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The Palmer and Stevens “Usual and Accustomed Places” Treaties in the Opinions of the Courts

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Abstract

One hundred fifty years ago, Joel Palmer, as Superintendent of Indian Affairs for the Oregon Territory, and Isaac I. Stevens, as Governor and Superintendent of Indian Affairs of the Washington Territory, negotiated a series of treaties with tribes of the Pacific Northwest. These 10 instruments have affected the gathering rights of tribes and of others in this area and throughout the United States and have generated a substantial amount of litigation. This article reports on the 512 citations to these specific documents in 354 opinions, between the years 1874 and 2005, in various jurisdictions ranging from territorial courts to the U.S. Supreme Court.¹

Keywords: American Indian treaties, Joel Palmer, Isaac I. Stevens

In a report dated February 1854, the Commissioner of Indian Affairs, George W. Manypenny declared: “I have the honor to state, that in my opinion an enlightened forecast indicates that the present is a favorable time to institute and establish definite relations of amity with the wild tribes of Indians located within territory of the United States, and with which such definite relations do not now exist” (*Indians – Oregon and Washington*)

¹ Published online December 26, 2007.

Territories, 1854, p. 1). A month later, Manypenny negotiated the *Treaty with the Oto and Missouri*, 1854 and the *Treaty with the Omaha*, 1854 (Kappler, 1904, pp. 608–611 and 611–614) and thereby created a model for allotment.² Article 6 of the latter instrument stated that "The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home" (p. 612). Within the year and a half following this declaration, a series of treaties was created between the territorial governments of Oregon and Washington and the tribes of the Pacific Northwest (see Beckham, 1990; Marino, 1990, respectively).

The stimulus behind this change in Indian policy began in March 1853, with an act of Congress declaring "[t]hat the President of the United States be, and he hereby is, authorized, immediately after the passage of this act, to enter into negotiation with the Indian tribes west of the States of Missouri and Iowa for the purpose of extinguishing the title of said Indians in whole or in part to said lands" (10 *Stat.* 226, 238). In an interesting twist of fate, the territorial government for Washington had been established by an act created the day before (10 *Stat.* 172).

Cohen (1942, p. 206) noted that between 1816 and 1838, a number of treaties included parameters for allotting land.³ Kinney's (1937) chapter entitled "Experimentation with an Allotment Policy, 1833–1871" records the policy that led to the *General Allotment Act* of 1887 (24 *Stat.* 388). He stated that the "Omaha treaty was the first of a series of treaties under the commissionership of Mr. Manypenny that very definitely carried out a plan for the assignment of lands to Indians in severalty" (p. 115). The standard one-eighth section, or 80 acre, allotment proposed in the Omaha treaty served as a model for later treaties.

Kinney's analysis concluded that, during this time, "[a]ll of the treaties of 1854 and 1855 were made under the administration of Commissioner George W. Manypenny and, while those with Indians living west of the Rocky Mountains were actually negotiated by either Governor Isaac I. Stevens ... or Joel Palmer ..., or both of them ..., all of them may be considered as reflecting the Manypenny policy" (p. 122).

Joel Palmer

Joel Palmer became Superintendent of Indian Affairs for the Oregon Territory in March 1853. The administration there had begun, in 1848, with the joined responsibilities

2 See Otis (1973) for an analysis of the history of allotment. This volume was originally published in 1934 as part of a report by the House of Representatives Committee on Indian Affairs.

3 Cohen referenced ratified treaty number 28, the *Treaty with the Oneida*, 1798 (*American State Papers: Indian Affairs*, 1832, p. 641) as an early instance of allotment policy. As an example of this form of allocation in later instruments, Article 4 of the *Treaty with the Chickasaw*, 1816 acknowledged and identified five tracts of land that "shall be reserved to the Chickasaw nation" (Kappler, 1904, p. 135).

of Territorial Governor and Superintendent of Indian Affairs,⁴ but by the time of Palmer's arrival, these functions had been separated and only two men—Joseph Lane and John P. Gaines—had filled both positions simultaneously during their respective tenures (Hill, 1974, pp. 123–129). Palmer was particularly occupied in the development of new communities within Oregon, and as part of the expansion of railroads, he was one of the incorporators of the Oregon Central Railroad Company (Carey, 1922, pp. 686–687).⁵

In his June 1853 report to the Commissioner of Indian Affairs (*Message from the President of the United States to the Two Houses of Congress, at the Commencement of the First Session of the Thirty-third Congress*, 1854, pp. 447–451), Palmer noted that the tribes in Oregon Territory had “become distrustful of all promises made them by the United States” (p. 449). He also stated that if reservations were created, then the tribes wanted to remain in their original areas and not be placed together with other distant groups: “The Cayuses, Nez-Perces, and other tribes of the idle region, express much opposition to having the coast and valley Indians colonized in these territories ... [n]or do the coast and valley Indians, in general, feel less reluctance to being secured east of the Cascade range” (p. 450). In a subsequent statement, Isaac Stevens (p. 461) in September 1853 remarked from Washington Territory that “[t]he time is now favorable for action. The Indians are in the proper state of mind; and I would suggest to the department the holding of a council of the tribes east and west of the mountains next summer, consisting of commissioners to be appointed by the government, and the chiefs and braves of the tribes north of the Missouri, and immediately west of the mountains, to wit: Gros-ventres, Blackfeet, Pegans, Flatheads, and the Kootanais. There is no doubt a general pacification of the tribes could be brought about on the basis of the Treaty of Laramie.”⁶ The stage was thus set for government efforts, and Palmer's report⁷ in October 1853 served as the ultimate model for the development of Indian reservation policy. Manypenny's February 1854 report incorporated the conclusion that “Superintendent Palmer recommends very strongly ... the negotiation, as speedily as possible, of treaties with the tribes and bands of Indians in Oregon for the acquisition of their claims to lands” (*Indians – Oregon and Washington Territories*, 1854, p. 3).

4 An act to establish the Territorial Government of Oregon is at 9 *Stat.* 323. Section 2, on the following page, states the joint role of Territorial Governor and Superintendent of Indian Affairs. The salary was \$3000 per year (9 *Stat.* 323, 328). In 1850, an act authorizing the negotiation of treaties with the Indian tribes in the territory of Oregon, for the extinguishment of their claims to lands lying west of the Cascade mountains, and for other purposes (9 *Stat.* 437) directed tribal removal to east of the mountains, thereby freeing up the western side for arriving settlers, and specified the appointment of a separate Superintendent of Indian Affairs at \$2500 per year.

5 It is interesting to note that 40 acres of Bureau of Land Management lands revested from the holdings of an Oregon Central Railroad Company successor corporation, the Oregon and California Railroad Company, was transferred to the Rogue Community College District in 1990 (104 *Stat.* 907). Palmer, as Superintendent of Indian Affairs, had acquired title to the original lands through the *Treaty with the Rogue River, 1853* (Kappler, 1904, pp. 603–605). It appears, though, that the Oregon Central Railroad Company was unsuccessful. O'Donnell (1991, p. 284) stated that the company “never laid a foot of track.”

6 This “Treaty of Laramie” is the *Treaty of Fort Laramie with Sioux, etc., 1851* (Kappler, 1904, pp. 594–596). The Department of State did not recognize this treaty, but it has been established by the courts to be a valid treaty (*Moore v. United States*, 1897; *Roy v. United States*, 1910).

7 See the text of this report in the appendix of Coan (1922, pp. 28–38). In *Indians – Oregon and Washington Territories* (1854, p. 3), Manypenny stated that Palmer's document did not reach the Commissioner's office before the completion of his *Annual Report* for that year.

Isaac I. Stevens

Isaac I. Stevens arrived in Washington Territory in 1853, after a career as a military engineer. His responsibilities included those of the Territorial Governor as well as his *ex officio* role as Superintendent of Indian Affairs (Hill, 1974, pp. 193–200).⁸ Neil (1956, p. 223) has commented upon the task that faced numerous territorial governors with these dual roles, but in particular noted Stevens' preparation and use of an advisory board to assist in negotiations with the tribes. This Special Indian Service (Hazard, 1952, pp. 122–123) employed fixed principles to guide the territorial administration.

As noted earlier, Stevens proposed in September 1853 that a series of Indian treaties should be concluded in order to extinguish Indian title to the 100,000 square miles that was attracting new Pacific coast settlers to the region, and so there was some concern that an area exclusively for Indian Country should be created. Such a proposal was not new for the Territory. The *Indian Affairs on the Pacific* (1857) volume contains a July 1853 report by Brevet Major Benjamin Alvord, on the tribes of both Oregon and Washington, in which he suggested that "[i]n the northeastern part of Washington Territory, east of the Columbia river, is a tract which it may be desirable to reserve entirely as an Indian country" (p. 14), and that "their salmon fisheries" (p. 13) should be left to the Indians for their use.

In his later remarks in February 1854 to the first annual session of the Legislative Assembly, Stevens stated that there were "in this Territory some ten thousand Indians, in about equal proportions on either side of the Cascade Mountains" and that he was prepared to "recommend the memorializing Congress to pass a law authorizing the President to open negotiations with the Indians east of the Cascades, to provide for the extinguishment of the title to their lands, and to make ample appropriations to actually extinguish their title throughout the Territory, *reserving to them such portions as are indispensable to their comfort and subsistence* [italics added]" (Gates, 1940, pp. 6–7).

Three weeks before concluding the first of the relevant treaties—the *Treaty with the Nisqualli, Puyallup, etc., 1854* (Kappler, 1904, pp. 661–664)—Stevens again spoke before the Legislative Assembly and declared: "Particularly do I invoke the spirit in reference to our Indian relations. I believe the time has now come for their final settlement.... I throw myself unreservedly upon the people of the territory, not doubting that they will extend to me ... support in my efforts to arrange, on a permanent basis, the future of the Indians of this territory" (Gates, 1940, p. 14).

⁸ An act to establish the Territorial government of Washington (10 Stat. 172, 173 [1853]) declared in Section 2 that "[t]he governor... shall perform the duties and receive the emoluments of Superintendent of Indian affairs." The annual salary associated with this responsibility was \$1500, thus matching the amount received as Governor (p. 177). Stevens was particularly interested in extending the railroad to the Pacific and his analysis—*Reports of Explorations and Surveys, to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean* (1860)—was an important contribution to railroad development in the region.

The “accustomed” treaties

Coan (1922, pp. 15–22) listed the chronological order for all the treaties produced by Palmer and Stevens. Palmer, alone, initiated eight treaties⁹ between September 1853 and December 1855, of which only one is pertinent here. Stevens was the major force between December 1854 and October 1855 behind 10 treaties. Nine¹⁰ of these documents are relevant here, including the *Treaty with the Wallawalla, Cayuse, etc., 1855* and the *Treaty with the Nez Perces, 1855* (Kappler, 1904, pp. 694–698 and 702–706) that were concluded in June of 1855 with the participation of Palmer.¹¹

Later, supplementary treaties adjusted two of these treaties. One of the two jointly signed instruments, the *Treaty with the Nez Perces, 1855* (ratified treaty number 291; Kappler, 1904, pp. 702–706), was modified by the *Treaty with the Nez Perces, 1863* (pp. 843–848). Ratified treaty number 293—the *Treaty with the Tribes of Middle Oregon, 1855*—was negotiated by Palmer and this document was adjusted by the *Treaty with Middle Oregon Tribes, 1865* (pp. 714–719 and 908–909, respectively).¹²

Appendix A contains a compilation of the 10 relevant treaties¹³—negotiated between December 24, 1854, and July 1, 1855—and of the two supplementary documents to these

9 In his role as the primary federal negotiator, Palmer concluded the *Treaty with the Rogue River, 1853* (Kappler, 1904, pp. 603–605); the *Treaty with the Umpqua–Cow Creek Band, 1853* (pp. 606–607); the *Treaty with the Rogue River, 1854* (pp. 654–655); the *Treaty with the Chasta, etc., 1854* (pp. 655–657); the *Treaty with the Umpqua and Kalapuya, 1854* (pp. 657–660); the *Treaty with the Kalapuya, etc., 1855* (pp. 665–669); the *Treaty with the Tribes of Middle Oregon, 1855* (pp. 714–719); and the *Treaty with the Molala, 1855* (pp. 740–742).

10 These 10 documents were as follows: the *Treaty with the Nisqualli, Puyallup, etc., 1854* (Kappler, 1904, pp. 661–664); the *Treaty with the Dwamish, Suquamish, etc., 1855* (pp. 669–673); the *Treaty with the S’Klallam, 1855* (pp. 674–677); the *Treaty with the Makah, 1855* (pp. 682–685); the *Treaty with the Wallawalla, Cayuse, etc., 1855* (pp. 694–698); the *Treaty with the Yakima, 1855* (pp. 698–702); the *Treaty with the Nez Perces, 1855* (pp. 702–706); the *Treaty with the Quinaielt, etc., 1855* (pp. 719–721); the *Treaty with the Flatheads, etc., 1855* (pp. 722–725); and the *Treaty with the Blackfeet, 1855* (pp. 736–740). The last treaty in this list, the *Treaty with the Blackfeet, 1855*, did not discuss fishing rights.

11 A recent article related the contribution made by William Craig, an ex-fur trapper who befriended the Nez Perce, in the series of negotiations carried out by Stevens and Palmer with this tribe (Cannell, 2005). Craig served as an interpreter on several occasions (at the *Treaty with the Wallawalla, Cayuse, etc., 1855*; the *Treaty with the Nez Perces, 1855*; the *Treaty with the Flatheads, etc., 1855*; and the *Treaty with the Blackfeet, 1855*). James Doty’s (1978) *Journal of Operations* reports on Craig’s usefulness during these events. As a reward for his efforts and at the apparent insistence of the tribe —“The Nez Perce Indians having expressed in council a desire that William Craig should continue to live with them”—Craig was given a piece of land within the reservation, through Article 10 of the *Treaty with the Nez Perces, 1855* (Kappler, 1904, p. 705). This parcel was the subject of Congressional action following his death (*Nez Perce Indian Reservation, 1872*) and of a suit before a Circuit Court in Idaho (*Caldwell v. Robinson, 1894*).

