

HISTORY

Hidden Treaty robbed Indigenous people of their lands

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In a modest adobe building that would later serve as a Butterfield stage stop, representatives of local Indigenous people made their marks on a treaty of “peace and friendship” with the United States at Temecula on Jan. 5, 1852. Over the preceding 18 months, Indian tribes all over California had been made to affix their marks to similar pieces of paper or face annihilation by the new nation on the Eastern seaboard that was now encroaching on the West. There were 18 California treaties in all, the last being made at Temecula.

Just a year and a half earlier President Millard Fillmore had appointed Oliver M. Wozencraft as the “Indian Agent” for California. There was no salary or allowed expenses attendant to the title, and soon it was rescinded in favor of the title of “commissioner.” Redick McKee, George W. Barbour and Wozencraft were appointed “commissioners to hold treaties with various Indian tribes in the State of California, as provided in the act of Congress approved Sept. 30, 1850.” Wozencraft was paid \$8 per day plus 10 cents per mile traveled.

Between March 19, 1851, and Jan. 5, 1852, Wozencraft, McKee and Barbour traversed California and created 18 treaties with Native American tribes. Officially called California Treaty K, but ever after known as the Treaty of Temecula, it was submitted to the U.S. Senate on June 1, 1852, by President Fillmore. But it was never ratified. Unbeknownst to the tribal signatories, the Senate rejected the treaty in closed session and ordered the document held in secret for the next 52 years.

During those years at the end of the 19th century, Indigenous people were subjugated by white settlers and the policies of state lawmakers, devastating the native population. Those who survived were displaced onto reservations. This diaspora was set against the Gold Rush and mass immigration to California.

Professor Edward Castillo, writing for the State of California’s Native American Heritage Commission, explained, “... in an attempt to stem the unprecedented chaos and mass murder of ... the California Indians, Congress authorized three federal officials to make treaties with the California Indians. Their purpose was to extinguish Indian land titles and provide



A graveyard for Indigenous people is seen in Temecula.

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the Indians with territories that would be protected from encroachment by non-Indians. They were given just \$25,000 to accomplish this monumental task.

“Soon after their arrival in San Francisco in January of 1851, the enormous size of territory prompted the commissioners to split up and negotiate treaties on their own. The reports and correspondence of the treaty commissioners clearly demonstrate that the suspicious and reluctant Indians who could be persuaded to attend the treaty meetings were only vaguely aware of its purpose. This can be attributed to the frequent problems of translators who often had to translate several Indian dialects into Spanish and again into English. Few if any of the Indians could understand English. The random manner in which the commissioners organized the meetings resulted in the majority of tribes not participating.

“Despite these crippling drawbacks, the treaty process proceeded until Jan. 5th of 1852. In all, 18 treaties were negotiated. The treaties agreed to set aside certain tracts of land for the signatory tribes. They additionally promised the assistance of farmers, school teachers, blacksmiths, stock animals, seeds and agricultural equipment, cloth and much more. In return, the signatory tribes promised to forever quitclaim to the United States their lands. Just what specific lands being surrendered were not specified ...

“Despite the obvious fact that not all California Indian tribes had been con-

sulted or contacted they too would be bound by the negotiations. Nevertheless, the federal government promised to reserve 7,466,000 acres of land to the dispossessed Indians ...”

The American public was enraged immediately following the completion of the commissioner’s task. It was revealed that the commissioners had overspent their budget by a half a million dollars in the incredibly inflated economy of Gold Rush California. Local newspapers and politicians feared that the treaties gave away valuable land, perhaps gold-bearing land, to the Indians.

Castillo continues: “Most Americans simply wanted the Indians removed to some other territory or state ... California’s newly elected senators provided the final blow. On July 8, 1852, the Senate in executive session refused to ratify the treaties. They were filed with an injunction of secrecy that was finally removed in 1905!”

During those intervening years, President Ulysses S. Grant would designate by executive order the even-numbered sections in Palm Springs, about 900 acres, as the Agua Caliente Indian Reservation, including Section 14. President Rutherford B. Hayes expanded the reservation in 1877, bringing it to about 31,000 acres of land that had, previous to the Treaty of Temecula, belonged entirely to the native people.

The original document of the hidden treaty was finally displayed in 2016 at the Smithsonian National Museum of the

American Indian in what the director said was a recognition “not only (that) the treaties that were broken, but also of the power imbalance that existed to allow treaties to be dismissed and their memory to be locked away in secrecy.”

Representatives from the Agua Caliente Band of Cahuilla Indians, Pechanga Band of Luiseno Indians, San Manuel Band of Mission Indians and Ramona Band of Cahuilla, four of the tribes affected by the treaty, were present to witness the installation of the original document 150 years after it was unceremoniously rejected by the Senate and concealed.

In September of 2021, Sean Milanovich completed and published his dissertation in support of his Ph.D. entitled “The Treaty of Temecula: A Story of Invasion, Deceit, Stolen Land and the Persistence of Power, 1846-1905.” It may be found online and is recommended reading for anyone who cares about the history of California.

Milanovich summarizes: “The Treaty of Temecula and the Indigenous people of Southern California is a story about land theft, deceit, genocide, tenacity, perseverance and the fight for basic human rights. California is stolen land. In 1846 the American invasion began with United States military dragoons, an elite fighting force trained to fight on horse and foot ...”

“The American invaders claimed the Indigenous land as their own and established a foreign government and subjugated the Indigenous peoples to a foreign law, American law. The Americans held the Indigenous peoples in a peon state of war and did not acknowledge their right to own land. On Jan. 5, 1852, Indigenous leaders of the Cahuilla, Cupeño, Luiseño, and Serrano attached their marks to the Treaty of Temecula surrendering their land base under duress and established a small permanent reservation.

“Between March 1851 and January 1852, Indian commissioners produced 18 treaties with at least 139 tribal bands. Treaties were conducted with tribes under false pretense. It was not for peace as written, but instead to acquire title to the land by extinguishing the Aboriginal title. Americans believed title of occupancy could be taken from the Indigenous people through treaty.”

Milanovich poignantly observes that the stolen land was never returned.

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