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President Washington's Seneca Initiative:

The 1790 Tioga Conference

The President Visits Philadelphia, September, 1790.

On June 27, 1790, two Seneca chiefs were slain by white frontiersmen in north-central Pennsylvania. The two chiefs, who lived at Geneseo in western New York State, were “in the bush a hunting”¹ along Pine Creek, a tributary that flowed into the west branch of the Susquehanna River. The frontiersmen then absconded with deerskins and other loot.

Hoping to forestall Seneca retaliation, Pennsylvania announced an award of \$800 for capture of the chiefs' murderers.² On August 7, 1790, word of this reached Geneseo, then one of the Seneca tribe's principal settlements. Geneseo chiefs Little Beard and Big Tree convened a tribal conference, which on August 12, 1790, sent a message to Pennsylvania's Executive Council demanding much more than the posting of an \$800 reward. The message from Geneseo described the murders as an act of offensive war because the two victims were “very great men” and warned that

you have stuck the hatchet in our head and we can't be reconciled until you come

¹ TPP 61:71-72

² Christopher Densmore, *Red Jacket, Iroquois Diplomat and Orator*, Syracuse: Syracuse University Press, 1999, 31.

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and pull it out.... [N]ow we take you by the hand and lead you to the Painted Post [near modern-day Tioga, Pennsylvania]; or as far as your canoes can come up the creek, where you will meet the whole of the tribe of the deceased, and all the chiefs, and a number of warriors of our nation, where we will expect you will wash away the blood of your brothers, and bury the hatchet, and put it out of memory as it is yet sticking in our head.

Brothers, it is our great brother, your Governor, who must come to see us, as we will never bury the hatchet until our great brother himself comes and brightens the chain of friendship, as it is very rusty. Brothers, you must bring the property of your brothers you have murdered, and all the property of the murderers, as it will be great satisfaction to the families of the deceased. Brothers, the sooner you meet us the better, for our young warriors are very uneasy, and it may prevent great trouble. Brothers, as soon as you get on your feet to meet us, and turn your face this way, you may walk all day, and lay down and sleep at night in safety and peace until you come to the place we have mentioned.³

A Seneca delegation intended to cross into Pennsylvania to receive reparations, including assets seized from the chiefs' murderers, along with an apology delivered in person by the President of Pennsylvania, which had not yet renamed its chief executive "Governor" to avoid confusion with the office of U.S. President created by the recently inaugurated federal Constitution.

Pennsylvania's Executive Council responded quickly. Though President Thomas Mifflin declined to make the trek personally, the Executive Council commissioned Colonel William Wilson to meet and try to re-establish friendly relations with the Geneseo Senecas. Colonel Wilson accepted this assignment, and began making preparations for a tribal conference at the Painted Post, a name designating what would later be termed a Totem Pole.

³ Message from Little Beard, Big Tree and other Seneca chiefs to the Governor and Council of Pennsylvania. New York Historical Society, *O'Reilly Papers* 6:18. Also TPP 61:1-2.

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The U.S. President quite possibly first learned of Pennsylvania's preparations when he arrived in Philadelphia on September 2, 1790, en route from the nation's capital, New York City, to his Mount Vernon, Virginia, home, and glanced through the Philadelphia newspapers. In any case, when the matter did come to his attention, President Washington became convinced of the impropriety of permitting Pennsylvania's treaty session with New York State-based Geneseo Senecas to proceed as planned.

Tribal issues were then much on the President's mind because less than a month earlier, on August 7, 1790, he had proclaimed the Treaty of New York, the first treaty of any kind completed pursuant to the Constitution. As a preliminary to this successful negotiation with the Creek tribe, Congress on July 22 had passed the first federal Indian Trade and Intercourse Act. Though of national application and destined to survive with alterations down to the present, this Act's passage was occasioned by the situation of Creeks within Georgia's claimed bounds, which then extended west to the U.S. border on the Mississippi River. But when Washington learned of the frontier crisis in north central Pennsylvania, he constructively seized this occasion to apply the new Indian Trade and Intercourse Act to an issue and a region distinct from the Georgia questions that had prompted its passage. By asserting federal control over this planned meeting between Pennsylvania and the New York-based Geneseo Senecas, Washington made clear not only to the Senecas but to Pennsylvania and New York State that the federal government also intended to regulate northern tribal affairs.

No one in 1790 would have found it surprising that the Senecas had directly contacted Pennsylvania, or that Pennsylvania had assumed responsibility for dealing with these murders by

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Pennsylvanians on Pennsylvania soil. While it was understood that the federal government that commenced operation under the Constitution on March 4, 1789, would take over many responsibilities from states, the Constitution hadn't spelled out very many details, and the federal government had to get itself organized and staffed before it could presume to discourage states from handling urgent matters in long-established ways. The new federal Secretary of War, Henry Knox, was a holdover from the Continental Congress-directed confederal government, but George Washington didn't take the oath of office as President until April 30, 1789, and there was no U.S. Secretary of State until September, when Thomas Jefferson arrived back from France. During its first year of operation, the federal government had engaged in several inconclusive discussions of tribal policy, but the Indian Trade and Intercourse Act approved on July 22, 1790, had been hastened through Congress just ahead of the arrival in the capital of Creek negotiators, so that federal officials could show them something as an indication of federal intent. Since federal tribal policy was undeniably a work in progress, this first Indian Trade and Intercourse Act was approved for a term of only three years.

Learning of the planned conference between Pennsylvania and the Geneseo Senecas while passing through Philadelphia, Washington decided take over this Pennsylvania project and carry forward with it very much as planned. Pennsylvania would be reimbursed for expenses already incurred, but the President desired no expansion in expense and only one addition to the conference's agenda. Besides extending condolences, Washington envisioned this face-to-face meeting as a way of orally communicating the terms of the Indian Trade and Intercourse Act to the Geneseo Senecas, and through them to members of other frontier tribes.