12 With regard to the latter Oregon pair, a House Report in 1888 noted that “[b]y a supplemental treaty . . . they [the Warm Spring Indians] appear to have relinquished the rights reserved by the former treaty in respect of these fisheries” (*Indian Fishing Privileges, 1888*, p. 2). In the opinions listed for the original affected treaties, the later *Nez Perces, 1863* supplementary treaty was cited in seven cases. In the table, four opinions citing the *Treaty With the Tribes of Middle Oregon, 1855* referenced its supplementary treaty as well.

13 Henceforth, the shortened treaty titles will be used to identify pertinent examples. For example, the *Treaty with the Tribes of Middle Oregon, 1855* will appear as *Middle Oregon*.

treaties. The materials are ordered either under Palmer's or Steven's name, or under both names, to identify the chief negotiator(s) for the United States. Neither official participated in the creation of the two supplementary documents.

Appendix B presents the specific rights parameters contained in each of the 10 treaties, preceded by the ratified treaty number (*Ratified Indian Treaties, 1722–1869*, 1966), short title, and Royce Area Number (Royce, 1899) for each cession transaction. The relevant article texts are very similar in composition, Stevens's particularly so. Palmer's lone individual document—*Middle Oregon* (Kappler, 1904, pp. 714–719)—has a very full first article, with declarations of boundaries of the ceded land, removal timetable specifications, and the array of subsistence rights. Stevens, on the other hand, used in the treaties that he signed the same short article model for fishing and other rights. The format of the joint *Walla Walla* treaty was much like Palmer's other treaties.

Briefly—besides off-reservation fishing¹⁴ rights—hunting, as well as gathering rights for "roots and berries," were included in all 10 instruments. All but three documents (*Dwamish*, *S'Kallam*, and *Makah*) identified pasturing rights for "horses," "stock," or "horses and cattle."¹⁵ Hunting, gathering, and pasturing were permitted on "all open and unclaimed lands," and each activity was to be conducted "in common with all citizens of the Territory" or "of the United States." Half of these statements (the non-pasturing three, plus *Nisqualli* and *Quinaielt*) banned shellfish taking from "any beds staked or cultivated by citizens." These five treaties covered areas for groups living in an arc that began on the Pacific coast (*Quinaielt* and *Makah*), reached along the length of the Strait of Juan de Fuca (*S'Kallam*), and down the sides of Admiralty Inlet (*Nisqualli* and *Dwamish*).

Swindell (1942, p. 28) described the commerce between coastal and interior tribes and the very sophisticated use of all these food-gathering rights. Exchanges of "various staples such as game, fish, roots and berries, which comprised the more important items in the prevalent diet, were the principal articles of trade." Coastal tribes offered shellfish and marine fish and mammal goods, while interior tribes had freshwater fish, animal skins, roots, and berries to barter. Swindell also commented upon the reports of Lewis and Clark during their expedition to the Pacific Northwest.

The Swindell report, and recent analyses

One of the most important analyses conducted in the area of fishing, hunting, and other related rights of these specific tribes was this Swindell (1942) study, created within the Office of Indian Affairs of the Department of the Interior. In his examination, Swindell targeted only eight of the 10 treaties in the table: *Nez Perces* and *Middle Oregon* were not assessed.

14 See Hayden (1932) for a brief history of the salmon industry in Oregon.

15 Swindell (1942, p. 89) identified the differential relevance of off-reservation pasturing rights: "This provision varied in importance to the tribes of Indians commensurate with the number of horses possessed by the members thereof. West of the Cascade Mountains and all along the coast the number of horses owned by the Indians was relatively small, whereas the eastern or interior tribes were possessed of considerable numbers of these animals. Consequently, to them it was almost mandatory that provision be made for additional range to that which would be provided by the smaller areas upon which they were to reside [italics added]."

One of the primary concerns of this endeavor was expressed by a letter to Swindell (1942, p. 3) from the Commissioner of Indian Affairs: "Manifestly, in view of treaty provisions of the kind referred to, it becomes of paramount importance to determine the location of *usual and accustomed* [italics added] grounds and stations, outside existing reservations, at which the Indians of sundry tribes retain a right to fish."

Swindell (1942, p. 2) began by using the term "innumerable fishing grounds" to denote their extent. Minutes from the treaty councils are attached as a third section to the report, and these provide a window into the thoughts of the participants at the time of the discussions.¹⁶ These illuminations of actual, productive enterprise are supplemented with an historical and a legal analysis of State efforts to control or regulate such activities. These latter impediments were never imagined in the 1850s when these rights were assured, and certainly not before *Geer v. Connecticut* (1896) demonstrated that States do have authority to regulate or preserve game.¹⁷ The Geer outcome generated subsequent suits. Easement too was a major concern, and *United States v. Taylor* (1897) served as an early model of the courts' adjudication of access rights pledged in these treaties. In review, Swindell (1942, pp. 91-93) constructed a "Summary of Present Day Fishing, Hunting and Miscellaneous Rights of the Indians," for both on- and off-reservation situations. The "usual and accustomed places" fishing rights were given special note in the latter section. He also stated in the first sentence of his conclusions that "[t]he situation with regard to the fishing and hunting rights of the Indians when viewed from their perspective is indeed discouraging" (p. 94). Part II of the report contains affidavits by individuals of many but not all of the sites affected by these treaties, and through those insights, Swindell reached his "discouraging" assessment for the Commissioner of Indian Affairs.¹⁸

As Swindell (1942) pointed out, these rights themselves created an expanded need for conservation. Goodman (2000, p. 282) has argued that "[t]ribes [should] seek to be incorporated into land and resource management decision making not merely as commentators, but as sovereign governments with power-sharing capacity" in order to protect their hunting, fishing, and gathering resources. Meyers (1988) proposed that the right to take fish, expressed in the treaties, included a commitment of environmental servitude upon the states to protect fish habitat. In both presentations, the arguments revolve around the fundamental consideration that "[t]he right reserved to take fish is useless if there are no fish to take" (Meyers, 1988, p. 797), and certainly, Goodman's co-management approach would be more proactive.¹⁹

16 There are several additional treaty council descriptions—see, for example, Bigart and Woodcock (1996), Partoll (1937, 1938), and Walter (1982).

17 The opinion for *Geer v. Connecticut* declared that "Aside from the authority of the State, derived from the common ownership of game and the trust for the benefit of its people which the State exercises in relation thereto, there is another view of the power of the State in regard to the property in game, which is equally conclusive. The right to preserve game flows from the undoubted existence in the State of a police power to that end.... Indeed, the source of the police power as to game birds (like those covered by the statute here called in question) flows from the duty of the State to preserve for its people a valuable food supply" (1896, p. 534).

18 Swindell's interactions with the tribes are described in Ulrich (1999).

19 See Stanton (2002) for an interesting discussion that compares the fishing rights and treaties of the Maori tribe in New Zealand with those of the tribes in western Washington.

Similarly, Lewis (2002) extended the two recognized rights of access and of equitable apportionment within these treaties to include a right of habitat. This addition "would give tribes the ability to protect the environmental conditions needed for fish populations to survive and prosper. This tool would bring the needs of salmon to the bargaining table when land use planners and developers make decisions about development. It could also force citizens and political leaders to think proactively about how to restore salmon habitat in a cost-effective and creative manner. By recognizing and then enforcing the implied habitat right, the courts could initiate a process to strengthen the culture and spirit of Indians and non-Indians alike" (p. 286). Blumm and Swift (1998) suggested that "the treaties created property rights which are prior to non-Indian property rights," and so not only must landowners permit access to the usual and accustomed fishing places of the tribes, but they also "may not exclude [the tribes] by destroying the habitat necessary to fulfill the treaty promise" (p. 502).

In addition, Miller (2000) has examined the Makah cultural aspects associated with whaling. It is clear from the recorded notes at the 1855 treaty council (Swindell, 1942, pp. 349-353) that the Makah agreed to the conditions because their whaling rights were assured and protected by the federal government. Miller concluded that the Makah culture is "solidly based on legal and moral rights; rights they have always held and which they carefully and wisely preserved in their 1855 treaty" (p. 272), and that resuming whaling would do much to maintain the Makah society. Indeed, the Makah applied in February 2005 to the National Oceanic and Atmospheric Administration for a waiver of the *Marine Mammal Protection Act of 1972* (86 Stat. 1027) to take up to 20 Eastern North Pacific gray whales in a 5-year period (Request for a Limited Waiver of the Moratorium on Taking Marine Mammals, 2005).²⁰ These 20 animals compose the total quota approved by the International Whaling Commission for aboriginal subsistence harvesting by the United States for the inclusive years 2003 through 2007.²¹

Taken together, these commentaries suggest that many questions remain with regard to the current and future availability to harvest at traditional sites.²²

20 See "Makah request for a waiver of the moratorium on taking marine mammals" at NOAA's site, <http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Gray-Whales/Request-for-MMPA-Waiver.cfm>.

21 See the 2004 "Catch Limits for Aboriginal Subsistence Whaling" specifications at <http://www.iwcoffice.org/meetings/meeting2004.htm#catches2>. The 2004 IWC estimate of Eastern North Pacific gray whales was "over 17,000" animals (<http://www.iwcoffice.org/meetings/meeting2004.htm#status>). There is a map of northwestern Washington in Wray (2002, p. 9). She also presents individual chapters, written by the Olympic Peninsula Intertribal Cultural Advisory Committee, for the S'Klallam (ratified treaty number 284); Skokomish (treaty number 284); Squaxin (treaty number 281); Quinalt (treaty number 294); Hoh (treaty number 294); Quileute (treaty number 294); as well as the Makah (treaty number 286) tribes in this area. These statements contain images from the rich histories and disclosures of the current needs of these groups.

22 Howitt, Connell, and Hirsch (1996, p. v) note similar rights issues concerning other indigenous groups today: "Control of resources of all kinds—land, water, minerals, timber, tourist sites, *inland and offshore fisheries* [italics added], cultural knowledge, education, and language—are fundamental in shaping the power relationships between indigenous peoples and the nation states which claim their territories."

An exemplar

In 1974, the Confederated Tribes of the Umatilla Indian Reservation sought, in the U.S. District Court for the District of Oregon, to enjoin the construction of a U.S. Army Corps of Engineers dam at Catherine Creek, near the city of Union in northeast Oregon (*Confederated Tribes of the Umatilla Indian Reservation v. Callaway*, 1976). Their contention was that the construction of the dam would infringe upon the fishing rights granted them in ratified treaty number 289, the *Treaty with the Wallawalla, Cayuse, etc., 1855* (Kappler, 1904, pp. 694–698).²³ Both Palmer and Stevens signed this instrument, and Article 1 stated in part that “the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them” (pp. 664–665). All four of the usual rights conveyed in the treaty texts of this period by Palmer and Stevens – fishing, hunting, gathering, and pasturing – were thereby identified.²⁴

District Judge Belloni noted the variation in the access-granting text in this series of treaties. In the case of the *Wallawalla* treaty, the off-reservation site is “the usual and accustomed *stations*,” whereas other treaties use “grounds and stations” or “places,”²⁵ but the court found that the dam construction would affect the fishing rights of these tribes. The Corps of Engineers was ordered to obtain appropriate authorization from Congress, which would have required the nullification in some manner of the fishing rights granted by this treaty. In 1990, the Catherine Creek project was deauthorized.

The table and case selection

The opinions of the various territorial, state, and federal jurisdictions of cases that cited any of these 10 Indian treaties were selected by using each treaty’s *Statutes at Large* reference²⁶ to identify entries in the volumes of *Shepard’s Federal Statute Citations* (1996, 2001,

23 See the description of the treaty parameters, the ceded lands marked by Royce Area Number 362 on the Oregon 1 and Washington 1 maps, and the reserved lands noted by Area Number 363 on the former plan (Royce, 1899, pp. 804–805, and maps 51 and 60).

24 In their casebook, Clinton, Goldberg, and Tsosie (2003, p. 1240) succinctly identify these activities as “[o]ff-reservation food-gathering rights” that “are created primarily by language guaranteeing off-reservation food gathering activities or in some instances by the persistence of prior guarantees of on-reservation rights after the reservation in question was diminished or otherwise reduced in size by cession.”

25 There are three versions of this “accustomed” phrase in the 10 treaties. “Accustomed places” appears in three treaties (*Yakima*, *Flatheads*, and *Nez Percés*); “accustomed grounds and stations” is in five instruments (*Nisqualli*, *Dwamish*, *S’Kallam*, *Makah*, and *Quinaielt*); and “accustomed stations” is used in two documents (*Middle Oregon* and *Wallawalla*).

26 Volumes of *Statutes at Large* are available on the Library of Congress’s *Century of Lawmaking for a New Nation* page at <http://memory.loc.gov/ammem/amlaw/lwsl.html>. The texts of all treaties in the table are available at this site.

2003, 2005).²⁷ In addition, each treaty's *Statutes at Large* notation was re-examined with the full *LexisNexis* online database and with *Westlaw Campus* to identify any case not reported in *Shepard's Federal Statute Citations*.²⁸ In this manner, the following table was constructed to identify the 512 citations found in 354 Court opinions between the years 1874 and 2005.²⁹ Boxberger (1979, pp. 15–18) lists 18 "court cases relevant to western Washington treaty fishing rights." One case—*Mason v. Sams* (1925)—was not returned by any of the searches used here, but this case was added to the table nonetheless under the *Treaty with the Quinaielt, etc., 1855*.³⁰

The table is an aggregate of the following data:

- The ratified treaty number, assigned by the Department of State,³¹ of each of the relevant treaties or supplements that has been cited in the opinion of any jurisdiction;
- The name(s) of the participating tribe(s), with an expansion of the "etc." found in the titles of many treaties in Kappler's work into a complete list of parties. For example, ratified treaty number 295 is the *Treaty with the Flatheads, etc., 1855* (Kappler, 1904, pp. 722–725), and the entry for this document in the table identifies as signatories the Flatheads, Kutenai, and Upper Pend d'Oreille;
- The signing date of the treaty, taken from each treaty's entry in volume 2 of Kappler's *Indian Affairs: Laws and Treaties* (1904);
- The treaty page number in *Indian Affairs: Laws and Treaties* (1904);

²⁷ Cumulative soft covered issues update the bound permanent volumes.

