







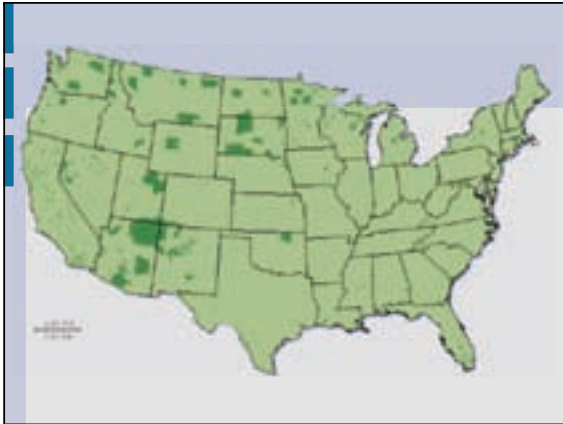
In order to clear the way for white settlement, the U.S. Senate in 1853 authorized three commissioners to negotiate treaties with the Indian tribes in California. Eighteen treaties were negotiated. The Indian tribes agreed to give away millions of acres of land in exchange for the U.S. government's promise of protection and lands with adequate water and game to sustain them and their way of life. These lands would have contained about 7.5 million acres, or 7.5 percent of the land area of California. The Indians began moving to their new lands only to find out that the U.S. Senate had refused to ratify their treaties.

A System of Military Posts

- Instead of the treaties, the U.S. decided on "a *system of military posts*" on government-owned reservations. Each of these reservations would put into place a "*system of discipline and instruction.*" The cost of the troops would be "*borne by the surplus produce of Indian labor.*" No treaties were to be negotiated with the Indians; instead they would be "*invited to assemble within these reserves.*"
- Native people were rounded up at gunpoint and forced to march to the "reservations."

Creation of Reservations

- **Act of Congress** (i.e., Blackfeet Reservation, created in 1888 along with Fort Belknap and Fort Peck)
- **Executive Order** (Native American Reservations established by President Chester A. Arthur, Rocky Boy's in 1916, Woodrow Wilson)
- **Treaty** (First Fort Peck Reservation established by Treaty in 1855, Crow via First Fort Lamamie Treaty in 1851)



Allotment and Assimilation Era

1880 - 1934

“Getting Civilized”

- Via Christianization
- Via Education
- Via Land Ownership

Via Christianization

- Two Fronts
 - Religious suppression
 - Religious supplantation



Religious Suppression

Courts of Indian Offenses

The Courts of Indian Offenses were first established by Commissioner Price in compliance with instructions issued by Secretary of the Interior Teller December 2, 1882. Secretary Teller, writing to Commissioner Price on this subject, stated that there were certain practices among the Indians he felt should be discouraged. He mentioned the injurious phases of certain dances and rituals, plural marriage, the medicine man and the destruction of property following death. The rules promulgated by the Commissioner stipulated that it should be known as the "Court of Indian Offenses," and that it be presided over by three Indians, each to be styled "Judge of the Court of Indian Offenses." The first three ranking officers of the Indian Police force were to be designated as Judges. Appeals might be taken from the Indian Court to the Indian Bureau. The Indian Bureau Regulations issued September 22, 1884, established these courts.

The Indian Bureau Regulations of April 1, 1904, reveal little change in these regulations. Under the 1904 Regulations, the offenses consisted of participating in a Sun Dance, entering into plural marriage, operating as a "Medicine Man," destruction or theft of property, giving or offering money to a friend or relative to procure a girl for the purpose of cohabiting with her, intoxication or the trafficking in intoxicants, and unauthorized leaves of absence from the reservation.

Religious Supplantation

- 1890's; Congress appropriated funds to religious denominations to administer schools on reservations
- Much of the funds came from "Tribal Funds" – proceeds from the sale of tribal lands.



"Monopoly on Indian Souls"

- Commission of Indian Affairs Report, 1881-1882
 - Hicksite Friends 6 reservations
 - Orthodox Friends 10
 - Presbyterians 9
 - Christians 2
 - Methodists 14
 - Catholics 7
 - Reformed Dutch 5
 - Congregationalists 3
 - Episcopalians 8
 - Unitarians 2
 - Lutherans 1

Remember the Constitution?

Bill of Rights Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; ...

Via Education

- Boarding Schools
- First was Carlisle Indian School, Carlisle, Pennsylvania
- Established 1879





Captain Richard Henry Pratt

- Former Commanding Officer of the 10th Cavalry ("Buffalo Soldiers")
- Worked with 72 Indian Prisoners at Fort Marion, St Augustine, Florida



Civilization via Immersion

"In Indian education I am a Baptist, because I believe in immersing the Indian in our civilization and when we get them under holding them there until they are thoroughly soaked."

