

## SENATE RESOLUTION 8727

By Senators Rasmussen, Finkbeiner, McAuliffe, Johnson, Oke, Berkey, Schmidt, Regala, Prentice, Jacobsen, Fairley, Haugen, Roach, Kastama, Winsley, Spanel, McCaslin, Deccio, Fraser, Franklin, Eide, T. Sheldon, Keiser, Swecker, Esser, Kline, Benton, Brandland, Brown, Carlson, Doumit, Hale, Hargrove, Hewitt, Honeyford, Horn, Kohl-Welles, Morton, Mulliken, Murray, Parlette, Pflug, Poulsen, Sheahan, B. Sheldon, Shin, Stevens, Thibaudeau and Zarelli

WHEREAS, Chief Leschi was a prominent Nisqually Indian leader who made a profound impression upon our early history as a Territory; and

WHEREAS, Chief Leschi was a benevolent man of great intelligence and character, who acted humanely during times of both war and peace; and

WHEREAS, Chief Leschi led the Nisqually Indians at the time the Treaty of Medicine Creek was signed in December 1854; and

WHEREAS, By the terms of the Treaty, the Nisqually Indians were assigned to a reservation on lands far removed from the Nisqually River and its fisheries which had sustained them for centuries; and

WHEREAS, Chief Leschi met with territorial leaders seeking a reservation with a sufficient land base for the Nisqually people, but was refused; and

WHEREAS, War broke out between Indians and territorial forces, and in the course of war, A. Benton Moses, a soldier in the Washington Territorial Militia, was killed

during the Battle of Connell Prairie; and

WHEREAS, Chief Leschi was charged with murder in the death of Moses and was tried before a territorial court. The trial resulted in a hung jury after the jurors were instructed that killing of a combatant in the time of war was not murder; and

WHEREAS, Chief Leschi was tried a second time and was convicted of murder and sentenced to death by hanging after the court refused to give the jury instruction regarding

the death of combatants. The judge also refused to admit into evidence a map of the battleground showing that Chief Leschi could not have traveled the distance required to be

in a position to fire at A. Benton Moses; and

WHEREAS, The U.S. Army refused to execute Chief Leschi, who was regarded as a prisoner of war, and he was hanged only after the Territorial Legislature enacted a law enabling local authorities, under color of law, to execute Leschi. Accordingly, the Supreme Court rescheduled his execution, which took place on February 19, 1858; and

WHEREAS, Chief Leschi was the victim of discrimination and was executed because, as the leader of the Nisqually Indians, he vigorously defended the territorial rights

of his people; and

WHEREAS, There was at that time, and continues to be, a public outcry over the wrongful conviction and execution of Chief Leschi;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the injustice which occurred in 1858 with the trial and execution of Chief Leschi and reaffirm the commitment to a legal system under which a fair trial is the right of everyone regardless of race or creed; and

BE IT FURTHER RESOLVED, That the Senate recognize Chief Leschi as a courageous leader whose sacrifice for his people is worthy of honor and respect and that the residents of the State of Washington solemnly remember Chief Leschi as a great and noble man; and

BE IT FURTHER RESOLVED, That the Senate join with those who hope that the Nisqually Tribe is successful in its efforts to right a gross injustice through a vacation of his conviction by the Washington Supreme Court; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Dorian Sanchez, Chairman of the Nisqually Indian Tribal Council, and to Cynthia Iyall, Chairman of the Committee of Leschi Descendants.

I, Milton H. Doumit, Jr., Secretary of the Senate,  
do hereby certify that this is a true and  
correct copy of Senate Resolution 8727,  
adopted by the Senate  
March 4, 2004

MILTON H. DOUMIT, JR.  
Secretary of the Senate