²⁸ The two databases were last examined on October 2, 2006. Some court cases are not recoverable through the *Statutes at Large* citation method. For example, a treaty's *Statute at Large* citation may not be included within the text of an opinion, or the reference may be to a specific treaty article on a page other than the initial page used in usual *Statutes at Large* notations. Six such cases, cited in Swindell (1942), were added to the table: *The James G. Swan* (1892), *State v. Alexis* (1916), *State v. Edwards* (1936), *State v. Meninock* (1921), *State v. Towessnute* (1916), and *United States v. Alaska Packers' Association* (1897).

²⁹ These treaties are known for their "usual and accustomed places" provisions and while the primary purpose of this article is to concentrate upon litigation of the gathering rights associated with such access, these aspects form only one subset of each treaty's contents. Some specific cases in the table, though, do not focus on food-gathering privileges but rather on other parameters set forth in these instruments. One example would be *Roman Catholic Bishop v. Department of Revenue* (1981, p. 2) that addresses "whether certain land within the boundaries of the Umatilla Indian Reservation is entitled to exemption from taxation." This reservation was established through *Wallawalla*. This case demonstrated an interest in Article 6 of *Wallawalla* that conditionally assured that the reservation "shall be exempt from levy," instead of a concern for the "usual and accustomed" provisions of Article 1 (Kappler, 1904, p. 696 and 695, respectively). In this article, the most conservative approach to case selection was taken to ensure that any proceedings citing any of these Pacific Northwest instruments were identified for possible further inspection. Other studies (Bernholz, 2004, 2007; Bernholz & Weiner, accepted for publication, 2005) that focused on jurisdiction-specific cases that referenced one or more of the 375 Indian treaties recognized by the Department of State were conducted in the same manner.

³⁰ One of these 18 cases, *State v. Quigley* (1958) before the Supreme Court of Washington, did not cite any of the relevant treaties in this examination—"The appellant claims no rights under an Indian treaty, for the reason that the Chinook Indians never made one with the United States" (p. 828)—and so these specific proceedings were not added to the table.

³¹ See *Ratified Indian Treaties, 1722–1869* (1966).

- The *Statutes at Large* citation for the treaty;
- The case title and year of the citing case;
- The reporter citation for this case; and
- The jurisdiction in which the case was heard.

Conclusions

The issue of “open and unclaimed lands,” beyond the boundaries of the reservations set aside within these Pacific Northwest treaties, has corollaries in other areas of the country. The Navajo “retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase” (the *Treaty with the Navajo, 1868*; Kappler, 1904, Article 9, p. 1018). Both the Crow (the *Treaty with the Crows, 1868*; Article 4, p. 1009) and the Eastern Shoshone and Bannock (the *Treaty with the Eastern Band Shoshoni and Bannock, 1868*; Article 4, p. 1021) were assured of their “right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.”

Other treaties, over virtually the entire duration of treaty-making with the tribes, conferred “rights” or “privileges” to afford subsistence activities.³² Holt (1986, p. 208), while referring to the decision of *United States v. Hicks* (1984),³³ stated that “[t]here is no substantial difference between reserved ‘rights’ and ‘privileges’ in Indian treaties, despite the distinction drawn by the Hicks court. For treaty purposes, both indicated reserved guarantees for certain subsistence activities.” In addition, Holt concluded that the defendants’ conviction “culminate[d] a specious federal government policy toward Indian hunting, grazing, and gathering rights on federal lands because it sanction[ed] de facto treaty abrogation without just compensation” (pp. 208–209). The table reveals that the Palmer–Stevens *Wallawalla* and the Stevens *Quinaielt* treaties were cited in *Hicks*. With specific regard to these 10 Pacific Northwest treaties, Holt noted that the texts link the *right* to fish with the *privilege* of other food-gathering activities (p. 218, footnote 77).

The scope of these legal proceedings illuminates in part the importance of traditional ways of acquiring food. Neither hunting – nor fishing or gathering – is a particularly easy

32 Cohen (1942, p. 285, footnote 171) lists over 50 treaties guaranteeing hunting and fishing rights. The unratified *Treaty with the Waukikum Band of the Chinook (Articles of a Treaty Made and Concluded at Tansey Point, 1852, p. 45)* reserved in Article 2 the right to fish, cut timber, and hunt “on said lands where they are not inclosed.” Kappler (1941, p. 695) includes the unratified *Treaty with the Utah, Yampah Ute, Pahvant, Sanpete Ute, Tim-p-nogs and Cum-nm-bah Bands of the Utah Indians, 1865* in his collation. This document, signed by Orsamus H. Irish, the Superintendent of Indian Affairs for Utah Territory, includes at Article 4 the statement: “The right of taking fish at usual and accustomed grounds, and stations is further reserved to said Indians in common with all white citizens of the Territory and of erecting temporary houses for the purpose of curing them, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands.”

33 *United States v. Hicks* was a hunting case involving the taking of elk, within the Olympic National Park, by members of the Quinault tribe.

way to acquire food,³⁴ but the cultural aspects adhering to these methods is a very meaningful component,³⁵ and thus one that might create legal questions: Burnett (1970, p. 75) concluded that "[t]he unsettled history of hunting, fishing and trapping litigation, and the dangers ahead, demonstrate that a subject people cannot rely merely on liberal canons of construction or even constitutional guarantees to protect their rights." The American Association of Law Libraries (2002) lists nine of the cases in the table among the 53 U.S. Supreme Court opinions in *Landmark Indian Law Cases*.³⁶ Six of the selected Stevens treaties were cited through 16 separate citations in these special Supreme Court cases; *Washington v. Washington State Commercial Passenger Fishing Vessel Association* (1979) alone cited all six of these specific instruments.

Many of the cases in the table refer directly to this issue of physical location, particularly when hunting is involved. One particularly pertinent example is *State v. Cutler* (1985) that examined the killing of elk and deer by members of the Shoshone-Bannock tribes. The defendants acknowledged freely that they had killed the animals, as part of their treaty "right to hunt on the unoccupied lands of the United States so long as game may be found thereon," but the site—the Sand Creek Wildlife Management Area—was a State refuge area and not "unoccupied." The Supreme Court of Idaho concluded that "[t]he issue presented [was] whether the hunting rights reserved in the treaty extend to the property on which the animals were shot, which is operated by the Idaho Fish & Game Department as a wintering range for elk and deer" (p. 856). While this case focused on the rights conveyed by the *Treaty with the Eastern Band Shoshoni and Bannock, 1868*, three Pacific Northwest "open and unclaimed land" treaties—*Yakima*, *Nez Perces*, and *Flatheads*—were cited to help solve the court's question of "whether state lands constitute 'unoccupied lands of the United States' in relation to the off-reservation Indian hunting rights" (p. 856).

Fishing, too, has generated intense litigation. At the council that discussed *Wallawalla*, Stevens announced on June 5, 1855 to the assembled tribes: "You will be allowed to pasture your animals on land not claimed or occupied by settlers, white men. You will be allowed to go on the roads to take your things to market, your horses and cattle. You will be allowed to go to the usual fishing places and fish in common with the whites, and to get roots and berries and to kill game on land not occupied by the whites. *All that outside the reservation* [italics added]" (Stevens, 1996, p. 67). On June 8, Palmer repeated this pledge: "You will be allowed to go and catch fish and dig roots the same as the whites" (p. 91).

34 Burnett (1970, p. 69) has remarked that: "Those tribes which hunt, fish and trap most intensely are most likely to run afoul of state regulations; yet these are commonly the tribes most dependent on wildlife for subsistence or economic livelihood."

35 One demonstration of this hypothesis may be seen in the tribal flags that have been created. Healy and Orenski (2003) show the black whale in the flag of the Makah; the salmon and the deer of the Nez Perce; and the wild rice of the Mille Lacs Band of Chippewa Indians.

36 The nine cases are *Atkinson Trading Co., Inc. v. Shirley* (2001), *Brendale v. Confederated Tribes and Bands of Yakima Indian Nation* (1989), *Minnesota v. Mille Lacs Band of Chippewa Indians* (1999), *Montana v. United States* (1981), *Oliphant v. Suquamish Indian Tribe* (1978), *United States v. Mitchell* (1983), *United States v. Winans* (1905), *Washington v. Confederated Tribes of Colville Indian Reservation* (1980), and *Washington v. Washington State Commercial Passenger Fishing Vessel Association* (1979).

In later years, access to “usual fishing places” turned into a serious legal issue. The Winans cases—*United States v. Winans* (1896, 1905)—settled finally the question of physical access to “usual and accustomed places,” and these findings were later echoed in the outcome of *United States v. Brookfield Fisheries, Inc.* (1938). All three proceedings specifically involved the Yakima and their treaty from 1855. One particularly critical result of *Winans* was the Supreme Court’s decision that the fishing and hunting parameters within these documents, were “[o]nly a limitation of them ... not a taking away. In other words, the treaty was not a grant of rights to the Indians, but a grant of rights from [italics added] them—a reservation of those not granted... There was an exclusive right of fishing reserved within certain boundaries. There was a right outside of those boundaries reserved “in common with citizens of the Territory.” As a mere right, it was not exclusive in the Indians. Citizens might share it, but the Indians were secured in its enjoyment by a special provision of means for its exercise” (*United States v. Winans*, 1905, p. 381).

Other controversial fishing rights battles took place in Washington State. Issues arising from the provisos of “in common with all citizens” and “any beds staked or cultivated by citizens” supplemented questions before the courts regarding the precise meaning of “usual and accustomed places.”

As noted earlier, *Washington v. Washington State Commercial Passenger Fishing Vessel Association* (1979) alone documented six of the Stevens treaties, but this was a difficult contest over more than just fishing rights. The 1979 Supreme Court’s decision upheld a lower court’s ruling (*United States v. Washington*, 1974) that tribal members had the right to take up to 50% of the available fish. Thus, the quest for a resolution to the fishing rights questions raised in the Stevens treaties expanded into the legal determination of fishing quotas, while still affording protection to the fishing rights of non-tribal members, i.e., the District Court had “realized that some ceiling should be placed on the Indians’ apportionment to prevent their needs from exhausting the entire resource and thereby frustrating the treaty right of ‘all [other] citizens of the Territory’” (*Washington v. Washington State Commercial Passenger Fishing Vessel Association*, 1979, p. 686).

Gathering issues were adjudicated in such cases as *Oregon Department of Fish and Wildlife v. Klamath Indian Tribe* (1985, p. 761), citing a 1901 Agreement with the Klamath and others that declared gathering rights as one of several rights that “‘play a highly significant role’ in the lives of Klamath Indians.” The Mille Lacs Band of Chippewa Indians focused on their age-old wild rice gathering in the U.S. District Court for the District of Minnesota (*Mille Lacs Band of Chippewa Indians v. Minnesota Department of Natural Resources*, 1994); in the U.S. Court of Appeals for the Eighth Circuit (*Mille Lacs Band of Chippewa Indians v. Minnesota*, 1997); and in the U.S. Supreme Court (*Minnesota v. Mille Lacs Band of Chippewa Indians*, 1999), citing the *Nisqualli*, *Dwamish*, *S’Klallam*, and *Yakima* treaties during these actions.

Taken together over the last 130 years, the 512 listed references to these few Pacific Northwest treaties of the 1850s contained in the opinions of over 350 cases selectively amplify the force of these 10 documents. The Manypenny *Treaty with the Omaha, 1854* (Kappler, 1904, pp. 611–614) had set, in its allotment model, the tone for the final acquisition of Indian lands and for the conversion of the tribes to agrarian ways, and each of the 10 Palmer–Stevens treaties had allotment parameters linked to the sixth article of the

Treaty with the Omaha, 1854. Kinney (1937, pp. 103–162) specifically mentions all but the *Nisqualli* and *Quinaielt* treaties in his chapter on “Experimentation With Allotment Policy: 1833–1871.”

The tribes of the Pacific Northwest, however, remained fastened to many of their timeless, food-gathering ways, and these societal decisions had long-term effects. The suite of cases in this analysis demonstrates the full range of fora in which their treaties—like those of others³⁷—have been examined: each of the 10 instruments in the table has appeared in an opinion of at least one State court as well as in an opinion of the U.S. Supreme Court. The experiment in allotment was very much a secondary issue for these litigants. Access and gathering privileges were still, for them, the crucial parts of these treaties. The seemingly endless reliance on legal action to ascertain support for these rights constantly brings one back to Charles F. Wilkinson’s statement (1987, p. 120) that “[t]he field of Indian law rests mainly on the old treaties and treaty substitutes.” This observation appears to be especially so with regard to the off-reservation food-gathering rights assured by the Palmer and Stevens treaties to the tribes of the Pacific Northwest.

Appendix A

A.1. Joel Palmer

- Ratified treaty number 293—*Treaty with the Tribes of Middle Oregon, 1855* (Kappler, 1904, pp. 714–719; 12 *Stat.* 963).
- Supplementary—*Treaty with Middle Oregon Tribes, 1865* (pp. 908–909; 14 *Stat.* 751).

A.2. Isaac I. Stevens

- Ratified treaty number 281—*Treaty with the Nisqualli, Puyallup, etc., 1854* (pp. 661–664; 10 *Stat.* 1132).

