

### Creation of Reservations

- Treaty (i.e., Flathead Reservation created as the Jocko Reserve by the Stevens or Hellgate Treaty in 1855)
- Act of Congress (i.e., Blackfeet Reservation, created in 1888)
- Executive Order (i.e., Northern Cheyenne Reservation, created as the Tongue River Reservation in 1884 by President Chester A. Arthur)



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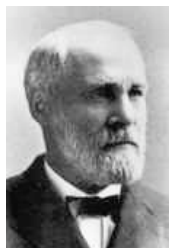
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### General Allotment Act

- AKA "Dawes Act"
- Passed in 1887
- Introduced by Senator Henry A. Dawes, Massachusetts



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### Dawes Speaks for America

*"Inasmuch as the Indian refused to fade out, but multiplied under the sheltering care of reservation life, and the reservation itself was slipping away from him, there was but one alternative: either he must be endured as a lawless savage, a constant menace to civilized life, or he must be fitted to become part of that life and be absorbed into it."*



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### Teddy Roosevelt

*"... a mighty pulverizing engine to break up the tribal mass."*



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### TERMS OF THE DAWES ACT

1. Divided tribal lands into small plots for distribution among members of the tribe.
2. Each family head received 160 acres.
3. Once land was distributed to Native Americans, any surplus was sold to white settlers with the profits of those sales going to Native American schools.
4. To keep the Native Americans' land from falling into the hands of speculators, the federal government held it in trust for 25 years.
5. Finally, American citizenship was granted to Native Americans who accepted their land, lived apart from the tribe, and adopted the habits of "civilized life."



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### Scenario One

- 1,000,000 acre reservation
- 320 acre allotments
- 3,125 allottees
- 1,000,000 acres allotted
- 0 acres "surplus"



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### Scenario Two

- 1,000,000 acre reservation
- 320 acre allotments
- 1,000 allottees
- 320,000 acres allotted
- 780,000 acres "surplus"



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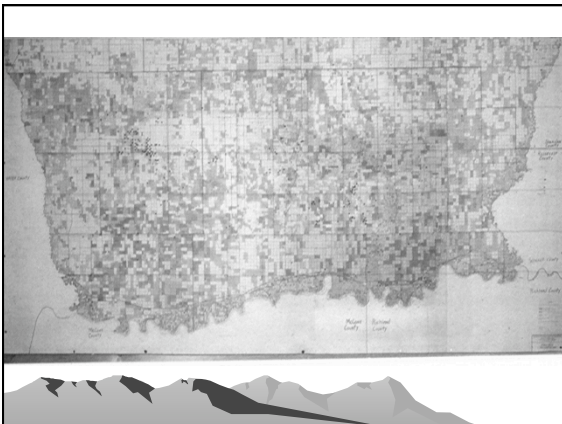
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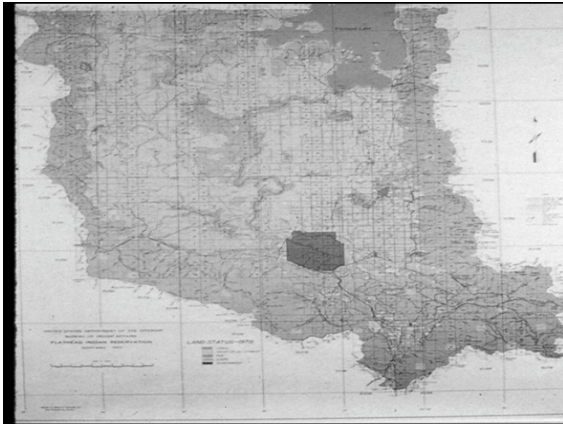
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### Scenario Three

- 1,000,000 acre reservation
- 320 acre allotments
- 4,000 allottees
- 1,280,00 acres needed to allot to all eligible
- 280,000 allotted on other reservations and public lands (Turtle Mountain)




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### OUTCOME OF DAWES ACT

**INDIAN LAND FOR SALE**

GET A HOME OF YOUR OWN OR EASY PAYMENTS

PERFECT TITLE POSSESSION WITHIN THIRTY DAYS

**FINE LANDS IN THE WEST**  
IRRIGATED IRRIGABLE GRAZING AGRICULTURAL DRY FARMING

FOR THE YEAR 1911 IT IS ESTIMATED THAT 350,000 ACRES WILL BE OFFERED FOR SALE

Colorado	5,211.21	17.72	Oklahoma	14,664.00	152.14
Idaho	17,011.00	24.45	Oregon	1,030.00	15.43
Kansas	11,044.00	18.45	South Dakota	120,440.00	16.35
Minnesota	11,000.00	8.00	Washington	4,171.00	16.17
Montana	11,041.00	16.63	Wisconsin	1,000.00	17.00
North Dakota	22,010.00	9.53	Wyoming	1,000.00	16.64

WALTER L. FISHER, ROBERT G. VALENTINE, etc.