The President Hires Timothy Pickering to Confer with the Senecas.

The man chosen by the President to inaugurate federal relations with the Senecas was Colonel Timothy Pickering, who from 1780 to 1783 had served under Washington as Quartermaster General of the Continental Army. In the years following the Revolutionary War, Pickering had settled in Wilkes-Barre, Pennsylvania, and begun speculating in northeastern Pennsylvania land. But he soon fell into debt because of jurisdictional squabbling over whether Connecticut or Pennsylvania had the right to grant land in this area. To escape financial disaster, Pickering sought a position in the new federal government. In April of 1790 he asked Secretary of the Treasury Alexander Hamilton to consider him for appointment as his Assistant Secretary.⁴ In May, Hamilton replied that this particular position had been filled. But he did hold out hope of future preferment.

That summer, Pickering traveled from Wilkes-Barre to Philadelphia, to serve as a Luzerne County delegate at the Pennsylvania constitutional convention, which among other changes ended use of the term “President” for Pennsylvania’s chief executive. Just as this state convention was completing its work, U.S. President Washington arrived in the city, and agreed to meet with Pennsylvania’s convention delegates on the evening of his arrival. In this setting, Luzerne County delegate Pickering resumed contact with his former military commander.

⁴ Edward Hake Phillips, “Timothy Pickering at his Best: Indian Commissioner, 1790-1794,” *Essex Institute Historical Collections* 102:3 (July 1966) 164.

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The following day, the two met privately. To this second meeting, each man brought a different agenda. Deep in debt and with a wife and seven young sons to support, Pickering composed a long letter describing his current personal plight and pleading, with as much dignity as his desperation could admit, for appointment as U.S. Postmaster General. Meanwhile Washington, in mulling over the Pennsylvania frontier crisis just come to his attention, had independently concluded that Pickering, who lived not too far from the site of the murders, might be the best man to tackle the problem. As Washington knew, ex-Quartermaster General Pickering was expert at moving supplies cross-country under well-nigh impossible conditions, and a tribal treaty conference, involving the transport of quantities of provisions to a remote frontier location, would require just those skills.

So Pickering's plaintive letter stayed in his pocket when the two men met privately on September 3. Before Pickering could raise the possibility of his appointment as U.S. Postmaster General, should that post as anticipated soon become vacant, Washington offered Pickering an immediate (albeit short-term) federal job. To Pickering's utter surprise, Washington requested that he go as the President's personal representative to present gifts to the bereaved families of the two murdered Seneca chiefs. Pickering would be paid eight dollars a day, plus reasonable expenses. Pickering accepted without hesitation, determined to perform this assignment so notably that more permanent federal employment would surely follow---as indeed it did.

Washington had asked that Pickering, then a private citizen, drop everything and set off at once cross-country to take charge of an impending conference with aggrieved tribal warriors. Friction with Pennsylvania's representative Colonel William Wilson could be anticipated, and

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quite possibly physical danger not only from the Senecas but from frontier whites. Such considerations would have been daunting to an ordinary mortal, but Washington knew his man. In less than twenty-four hours, Pickering had conferred with numerous persons familiar with tribal affairs and sent off letters in all directions announcing his appointment as the President's personal representative.

One of Pickering's biographers has suggested that Washington "acting in defiance of his own better judgment" impulsively sent Pickering off on this errand.⁵ To be sure, an element of chance entered into Washington's choice of Pickering a day after an unexpected meeting, as well as Washington's decision to do something---anything---about this particular frontier crisis that was being competently handled by Pennsylvania. Washington no doubt wished to settle the matter expeditiously, so that he could proceed on home to Mount Vernon as planned on September 6. But personal inclination did not undermine Washington's analytical abilities. In offering this assignment to Pickering, Washington creatively matched a federal need with an available person who had never even considered the possibility proposed to him.

When Pickering walked in to apply for the job of U.S. Postmaster General, the President saw a chance to accomplish three objectives: to gratify Pickering; to avert possible misapprehensions (among tribes as well as state officials) if Pennsylvania were permitted to

⁵ Gerard H. Clarfield, *Timothy Pickering and the American Republic*, Pittsburgh: University of Pittsburgh Press, 117.

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negotiate with a tribe living beyond its borders when Georgia had just been rebuffed for independent dealings with Creeks resident *within* Georgia's claimed borders; and to avert a Seneca alliance with western tribes targeted for an imminent U.S. military offensive. Washington basically approved of what Pennsylvania was doing, so different from the situation in Georgia, but for this very reason may have desired that it not succeed as a Pennsylvania-only enterprise. Pennsylvania would hopefully be supportive of Washington's plan to assume the cost of a state commitment, and Pickering, a local Pennsylvania official with strong federal affinities, seemed an appropriate intermediary.

It would be an exaggeration to conclude, based on the impromptu way he initiated contact with the Senecas, that President Washington frequently made national policy decisions after reading the morning paper's account of a local incident, or that he typically ran the federal government out of his vest pocket while traveling to or from Mount Vernon. But in its first years the federal government did rely heavily on Washington's focus and judgment. With so much it could do and very limited resources, the federal government had to choose its initiatives carefully. Over-extension could have proved fatal to what was still only an experiment in centralized federal government, an experiment that many---including even well-wishers---believed would fail. Unwilling to attempt more than he could reasonably hope to accomplish, Washington planned to take the reins of tribal policy into federal hands by a gradual and if possible consensual shift to direct federal regulation of a small number of crucial tribal concerns.