³⁷ The gathering rights of these Pacific Northwest tribes, assured through their treaties, are more robust than comparable rights of tribes whom have only aboriginal title upon which to rely. *State v. Coffee* (1976) involved a Kootenai woman claiming an aboriginal right to hunt. The Supreme Court of Idaho found, inter alia, that her rights had been extinguished by the Stevens *Flatheads* treaty, even if the Kootenai had not been participants in that transaction. *Vermont v. Elliott* (1992) concerned fishing without a license upon land continuously occupied by the Missisquoi. The Supreme Court of Vermont held that “by the year 1791, aboriginal rights to the area . . . had been extinguished” (159 Vt. 102, 121). In *United States v. Gemmill* (1976, p. 1149), the claimed right of Pit River tribe members to gather Christmas trees in Shasta Trinity National Forest rested upon aboriginal title. The Court of Appeals for the Ninth Circuit affirmed the lower court’s convictions for theft, noting that the settlement of a 1959 Indian Claims Commission case brought by the Pit River “eliminate[ed] any lingering doubt that by 1964 Congress had revoked the Indians’ rights of permissive occupancy” of the National Forest land. The Western Shoshoni Dann sisters (*United States v. Dann*, 1989), in a case remanded by the U.S. Supreme Court, claimed an aboriginal right to graze their cattle on Bureau of Land Management property. The Court of Appeals, that had determined *Gemmill*, concluded that the Danns’ rights too had been extinguished through prior, Indian Claims Commission settlement.

- Ratified treaty number 283—*Treaty with the Dwamish, Suquamish, etc., 1855* (pp. 669–673; 12 *Stat.* 927).
- Ratified treaty number 284—*Treaty with the S’Klallam, 1855* (pp. 674–677; 12 *Stat.* 933).
- Ratified treaty number 286—*Treaty with the Makah, 1855* (pp. 682–685; 12 *Stat.* 939).
- Ratified treaty number 290—*Treaty with the Yakima, 1855* (pp. 698–702; 12 *Stat.* 951).
- Ratified treaty number 294—*Treaty with the Quinaielt, etc., 1855* (pp. 719–721; 12 *Stat.* 971).
- Ratified treaty number 295—*Treaty with the Flatheads, etc., 1855* (pp. 722–725; 12 *Stat.* 975).

A.3. Joel Palmer and Isaac I. Stevens

- Ratified treaty number 289—*Treaty with the Wallawalla, Cayuse, etc., 1855* (pp. 694–698; 12 *Stat.* 945).
- Ratified treaty number 291—*Treaty with the Nez Perces, 1855* (pp. 702–706; 12 *Stat.* 957).
- Supplementary—*Treaty with the Nez Perces, 1863* (pp. 843–848; 14 *Stat.* 647).

Appendix B

B.1. Treaty characteristics

Ratified treaty number	Treaty	Royce Area Number	Rights at “grounds and stations”	Rights at “stations”	Rights at “places”	Hunting rights	Gathering rights	Pasturing rights	Taking of shellfish banned
281	<i>Nisqualli</i>	345	√			√	√	√	√
283	<i>Dwamish</i>	347	√			√	√		√
284	<i>S’Klallam</i>	353	√			√	√		√
286	<i>Makah</i>	355	√			√	√		√
289	<i>Wallawalla</i>	362		√		√	√	√	
290	<i>Yakima</i>	364			√	√	√	√	
291	<i>Nez Perce</i>	366			√	√	√	√	
293	<i>Middle Oregon</i>	369		√		√	√	√	
294	<i>Quinaielt</i>	371	√			√	√	√	√
295	<i>Flatheads</i>	373			√	√	√	√	

Appendix C. Supplementary data

Supplementary data table (27 pages) follows the References.

References

- American Association of Law Libraries. (2002). *Landmark Indian Law Cases*. Buffalo, NY: W. S. Hein.
- American State Papers: Indian Affairs: Vol. 1*. (1832). Washington, DC: Gales and Seaton.
- Articles of a Treaty Made and Concluded at Tansey Point, near Clatsop Plains, August 8, 1851, Between Anson Dart, Superintendent of Indian Affairs, and others, on the Part of the United States, and the Waukikum Band of the Chinook Tribe of Indians*. (1852). Senate. 32nd Congress, 1st Session. Senate Confidential Executive Document No. 50. Washington, DC: Government Printing Office.
- Atkinson Trading Co., Inc. v. Shirley*, 532 U.S. 545 (2001).
- Beckham, S. D. (1990). History of Western Oregon since 1846. In W. C. Sturtevant & W. Suttles (Eds.), *Handbook of North American Indians: Vol. 7. Northwest Coast* (pp. 180-188). Washington, DC: Smithsonian Institution.
- Bernholz, C. D. (2004). American Indian treaties and the Supreme Court: A guide to treaty citations from opinions of the United States Supreme Court. *Journal of Government Information* 30, 318-431.
- Bernholz, C. D. (2007). American Indian treaties and the lower federal courts: A guide to treaty citations from opinions of the lower United States federal court system. *Government Information Quarterly* 24, 443-469.
- Bernholz, C. D., & Weiner, R. J. (2005). American Indian treaties in the state courts: A guide to treaty citations from opinions of the state court systems. *Government Information Quarterly* 22, 440-488.
- Bernholz, C.D., & Weiner, R. J. (accepted for publication). American Indian treaties in the Courts of Claims: A guide to treaty citations from opinions of the United States Courts of Claims. Accepted for publication by *Government Information Quarterly*.
- Bigart, R., & Woodcock, C. (1996). *In the Name of the Salish and Kootenai Nation: The 1855 Hell Gate Treaty and the Origin of the Flathead Indian Reservation*. Pablo, MT: Salish Kootenai College Press.
- Blumm, M. C., & Swift, B. M. (1998). The Indian treaty piscary profit and habitat protection in the Pacific Northwest: A property rights approach. *University of Colorado Law Review* 69, 407-502.
- Boxberger, D. L. (1979). *Handbook of Western Washington Indian Treaties, with Special Attention to Treaty Fishing Rights*. Lummi Island, WA: Lummi Indian School of Aquaculture and Fisheries.
- Brendale v. Confederated Tribes and Bands of Yakima Indian Nation*, 492 U.S. 408 (1989).
- Burnett, D. L. (1970). Indian hunting, fishing and trapping rights: The record and the controversy. *Idaho Law Review* 7,49-75.
- Caldwell v. Robinson*, 59 F. 653 (1894).
- Cannell, L. T. (2005). William Craig: Governor Steven's conduit to the Nez Perce. *Pacific Northwest Quarterly* 97, 19-30.
- Carey, C. H. (1922). *History of Oregon*. Chicago, IL: Pioneer Historical Publishing Company.
- Clinton, R. N., Goldberg, C. E., & Tsosie, R. (2003). *American Indian Law: Native Nations and the Federal System: Cases and Materials*. Charlottesville, VA: LexisNexis.
- Coan, C. F. (1922). The adoption of the reservation policy in Pacific Northwest, 1853-1855. *Oregon Historical Quarterly* 23,1-38.
- Cohen, F. (1942). *Handbook of Federal Indian Law*. Washington, DC: Government Printing Office.
- Confederated Tribes of the Umatilla Indian Reservation v. Callaway*, 1976 U.S. Dist. LEXIS 16668 (1976).
- Doty, J. (1978). *Journal of Operations of Governor Isaac Ingalls Stevens of Washington Territory in 1855*. Fairfield, WA: Ye Galleon Press.
- Gates, C. M. (Ed.). (1940). *Messages of the Governors of the Territory of Washington to the Legislative Assembly, 1854-1889*. Seattle, WA: University of Washington Press.
- Geer v. Connecticut*, 161 U.S. 519 (1896).
- Goodman, E. (2000). Protecting habitat for off-reservation tribal hunting and fishing rights: Tribal comanagement as a reserved right. *Environmental Law* 30, 279-361.
- Hayden, M. V. (1932). History of the salmon industry in Oregon. *Commonwealth Review* 14,84-107.
- Hazard, J. T. (1952). *Companion of Adventure: A Biography of Isaac Ingalls Stevens, First Governor of Washington Territory*. Portland, OR: Binford & Mort.
- Healy, D. T., & Orenski, P. J. (2003). *Native American Flags*. Norman, OK: University of Oklahoma Press.
- Hill, E. E. (1974). *The Office of Indian Affairs, 1824-1880: Historical Sketches*. New York: Clearwater Publishing.

- Holt, H. B. (1986). Can Indians hunt in national parks? Determinable Indian treaty rights and United States v. Hicks. *Environmental Law* 16, 207-254.
- Howitt, R., Connell, J., & Hirsch, P. (Eds.). (1996). *Resources, Nations and Indigenous Peoples: Case studies from Australasia, Melanesia, and Southeast Asia*. New York: Oxford University Press.
- Indian Affairs on the Pacific*. (1857). *House of Representatives. 34th Congress, 3rd Session. House of Representatives Executive Document No. 76* (Serial Set 906). Washington, DC: Government Printing Office.
- Indian Fishing Privileges*. (1888). *House of Representatives. 50th Congress, 1st Session. House of Representatives Executive Document No. 183* (Serial Set 2558). Washington, DC: Government Printing Office.
- Indians – Oregon and Washington Territories*. (1854). *House of Representatives. 33rd Congress, 1st Session. House of Representatives Executive Document No. 55* (Serial Set 721). Washington, DC: Government Printing Office.
- The James G. Swan*, 50 F. 108 (1892).
- Kappler, C. J. (1904). *Indian Affairs: Laws and Treaties. Treaties, Vol. 2*. Washington, DC: Government Printing Office.
- Kappler, C. J. (1941). *Indian Affairs: Laws and Treaties. Laws, Vol. 5*. Washington, DC: Government Printing Office.
- Kinney, J. P. (1937). *A Continent Lost – A Civilization Won*. Baltimore, MD: Johns Hopkins Press.
- Lewis, O. Y. (2002). Treaty fishing rights: A habitat right as part of the trinity of rights implied by the fishing clause of the Stevens treaties. *American Indian Law Review* 27, 281-311.
- Marino, C. (1990). History of Western Washington since 1846. In W. C. Sturtevant & W. Suttles (Eds.), *Handbook of North American Indians: Vol. 7. Northwest Coast* (pp. 169-179). Washington, DC: Smithsonian Institution.
- Mason v. Sams*, 5 F.2d 255 (1925).
- Message from the President of the United States to the Two Houses of Congress, at the Commencement of the First Session of the Thirty-third Congress*. (1854). *House of Representatives. 33rd Congress, 1st Session. House of Representatives Executive Document No. 1: Part 1*. Washington, DC: Government Printing Office (Serial Set 710).
- Meyers, G. D. (1988). *United States v. Washington* (Phase II) revisited: Establishing an environmental servitude protecting treaty fishing rights. *Oregon Law Review* 67, 771-797.
- Mille Lacs Band of Chippewa Indians v. Minnesota*, 124 F.3d 904 (1997).
- Mille Lacs Band of Chippewa Indians v. Minnesota Department of Natural Resources*, 861 F. Supp. 784 (1994).
- Miller, R. J. (2000). Exercising cultural self-determination: The Makah Indian Tribe goes whaling. *American Indian Law Review* 25, 165-273.
- Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172 (1999).
- Montana v. United States*, 450 U.S. 544 (1981).
- Moore v. United States*, 32 Ct. Cl. 593 (1897).
- Neil, W. M. (1956). The territorial governor as Indian superintendent in the trans-Mississippi west. *Mississippi Valley Historical Review* 43, 213-237.
- Nez Perce Indian Reservation*. (1872). *House of Representatives. 42nd Congress, 2nd Session. House of Representatives Executive Document No. 307*. Washington, DC: Government Printing Office (Serial Set 1520).
- O'Donnell, T. (1991). *An Arrow in the Earth: General Joel Palmer and the Indians of Oregon*. Portland, OR: Oregon Historical Society Press.
- Oregon Department of Fish and Wildlife v. Klamath Indian Tribe*, 473 U.S. 753 (1985).
- Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).
- Otis, D. S. (1973). *The Dawes Act and Allotment of Indian Lands*. Norman, OK: University of Oklahoma Press.
- Partoll, A. (1937). The Blackfoot Indian Peace Council. *The Frontier and Midland* 17, 199-207.
- Partoll, A. (1938). The Flathead Indian treaty council of 1855. *Pacific Northwest Quarterly* 29, 283-314.
- Ratified Indian Treaties, 1722-1869*. (1966). Washington, DC: National Archives and Records Service.
- Reports of Explorations and Surveys, to Ascertain the Most Practicable and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean*. (1860). *House of Representatives. 36th Congress, 1st Session. House of Representatives Executive Document No. 56, parts 1 and 2*. Washington, DC: Government Printing Office (Serial Set 1054 and 1055).