"Kill the Indian ...

"A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres. In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man...."

Off-reservation Boarding Schools

- Carlisle – 1879
- Chemawa – 1880
- Albuquerque - 1884
- Chilocco - 1884
- Sante Fe - 1884
- Haskell – 1884
- Stewart – 1890
- Phoenix – 1890
- Pierre – 1891
- Flandreau - 1893



Tom Torlino, Navajo (1882 and 1885)





Via Land Policies

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



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."

Teddy Roosevelt

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



TERMS OF THE DAWES ACT

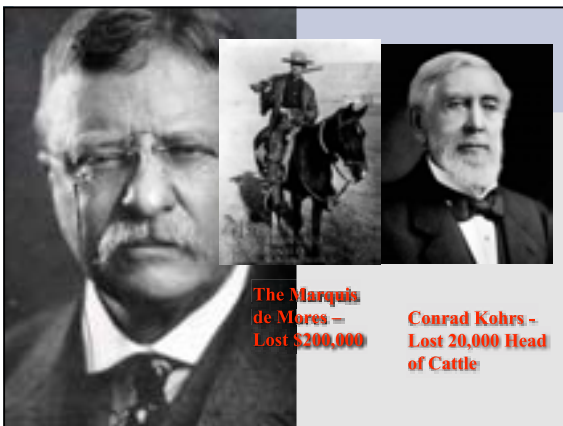
1. Divided tribal lands into small plots for distribution among members of the tribe.
2. Each family head received 160 acres.
3. Once land was distributed to Native Americans, any surplus was sold to white settlers with the profits of those sales going to Native American schools.
4. To keep the Native 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."

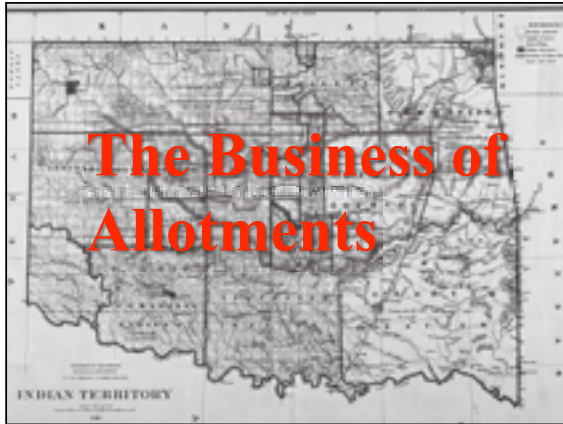
Yeoman Farmers

- Winter of 1886-87
- 60 Percent of cattle died in Montana
- Minus 80°F Wind chill during the worst storm Jan. 29-Feb. 4, 1887









Scenario One

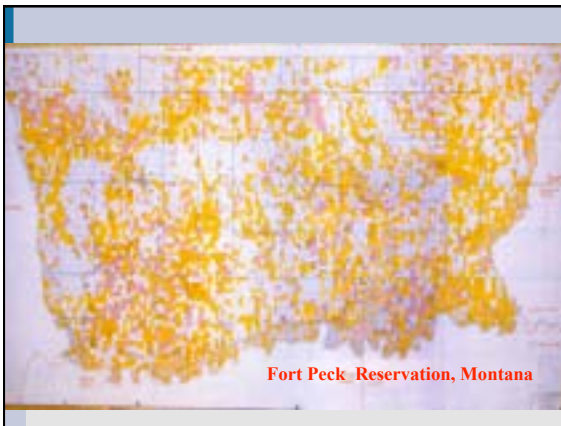
- 1,000,000 acre reservation
- 320 acre allotments
- 3,125 allottees
- 1,000,000 acres allotted
- 0 acres “surplus”

Sizes of Allotments

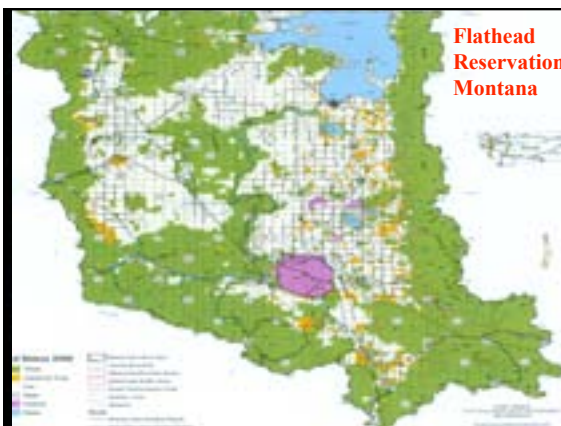
- Head of Family = 160 acres
- Single person ≥ 18 = 80
- Orphaned Child < 18 = 80
- Single person < 18 = 40
- Quarter section, eighth section, sixteenth section (Section = 640 acres)

