

# **Documents of American Indian Diplomacy**

**Treaties, Agreements, and Conventions, 1775–1979**

**Volume Two**

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and  
Raymond J. DeMallie**

**With a Foreword by Daniel K. Inouye**

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Also by Vine Deloria, Jr.

*Custer Died for Your Sins* (New York, 1969; Norman, 1988)

*God Is Red: A Native View of Religion* (New York, 1973; Golden, Colo., 1994)

*Behind the Trail of Broken Treaties: An Indian Declaration of Independence*  
(New York, 1974; Austin, 1985)

Also by Raymond J. DeMallie

(ed. with Elaine A. Jahner) *Lakota Belief and Ritual* (Lincoln, Nebr., 1980)

(ed.) *Lakota Society* (Lincoln, Nebr., 1982)

(ed.) *The Sixth Grandfather: Black Elk's Teachings Given to John G. Neihardt* (Lincoln, Nebr., 1984)

(ed. with Douglas R. Parks) *Sioux Indian Religion: Tradition and Innovation* (Norman, 1989)

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1 2 3 4 5 6 7 8 9 10

Marcus X his mark  
Utah Chicito or  
Jose Antonio X his mark

I certify that the Indian chiefs whose names are signed to the above articles and conditions, agreed to them of their own accord after they were fully explained.

S. M. YOST  
Indian Agent

SOURCE: David M. Brugge and J. Lee Correll, *The Story of Navajo Treaties* (Navajo Historical Publications Documentary Series No. 1, Navajo Tribe, 1971): 79-82.

### TREATY WITH THE NAVAJO

February 15, 1861

There shall be perpetual peace between the United States of America and the Navajo Nation and to this end the following conditions and stipulations have been mutually agreed upon between Lieut. Colonel E. R. S. Canby, U.S. Army, on the part of the United States, and the Navajo Chiefs assembled in council at Fort Fauntleroy, N.M., this 15th day of February, 1861 on the part of the Navajo Nation.

First. It is distinctly understood that the inhabitants of New Mexico, the people of Zuni, Moqui and all the other Indian Pueblos and all Indian tribes that are now or may hereafter be under the protection of the United States are embraced in the terms and stipulations of this treaty, and that any act of hostility against these will be a breach of faith and act of hostility against the United States.

Second. The Navajo Chiefs agree to submit themselves unconditionally to the Government of the United States and to pledge themselves for the whole Navajo Nation for the faithful performance of all the conditions and stipulations of this treaty, and they also mutually pledge themselves to each other to support the Head Chief of the Nation and all the other chiefs in controlling their people and maintaining inviolate and in good faith the conditions of the treaty and this without respect to the family or the rank of the offenders.

Third. It is further agreed by the Navajo Chiefs that they will, at once, make war on the ladrones and unruly men of the nation, that the war will be continued until the ladrones are destroyed and the others are brought under proper subjection and control; and it is stipulated on the part of the United States that whenever the ladrones or bad men are so strong that they cannot be suppressed or controlled by the Navajos themselves, that troops will be sent to assist in their suppression or control.

Fourth. It is further stipulated by the Navajo Chiefs that they will not permit any ladrones or bad men to take refuge or hide among their people and that if any such are found at any time, they will immediately be surrendered to the commanding officer of the nearest military post; that they will not permit their people to purchase or sell any stolen property but will cause it to be delivered up at the nearest military post in order that it may be restored to its owners, and that they will indemnify the owners for any such property that may have been consumed or destroyed by their people; and it is stipulated on the part of the United States that if any robberies should be committed upon Navajoes who have in good faith complied with the conditions of this treaty that measures will be taken to see that justice is done them.

Fifth. The Navajo Chiefs shall immediately collect their people and establish them in the country west of Fort Fauntleroy, and until it is otherwise stipulated none of them will be allowed to live or graze their flocks in the country east of that post. If any are found in that country they will not be entitled to protection but will be regarded and treated as enemies, and it is understood that the Navajo Chiefs will, as soon as it is practicable, and the necessary arrangements can be made, establish their people permanently in Pueblos or settled communities, where peaceable avocations may be pursued without interruption or molestation.