- Request for a limited waiver of the moratorium on taking marine mammals. (2005). *Federal Register* 70, 10359.
- Roman Catholic Bishop v. Department of Revenue*, 1981 Ore. Tax LEXIS 15 (1981).
- Roy v. United States*, 45 Ct. Cl. 177 (1910).
- Royce, C. C. (1899). Indian land cessions in the United States. In *18th Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-97*: Part 2. House of Representatives. 56th Congress, 1st Session. House of Representatives Document No. 736: Part 2. Washington, DC: Government Printing Office (Serial Set 4015).
- Shepard's Federal Statute Citations: Vol. 6* (8th ed.). (1996). Colorado Springs, CO: Shepard's/McGraw-Hill Inc.
- Shepard's Federal Statute Citations: Statute Edition Supplement, 1996-2001: Vol. 4.* (2001). Colorado Springs, CO: Lexis Publishing.
- Shepard's Federal Statute Citations: Statute Edition Supplement, 2001-2003: Vol. 2.* (2003). Colorado Springs, CO: Lexis Publishing.
- Shepard's Federal Statute Citations: Statute Edition Supplement, 2003-2005: Vol. 2.* (2005). Colorado Springs, CO: Lexis Publishing.
- Stanton, K. (2002). A call for co-management: Treaty fishing allocation in New Zealand and western Washington. *Pacific Rim Law and Policy Journal* 11, 745-767.
- State v. Alexis*, 154 P. 810 (1916).
- State v. Coffee*, 556 P.2d 1185 (1976).
- State v. Cutler*, 708 P.2d 853 (1985).
- State v. Edwards*, 62 P.2d 1094 (1936).
- State v. Meninock*, 197 P. 641 (1921).
- State v. Quigley*, 324 P. 2d 827 (1958).
- State v. Towessnute*, 154 P. 805 (1916).
- Stevens, I. I. (1996). *A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley, 1855*. Fairfield, WA: Ye Galleon Press.
- Swindell, E. G. (1942). *Report on Source, Nature, and Extent of the Fishing, Hunting, and Miscellaneous Related Rights of Certain Indian Tribes in Washington and Oregon Together with Affidavits Showing Location of a Number of Usual and Accustomed Fishing Grounds and Stations*. Los Angeles, CA: United States Department of the Interior, Office of Indian Affairs, Division of Forestry and Grazing.
- Ulrich, R. (1999). *Empty Nets: Indians, Dams, and the Columbia River*. Corvallis, OR: Oregon State University Press.
- United States v. Alaska Packers' Association*, 79 F. 152 (1897).
- United States v. Brookfield Fisheries, Inc.*, 24 F. Supp. 712 (1938).
- United States v. Dann*, 873 F.2d 1189 (1989).
- United States v. Gemmill*, 535 F.2d 1145 (1976).
- United States v. Hicks*, 587 F. Supp. 1162 (1984).
- United States v. Mitchell*, 463 U.S. 206 (1983).
- United States v. Taylor*, 3 Wash. Terr. 88 (1887).
- United States v. Washington*, 384 F. Supp. 312 (1974).
- United States v. Winans*, 73 F. 72 (1896).
- United States v. Winans*, 198 U.S. 371 (1905).
- Vermont v. Elliott*, 159 Vt. 102 (1992).
- Walter, D. A. (1982). The 1855 Blackfeet treaty council: A memoir by Henry A. Kennerly. *Montana: The Magazine of Western History* 32,44-51.
- Washington v. Confederated Tribes of Colville Indian Reservation*, 447 U.S. 134 (1980).
- Washington v. Washington State Commercial Passenger Fishing Vessel Association*, 443 U.S. 658 (1979).
- Wilkinson, C. F. (1987). *American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy*. New Haven, CT: Yale University Press.
- Wray, J. (Ed.). (2002). *Native Peoples of the Olympic Peninsula: Who We Are*. Norman, OK: University of Oklahoma Press.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
281	Nisqually; Puyallup; Steilacoom; Squaxin; Homamish; Stehchass; Tapeeksin;	26-Dec-1854	661	10 Stat. 1132	Ross v. Eells (1893)	56 F. 855	Cir. Ct., D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Kopp (1901)	110 F. 160	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	Page v. Pierce County (1901)	64 P. 801	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Bird v. Terry (1904)	129 F. 472	Cir. Ct. App., D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	Terry v. Bird (1904)	129 F. 592	Cir. Ct. App., 9th
281		26-Dec-1854	661	10 Stat. 1132	Goudy v. Meath (1906)	203 U.S. 146	Sup. Ct.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Ashton (1909)	170 F. 509	Cir. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	Meeker v. Kaelin (1909)	173 F. 216	Cir. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Celestine (1909)	215 U.S. 278	Sup. Ct.
281		26-Dec-1854	661	10 Stat. 1132	Duwamish, Lummi, etc. Tribes of Indians v. United States (1934)	79 Ct. Cl. 530	Ct. Cl.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Eastman (1941)	118 F.2d 421	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	State v. Satiacum (1957)	314 P.2d 400	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Dept. of Game v. Puyallup Tribe, Inc. (1967)	422 P.2d 754	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Dept. of Game v. Kautz (1967)	422 P.2d 771	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Puyallup Tribe v. Dept. of Game (1968)	391 U.S. 392	Sup. Ct.
281		26-Dec-1854	661	10 Stat. 1132	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	State v. Tinno (1972)	497 P.2d 1386	Sup. Ct., Idaho
281		26-Dec-1854	661	10 Stat. 1132	Dept. of Game v. Puyallup Tribe (1973)	414 U.S. 44	Sup. Ct.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1974)	384 F. Supp. 312	Dist. Ct., W.D. Wash.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
281		26-Dec-1854	661	10 Stat. 1132	Matheson v. Kinnear (1974)	393 F. Supp. 1025	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1974)	496 F.2d 620	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1975)	520 F.2d 676	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Dept. of Game v. Puyallup Tribe, Inc. (1976)	548 P.2d 1058	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Puyallup Tribe, Inc. v. Dept. of Game (1977)	433 U.S. 165	Sup. Ct.
281		26-Dec-1854	661	10 Stat. 1132	Puget Sound Gillnetters Assoc. v. Moos (1977)	565 P.2d 1151	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Washington State Commercial Passenger Fishing Vessel Assoc. v. Tollefson (1977)	571 P.2d 1373	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1978)	459 F. Supp. 1020	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	Puget Sound Gillnetters Assoc. v. United States Dist. Court for Western District of Washington (1978)	573 F.2d 1123	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Puyallup Tribe of Indians v. United States (1979)	1979 U.S. Ct. Cl. LEXIS 796	Ct. Cl.
281		26-Dec-1854	661	10 Stat. 1132	Washington v. Washington State Commercial Passenger Fishing Vessel Association (1979)	443 U.S. 658	Sup. Ct.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1979)	476 F. Supp. 1101	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	Kimball v. Callahan (1979)	590 F.2d 768	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	United States v. Decker (1979)	600 F.2d 733	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Puget Sound Gillnetters Assoc. v. Moos (1979)	603 P.2d 819	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Farris (1980)	624 F.2d 890	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Trans-Canada Enterprises, Ltd. v. Muckleshoot Indian Tribe (1980)	634 F.2d 474	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Montana v. United States (1981)	450 U.S. 544	Sup. Ct.
281		26-Dec-1854	661	10 Stat. 1132	No Oilport! v. Carter (1981)	520 F. Supp. 334	Dist. Ct., W.D. Wash.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
281		26-Dec-1854	661	10 Stat. 1132	Puyallup Indian Tribe v. Port of Tacoma (1981)	525 F. Supp. 65	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1981)	641 F.2d 1368	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1981)	645 F.2d 749	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Earl v. Commissioner (1982)	78 T.C. 1014	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	State v. Courville (1983)	676 P.2d 1011	Ct. App., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Muckleshoot Indian Tribe v. Trans-Canada Enterprises Ltd. (1983)	713 F.2d 455	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Puyallup Indian Tribe v. Port of Tacoma (1983)	717 F.2d 1251	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Estate of Davis v. Commissioner (1984)	48 T.C.M. (CCH) 1493	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Landry v. Commissioner (1984)	48 T.C.M. (CCH) 1496	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Wilbur v. Commissioner (1984)	48 T.C.M. (CCH) 1498	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	State v. Stritmatter (1984)	688 P.2d 499	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	Cross v. Commissioner (1984)	83 T.C. 561	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Hargrove v. Commissioner (1985)	49 T.C.M. (CCH) 950	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Turnipseed v. Commissioner (1985)	50 T.C.M. (CCH) 369	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Farris v. Commissioner (1985)	50 T.C.M. (CCH) 412	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Tonasket v. Commissioner (1985)	50 T.C.M. (CCH) 489	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Dillon v. United States (1985)	55 A.F.T.R. 2d 85-705	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1985)	626 F. Supp. 1405	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Satiacum v. Commissioner (1986)	52 T.C.M. (CCH) 95	U.S. Tax Ct.
281		26-Dec-1854	661	10 Stat. 1132	Dillon v. United States (1986)	792 F.2d 849	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1987)	813 F.2d 1020	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Cross v. Washington (1990)	911 F.2d 341	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
281		26-Dec-1854	661	10 Stat. 1132	United States Dept. of Labor v. Occupational Safety & Health Review Commission (1991)	935 F.2d 182	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Coeur D'Alene Tribe v. Idaho (1994)	42 F.3d 1244	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Mille Lacs Band of Chippewa Indians v. Minnesota Dept. of Natural Resources (1994)	861 F. Supp. 784	Dist. Ct., D. Minn.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1994)	873 F. Supp. 1422	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Barker (1995)	63 F.3d 1478	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1995)	898 F. Supp. 1453	Dist. Ct., W.D. Wash.
281		26-Dec-1854	661	10 Stat. 1132	State v. Squally (1997)	937 P.2d 1069	Sup. Ct., Wash.
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1998)	135 F.3d 618	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	United States v. Washington (1998)	157 F.3d 630	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Midwater Trawlers Co-op v. Dept. of Commerce (2002)	282 F.3d 710	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Citizens for Safety & Environment v. Washington State Dept. of Transportation (2004)	124 Wash. App. 1020	Wash. App., Div. I
281		26-Dec-1854	661	10 Stat. 1132	Skokomish Indian Tribe v. United States (2005)	401 F.3d 979	Cir. 9
281		26-Dec-1854	661	10 Stat. 1132	Skokomish Indian Tribe v. United States (2005)	410 F.3d 506	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
283	Duwamish; Suquamish; Stkehlamish; Sammamish; Smulkamish; Skopamish; Stkamish; Snoqualmie; Skykomish; Kwehtlamamish; Staktalijamish; Stillaguamish; Snohomish; Skagit; Kikiallus; Swinomish; Squinamish; Sauk-Suiattle	22-Jan-1855	669	12 Stat. 927	Jackson v. Thompson (1905)	80 P. 454	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Celestine (1909)	215 U.S. 278	Sup. Ct.
283		22-Jan-1855	669	12 Stat. 927	State v. Alexis (1916)	154 P. 810	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Eugene Sol Louie v. United States (1921)	274 F. 47	Cir. Ct. App., 9th
283		22-Jan-1855	669	12 Stat. 927	Duwamish, Lummi, etc. Tribes of Indians v. United States (1934)	79 Ct. Cl. 530	Ct. Cl.
283		22-Jan-1855	669	12 Stat. 927	Ex parte Nowabbi (1936)	61 P.2d 1139	Ct. Crim. App., Okla.
283		22-Jan-1855	669	12 Stat. 927	State v. Edwards (1936)	62 P.2d 1094	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	State v. Tulee (1941)	109 P.2d 280	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Williams v. United States (1954)	215 F.2d 1	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Nooksack Tribe of Indians ex rel. Louis v. United States (1963)	162 Ct. Cl. 712	Ct. Cl.
283		22-Jan-1855	669	12 Stat. 927	State v. McCoy (1963)	387 P.2d 942	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Muckleshoot Tribe of Indians (1966)	174 Ct. Cl. 1283	Ct. Cl.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
283		22-Jan-1855	669	12 Stat. 927	Snoqualmie Tribe of Indians v. United States (1967)	178 Ct. Cl. 570	Ct. Cl.
283		22-Jan-1855	669	12 Stat. 927	Lummi Tribe of Indians v. United States (1967)	181 Ct. Cl. 753	Ct. Cl.
283		22-Jan-1855	669	12 Stat. 927	Dept. of Game v. Puyallup Tribe, Inc. (1967)	422 P.2d 754	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	State v. Moses (1967)	422 P.2d 775	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Snohomish County v. Seattle Disposal Co. (1967)	425 P.2d 22	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	State v. Moses (1971)	483 P.2d 832	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Suquamish Tribe of Indians v. United States (1972)	197 Ct. Cl. 775	Ct. Cl.
283		22-Jan-1855	669	12 Stat. 927	Lummi Tribe of Indians v. United States (1972)	197 Ct. Cl. 780	Ct. Cl.
283		22-Jan-1855	669	12 Stat. 927	Plamondon ex rel. Cowlitz Tribe of Indians v. United States (1972)	199 Ct. Cl. 532	Ct. Cl.
283		22-Jan-1855	669	12 Stat. 927	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1974)	384 F. Supp. 312	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1975)	520 F.2d 676	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Chief Seattle Properties, Inc. v. Kitsap County (1975)	541 P.2d 699	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Sampson v. United States (1976)	533 F.2d 499	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Oliphant v. Schlie (1976)	544 F.2d 1007	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Dept. of Game v. Puyallup Tribe, Inc. (1976)	548 P.2d 1058	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Oliphant v. Suquamish Indian Tribe (1978)	435 U.S. 191	Sup. Ct.
283		22-Jan-1855	669	12 Stat. 927	Confederated Tribes of Colville Indian Reservation v. Washington (1978)	446 F. Supp. 1339	Dist. Ct., E.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1978)	459 F. Supp. 1020	Dist. Ct., W.D. Wash.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
283		22-Jan-1855	669	12 Stat. 927	Washington v. Washington State Commercial Passenger Fishing Vessel Association (1979)	443 U.S. 658	Sup. Ct.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1979)	476 F. Supp. 1101	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Decker (1979)	600 F.2d 733	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Puget Sound Gillnetters Assoc. v. Moos (1979)	603 P.2d 819	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Washington v. Confederated Tribes of the Colville Indian Reservation (1980)	447 U.S. 134	Sup. Ct.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1980)	506 F. Supp. 187	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Fryberg (1980)	622 F.2d 1010	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Swinomish Tribal Community v. Federal Energy Regulatory Commission (1980)	627 F.2d 499	Cir. D.C.
283		22-Jan-1855	669	12 Stat. 927	United States v. Raub (1980)	637 F.2d 1205	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	No Oilport! v. Carter (1981)	520 F. Supp. 334	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1981)	641 F.2d 1368	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	State v. Courville (1983)	676 P.2d 1011	Ct. App., Wash.
283		22-Jan-1855	669	12 Stat. 927	Muckleshoot Indian Tribe v. Trans-Canada Enterprises Ltd. (1983)	713 F.2d 455	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Estate of Davis v. Commissioner (1984)	48 T.C.M. (CCH) 1493	U.S. Tax Ct.
283		22-Jan-1855	669	12 Stat. 927	Landry v. Commissioner (1984)	48 T.C.M. (CCH) 1496	U.S. Tax Ct.
283		22-Jan-1855	669	12 Stat. 927	Wilbur v. Commissioner (1984)	48 T.C.M. (CCH) 1498	U.S. Tax Ct.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1985)	626 F. Supp. 1405	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Thirty Eight Golden Eagles or Eagle Parts (1986)	649 F. Supp. 269	Dist. Ct., D. Nev.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
283		22-Jan-1855	669	12 Stat. 927	Washington State Dept. of Fisheries v. Federal Energy Regulatory Commission (1986)	801 F.2d 1516	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1987)	813 F.2d 1020	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Muckleshoot Indian Tribe v. Hall (1988)	698 F. Supp. 1504	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	United States v. Lummi Indian Tribe (1988)	841 F.2d 317	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	United States v. Suquamish Indian Tribe (1990)	901 F.2d 772	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Sohappy v. Hodel (1990)	911 F.2d 1312	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Romero v. Kitsap County (1991)	931 F.2d 624	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1992)	969 F.2d 752	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Nez Perce Tribe v. Idaho Power Co. (1993)	847 F. Supp. 791	Dist. Ct., D. Idaho
283		22-Jan-1855	669	12 Stat. 927	State v. Schmuck (1993)	850 P.2d 1332	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	State ex rel. Martinez v. Lewis (1993)	861 P.2d 235	Ct. App., N.M.
283		22-Jan-1855	669	12 Stat. 927	Mille Lacs Band of Chippewa Indians v. Minnesota Dept. of Natural Resources (1994)	861 F. Supp. 784	Dist. Ct., D. Minn.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1994)	873 F. Supp. 1422	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	Northwest Sea Farms v. United States Army Corps of Engineers (1996)	931 F. Supp. 1515	Dist. Ct., W.D. Wash.
283		22-Jan-1855	669	12 Stat. 927	State v. Buchanan (1997)	941 P.2d 683	Ct. App., Wash.
283		22-Jan-1855	669	12 Stat. 927	Warbus v. Commissioner (1998)	110 T.C. 279	U.S. Tax Ct.
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1998)	135 F.3d 618	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (1998)	157 F.3d 630	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Hall v. Commissioner (1998)	76 T.C.M. (CCH) 473	U.S. Tax Ct.
283		22-Jan-1855	669	12 Stat. 927	State v. Buchanan (1999)	978 P.2d 1070	Sup. Ct., Wash.
283		22-Jan-1855	669	12 Stat. 927	Lower Elwha Band of S'Klallams v. Lummi Indian Tribe (2000)	235 F.3d 443	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	State v. Moses (2001)	15 P.3d 1058	Ct. App., Wash.
283		22-Jan-1855	669	12 Stat. 927	Landau v. San Juan County (2001)	2001 Wash. App. LEXIS 419	Ct. App., Wash.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
283		22-Jan-1855	669	12 Stat. 927	Midwater Trawlers Co-op v. Dept. of Commerce (2002)	282 F.3d 710	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Gobin v. Snohomish County (2002)	304 F.3d 909	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Posenjak v. Dept. of Fish and Wildlife of Washington (2003)	74 Fed. Appx. 744	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (2005)	394 F.3d 1152	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	Samish Indian Nation v. United States (2005)	419 F.3d 1355	Cir. Fed.
283		22-Jan-1855	669	12 Stat. 927	Wilbur v. Locke (2005)	423 F.3d 1101	Cir. 9
283		22-Jan-1855	669	12 Stat. 927	United States v. Washington (2005)	375 F. Supp. 2d 1050	Dist. Ct., W.D. Wash.
284	Clallam; Skokomish; Chemakum	26-Jan-1855	674	12 Stat. 933	Duwamish, Lummi, etc. Tribes of Indians v. United States (1934)	79 Ct. Cl. 530	Ct. Cl.
284		26-Jan-1855	674	12 Stat. 933	Skokomish Indian Tribe v. France (1959)	269 F.2d 555	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	Skokomish Indian Tribe v. France (1963)	320 F.2d 205	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1974)	384 F. Supp. 312	Dist. Ct., W.D. Wash.
284		26-Jan-1855	674	12 Stat. 933	Dept. of Game v. Puyallup Tribe, Inc. (1976)	548 P.2d 1058	Sup. Ct., Wash.
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1978)	459 F. Supp. 1020	Dist. Ct., W.D. Wash.
284		26-Jan-1855	674	12 Stat. 933	Washington v. Washington State Commercial Passenger Fishing Vessel Association (1979)	443 U.S. 658	Sup. Ct.
284		26-Jan-1855	674	12 Stat. 933	Puget Sound Gillnetters Assoc. v. Moos (1979)	603 P.2d 819	Sup. Ct., Wash.
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1980)	506 F. Supp. 187	Dist. Ct., W.D. Wash.
284		26-Jan-1855	674	12 Stat. 933	No Oilport! v. Carter (1981)	520 F. Supp. 334	Dist. Ct., W.D. Wash.
284		26-Jan-1855	674	12 Stat. 933	United States v. Lower Elwha Tribe (1981)	642 F.2d 1141	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
284		26-Jan-1855	674	12 Stat. 933	Estate of Davis v. Commissioner (1984)	48 T.C.M. (CCH) 1493	U.S. Tax Ct.
284		26-Jan-1855	674	12 Stat. 933	Landry v. Commissioner (1984)	48 T.C.M. (CCH) 1496	U.S. Tax Ct.
284		26-Jan-1855	674	12 Stat. 933	Wilbur v. Commissioner (1984)	48 T.C.M. (CCH) 1498	U.S. Tax Ct.
284		26-Jan-1855	674	12 Stat. 933	State v. Miller (1984)	689 P.2d 81	Sup. Ct., Wash.
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1985)	626 F. Supp. 1405	Dist. Ct., W.D. Wash.
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1987)	813 F.2d 1020	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	Romero v. Kitsap County (1991)	931 F.2d 624	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	Mille Lacs Band of Chippewa Indians v. Minnesota Dept. of Natural Resources (1994)	861 F. Supp. 784	Dist. Ct., D. Minn.
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1994)	873 F. Supp. 1422	Dist. Ct., W.D. Wash.
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1998)	135 F.3d 618	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	United States v. Washington (1998)	157 F.3d 630	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	Midwater Trawlers Co-op v. Dept. of Commerce (2002)	282 F.3d 710	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	Skokomish Indian Tribe v. United States (2005)	401 F.3d 979	Cir. 9
284		26-Jan-1855	674	12 Stat. 933	Skokomish Indian Tribe v. United States (2005)	410 F.3d 506	Cir. 9
286	Makah	31-Jan-1855	682	12 Stat. 939	The James G. Swan (1892)	50 F. 108	Dist. Ct., W.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	United States v. Alaska Packers' Assoc. (1897)	79 F. 152	Cir. Ct., N.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	Neah Bay Fish Co. v. Krummel (1940)	101 P.2d 600	Sup. Ct., Wash.
286		31-Jan-1855	682	12 Stat. 939	Makah Indian Tribe v. McCauly (1941)	39 F. Supp. 75	Dist. Ct., W.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	McCauley v. Makah Indian Tribe (1942)	128 F.2d 867	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Makah Indian Tribe v. Schoettler (1951)	192 F.2d 224	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
286		31-Jan-1855	682	12 Stat. 939	Makah Indian Tribe (1960)	151 Ct. Cl. 701	Ct. Cl.
286		31-Jan-1855	682	12 Stat. 939	Dept. of Game v. Puyallup Tribe, Inc. (1967)	422 P.2d 754	Sup. Ct., Wash.
286		31-Jan-1855	682	12 Stat. 939	Makah Indian Tribe v. Clallam County (1968)	440 P.2d 442	Sup. Ct., Wash.
286		31-Jan-1855	682	12 Stat. 939	Makah Indian Tribe v. State (1969)	457 P.2d 590	Sup. Ct., Wash.
286		31-Jan-1855	682	12 Stat. 939	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1974)	384 F. Supp. 312	Dist. Ct., W.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	Confederated Tribes of Colville Indian Reservation v. Washington (1978)	446 F. Supp. 1339	Dist. Ct., E.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	Washington v. Washington State Commercial Passenger Fishing Vessel Association (1979)	443 U.S. 658	Sup. Ct.
286		31-Jan-1855	682	12 Stat. 939	Puget Sound Gillnetters Assoc. v. Moos (1979)	603 P.2d 819	Sup. Ct., Wash.
286		31-Jan-1855	682	12 Stat. 939	Washington v. Confederated Tribes of the Colville Indian Reservation (1980)	447 U.S. 134	Sup. Ct.
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1980)	506 F. Supp. 187	Dist. Ct., W.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	United States v. Lower Elwha Tribe (1981)	642 F.2d 1141	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Estate of Davis v. Commissioner (1984)	48 T.C.M. (CCH) 1493	U.S. Tax Ct.
286		31-Jan-1855	682	12 Stat. 939	Landry v. Commissioner (1984)	48 T.C.M. (CCH) 1496	U.S. Tax Ct.
286		31-Jan-1855	682	12 Stat. 939	Wilbur v. Commissioner (1984)	48 T.C.M. (CCH) 1498	U.S. Tax Ct.
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1984)	730 F.2d 1314	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1985)	626 F. Supp. 1405	Dist. Ct., W.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1987)	813 F.2d 1020	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Makah Indian Tribe v. Verity (1990)	910 F.2d 555	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
286		31-Jan-1855	682	12 Stat. 939	United States v. Oregon (1990)	913 F.2d 576	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1994)	873 F. Supp. 1422	Dist. Ct., W.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1998)	135 F.3d 618	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	United States v. Washington (1998)	157 F.3d 630	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Washington v. Daley (1999)	173 F.3d 1158	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	State v. Buchanan (1999)	978 P.2d 1070	Sup. Ct., Wash.
286		31-Jan-1855	682	12 Stat. 939	Midwater Trawlers Co-op v. Dept. of Commerce (2000)	139 F. Supp. 2d 1136	Dist. Ct., W.D. Wash.
286		31-Jan-1855	682	12 Stat. 939	Metcalf v. Daley (2000)	214 F.3d 1135	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Midwater Trawlers Co-op v. Dept. of Commerce (2002)	282 F.3d 710	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Anderson v. Evans (2002)	314 F.3d 1006	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Anderson v. Evans (2003)	350 F.3d 815	Cir. 9
286		31-Jan-1855	682	12 Stat. 939	Anderson v. Evans (2004)	371 F.3d 475	Cir. 9
289	Walla Walla; Cayuse; Umatilla	9-Jun-1855	694	12 Stat. 945	United States v. Barnhart (1883)	17 F. 579	Cir. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Mosgrove v. Harper (1898)	54 P 187	Sup. Ct., Or.
289		9-Jun-1855	694	12 Stat. 945	Hy-Yu-Tse-Mil-Kin v. Smith (1902)	119 F. 114	Cir. Ct. App., 9th
289		9-Jun-1855	694	12 Stat. 945	Kalyton v. Kalyton (1903)	74 P. 491	Sup. Ct., Or.
289		9-Jun-1855	694	12 Stat. 945	Hy-Yu-Tse-Mil-Kin v. Smith (1904)	194 U.S. 401	Sup. Ct.
289		9-Jun-1855	694	12 Stat. 945	Parr v. United States (1907)	153 F. 462	Cir. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Smith v. Bonifer (1907)	154 F. 883	Cir. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Bonifer v. Smith (1909)	166 F. 846	Cir. Ct. App., 9th
289		9-Jun-1855	694	12 Stat. 945	United States ex rel. Williams v. Seufert Bros. Co. (1916)	233 F. 579	Dist. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Byers v. We-wa-ne (1917)	169 P. 121	Sup. Ct., Or.
289		9-Jun-1855	694	12 Stat. 945	United States v. Brookfield Fisheries, Inc. (1938)	24 F. Supp. 712	Dist. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Merrill v. Bishop (1955)	287 P.2d 620	Sup. Ct., Wyo.
289		9-Jun-1855	694	12 Stat. 945	Confederated Tribes of Umatilla Indian Reservation v. Maison (1960)	186 F. Supp. 519	Dist. Ct., D. Or.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
289		9-Jun-1855	694	12 Stat. 945	Maison v. Confederated Tribes of Umatilla Indian Reservation (1963)	314 F.2d 169	Cir. 9
289		9-Jun-1855	694	12 Stat. 945	Confederated Tribes of Umatilla Indian Reservation v. Maison (1966)	262 F. Supp. 871	Dist. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Holcomb v. Confederated Tribes of Umatilla Indian Reservation (1967)	382 F.2d 1013	Cir. 9
289		9-Jun-1855	694	12 Stat. 945	Sohappy v. Smith (1969)	302 F. Supp. 899	Dist. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Marsh v. Union Pacific Railroad Co. (1969)	304 F. Supp. 478	Dist. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
289		9-Jun-1855	694	12 Stat. 945	Dept. of Game v. Puyallup Tribe, Inc. (1976)	548 P.2d 1058	Sup. Ct., Wash.
289		9-Jun-1855	694	12 Stat. 945	State v. Coffee (1976)	556 P.2d 1185	Sup. Ct., Idaho
289		9-Jun-1855	694	12 Stat. 945	Confederated Tribes of Umatilla Indian Reservation v. Alexander (1977)	440 F. Supp. 553	Dist. Ct., D. Or.
289		9-Jun-1855	694	12 Stat. 945	United States v. Jackson (1979)	600 F.2d 1283	Cir. 9
289		9-Jun-1855	694	12 Stat. 945	Roman Catholic Bishop v. Dept. of Revenue (1981)	1981 Ore. Tax LEXIS 15	Or. Tax Ct.
289		9-Jun-1855	694	12 Stat. 945	United States v. Hicks (1984)	587 F. Supp. 1162	Dist. Ct., W.D. Wash.
289		9-Jun-1855	694	12 Stat. 945	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
289		9-Jun-1855	694	12 Stat. 945	United States v. Webb (1999)	1999 U.S. Dist. LEXIS 22039	Dist. Ct., W.D. Idaho
289		9-Jun-1855	694	12 Stat. 945	State v. Buchanan (1999)	978 P.2d 1070	Sup. Ct., Wash.
289		9-Jun-1855	694	12 Stat. 945	National Wildlife Federation v. National Marine Fisheries Service (2005)	422 F.3d 782	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
290	Yakima; Palouse; Pisquouse; Wenatchee; Klikitat; Klinquit; Kowwassayee; Liyawas; Skin; Wishram; Shyiks;	9-Jun-1855	698	12 Stat. 951	Bush v. United States (1894)	29 Ct. Cl. 144	Ct. Cl.
290		9-Jun-1855	698	12 Stat. 951	United States v. Taylor (1887)	3 Wash. Terr. 88	Sup. Ct., Terr. Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Winans (1896)	73 F. 72	Cir. Ct., D. Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Winans (1905)	198 U.S. 371	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	United States v. Sutton (1909)	215 U.S. 291	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	LaClair v. United States (1910)	184 F. 128	Cir. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Seufert v. Olney (1911)	193 F. 200	Cir. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Northern Pacific Railway Co. v. United States (1913)	227 U.S. 355	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	State v. Towessnute (1916)	154 P. 805	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	United States ex rel. Williams v. Seufert Bros. Co. (1916)	233 F. 579	Dist. Ct., D. Or.
290		9-Jun-1855	698	12 Stat. 951	New York ex rel. Kennedy v. Becker (1916)	241 U.S. 556	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Seufert Bros. Co. v. United States (1919)	249 U.S. 194	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Hough v. Taylor (1920)	188 P. 458	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	State v. Meninock (1921)	197 P. 641	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	State v. Wallahee (1927)	255 P. 94	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Brookfield Fisheries, Inc. (1938)	24 F. Supp. 712	Dist. Ct., D. Or.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
290		9-Jun-1855	698	12 Stat. 951	United States v. House (1940)	110 F.2d 797	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	State v. Tulee (1941)	109 P.2d 280	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Eastman (1941)	118 F.2d 421	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Tulee v. Washington (1942)	315 U.S. 681	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Seufert Bros. Co. v. Hoptowit (1951)	237 P.2d 949	Sup. Ct., Or.
290		9-Jun-1855	698	12 Stat. 951	United States v. Ahtanum Irrigation District (1953)	124 F. Supp. 818	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	State v. McClure (1954)	268 P.2d 629	Sup. Ct., Mont.
290		9-Jun-1855	698	12 Stat. 951	United States v. Ahtanum Irrigation District (1956)	236 F.2d 321	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	State ex rel. Clark v. Hogan (1956)	303 P.2d 290	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	State v. Satiacum (1957)	314 P.2d 400	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	In re Colwash (1960)	356 P.2d 994	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	Whitefoot v. United States (1961)	155 Ct. Cl. 127	Ct. Cl.
290		9-Jun-1855	698	12 Stat. 951	Yakima Tribe v. United States (1962)	158 Ct. Cl. 672	Ct. Cl.
290		9-Jun-1855	698	12 Stat. 951	United States v. Ahtanum Irrigation District (1964)	330 F.2d 897	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Simmons v. Chief Eagle Seelastsee (1965)	244 F. Supp. 808	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	State v. James (1967)	435 P.2d 521	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	Puyallup Tribe v. Dept. of Game (1968)	391 U.S. 392	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Sohappy v. Smith (1969)	302 F. Supp. 899	Dist. Ct., D. Or.
290		9-Jun-1855	698	12 Stat. 951	United States v. 10.69 Acres of Land (1970)	425 F.2d 317	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	People v. Jondreau (1971)	185 N.W.2d 375	Sup. Ct., Mich.
290		9-Jun-1855	698	12 Stat. 951	Groundhog v. Keeler (1971)	442 F.2d 674	Cir. 10
290		9-Jun-1855	698	12 Stat. 951	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	State v. Chambers (1973)	506 P.2d 311	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Washington (1974)	384 F. Supp. 312	Dist. Ct., W.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Settler v. Lameer (1974)	507 F.2d 231	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Dept. of Game v. Puyallup Tribe, Inc. (1976)	548 P.2d 1058	Sup. Ct., Wash.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
290		9-Jun-1855	698	12 Stat. 951	State v. Coffee (1976)	556 P.2d 1185	Sup. Ct., Idaho
290		9-Jun-1855	698	12 Stat. 951	Confederated Tribes of Colville Indian Reservation v. Washington (1978)	446 F. Supp. 1339	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Washington v. Confederated Bands and Tribes of the Yakima Indian Nation (1979)	439 U.S. 463	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Washington v. Washington State Commercial Passenger Fishing Vessel Association (1979)	443 U.S. 658	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	United States v. Michigan (1979)	471 F. Supp. 192	Dist. Ct., W.D. Mich.
290		9-Jun-1855	698	12 Stat. 951	Puget Sound Gillnetters Assoc. v. Moos (1979)	603 P.2d 819	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	State v. Smith (1980)	1980 Ore. App. LEXIS 4332	Ct. App., Or.
290		9-Jun-1855	698	12 Stat. 951	Washington v. Confederated Tribes of the Colville Indian Reservation (1980)	447 U.S. 134	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	United States v. Washington (1980)	506 F. Supp. 187	Dist. Ct., W.D. Mich.
290		9-Jun-1855	698	12 Stat. 951	State v. Smith (1981)	625 P.2d 1321	Ct. App., Or.
290		9-Jun-1855	698	12 Stat. 951	Hoptowit v. Commissioner (1982)	78 T.C. 137	U.S. Tax Ct.
290		9-Jun-1855	698	12 Stat. 951	Holly v. Totus (1983)	655 F. Supp. 548	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Hoptowit v. Commissioner (1983)	709 F.2d 564	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Wildcatt v. Smith (1984)	316 S.E.2d 870	Ct. App., N.C.
290		9-Jun-1855	698	12 Stat. 951	Oregon Dept. of Fish and Wildlife v. Klamath Indian Tribe (1985)	473 U.S. 753	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Yakama Indian Nation v. Whiteside (1985)	617 F. Supp. 735	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Yakama Indian Nation v. Whiteside (1985)	617 F. Supp. 750	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Kittitas Reclamation District v. Sunnyside Valley Irrigation District (1985)	763 F.2d 1032	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	United States v. Washington (1985)	626 F. Supp. 1405	Dist. Ct., W.D. Wash.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
290		9-Jun-1855	698	12 Stat. 951	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	State v. Jim (1986)	725 P.2d 365	Ct. App., Or.
290		9-Jun-1855	698	12 Stat. 951	United States v. Washington (1987)	813 F.2d 1020	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Confederated Tribes & Bands of Yakima Indian Nation v. Whiteside (1987)	828 F.2d 529	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	State v. Sohappay (1988)	757 P.2d 509	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	Brendale v. Confederated Tribes and Bands of the Yakima Indian Nation (1989)	492 U.S. 408	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	In re Application of Otter Tail Power Co. (1990)	451 N.W.2d 95	Sup. Ct., N.D.
290		9-Jun-1855	698	12 Stat. 951	Confederated Tribes & Bands of Yakima Nation v. United States (1990)	65 A.F.T.R.2d (RIA) 1257	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Sohappay v. Hodel (1990)	911 F.2d 1312	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	County of Yakima v. Confederated Tribes and Bands of the Yakima Indian Nation (1992)	502 U.S. 251	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	United States v. Oregon (1992)	787 F. Supp. 1557	Dist. Ct., D. Or.
290		9-Jun-1855	698	12 Stat. 951	In re Greene (1992)	980 F.2d 590	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Cree v. Washington (1993)	990 F.2d 1256	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Lazore v. Commissioner (1993)	11 F.3d 1180	Cir. 3
290		9-Jun-1855	698	12 Stat. 951	Nez Perce Tribe v. Idaho Power Co. (1993)	847 F. Supp. 791	Dist. Ct., D. Idaho
290		9-Jun-1855	698	12 Stat. 951	Surface Waters of the Yakima River Drainage Basin v. Yakima Reservation Irrigation District (1993)	850 P.2d 1306	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Washington (1994)	873 F. Supp. 1422	Dist. Ct., W.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Leech Lake Band of Chippewa Indians v. Cass County (1995)	908 F. Supp. 689	Dist. Ct., D. Minn.
290		9-Jun-1855	698	12 Stat. 951	Cree v. Waterbury (1996)	78 F.3d 1400	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Yakama Indian Nation v. Flores (1997)	955 F. Supp. 1229	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Cree v. Flores (1998)	157 F.3d 762	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Minnesota v. Mille Lacs Band of Chippewa Indians (1999)	526 U.S. 172	Sup. Ct.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
290		9-Jun-1855	698	12 Stat. 951	State v. Buchanan (1999)	978 P.2d 1070	Sup. Ct., Wash.
290		9-Jun-1855	698	12 Stat. 951	Columbia Gorge Audubon Society v. Klickitat County (1999)	989 P.2d 1260	Ct. App., Wash.
290		9-Jun-1855	698	12 Stat. 951	Ramsey v. United States (2000)	134 F. Supp.2d 1203	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	Atkinson Trading Co. v. Shirley (2001)	532 U.S. 645	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Idaho v. United States (2001)	533 U.S. 262	Sup. Ct.
290		9-Jun-1855	698	12 Stat. 951	Midwater Trawlers Co-op v. Dept. of Commerce (2002)	282 F.3d 710	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	Ramsey v. United States (2002)	302 F.3d 1074	Cir. 9
290		9-Jun-1855	698	12 Stat. 951	United States v. Fiander (2005)	401 F.Supp.2d 1136	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Smiskin (2005)	U.S. Dist. LEXIS 27528	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	United States v. Smiskin (2005)	2005 WL 1288001	Dist. Ct., E.D. Wash.
290		9-Jun-1855	698	12 Stat. 951	National Wildlife Federation v. National Marine Fisheries Service (2005)	422 F.3d 782	Cir. 9
291	Nez Perce	11-Jun-1855	702	12 Stat. 957	Pickett v. United States (1874)	1 Idaho 523	Sup. Ct., Idaho
291		11-Jun-1855	702	12 Stat. 957	Langford v. Monteith (1876)	1 Idaho 612	Sup. Ct., Idaho
291		11-Jun-1855	702	12 Stat. 957	Caldwell v. Robinson (1894)	59 F. 653	Cir. Ct., D. Idaho
291		11-Jun-1855	702	12 Stat. 957	Robinson v. Caldwell (1895)	67 F. 391	Cir. Ct. App., 9th
291		11-Jun-1855	702	12 Stat. 957	Robinson v. Caldwell (1897)	165 U.S. 359	Sup. Ct.
291		11-Jun-1855	702	12 Stat. 957	United States v. Nez Perce County (1938)	95 F.2d 232	Cir. 9
291		11-Jun-1855	702	12 Stat. 957	United States v. Lewis County (1938)	95 F.2d 236	Cir. 9
291		11-Jun-1855	702	12 Stat. 957	Neah Bay Fish Co. v. Krummel (1940)	101 P.2d 600	Sup. Ct., Wash.
291		11-Jun-1855	702	12 Stat. 957	Nez Perce Tribe of Indians v. United States (1941)	95 Ct. Cl. 1	Ct. Cl.
291		11-Jun-1855	702	12 Stat. 957	Joseph's Band of Nez Perce Tribe of Indians v. United States (1941)	95 Ct. Cl. 11	Ct. Cl.
291		11-Jun-1855	702	12 Stat. 957	State v. McConville (1943)	139 P.2d 485	Sup. Ct., Idaho
291		11-Jun-1855	702	12 Stat. 957	State v. Arthur (1953)	261 P.2d 135	Sup. Ct., Idaho
291		11-Jun-1855	702	12 Stat. 957	State v. Powauke (1956)	300 P.2d 488	Sup. Ct., Idaho