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### Indian Lands Sold and Alienated 1887 - 1934

Type	Acres
Surplus Reservation Land Sold	22,694,658
Allotted Land Sold or Alienated	23,225,472
Ceded Reservation Land	38,229,109
Miscellaneous Losses	<u>3,474,217</u>
<b>Total</b>	<b>87,623,456</b>

From *Indian Land Tenure, Economic Status and Population Trends*,  
Land Planning Committee, Washington, D.C., US Government  
Printing Office, 1934, p. 12.

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### Net Loss

Total Area of All Reservations, 1887	130,730,190
Total Area of All Reservations, 1934	43,035,734
<b>Net Loss</b>	<b>67%</b>

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*An Extreme Heintz Case*

Description: S1/4 sec. 35, T. 19N., R. 29 E., Black Hills Meridian, South  
Dakota, containing 329 acres.  
Allotment no. 209, Standing Rock.  
Original allottee: Nancy Cloud, or Shipley.  
Number of subsequent probates since the death of original allottee: 99.  
Summary of proceeds (1909) and their share is as follows:

	151,851,200/115,755,091,200	3,468,600/115,755,091,200	SHARE
86,127,800/115,755,091,200	98,451,200/	9,569,700/	8,208,720.00/115,755,091,200
86,127,800	98,451,200	9,569,700	8,208,720.00
2,480,466/	5,612,147.200/	9,569,700/	387,372.600/
2,480,466	5,612,147.200	9,569,700	387,372.600
1,054,644/	788,258,000/	38,455,040/	954,147.600/
1,054,644	788,258,000	38,455,040	954,147.600
45,000/	12,811,680/	38,455,040/	12,612.600/
45,000	12,811,680	38,455,040	12,612.600
3,124/	3,124,972/	16,873,900/	2,428,983.200/
3,124	3,124,972	16,873,900	2,428,983.200
101,481,850/	5,124,972/	918,691,200/	248,812.200/
101,481,850	5,124,972	918,691,200	248,812.200
595,295,600/	5,749,020/	918,691,200/	248,812.200/
595,295,600	5,749,020	918,691,200	248,812.200
1,035,527,600/	2,871,510/	68,872,000/	1,950,097.600/
1,035,527,600	2,871,510	68,872,000	1,950,097.600
9,569,700/	6,249,600/	68,872,000/	301,145.550/
9,569,700	6,249,600	68,872,000	301,145.550
9,569,700/	2,124,800/115,755,091,200	57,873,600/	301,145.550/
9,569,700	2,124,800	57,873,600	301,145.550
9,569,700/	118,836,400/	21,873,600/115,755,091,200	100,481,850/
9,569,700	118,836,400	21,873,600	100,481,850
9,569,700/	62,486,000/	172,258,600/	57,418,200/
9,569,700	62,486,000	172,258,600	57,418,200
9,569,700/	17,856,000/	246,078,000/	57,418,200/
9,569,700	17,856,000	246,078,000	57,418,200
544,209,200/	17,856,000/	61,519,500/	
544,209,200	17,856,000	61,519,500	
306,235,400/	17,856,000/	30,759,750/	
306,235,400	17,856,000	30,759,750	
129,199,850/	8,928,000/	15,379,875/	387,572.850/115,755,091,200
129,199,850	8,928,000	15,379,875	387,572.850
294,203,600/	8,928,000/	10,946,800/	68,431.200/
294,203,600	8,928,000	10,946,800	68,431.200
612,460,800/	43,083,650/	7,291,200/	1,968,624.000/
612,460,800	43,083,650	7,291,200	1,968,624.000
918,691,200/	43,083,650/	6,481,200/	137,803.600/
918,691,200	43,083,650	6,481,200	137,803.600
75,675,600/	17,317,016,000/	98,431,200/	68,901,840/
75,675,600	17,317,016,000	98,431,200	68,901,840
1,378,035,800/	50,778,000/	6,249,600/	137,803.600/
1,378,035,800	50,778,000	6,249,600	137,803.600
2,756,073,600/	25,388,000/	6,249,600/	314,509.200/
2,756,073,600	25,388,000	6,249,600	314,509.200
1,035,527,600/	25,388,000/	84,389,600/	8,858,808.000/
1,035,527,600	25,388,000	84,389,600	8,858,808.000
1,035,527,600/	281,437,000/	358,194,000/	1,968,624.000/
1,035,527,600	281,437,000	358,194,000	1,968,624.000