Sixth. Whenever the Government of the United States is satisfied that the Navajo people will conform in good faith to the conditions and stipulations of this treaty, put an end to their depredations and live in peace with all their neighbors, measures will be taken to render them any assistance that may be necessary to place them in the same condition with other nations, under the protection of the Government, and with this object it is stipulated that a general council of the Navajo Chiefs shall be held at the post on the 20-24th day of May next.

ED. R. S. CANBY  
Maj. 10 Infy. &  
Lt. Col. U.S.A.

Witnesses		
N. B. ROSSELL	B. A. CLEMENTS	HERRERO GRANDE his x mark
Bvt. Maj. & Capt. 5 Inf.	Asst. Surg. U.S.A.	
"	"	ARMIJO his x mark
"	"	HERRERO CHIQUITO his x mark
"	"	BARBON No. 1 his x mark
"	"	SOLDADO SURDO his x mark
"	"	CROOKED WHISKERS his x mark
"	"	JACUNDA his x mark
"	"	EL SURDO his x mark
"	"	BARBON No. 2 KLA his x mark
"	"	SOBRINO DE HERRERO his x mark
"	"	JOSE his x mark
"	"	MARIANO his x mark
B. WINGATE	S. COOPER MCKEE	JOSE PELON his x mark
Capt. 5th Infy.	Asst. Surg. U.S.A.	
N. B. ROSSELL	H. R. SELDEN	HA-NAU A HI his x mark
Bvt. Maj. & Capt. 5 Inf.	Capt. 5 Inf.	
"	"	CABESA GRANDE his x mark
"	"	EL COUPADOR his x mark
J. A. WHITALL		MAUELITO his x mark
Capt. 5 Inf.		
"		EL HIJO DE JUANICO his x mark
"		TERNANDO his x mark
"		KLA his x mark
"		BARBON SU H IJO his x mark
L. L. RICH		CUYO SU HIFO his x mark
1 Lt. 5 Infy.		
"		ANDREW JACKSON his x mark
"		HUERRO No. 1 his x mark
"		HUERRO No. 2 his x mark

"		CUNANI his x mark
"		JUAN his x mark
"		JOSE DE CHUSCO his x mark
"		JUAN LUCERO his x mark
"		JUAN PEDRO his x mark
"		GORDO his x mark
J. A. WHITALL		
Capt. 5 Inf.		
W. J. L. NICODEMUS		HUERO No. 3 his x mark
5 Infy		
J. A. WHITALL	Tot-so-nis-ne	GANADO MUCHO his x mark
SAM'L ARCHER		BARBONCITO his x mark
1st. Lieut. 5th Inf.		
L. L. RICH		CAVALLADA ROSIO his x mark
1 Lt. 5 Infy.		
"		VICENTE BACA his x mark
J. A. WHITALL		CABRA BLANCA his x mark
Capt. 5 Inf.		
H. B. BRISTOL		TA-CA-RA X
2 Lt. 5 Inf.		
"		HERRERO CHIQUITITO X
"		HONTERO LARGO X
"		CUPADOR CHIQUITO X
"		SAL-GORDO X
"		EL TUERTO X
J. UPDEGRAFF		CAYETANITO TACACO GRANDE X
1 Lt. 5 Inf.		
"		MULA MUCHO X
"		CAYETANITO SAN LUCERO X
"		AIJULO PINTO X
"		BOTA X

SOURCE: David M. Brugge and J. Lee Correll, *The Story of Navajo Treaties* (Navajo Historical Publications Documentary Series No. 1, Navajo Tribe, 1971): 82-87.

#### TREATY WITH THE NEZ PERCE

April 10, 1861

Articles of agreement made this tenth day of April 1861 between Edward H. Geary, Superintendent of Indian Affairs for Oregon and Washington and A. J. Cain, Agent for the Nez Perces in behalf of the United States and the chiefs and head men of the Nez Perces in behalf of the said nation, said parties acting in accordance with authority vested in them by the 2d article of the treaty between the United States and the Nez Perces Nation on the 11th of June 1855.

1. That portion of the Nez Perces Reservation lying north of the Snake and Clearwater rivers, the South Fork of Clearwater and the trail from said South Fork by the weipe root ground across the Bitter Root Mountains, is hereby