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
291		11-Jun-1855	702	12 Stat. 957	Nez Perce Tribe of Indians v. United States (1966)	176 Ct. Cl. 815	Ct. Cl.
291		11-Jun-1855	702	12 Stat. 957	Sohappy v. Smith (1969)	302 F. Supp. 899	Dist. Ct., D. Or.
291		11-Jun-1855	702	12 Stat. 957	People v. Jondreau (1971)	185 N.W.2d 375	Sup. Ct., Mich.
291		11-Jun-1855	702	12 Stat. 957	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
291		11-Jun-1855	702	12 Stat. 957	Potawatomie Nation of Indians v. United States (1974)	205 Ct. Cl. 765	Ct. Cl.
291		11-Jun-1855	702	12 Stat. 957	State v. Coffee (1976)	556 P.2d 1185	Sup. Ct., Idaho
291		11-Jun-1855	702	12 Stat. 957	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
291		11-Jun-1855	702	12 Stat. 957	National Wildlife Federation v. Federal Energy Regulatory Commission (1986)	801 F.2d 1505	Cir. 9
291		11-Jun-1855	702	12 Stat. 957	Navajo Tribe of Indians v. New Mexico (1987)	809 F.2d 1455	Cir. 10
291		11-Jun-1855	702	12 Stat. 957	National Wildlife Federation v. Federal Energy Regulatory Commission (1989)	870 F.2d 542	Cir. 9
291		11-Jun-1855	702	12 Stat. 957	United States v. Oregon (1992)	787 F. Supp. 1557	Dist. Ct., D. Or.
291		11-Jun-1855	702	12 Stat. 957	Nez Perce Tribe v. Idaho Power Co. (1993)	847 F. Supp. 791	Dist. Ct., D. Idaho
291		11-Jun-1855	702	12 Stat. 957	State v. Buchanan (1999)	978 P.2d 1070	Sup. Ct., Wash.
291		11-Jun-1855	702	12 Stat. 957	United States v. Webb (2000)	219 F.3d 1127	Cir. 9
291		11-Jun-1855	702	12 Stat. 957	National Wildlife Federation v. National Marine Fisheries Service (2005)	422 F.3d 782	Cir. 9
291		11-Jun-1855	702	12 Stat. 957	Thomason v. Nez Perce Tribe (2005)	2005 WL 2077780	Cir. 9
291.1	Nez Perce	9-Jun-1863	843	14 Stat. 647	Caldwell v. Robinson (1894)	59 F. 653	C.C.D. Idaho
291.1		9-Jun-1863	843	14 Stat. 647	United States v. Nez Perce County (1938)	95 F.2d 232	Cir. 9
291.1		9-Jun-1863	843	14 Stat. 647	Nez Perce Tribe of Indians v. United States (1941)	95 Ct. Cl. 1	Ct. Cl.
291.1		9-Jun-1863	843	14 Stat. 647	Potawatomie Nation of Indians v. United States (1974)	205 Ct. Cl. 765	Ct. Cl.
291.1		9-Jun-1863	843	14 Stat. 647	Navajo Tribe of Indians v. New Mexico (1987)	809 F.2d 1455	Cir. 10
291.1		9-Jun-1863	843	14 Stat. 647	United States v. Oregon (1992)	787 F. Supp. 1557	Dist. Ct., D. Or.
291.1		9-Jun-1863	843	14 Stat. 647	United States v. Webb (2000)	219 F.3d 1127	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
293	Walla Walla; Wasco	25-Jun-1855	714	12 Stat. 963	United States ex rel. Williams v. Seufert Bros. Co. (1916)	233 F. 579	Dist. Ct., D. Or.
293		25-Jun-1855	714	12 Stat. 963	Seufert Bros. Co. v. United States (1919)	249 U.S. 194	Sup. Ct.
293		25-Jun-1855	714	12 Stat. 963	United States ex rel. Charley v. McGowan (1931)	2 F. Supp. 426	Dist. Ct., W.D. Wash.
293		25-Jun-1855	714	12 Stat. 963	United States v. Brookfield Fisheries, Inc. (1938)	24 F. Supp. 712	Dist. Ct., D. Or.
293		25-Jun-1855	714	12 Stat. 963	Warm Springs Tribe of Indians v. United States (1941)	95 Ct. Cl. 23	Ct. Cl.
293		25-Jun-1855	714	12 Stat. 963	Anthony v. Veatch (1950)	220 P.2d 493	Sup. Ct., Or.
293		25-Jun-1855	714	12 Stat. 963	Federal Power Commission v. Oregon (1955)	349 U.S. 435	Sup. Ct.
293		25-Jun-1855	714	12 Stat. 963	Whitefoot v. United States (1961)	155 Ct. Cl. 127	Ct. Cl.
293		25-Jun-1855	714	12 Stat. 963	Confederated Tribes of Warm Springs Reservation v. United States (1966)	177 Ct. Cl. 184	Ct. Cl.
293		25-Jun-1855	714	12 Stat. 963	Sohappy v. Smith (1969)	302 F. Supp. 899	Dist. Ct., D. Or.
293		25-Jun-1855	714	12 Stat. 963	State v. Coffee (1976)	556 P.2d 1185	Sup. Ct., Idaho
293		25-Jun-1855	714	12 Stat. 963	Gold v. Confederated Tribes of Warm Springs Indian Reservation (1979)	478 F. Supp. 190	Dist. Ct., D. Or.
293		25-Jun-1855	714	12 Stat. 963	State v. Smith (1980)	1980 Ore. App. LEXIS 4332	Ct. App., Or.
293		25-Jun-1855	714	12 Stat. 963	State v. Smith (1981)	625 P.2d 1321	Ct. App., Or.
293		25-Jun-1855	714	12 Stat. 963	Confederated Tribes of Warm Springs Reservation v. Kurtz (1982)	691 F.2d 878	Cir. 9
293		25-Jun-1855	714	12 Stat. 963	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
293		25-Jun-1855	714	12 Stat. 963	State v. Jim (1986)	725 P.2d 372	Ct. App., Or.
293		25-Jun-1855	714	12 Stat. 963	Sohappy v. Hodel (1990)	911 F.2d 1312	Cir. 9
293		25-Jun-1855	714	12 Stat. 963	United States Dept. of Labor v. Occupational Safety & Health Review Commission (1991)	935 F.2d 182	Cir. 9
293		25-Jun-1855	714	12 Stat. 963	National Wildlife Federation v. Cosgriffe (1998)	21 F. Supp. 2d 1211	Dist. Ct., D. Or.
293		25-Jun-1855	714	12 Stat. 963	State v. Jim (2002)	37 P.3d 241	Ct. App., Or.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
293		25-Jun-1855	714	12 Stat. 963	National Wildlife Federation v. National Marine Fisheries Service (2005)	422 F.3d 782	Cir. 9
293.1	Walla Walla; Wasco	15-Nov-1865	908	14 Stat 751	Warm Springs Tribe of Indians v. United States (1941)	95 Ct. Cl. 23	Ct. Cl.
293.1		15-Nov-1865	908	14 Stat 751	Whitefoot v. United States (1961)	155 Ct. Cl. 127	Ct. Cl.
293.1		15-Nov-1865	908	14 Stat 751	Confederated Tribes of Warm Springs Reservation v. United States (1966)	177 Ct. Cl. 184	Ct. Cl.
293.1		15-Nov-1865	908	14 Stat 751	Mille Lacs Band of Chippewa Indians v. Minnesota (1997)	124 F.3d 904,920	Cir. 8
294	Quinault; Quileute	1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Payne (1922)	284 F. 827	Cir. Ct. App., 9th
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Payne (1924)	264 U.S. 446	Sup. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Taylor (1929)	33 F.2d 608	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Halbert (1930)	38 F.2d 795	Cir. Ct. App., 9th
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Provoe (1930)	38 F.2d 799	Cir. Ct. App., 9th
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Taylor v. United States (1930)	44 F.2d 531	Cir. Ct. App., 9th
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Pioneer Packing Co. v. Winslow (1930)	294 P. 557	Sup. Ct., Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States ex rel. Charley v. McGowan (1931)	2 F. Supp. 426	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Halbert v. United States (1931)	283 U.S. 753	Sup. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Fowler v. Bright (1933)	4 F. Supp. 565	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States ex rel. Charley v. McGowan (1933)	62 F.2d 955	Cir. Ct. App., 9th
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Powers (1936)	16 F. Supp. 155	Dist. Ct., D. Mont.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Eastman (1941)	118 F.2d 421	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Quinaielt Tribe of Indians v. United States (1945)	102 Ct. Cl. 822	Ct. Cl.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Moore (1945)	62 F. Supp. 660	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Moore v. United States (1946)	157 F.2d 760	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Hynes v. Grimes Packing Co. (1947)	165 F.2d 323	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Quinaielt Tribe v. United States (1951)	118 Ct. Cl. 220	Ct. Cl.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Capoeman v. United States (1952)	110 F. Supp. 924	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Squire v. Capoeman (1955)	220 F.2d 349	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Squire v. Capoeman (1956)	351 U.S. 1	Sup. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Metlakatla Indian Community v. Egan (1962)	369 U.S. 45	Sup. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	State v. Bertrand (1963)	378 P.2d 427	Sup. Ct., Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Quinault Tribe of Indians v. Gallagher (1966)	368 F.2d 648	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Dept. of Game v. Puyallup Tribe, Inc. (1972)	497 P.2d 171	Sup. Ct., Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Quinault Allottee Assoc. v. United States (1973)	202 Ct. Cl. 625	Ct. Cl.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Washington (1974)	384 F. Supp. 312	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Matheson v. Kinnear (1974)	393 F. Supp. 1025	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Dept. of Game v. Puyallup Tribe, Inc. (1976)	548 P.2d 1058	Sup. Ct., Wash.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	State v. Coffee (1976)	556 P.2d 1185	Sup. Ct., Idaho
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Washington v. Washington State Commercial Passenger Fishing Vessel Association (1979)	443 U.S. 658	Sup. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	State v. Goodell (1979)	590 P.2d 764	Ct. App., Or.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Puget Sound Gillnetters Assoc. v. Moos (1979)	603 P.2d 819	Sup. Ct., Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Menominee Tribe of Indians v. United States (1980)	1980 U.S. Ct. Cl. LEXIS 1152	Ct. Cl.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Mitchell (1980)	445 U.S. 535	Sup. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Washington (1980)	506 F. Supp. 187	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Menominee Tribe of Indians (1981)	1981 U.S. Ct. Cl. LEXIS 1313	Ct. Cl.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Menominee Tribe of Indians (1981)	1981 U.S. Ct. Cl. LEXIS 1313	Ct. Cl.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Hoh Indian Tribe v. Baldrige (1981)	522 F. Supp. 683	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Wahkiakum Band of Chinook Indians v. Bateman (1981)	655 F.2d 176	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Comenout v. Commissioner (1982)	43 T.C.M. (CCH) 408	U.S. Tax Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Mitchell (1983)	463 U.S. 206	Sup. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Washington State Charterboat Assoc. v. Baldrige (1983)	702 F.2d 820	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Estate of Davis v. Commissioner (1984)	48 T.C.M. (CCH) 1493	U.S. Tax Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Landry v. Commissioner (1984)	48 T.C.M. (CCH) 1496	U.S. Tax Ct.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Wilbur v. Commissioner (1984)	48 T.C.M. (CCH) 1498	U.S. Tax Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Hicks (1984)	587 F. Supp. 1162	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Williams v. Clark (1984)	742 F.2d 549	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	State v. Cutler (1985)	708 P.2d 853	Sup. Ct., Idaho
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Washington (1985)	774 F.2d 1470	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Washington (1985)	626 F. Supp. 1405	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Mitchell v. United States (1986)	10 Cl. Ct. 63	Cl. Ct.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Washington (1987)	813 F.2d 1020	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Anderson & Middleton Lumber Co. v. Quinault Indian Nation (1996)	929 P.2d 379	Sup. Ct., Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Washington (1998)	135 F.3d 618	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	United States v. Washington (1998)	157 F.3d 630	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Washington v. Daley (1999)	173 F.3d 1158	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	State v. Buchanan (1999)	978 P.2d 1070	Sup. Ct., Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Midwater Trawlers Co-op v. Dept. of Commerce (2000)	139 F. Supp. 2d 1136	Dist. Ct., W.D. Wash.
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Midwater Trawlers Co-op v. Dept. of Commerce (2002)	282 F.3d 710	Cir. 9
294		1-Jul-1855, 25-Jan-1856	719	12 Stat. 971	Quinault Indian Nation v. Grays Harbor County (2002)	310 F.3d 645	Cir. 9