Washington's modest Seneca initiative perfectly exemplified his method. Colonel Pickering's formal letter of appointment, dated September 4, 1790, read as follows:

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You are hereby authorized and required forthwith to proceed to the Painted Post or to such other place or places as may seem proper, there to meet, in behalf of the United States, the Sachems, Chiefs and Warriors of the Seneca nation of Indians, or any person or persons deputed by them: To assure them, that the murders committed at Pine Creek on some of their tribe are causes of great displeasure to the United States: To explain to them what measures have been taken, and are still proposed to be taken, to apprehend and bring the offenders to justice: To communicate to them in a plain and fair manner the late act of Congress respecting the trade and intercourse with the Indian Tribes: To declare to them the friendly disposition of the federal government towards them, and its readiness to extend protection and support to them in all needed occasions, and in general to do such matters and things as may be necessary for the more complete execution of the foregoing powers.⁶

A longer private letter dated the same day accompanied this public letter of appointment.

Confidentially, Washington advised Pickering

In the public letter which accompanies this you will receive such instructions for your conduct in your mission to the Seneca Tribe of Indians, as may without impropriety be communicated to them. Some others shall here be added more peculiarly proper for your own ear.

It is particularly desirable that they be made to understand that all business between them and any part of the United States is hereafter to be transacted by the general Government; and that the person who will attend you on the part of the executive of the State of Pennsylvania be induced to corroborate this explicitly by his declarations to them.⁷

Privately, Washington advised Pickering that asserting federal authority was likely to prove so delicate that it would be best to have the point corroborated by Pennsylvania's representative.

Additional instructions given in person to Pickering by the President on

⁶ TPP 61:10-11. Pickering shifted the conference venue from the Painted Post downstream to Tioga because provisions could more easily be shipped there.

⁷ TPP 61:6-8.

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September 3, and which did not appear even in Washington's private letter of September 4, can be gleaned from Pickering's own letters written on September 4 and 5. To Oliver Phelps, Pickering noted that

With the spirit of just economy which marks all his public acts, the President wishes the assembly of Indians on this occasion may be as small as possible. He sees no propriety in the idea suggested of holding a *treaty* with them because they and the United States are already at peace. To him nothing appears necessary but reasonably to compensate the relations of the deceased, to give them satisfactory assurances that the most diligent endeavors will be used to bring the murderers to condign punishment...in the presence of the chiefs and head warriors, that they may be witnesses to their nation of the justice of the United States.⁸

Washington had privately warned Pickering that the Seneca conference was not to be described as a "peace treaty" or indeed any sort of "treaty" insofar as that term implied a negotiation,. Rather, the meeting was to be thought of as intended strictly to offer condolence and presents to the families of two murdered chiefs. Additionally, a small number of other Senecas were to be invited to attend *as witnesses only*. Washington pointedly urged Pickering to "endeavor to prevent the assembling of a *multitude*."⁹

On September 5, Pickering informed the President that he had already dispatched a messenger to Geneseo with a formal

letter addressed by me to their Sachems, Chiefs, Warriors...inviting the relations of the deceased Indians to come to Tioga on the 25th of October next and expressing *your* desire that the *chiefs* of the Turtle tribe and other *Great Men* of the Seneca nation would accompany them, to be witnesses to their people of the justice of the United States, and to receive assurances of your and their friendship. I also wrote to Mr. [Oliver] Phelps,

⁸ TPP 61:15.

⁹ TPP 61:15.

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and to [Joseph] Smith the interpreter. In each letter I have pointedly declared that [it is] only the relations of deceased and the chief men whom I desire to meet, and have urged Mr. Phelps to use his influence to prevent a large assembly. However, on conversing with [U.S. Senator from Pennsylvania] Wm. McClay esq. who has some experience in such business, I find that notwithstanding any precaution to prevent it, a considerable company may be expected. I have therefore in the estimate subjoined stated them at 200. I first supposed six days provisions would be sufficient, but [Pennsylvania's representative] Col. Wilson assured me that I must reckon upon at least 12 days, including supply.¹⁰

Pickering was well launched into a whirlwind of activity designed to make up for his lack of experience in tribal diplomacy.

On September 6, the day he departed Philadelphia for Mount Vernon, the President approved Pickering's proposed budget to feed two hundred people for twelve days at federal expense, and enclosed an "order in your favor on the Secretary of the Treasury of the United States for the sum of four hundred dollars, agreeably to your estimate." But Washington also emphasized (this time in writing),

It is my wish that in conducting the negotiation with the Seneca Indians you should endeavor, by all possible means, to prevent a considerable number of them from assembling at the place of treaty, as a numerous meeting would not only greatly enhance the expense, without facilitating the object, of your mission, but would be directly repugnant to the nature of the business.¹¹

The President's clear objective was to neutralize Seneca anger, but not to rouse unrealistic expectations.

¹⁰ TPP 61:18.

¹¹ TPP 61:19.

Pickering's Preparations, September-October, 1790.

Notwithstanding Washington's repeated emphasis on a carefully delimited expedition, Pickering's inclination was to embellish the letter as well as the spirit of the President's instructions. Even though Pickering understood that his Geneseo Seneca mission was a trial of his suitability for high federal administrative office, he could not resist displaying that he was energetic and self-motivating. Nor was he wrong in suspecting that Washington, who year after year exercised masterful restraint in the conduct of his highly visible positions, appreciated subordinates who were not afraid to take responsibility in their own spheres. No U.S. official far from the capital could function effectively unless able to make decisions about unexpected turns of events.

The most revealing indication of Pickering's determination to make his debut in tribal diplomacy memorable is the open letter dated September 4, which he dispatched by messenger to Geneseo on September 5:

Brothers, Sachems, Chiefs and Warriors of the Seneca nation,

I address you in the name and by the authority of the United States of America, in pursuance of the orders of their President and Great Chief, General Washington.