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**Tom Torlino, Navajo  
(1882 and 1885)**



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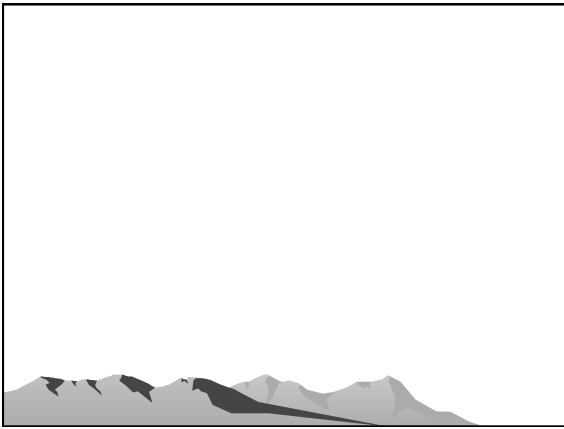
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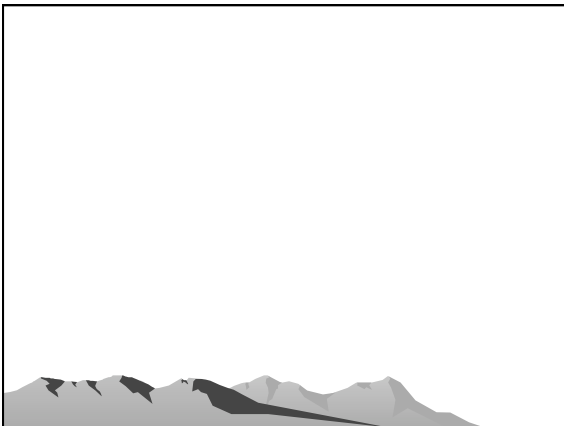
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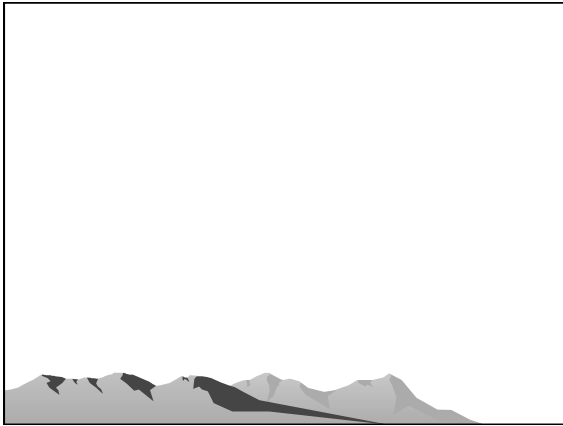
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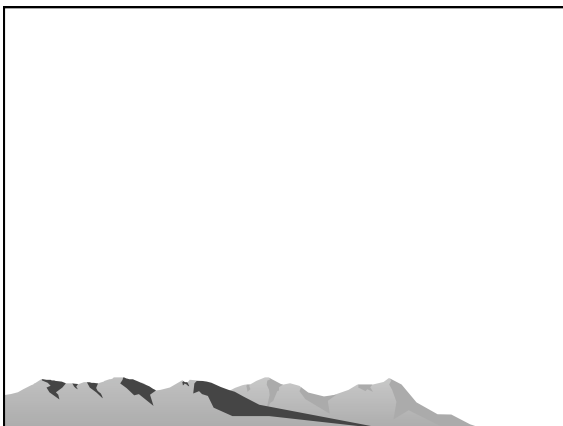
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**Early Policies**

- 1775: Continental Congress declares jurisdiction over Indians--creates 3 Departments of Indian Affairs:
  - Northern
  - Southern
  - Middle



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### Early Policies

- 1787 Continental Congress Passes Northwest Ordinance
  - Third Article states rights of Indians to lands and property



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### Early Policies

- Existence of Indian tribes as sovereign nations established by a number of Acts and Court Decisions:
  - Adoption of US Constitution (Indian Commerce Clause)
  - Numerous treaties
  - Indian Trade and Intercourse Act, 1790