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
295	Flathead; Kutenai; Upper Pend d'Oreille	16-Jul-1855	722	12 Stat. 975	Whaley v. Northern Pacific Railway Co. (1908)	167 F. 664	Cir. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Clairmont v. United States (1912)	225 U.S. 551	Sup. Ct.
295		16-Jul-1855	722	12 Stat. 975	Pronovost v. United States (1914)	232 U.S. 487	Sup. Ct.
295		16-Jul-1855	722	12 Stat. 975	Scheer v. Moody (1931)	48 F.2d 327	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Moody v. Johnston (1933)	66 F.2d 999	Cir. Ct. App., 9th
295		16-Jul-1855	722	12 Stat. 975	McIntire v. United States (1937)	22 F. Supp. 316	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	United States v. McIntire (1939)	101 F.2d 650	Cir. 9
295		16-Jul-1855	722	12 Stat. 975	Montana Power Co. v. Rochester (1942)	127 F.2d 189	Cir. 9
295		16-Jul-1855	722	12 Stat. 975	State v. Pichette (1951)	237 P.2d 1076	Sup. Ct., Mont.
295		16-Jul-1855	722	12 Stat. 975	State ex rel. Irvine v. District Court (1951)	239 P.2d 272	Sup. Ct., Mont.
295		16-Jul-1855	722	12 Stat. 975	State v. McClure (1954)	268 P.2d 629	Sup. Ct., Mont.
295		16-Jul-1855	722	12 Stat. 975	In re Irvine (1962)	374 P.2d 111	Sup. Ct., Mont.
295		16-Jul-1855	722	12 Stat. 975	In re Irvine (1962)	374 P.2d 115	Sup. Ct., Mont.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. United States (1964)	167 Ct. Cl. 405	Ct. Cl.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. United States (1965)	173 Ct. Cl. 398	Ct. Cl.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. United States (1966)	175 Ct. Cl. 451	Ct. Cl.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. United States (1967)	181 Ct. Cl. 739	Ct. Cl.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes v. United States (1968)	185 Ct. Cl. 421	Ct. Cl.
295		16-Jul-1855	722	12 Stat. 975	United States v. Vulles (1968)	282 F. Supp. 829	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Montana Power Co. v. United States (1970)	445 F.2d 739	Cir. D.C.