Brothers, the killing of two of your nation at Pine Creek has kindled the resentment not only of Pennsylvania, but of the United States; and diligent endeavours are used for taking the murderers, that they may suffer the punishment due for their crime. Our Great Chief abhors such wicked men, and is determined that no injury done to our brothers of the Indian nations, at peace with the United States, shall go unpunished, if the offenders can be found. Brothers, our Great Chief, General Washington, is renowned through the world for his justice and goodness, and you and all the Indian nations may perfectly rely upon his virtues. But tho' his arm is strong, and extends over all the thirteen States, yet wicked men may sometimes escape. For we are a great people, numerous as the stars which in a clear night brighten the heavens. Among such multitudes a few bad

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men may pass unknown; or they may hide themselves in the forests, or going to the seacoast, get into the big vessels, and sail over the great water to other countries....

Brothers, As all business between you and the citizens of these states is in future to be conducted by the authority of the United States, through their President, I now inform you that I am appointed by him to wash off the blood of our murdered brothers and wipe away the tears from the eyes of their friends. For these purposes I will meet the relations of the deceased at Tioga on Monday the 25th day of October next. And Brothers, the President, our Great Chief, desires that the Chiefs of the Turtle tribe and other great men of your nation will on that day come to Tioga with the relations of the deceased, to be witnesses to the above transactions, to receive the assurances of his good will toward you and of the friendship of the United States. There too the chain of friendship between us shall be brightened: and may the Great Spirit lead your nation and the United States to keep it always bright whilst the Sun shines.¹²

With no known background in tribal diplomacy as of September 3, by September 4 Pickering was already sounding like an old hand. One can only speculate where Pickering picked up these archaic rhetorical flourishes. The style Pickering employed was what he thought tribal chiefs had become accustomed to under King George III and definitely *not* the “plain and fair manner” President Washington had specified. Pickering’s use of phrases such as “Our Great Chief abhors such wicked men, and...you and all the Indian nations may perfectly rely upon his virtues” harked back to the personalism of royal rule that the American Revolution had rejected. Pickering depicted the elected President of the United States as a quasi-monarchical ruler acting above the law, on righteous instincts and generous passions, and further implied that he himself, as the President’s sole emissary, had great importance and freedom of action. Despite the esteem

¹² TPP 61:12-13.

in which he was held, President Washington conducted himself as a simple administrator of laws, and resisted efforts to personalize the Presidency that might justify his acting beyond the law. Nor did he want tribes to imagine that as the Constitutional head of a federal republic he could achieve miracles on their behalf. Pickering had been advised to let Pennsylvania's representative

take the lead in affirming federal primacy, and Pickering's formulation "by the authority of the United States, through their President" connoted a far more centralized mode of governance than Washington's quiet reference to "the general Government."

Reviving rhetoric from the British era, Pickering's letter of invitation transformed what was to be a small condolence gathering of a portion of one tribe into a conference pregnant with consequences for "all the Indian nations." The Tioga conference aroused interest in many communities of the "Six Nations," even those now resident in Canada. The expansiveness of Pickering's invitation induced Iroquois leaders with aspirations to revive the pre-Revolutionary War "Six Nations" Confederacy to imagine that this objective might be furthered at Tioga under the auspices and at the expense of the new federal government. In a letter from Geneva, New York, dated September 19, written in response to Pickering's September 4th letter, Oliver Phelps estimated that the number of Senecas likely to attend the Tioga conference "will not exceed five hundred" "more than double the number for whom Pickering was making arrangements."¹³

Joseph Smith, sent by Pickering to deliver his florid message to Geneseo, reported from

¹³ TPP 61:23-24.

Canandaigua on October 4 that “between three and four hundred” might be expected to arrive in Tioga. Smith acknowledged that “You wrote that you wanted none but the Chiefs and Relations of them that were killed, but it is not in my power to prevent a learg number from coming for the Indians is such People that at such a time they think their will be something more than Common.”¹⁴ On October 30 “five Indian runners” arrived at Tioga in advance of the full delegation and informed Pickering that “Great numbers will come to see you.” Asked to specify how many, the runners estimated that there would be “five hundred from Buffalo Creek, and about three hundred from Geneseo.”¹⁵

The Tioga Conference, November, 1790: The First Meeting of Pickering and Red Jacket.

Reports of vast numbers en route caused Pickering considerable logistical anxiety, as did the conference’s late start and the delivery of supplies unfit for human consumption. Pickering was therefore relieved when the main body walking to Tioga sent ahead a message that

there is not so many as we Did Expect to com. There is about four Anagongues [Onondagas] and but a fue Tuskarowras [Tuscaroras]. We must inform you that we are about two hundred and thurty fore in this Company wich will Com in one Company to the Big fire....Brothers, you must consider that we have sum old People with us and sum Little children. We expect to com to the fire nine Days from this Day if the wether is good.¹⁶

In the end, according to Pickering’s count, some two hundred and twenty Seneca men, women

¹⁴ TPP 61:32.

¹⁵ TPP 61:42-44.

¹⁶ TPP 61:60. Message dated November 6.

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and children arrived in Tioga, traveling there primarily from the Geneseo River valley. Only a few individuals—notably Red Jacket and Farmer’s Brother—came from Buffalo Creek. Informants advised Pickering that British officers at Fort Niagara had intervened to discourage attendance by many from Buffalo Creek. As it turned out, those arriving approximated the number Pickering had planned on. But Pickering’s supplies still proved inadequate, since he had not expected his guests would “eat two or three pounds of beef a man per day, besides bread and vegetables.”¹⁷

The delegation from Geneseo arrived on November 14—three weeks late—only to inform Pickering that they believed some Cayugas might still be en route from Grand River in Canada, where the pro-British Cayuga chief Fish Carrier had gone to spread the word, and that the conference should therefore be delayed until they arrived. Pickering agreed to wait only two more days, insisting that the conference must then start.¹⁸ Preliminary meetings began at once.

Colonel Pickering and Colonel Wilson had concluded that the appropriate way to signify the passing of authority from Pennsylvania to the federal government would be for Wilson to make a brief speech at the outset informing the Senecas that “the State of Pennsylvania had now no power to treat with them, all power in such cases being transferred to the United States.” Having said this much, Pennsylvania’s representative was to leave the meeting ground. But as soon as Colonel Wilson finished, Red Jacket

¹⁷ TPP 61:46-47.

