citizens and vote in 1952.

1964

The 24th Amendment to the Constitution, adopted in 1964, **prohibits states from charging a "poll tax"** that was mainly intended to exclude African American voters. A poll tax is a requirement that people pay to vote. (Polls are the places people go to vote.)

1965

The U.S. Congress passed the **Voting Rights Act**, which finally ended many 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 states that had a history of discrimination in their voting laws from having to seek federal approval to change them.

What's in a state constitution?

Like the U.S. Constitution, state constitutions set up the basic form of government and spell out the rights of citizens. But state constitutions have a lot more detail. For instance, our state constitution describes services that the state government must provide: schools, prisons, and places to care for people with certain disabilities. The federal Constitution doesn't say anything about what services our national government must provide. That's why Washington's constitution is very long and boring compared to our national constitution.

State constitutions can also differ from the U.S. Constitution in the rights they give to citizens. For instance, Washington's constitution has stronger protections for people's privacy and right to own guns as well as stricter separation between religion and government.

Big constitutional debates

Should women vote?

The men who wrote our state constitution argued 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 vote because they were afraid women would vote to outlaw liquor. Companies that made beer and whiskey lobbied to keep women from getting the vote.

Zerelda McCoy, who campaigned for including women's right to vote, wrote a letter to the constitutional delegates saying that if she didn't have the right to vote, she shouldn't have to pay taxes. (A tax is money citizens pay to the government.) In the end, the writers of the state constitution decided not to put women's suffrage (voting) in the constitution. Instead, they put it on the ballot as a separate measure for the fall election, but it was defeated by the all-male voters.

If the ballot were extended
to women,
the star of America's glory would go down immediately never to rise again.

[women's suffrage]
will undermine the government,
destroy the constitution and wreck the nation.

The Reverend Mark Matthews, 1911

In 1906, this Baldwin Locomotive Works locomotive was the newest technology. Polson Logging Company used it on its railroad north of Hoquiam, on the Washington coast.

photo courtesy Polson Museum, Hoquiam, WA

About those railroads . . .

Railroads came to Washington in the early 1880s, and they caused huge changes. Settlers could come here sitting on a comfortable train instead of driving a horse- or oxen-drawn wagon across the mountains and camping out every night for months. So more settlers poured into Washington on trains.

Railroads also made it easier for the farmers and ranchers in Eastern Washington to get their products to market in Seattle and other cities.

But many farmers and ranchers were angry at the prices the railroads charged. They thought the federal government gave the railroads way too much public land and other favors.

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 this. They made it illegal for state government to loan money to private companies. They didn't allow elected officials to accept free railroad passes. They insisted on strict separation between private business and state government.

What to do with all the land the federal government gave to the state?

The delegates also had big debates about what to do with the 2.5 million acres of land that the federal government had given to the state. (This was land that Indians had ceded in the treaties.) The state could make money from logging, grazing cattle, and other uses of this land. That money could be used to pay for building schools and other public buildings.

In other states, public land had been sold off to business owners for a tiny fraction of its real value. That was another example of big businesses getting unfair favors from government. People in Washington didn't want that to happen here, so the constitution writers included a strong statement that public lands must never be sold for less than they were worth.

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's buildings and grounds.

image courtesy Tacoma Public Library, image #WIL_C023

image courtesy MOHAI, Benjamin Pettit Photograph Collection, 1980.6923.106

Some of the beaches where Indians gathered clams and oysters were taken over by sawmills and other industries. The treaty promises that Indians could hunt and gather "in all their usual and accustomed places" weren't kept.

The biggest arguments, though, were over what to do about tidelands. A lot of businesses had already been established on tidelands. For instance, Henry Yesler had established a sawmill on the tidelands in Seattle.

After a lot of debate, the delegates decided that the state would 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" where Indians had been promised rights to fish and gather clams and oysters

Spreading power around

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

The people writing the constitution wanted to spread power around even within the executive branch. They wanted to make sure that our government was

The Commissioner of Public Lands is the leader of a big state agency that manages all the state-owned land. That includes fighting wildfires on more than 13 million acres of private and state-owned forest lands. That's what the people in this photo are doing.

image courtesy Commissioner of Public Lands

image 2014.142.2 courtesy Washington State Historical Society, Tacoma, WA

image courtesy Kent School District

The photo on the left is a one-room school in Prosser in about 1907. When that photo was taken, most students didn't graduate from high school—in fact, many only went to school for a few grades before they went to work. The photo on the right is a classroom in the Kent School District taken just a few years ago. It looks modern to us, but 100 years from now, it will probably look very old-fashioned too.

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 elected statewide officials in our state's executive branch. Most states have far fewer.

Agreement about education

But while the writers of the constitution argued about many things, they all agreed about one area: 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 before computers became common.)

Also, our constitution says we must educate all children "residing" (living) in Washington—not just those who are citizens. When the state constitution was written, 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.

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.

Inauguration of Governor Ferry Photographs, 1889, Washington State Archives. Original held at the Washington State Archives, Olympia, WA.

In 1889, these citizens attended the inauguration of Elisha Ferry, the first governor of the state of Washington. What do you notice about them?

If the governor hadn't delayed the process by forgetting to sign the constitution, Washington would have been the 41st state instead of Montana.

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. (That means two-thirds or more vote yes.)

Second, at the next general election the amendment has to be put on the ballot and passed by voters by a simple majority (50 percent plus one or more). As of 2019, the state constitution had been amended 109 times.

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 school districts supported the students. The legislature voted to make the dragonfly the state insect in 1997.

art by MWillowsIllustration