Ratified treaty number	Signatory tribe(s)	Treaty signing date	Kappler page number	Statutes at Large	Case title	Citation	Court
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. United States (1971)	193 Ct. Cl. 801	Ct. Cl.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes v. Vulles (1971)	437 F.2d 177	Cir. 9
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. United States (1972)	199 Ct. Cl. 599	Ct. Cl.
295		16-Jul-1855	722	12 Stat. 975	United States v. Pollmann (1973)	364 F. Supp. 995	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes v. Namen (1974)	380 F. Supp. 452	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. Moe (1974)	392 F. Supp. 1297	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes v. Montana Dept. of Revenue (1975)	392 F. Supp. 1325	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	United States v. Finch (1975)	395 F. Supp. 205	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	United States v. Allard (1975)	397 F. Supp. 429	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Moe v. Confederated Salish and Kootenai Tribes of Flathead Reservation (1976)	425 U.S. 463	Sup. Ct.
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes v. Namen (1976)	534 F.2d 1376	Cir. 9
295		16-Jul-1855	722	12 Stat. 975	United States v. Finch (1976)	548 F.2d 822	Cir. 9
295		16-Jul-1855	722	12 Stat. 975	State v. Coffee (1976)	556 P.2d 1185	Sup. Ct., Idaho
295		16-Jul-1855	722	12 Stat. 975	State v. Stasso (1977)	563 P.2d 562	Sup. Ct., Mont.
295		16-Jul-1855	722	12 Stat. 975	United States v. Montana (1978)	457 F. Supp. 599	Dist. Ct., D. Mont.
295		16-Jul-1855	722	12 Stat. 975	Mescalero Apache Tribe v. O'Cheskey (1980)	625 F.2d 967	Cir. 10
295		16-Jul-1855	722	12 Stat. 975	Confederated Salish & Kootenai Tribes of Flathead Reservation v. United States (1982)	665 F.2d 951	Cir. 9