¹⁸ TPP 61:48.

rose and said,

Brother of Pennsylvania: You have now let out all you had to say to us from the Government of Pennsylvania....[and] thrust in your speech at this time because you were going off tomorrow....What you said your brothers received in good part and their minds are easy. But it is not the custom to turn one's back the moment what is to be said is spoken....Brother, you must stay till the business is over, and then you can tell your great men all that has been done. Brother, you must be easy...till the business is done; otherwise your brothers' minds will be in danger of being disturbed. When the business is finished, you can take your brothers by the hand and part in friendship.¹⁹

Red Jacket thus made clear that Iroquois procedures were to govern. Pickering was similarly informed that in distributing gifts it was customary for "the person who kindles the Council Fire" to make special presents to "the Chiefs who do the business, and bear all the trouble of the nation," who on the present occasion were four in number: Big Tree, Little Beard, Farmer's Brother and Red Jacket. But "it is not for the chiefs to say what they will have"---this being left to the discretion of the host. Messengers who did the bidding of the chiefs ought also to be awarded "over the common proportion," because they had been obliged to forego hunting to "wait the direction of the Chiefs." Red Jacket also insisted that wampum belts and not just goods must be given to the families of the murdered Senecas:

You told us you wanted to know the way of the Indians at this time, that you might not go out of this way. The ways of the white people and Indians are different in such cases, and therefore you wished our opinions, that you might dispose of the goods in such manner as would satisfy the great chiefs. You told us you had a small quantity of goods here, and wanted to know how you should dispose of them according to our rules.

¹⁹ TPP 61:74-75.

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Brother, the thirteen States, we have met this evening, and it is the first time that it looked like brightening the chain of friendship. That was the rule of our forefathers in old times in treating with our brothers of New York, who used to treat in the manner you are now doing. That was the way it was in the time of Sir William Johnson. That when the chain had been polished and the goods were to be delivered, they were put on the side, whether they were more or fewer. At that time, belts were used; and if a person were killed a belt was delivered to one of the relations of the deceased to comfort their minds, and we supposed you meant to observe the same custom. You have a small parcel of goods to deliver... [but] no belt....It is the minds of us who are here, that the rule of our forefather should now be observed, as you desire to know our rules, we have now told you what they are.²⁰

Since Pickering had not come equipped with wampum, Red Jacket undertook to supply appropriate belts---for a price.

Deftly, Red Jacket encouraged Pickering to claim succession to the position formerly held by King George III's celebrated superintendent Sir William Johnson, who had died in 1774 but whose fame was if anything greater in 1790 than during his lifetime. Already disposed to envision President Washington as successor to George III's role in tribal affairs, Pickering was flattered by the suggestion that he might be entitled to think of himself as successor to King George III's illustrious trans-frontier embodiment. Pickering did try to make clear that while his position might structurally resemble that of Sir William, he intended to use his position to promote new ends. In his introductory speech of November 15, Pickering held up his written commission bearing the President's "hand and seal" and regularly thereafter presented the Seneca

²⁰ TPP 61: 80-82.

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chiefs with written copies of his speeches.²¹ On November 19, Farmer's Brother took note of this innovation "that you would give us papers instead of belts, the way of the white people" adding

you told us that we might take this paper and keep it (the copy of my speech in his hand) as no person could alter it once you had set your hand and seal to it...And that by having it we could produce it at any treaty called by Congress, when what you had done might be seen. You said you gave us this paper as a remembrance of this treaty; we shall take care of it as such.²²

Farmer's Brother was here exemplifying an important feature of the tribes' own tradition, ceremonious repetition confirming that speeches had been understood. In keeping with his own literate tradition, Pickering carefully wrote down the chiefs' rephrasing of what he had said.

Red Jacket followed up Farmer's Brother's November 19th speech with an explanation of the tribes' reasons for using wampum rather than "papers" at treaties. "Having a belt in his hand," as Pickering recorded in his notes, Red Jacket told Pickering,

Brother, this was the mind of our forefathers. These were their rules and they told their sons to observe them as long as the world should last. Our forefathers used to tell us that when peace was made war might soon break out and directed us to use such belts as this to preserve friendship that it might never be broken.... Our forefathers told us that when a treaty was finished by preserving the belts used we would know and could tell

²¹ TPP 61:48.

²² TPP 61:71-72.

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our children what had been done.²³

Red Jacket and his fellow chiefs were willing to make use of Pickering's written documents as well as their own old-fashioned wampum belts and strings. But he wanted Pickering to understand that wampum was quite serviceable, when used within a sophisticated oral tradition involving systematic memory training and periodic oral explication of pictographic symbols. To drive his point home, four days later Red Jacket produced a different belt, and explained that

This belt was once before given to us [by the Continental Congress] to brighten the chain of friendship. You may think that we lie but here it is---you can look at it (handing me a belt with 13 spots and 12 strings). I gave you this to hang upon the chain where it has been hung once before.

This very belt, Red Jacket told Pickering, had been presented at an earlier conference between the Six Nations and the Thirteen Fires, and had been carefully preserved, along with clear memories of both the belt and the treaty it commemorated---which Pickering's nation seemed to have forgotten, notwithstanding their papers with all those words on them.

Pickering and the Seneca chiefs both acknowledged that their respective modes of proceeding were flexible enough to incorporate many of the other side's cultural preferences. Red Jacket in fact spoke ruefully of one aspect of tribal treaty-making that had *become* traditional only after European contact. "The old rules came from this island, they were the rules of our forefathers," Red Jacket told Pickering on November 23.

Other practices came from people of your color. The first time we saw people of your

²³ TPP 61:71-72.