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### Early Policies

- 1831 Supreme Court decision
  - Confirms Indian Nations as distinct, self-governing entities
  - Also establishes Indian Nations as *domestic, dependent* nations (hence the phrase “nation within a nation”)



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### Early Policies

- This was reaffirmed by Chief Justice John Marshall in 1832:
  - *Indian nations had always been considered distinct, independent political communities retaining their original natural rights as the undisputed possessors of the soil*



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### Early Policies

- Appropriations Act of 1871 ends formal treaty making with US Government
  - Declares that tribes no longer regarded by Congress as independent nations
  - From then on agreements with tribes established by statute or executive order of the President
  - All existing treaty rights were protected



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### Early Policies

- Meanwhile, reservation system grows by means of statute and executive order



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## Allotment and Assimilation Era

1871-1928



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## Allotment and Assimilation Era

- 1887 Dawes Act passed (also called Allotment Act)
  - Directed Bureau of Indian Affairs to allot parcels of tribal land to individual tribal members
  - Much non-allotted land declared “surplus” and sold



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## Allotment and Assimilation Era

- A number of policies were adopted in an attempt to assimilate Indians into the larger society
  - Indians required to abandon language, dress, religious and cultural practices at BIA boarding schools
  - Christian denominations build churches and missions on reservations



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**Allotment and Assimilation Era**

- Assimilation Policies (cont.)
  - Exercise of tribal governmental authority discouraged
  - BIA superintendents tended to govern reservations



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**Allotment and Assimilation Era**

- Major Crimes Act, 1885
  - jurisdiction for certain criminal acts transferred from tribes to Federal Courts
- Indian Citizenship Act, 1924
  - granted US citizenship to Indians



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**Indian Reorganization Era**

1928-1945



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### Indian Reorganization Era

- Meriam Report 1928 (Brookings Institution)
  - Called for more health and Education funding
  - Recommended an end to allotment
  - Encouraged tribal self-government



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### Allotment and Assimilation Era

1871-1928



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### Allotment and Assimilation Era

- Indian Reorganization Act, 1934
  - Repealed the Dawes Act
  - Provided that no new allotments be made
  - Encouraged tribal self-government
  - Allowed Secretary Of Interior to accept additional tribal land in trust



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### Allotment and Assimilation Era

- Indian Reorganization Act (cont.)
  - Individual tribes were given 2 years to accept or reject the Act
  - 181 accepted, 77 rejected
    - Many of those rejecting felt that provisions for establishing tribal government was further intrusion of federal government into tribal affairs



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### Termination Era 1945-1961



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### Termination Era

- Indian Claims Commission Act, 1946
  - passed to allow tribes to obtain payment for loss of tribal land
  - Did *not*, however, allow for recovery of land



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### Termination Era

- House Concurrent Resolution 108, 1953
  - Called for an end to tribes, special relationship with the Federal Government
  - Tribal lands were allowed to be sold (with compensation) to tribal members
  - Tribal Sovereignty virtually ended (for a time)



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### Termination Era

- Public Law 280, 1953
  - First general federal law extending State jurisdiction to reservations
  - Other similar Acts followed



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### Self-Determination Era

1961- Present



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**Self-Determination Era**

- Indian Civil Rights Act, 1968
  - Extended most protections of Bill of Rights to tribal members
  - Allowed states that had assumed PL280 jurisdiction to transfer it back to Tribes



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**Self-Determination Era**

- American Indian Policy Review Commission Report, 1977
  - Recommended strengthening tribal governments
  - Recommended affirming trust relationship between Federal Government and Tribes
  - Recommended reorganizing BIA



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**Self-Determination Era**

- Indian Self-Determination and Education Assistance Act of 1975
  - Encourages tribes to assume responsibility for Federally funded programs



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### Self-Determination Era

- American Indian Religious Freedom Act of 1978
  - Directs agencies to ensure that policies will not abridge free exercise of Indian religion



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### Self-Determination Era

- Native American Graves Protection and Repatriation Act of 1990
  - Addresses rights of descendants and tribes to human remains and other cultural items
  - Requires Federal agencies to inventory Indian remains and consult with tribes concerning repatriation
  - Establishes process for return of institutionally held remains and other objects



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### Self-Determination Era

- The Religious Freedom Restoration Act of 1993
  - States that government shall not “substantially burden the free exercise of religion without compelling justification”



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### Self-Determination Era

- South Dakota vs. Yankton Sioux Tribe, (1998)
  - Supreme Court held that lands within Yankton Sioux Reservation sold to non-tribal members under the Allotment Act are not subject to tribal jurisdiction



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