Scenario Two

- 1,000,000 acre reservation
- 320 acre allotments
- 1,000 allottees
- 320,000 acres allotted
- 680,000 acres "surplus"
 - Opened for homesteading by non-Indians



Fort Peck Reservation, Montana



Flathead
Reservation
Montana

Scenario Three

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

OUTCOME OF DAWES ACT





Indian Lands Sold and Alienated 1887 - 1934

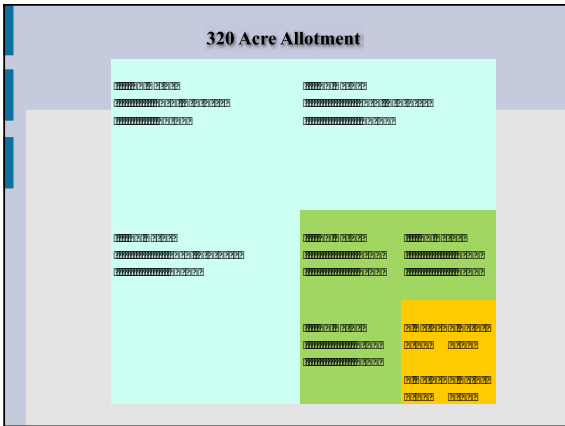
Type	Acres
Surplus Reservation Land Sold	22,694,658
Allotted Land Sold or Alienated	23,225,472
Ceded Reservation Land	38,229,109
Miscellaneous Losses	<u>3,474,217</u>
Total	87,623,456

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

Net Loss

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





2010-2011 Budget

Department: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Largest Undivided Interest

$17,717,616 \div 115,755,091,200 = 15\% \times 320 = 48$

17,717,616 divided by 115,755,091,200 equals 15 percent X 320 acres equals 48 acres.

320 acres

48 acres

Lessee One

- \$ 172.80 for total 320 acres
- Lessee has a .15306 interest in whole
17,717,616,000 / 115,755,091,200
- .15306 X \$ 172.80 = \$ 26.45

\$ 26.45 !

Lessee Two

- \$ 172.80 for total 320 acres
- Lessee has a .000000027 interest in whole
3,124 / 115,755,091,200 = .0000000269880351
- .000000027 X \$ 172.80 = \$
00.00000000046656

\$ 00.00000000046656 !

Eroding Sovereignty

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

Indian Reorganization Era “The Indian New Deal” 1928-1945

Indian Reorganization Era

- Merriam Report 1928
- Institute for Government Research (Brookings Institution)
- “The Problem of Indian Administration”
 - Called for more health and Education funding
 - Recommended an end to allotment
 - Encouraged tribal self-government

John Collier

- Former Executive Secretary for the American Indian Defense Association
- Appointed Commissioner of Indian Affairs by FDR in 1933



Wheeler-Howard Act

- June 18, 1934
- AKA The Indian Reorganization Act

Wheeler-Howard



Burton K. Wheeler,
Montana



Edgar Howard,
Nebraska

Purposes of the Bill

- (1) To stop the alienation, through action by the Government or the Indian, of such lands belonging to ward Indians, as are needed for the present and future support of these Indians.
- (2) To provide for the acquisition, through purchase, of land for Indians, now landless, who are anxious and fitted to make a living on such land.
- (3) To stabilize the tribal government of Indian tribes by vesting such tribal organizations with real, though limited, authority, and by prescribing conditions which must be met by such tribal organizations.
- (4) To permit Indian tribes to equip themselves with the devices of modern business organization, through forming themselves into business corporations.
- (5) To establish a system of financial credit for Indians.
- (6) To supply Indians with means for collegiate and technical training in the best schools.
- (7) To open the way for qualified Indians to hold positions in the Federal Indian Service.

Section 16

Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

“Vested Rights”

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers:.

- To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;
- to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe;
- and to negotiate with the Federal, State, and local Governments.

“Vested Rights” cont.

- Determine tribal membership;
- The right to tax;
- The right to exclude non-members from tribal territories;
- The right to regulate domestic relations;
- The right to regulate commerce and trade.

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

Termination Era 1945-1961

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

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)

Termination Era

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

Self-Determination Era

1961- Present

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

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

Self-Determination Era

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

Self-Determination Era

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

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

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”

Self-Determination Era

- S
o
u
th Dakota vs. Yankton Sioux Tribe, (1998)
 - Supreme Court decision in which the Supreme Court ruled that provisions of the Indian Self-Determination Act are not subject to tribal jurisdiction