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color, they were in a vessel on the water. When we came to see the vessel, we thought not to let the people of your color come ashore...for fear we should have trouble. From that time the trouble began: From your glass of grog as is the case with me now.

At this point in his journal, Pickering noted that Red Jacket “had been very active at the public doings the evening preceding and drank liberally.”²⁴ Red Jacket deplored this change in ancient tribal traditions, while simultaneously pressing Pickering for more grog. Pickering also disliked this custom, but obliged his guests. When Red Jacket observed that “it is time to wash the tobacco out of our throats. For we can hardly speak,” Pickering ordered rum to be brought.²⁵

The President’s representative was not responsive to all Seneca promptings. “After they had been served round with a glass of rum,” Pickering recorded, “the Farmer’s Brother rose, and spoke to this effect:

Brothers, You have now taken us by the hand, and washed our eyes. Our women expect you will show them equal attention. They are here waiting your invitation, to receive the same tokens of your friendship which the last evening you gave to us. Perhaps in taking them by the hand, you may see one who may please you.

Following what Pickering characterized as a “general laugh at the Speaker’s humour,” Pickering said,

Sisters, I am very glad to meet you here. I have seen agreeable women of various complexions, and doubt not such are to be found among you. I invite you to my quarters, where we may eat and drink together in friendship. I now take you by the hand as my sisters.

Pickering then “went round and shook hands with every woman present” but did not ask any of

²⁴ TPP 61:93-94.

²⁵ TPP 61:71-72.

them to remain.²⁶

From Pickering's point of view, the climax of the Tioga conference came in his summaries of the Constitution's tribal implications and the Indian Trade and Intercourse Act.

"Brothers," he began,

It is my duty to inform you (and I desire you to listen to my words) That hereafter, all business between you and any part of the United States is to be transacted with the General Government; and not with the government of any one State, or any number of States, short of the whole.

Brothers, I will first show you how the United States became possessed of this exclusive authority relative to Indian affairs; and then read and explain to you a late law made by the Congress of the United States in pursuance of this authority.

Use of the word "exclusive" appears to have been Pickering's idea, and not an accurate one, since it implied that states were *excluded* from involvement in tribal affairs, which was not the case, as the Indian Trade and Intercourse Act itself made clear.

Embarking on his interpretation of the Constitution, Pickering maintained,

Brothers, the Congress of the United States is the Great Council of the whole nation. The thirteen States have agreed to give this Great Council very great power; because such great powers were found necessary for the good of the whole nation. One of those powers is given in these words: "The Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian Tribes."

Brothers, The Thirteen States have also given great powers to their President or Great Chief. One of these powers is that of making treaties, with the advice and consent of the Senate or Council of old men. And because the affairs of the United States are so very great and extensive, the President has many chiefs to assist him. These chiefs are appointed by the President or Great Chief, with the advice of the Council of Old Men. This Council of Old Men is composed of Chiefs from each of the thirteen States, and have their Council fire kindled at least once in every year: and because they have a great deal of business to transact, they keep their fire burning a long time. But when their Fire is buried up, and they

²⁶ TPP 61:48.

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go home, then the Great Chief alone has power to appoint chiefs or officers to assist him, to hold treaties with the Indian Tribes, and to do other business of the United States.

The Senecas may well have found mystifying this explanation of why Pickering's recess appointment had not been confirmed by the Senate. Continuing, Pickering said,

Brothers, I will mention particularly but one other power of the President of the United States and that is a very important one. It is expressed in these words: "He shall take Care that the laws be faithfully executed." 'Tis by virtue of this power that the President has directed me to communicate to you the law which I shall presently read.

After citing the Commerce Clause, Pickering pointed to the Constitution's treaty provisions --- which make no mention of tribes---as at least as important as the Commerce Clause as a basis for federal authority in tribal affairs. Finally, Pickering invoked the President's broad Constitutional mandate to "take Care that the laws be faithfully executed." This was "very important" because it confirmed the President's ability to act independently, based on his own best judgment.

"Brothers," Pickering concluded,

You now see how it has come to pass that hereafter all business between you and any part of the United States is to be transacted with the *general government*, that is, with the government of the United States, administered (or exercised) in the manner I have just now stated. If therefore hereafter any person, without authority from the United States, shall offer to make a treaty with you, in behalf of any States, or of any number of citizens of the U. States, Brothers, do not hear him: for every such offer must be made to deceive and impose on you.

These words strayed far from Washington's Instructions, but Pickering seems to have become convinced that he was performing a ritual vastly more momentous than the modest one Washington had prescribed.

Pickering next turned to the Indian Trade and Intercourse Act. "Brothers," he began,

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you may remember that in my commission from our Great Chief, the President of the United States, I am particularly required to communicate to you, in a plain and fair manner, the late act of Congress respecting the trade and intercourse with the Indian Tribes. Brothers, that act, or law, of Congress, is printed on the paper I now hold in my hand. Brothers, Open your ears that you may hear me read and explain it....

1. By the first section or part of the Act, it appears that the Indian Tribes, within the limits of the United States, are to be arranged in certain departments; that for each department there is to be a Superintendent of Indian affairs; that no person is to trade with the Indians without a license from the Superintendent of the department.

Pickering was evidently unaware that the Continental Congress on August 7, 1786 had already created two “Districts” for the supervision of tribal affairs, one north and one south of the Ohio River, each to be headed by a superintendent; and that the federal Congress on September 18, 1789, had assigned the title and duties of Superintendent of Indian Affairs for the Northern District to the Governor of the federal Northwest Territory, simultaneously increasing his salary by \$2,000 annually; and that the title and duties of Superintendent of Indian Affairs for the Southern District had been similarly assigned on May 26, 1790, to the Governor of the newly created federal Southern Territory.²⁷ Relying simply on his reading of the July 22, 1790 Act, Pickering concluded that the superintendents referred to had not yet been appointed, and that no decision had yet been made about how “Indian Tribes, within the limits of the United States” were to be disposed for administrative purposes. Otherwise, Pickering could have informed the Senecas that as a tribe of the Northern District their trade was already supervised---at least in theory---by the Governor of the Northwest Territory.

²⁷ Established following the cession by North Carolina of its western lands, after six years as a federal territory it would become the State of Tennessee.

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Pickering characterized the Act's fourth section as

intended for the mutual advantage of the United States and the Indian Tribes. In times past, some white men have deceived the Indians, falsely pretending they had authority to lease or purchase their lands: And sometimes they have seized on more land than the Indians meant to sell them; again falsely pretending that those lands were comprehended within the purchase. Such fraudulent practices have made our brothers angry, and sometimes occasioned hostilities, war and bloodshed. Yet Indians will always be exposed to such deception and imposition, while they continue to sign and seal papers which they cannot read. Now, Brothers, to prevent these great evils in future, the Congress declare "That no sale of lands made by any Indians, to any person or persons, or even to any State, shall be valid (or of force) unless the same be made at some public treaty held under the authority of the United States." For at such public treaty wise and good men will be appointed by the President to attend, to prevent all deception and fraud. These wise and good men will examine every deed before it is signed and sealed, and see that every lease or purchase of the Indians be openly and fairly made.

Finally coming to the sections of the Act that concerned crimes comparable to those that had occasioned the present conference, Pickering explained that

The fifth section declares how those white men, who hurt friendly Indians in their persons or property, shall be punished. Brothers, it is proper that I inform you, That if an Indian be murdered, or in any manner injured, within the jurisdiction of any State, the murderers or trespassers will be liable to the same punishment as if the person murdered or injured were a white man. But the United States are desirous of making further provision for the Security of their Brothers the Indians: and therefore Congress have declared, That if any inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and there commit any crime upon, or trespass against, the person or property of any peaceable and friendly Indian, or Indians, such offender shall be subject to the same punishment as if the offence had been committed within the State or district to which he may belong against a citizen or white inhabitant thereof.²⁸

Pickering's selective summary misleadingly implied that the *punishment* of crimes against "any nation or tribe of Indians" would be a federal responsibility, whereas the

federal government's role was limited by the Act to helping insure that accused individuals were brought to trial in *state* courts.

Pickering was well aware, as he would later concede, that he was presenting a picture of what he believed *ought* to be federal tribal law and policy rather than a picture of how matters currently stood. Pickering however seems to have been unaware that the ambitious and talented Seneca leader Red Jacket was engaged in a parallel process of diplomatic manipulation, whose objective was to induce the federal government to help resuscitate the pre-Revolutionary War glory of the "Six Nations." President Washington had specified that the Tioga conference was to be limited to one section of just one of the historic "Six Nations." And even though Pickering's grandiose invitation had prompted other Seneca chiefs to attend as well, Pickering's records indicate that, in addition to two-hundred-plus Senecas, the Tioga conference was attended by only a few Onondagas and Tuscaroras and perhaps some Cayugas, most or all of whom were then living in Seneca territory. No representatives from Iroquois communities living on New York State-granted reservations seem to have attended.²⁹ Yet Pickering addressed his first talk at

²⁸ TPP 61:76-79.

²⁹ The Oneida chief Good Peter is sometimes said to have been at Tioga, and a brief speech given by him is included among Pickering's records of the Tioga conference, but this seems to have been a speech given at a 1792 conference mistakenly filed with papers relating to the 1790 conference by Pickering's son and biographer Octavius Pickering, who himself confessed puzzlement about Good Peter's speech, which was on the back of a piece of paper dealing with 1792 events. Since the speech had to do with condolence, Octavius Pickering surmised that it was given at the 1790 conference, whose main purpose was condolence. But condolence was a feature at other conferences as well and, as Octavius Pickering notes, the list of speeches given at Tioga in 1790 makes no mention of Good Peter. TPP 61:98.

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Tioga *not* to the family and friends of the murdered Seneca chiefs from Geneseo but rather to the “Brothers, Sachems, Chiefs and Warriors of the Six Nations.”³⁰ The explanation given by Pickering was simply that “some Indians of the other nations, particularly Onondagas, had come with the Senecas; and that the latter considered the injury done to them as an injury to the Six Nations, and that they must be addressed as representing the whole confederacy.”³¹

Pickering may have been unaware that New York State officials believed that the centuries-old Confederacy had fallen apart during the American Revolution, and that the best future for former Confederacy members desiring to remain on U.S. soil was to accept ordinary New York State jurisdiction. In the months preceding the inception of the new federal government on March 4, 1789, New York State had succeeded in persuading three of the “Six Nations”---the Oneidas, Onondagas and Cayugas---to accept State reservations. But several thousand Senecas and several hundred members of other Iroquois nations lived in British-controlled western New York State, and leaders such as the Seneca Red Jacket and the Cayuga Fish Carrier still hoped to resurrect a politically and militarily dynamic “Six Nations” Confederacy. The “Six Nations” had thrived in the past century by playing off the British against the French, and in 1790 a reinvigorated “Six Nations” Confederacy based in British-controlled western New York State and strategically poised between British Canada and the

³⁰ TPP 61:61.

³¹ TPP 61:64.

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United States was still a realistic possibility. At Tioga, an unwary Pickering found himself recruited by British-allied Iroquois leaders hoping that the federal government could be induced to help them oppose New York State's anti-"Six Nations" agenda. With subtlety and brilliance, Red Jacket encouraged Pickering to see an opportunity to enhance his own consequence as a link between the federal government and a revived "Six Nations."

Aftermath, December, 1790.

Back home in Wilkes-Barre, Pickering on December 4, 1790, wrote President Washington that the Tioga conference had been successfully completed. A full report would follow shortly, he explained, and he was writing now only because he could not resist conveying immediately the strong impressions left by his first exposure to tribal diplomacy. After remarking that the Senecas overall "appeared highly pleased with the communications made to them," Pickering confided,

The truth is I studied to please them in everything within the limits of your instructions: the sole object of my mission being to soothe their minds. If any thing can change the good disposition with which they left me, it will be the acquittal of the murderers of their brethren. Such acquittals on trials in frontier counties may always be expected, for many of their inhabitants appear to me far more savage and revengeful than the Indians themselves. And their neighbors who possess not resolution or ferocity sufficient to be themselves the murderers, yet justify those who are. I am informed that the only one of the murderers of the Indians at Pine Creek who was apprehended has had his trial at Lumburg, and been acquitted against the clearest evidence and the most pointed application of it by the Chief Justice. Before I parted from the Indians, I heard a report of this acquittal; and was much chagrined. For I had professed to them the most perfect sincerity and good faith in the assurances I gave them of the displeasure of the U. States against the murderers; and that these would receive the same measure of justice as if they had been the murderers of white men. The Indians appeared to

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rely on my assurances: for the candour manifested in all my words and actions had evidently acquired to me their confidence. Independently of public considerations, it is mortifying that the misconduct of others should hazard the loss of that confidence and of the character of sincerity by which that confidence was inspired. It is in the highest degree mortifying to find that the bulk of the frontier inhabitants consider the killing of Indians in time of peace to be no crime and that their murderers are faultless, provided they escape detection. If some examples are not made of these frontier miscreants, the most favourable consequences to be expected are that such meetings as that I have held with the Indians will frequently be necessary.³²

This letter, his first report to Washington concerning his first tribal conference, anticipates much that was to come. Pickering's fascination with tribal issues is apparent, along with his passionate desire to do something constructive about them. Equally apparent is his self-righteousness as well as his desire to maintain the impression of that self-righteousness, and how this could tempt him into pious fraud. Having earnestly assured the Senecas that the Pine Creek murderers would be punished appropriately, he found it "mortifying" to hear *while still at Tioga* that one of them had already been acquitted in a local Pennsylvania court. Pickering couldn't bring himself to mention this to the Senecas for fear that they would be angered and perhaps accuse him of duplicity. To avoid an impression of deceitfulness, he had engaged in deceit. The remedy implicit in Pickering's agonized lament was to hope that federal authority in tribal relations could be made as "exclusive" as he had tried to portray it as already being.

The criminal justice procedure envisioned by the 1790 Indian Trade and Intercourse Act involved federal supervision and assistance, but with punishment to be administered by states

³² TPP 61:108-09.

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and counties. Less than five months after passage of the Act, Pickering pronounced this aspect of it doomed because states and counties could never be expected to administer justice in a manner that truly exemplified the high-mindedness of federal intentions. The Indian Trade and Intercourse Act, Pickering told the President, was fatally flawed insofar as it placed any reliance whatsoever on a presumption that public spirit and fairness would be shown toward members of tribes by frontier juries in state courts.

On December 23, 1790, Pickering submitted his full report to Secretary of War Henry Knox.³³ On December 27, Knox passed it along to the President with a cover letter expressing his opinion that the said proceedings of Colonel Timothy Pickering were conducted with ability and judgement, and consistently with the Constitution and Laws of the United States...and also with the candor and humanity which ought to characterize all the treaties of the General Government with the unenlightened natives of the country.”³⁴ On December 31, 1790, Washington sent Pickering a copy of Knox’s approving remarks, adding, “To this satisfactory Report [by Knox] I am happy to add my entire Approbation of your conduct in the business and am, With very great esteem and regard, Sir, Your most Obedient Servant, G. Washington.”³⁵

Washington and Knox respected Pickering for his patriotism and his commitment to fair treatment of frontier tribes. Pickering therefore ended his first tribal assignment having impressed upon Washington and Knox that he was a man who might well be usefully employed

³³ See his transmittal letter, TPP 61:110.

³⁴ TPP 61:115.

³⁵ TPP 61:117.

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on future missions. His inexperience as well as his difficult personality were considerations that had to be weighed against the fact that very few people could be deemed even remotely appropriate for tribal diplomacy. If the President's choice lay between an enemy or a friend of tribes, the latter had to be given the nod, whatever his secondary limitations might be.

With unqualified written endorsements by Knox and Washington in hand, most public servants would have rested content. Pickering could not resist once again taking up his pen, and on the evening of the same day wrote the President,

Sir, I have this moment received and read your very obliging letter of this date, expressing your entire approbation of my conduct in the Conference which, by your orders, I have lately held with the Seneca Indians. This explicit and pointed approbation of my proceedings is the more grateful, because they were my first essay, for, till then, I was an utter stranger to the manners of Indians, and to the proper mode of treating with them. But, Sir, I have found that they are not difficult to please. A man must be destitute of humanity, of honesty, or of common sense who should send them away disgusted. He must want sensibility if he did not sympathize with them on their recital of the injuries they have experienced from white men...The honorable manner in which you have manifested your approbation of my conduct in this business is more than I expected, though, next to the approbation of my own mind, nothing could have given me more satisfaction.³⁶

Even as he fervently hoped for further preferment from the President of the United States, Pickering felt impelled to proclaim that, much as he valued Washington's praise, the "Approbation of my own mind" would never be supplanted as Pickering's moral compass.

The formal accomplishments of the 1790 Tioga conference were small, but its consequences are still evident. The first meeting of Timothy Pickering and Red Jacket at Tioga led to a working relationship between these two able individuals that would alter the future

36 TPP 61:119.

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course of U.S. tribal policy. Within a few years, Pickering was to become U.S. Secretary of War, then U.S. Secretary of State---before being fired and embarking on a twilight career in opposition that continued right up to his death in 1829. In the course of his equally long subsequent career, Red Jacket, who died in 1830, would similarly meet with many setbacks, but ultimately distinguished himself as the most prescient and influential U.S.-based exponent of tribal aspirations.