

Historical Timeline

There have been radical shifts in policy toward Indian nations that negatively impacted the cultures, identities, and ancestral lands of these great nations.

The historical timeline for these major changes falls within seven periods:

1. Pre-European Period (Prior to 1492)
 2. Colonial Period (1492-1828)
 3. Removal and Relocation Period (1828-1871)
 4. Allotment and Attempted Assimilation Period (1871-1928)
 5. Reorganization Period (1928-1945)
 6. Termination and Relocation Period (1945-1965)
 7. Self-Determination Period (1965-Present)
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Pre-European Period (Prior to 1492)

Indian people lived in organized societies with their own forms of government, lifestyles, and languages long before contact with Europeans.

Colonial Period (1492-1828)

The movement to North America grew from a trickle of a few hundred European colonists to a flood of millions of newcomers. Why did they leave Europe in mass? For most people it was to:

- Escape political oppression of the ruling parties.
 - Find freedom to practice their religion.
 - Avoid economic difficulties sweeping England.
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Colonial Period: Early Colonists

The settlers acquired Indian lands through the doctrine of discovery (simply locating land and laying claim to it), transfer from the English crown, and treaties with the Indians.

Treaties are documents between two independent sovereignties to negotiate borders, provide access to resources, and settle land and military disputes.

The colonists settled mostly on the East Coast because the English government had forbidden encroachment of the colonists west of the Appalachians. This policy was intended to maintain peace with the Indian tribes and discourage any alliance between them and France.

Colonial Period: Post-Revolutionary War

Following the Revolutionary War, the United States continued the treaty making with the tribes started by the Spanish and British. These treaties or agreements negotiated on a government-to-government pattern sought to establish peace and territorial boundaries and to regulate trade and extradition of criminals.

The 1778 Treaty with the Delaware Indians was the first between the United States and an Indian tribe.

Colonial Period: Key Case Law – Marshall Trilogy

In 1823, Chief Justice Marshall wrote the first of three cases of key Federal Indian law that affirmed tribal sovereignty and established doctrine of Federal trust responsibility. These laws are known as the Marshall Trilogy and are the foundation for current judicial decisions involving the powers of tribes. Summaries of these cases follow.

Johnson v M’Intosh, 21 U.S. (8 Wheat) 543 (1823)

This case involved competing claims to the same lands acquired from the same Indian tribe by different means. The court ruled that Indian nations could only convey ownership to the United States and not individuals. This approach restrained encroachment not authorized by the United States into Indian territories and confirmed Federal control of Indian affairs.

Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1, (1831)

The Cherokee Nation challenged the legality of the State of Georgia to oust the Cherokee Nation from its lands in spite of its treaty with the United States. Judge Marshall ruled that the Cherokee Tribe is a “domestic dependent nation” with the relation of the tribe to the Federal Government like that of “ward to guardian.” Therefore, the State could not interfere with the Cherokee Nation.

Worcester v. Georgia, 31 U.S. (6 Pet.) 515, (1832)

Missionaries to the Cherokee Nation appealed their conviction in Georgian courts for not having received a license from the Governor of Georgia to enter Cherokee country. Judge Marshall ruled the conviction by the State was void because the tribe was a distinct community over which the laws of the State have no force.

Colonial Period: Bureau of Indian Affairs

The Bureau of Indian Affairs was created to manage the affairs of the tribes in fulfillment of the Federal Government’s self-determined role as having power over Indian affairs. The mission has changed dramatically over time from the direct provider of services to that of technical specialist working with tribal managers in protecting and managing trust resources.

Removal and Relocation Period (1828-1871)

As the United States population continued to grow and the demand for land on the east coast increased, the United States Government forced eastern tribes to move west.

In 1835, nearly all of the Cherokee Nation, some 17,000 people, were forced to leave their ancestral lands, homes, and possessions at gunpoint and forced to march from northern Georgia to present-day Oklahoma. The Trail of Tears as it is known killed 4,000 Cherokee.

Removal and Relocation Period: Moving Tribes West

Nearly all the eastern tribes were moved from fertile soil to the semiarid center of the country—known at the time as the Great American Desert. Consequently, today there are very few tribes located on the East Coast.

The removal policy gave way in the 1850s to an official policy of confining Indians to reservations rather than relocating them beyond the rapidly expanding frontier.

Removal and Relocation Period: Treaties Ceding Lands

Throughout this period hundreds of treaties were made. Many of them were made with tribes in the northern plains for their lands, thus restricting reservation boundaries even further.

Some of these treaties contained provisions for the tribes to retain hunting, fishing, and gathering rights on the ceded lands. These treaty rights are still valid and must be considered when carrying out the provisions of programs that could impair these rights.

Removal and Relocation Period: Violating Treaties

Unfortunately, some of the treaties were never ratified, and some were put in place through bribery or by only a small part of the signatory tribes. Additionally, the Federal Government failed to fulfill the terms of many treaties, and was sometimes unable or unwilling to prevent States, or white people, from violating treaty rights of Indians.

By 1871 treaty making came to an end. The treaties were replaced with agreements that the Executive Branch negotiated and the Congress enacted into law. The move was mostly symbolic and ushered in the beginning of the next era.

Allotment and Attempted Assimilation Period (1871-1928)

During this period:

- More Indian lands were taken for settlement by the United States.
 - Federal law expanded into internal tribal affairs.
 - Widespread use of boarding schools for Indian children developed.
 - Reserved tribal lands were allotted to individual Indian ownership.
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Allotment and Attempted Assimilation Period: General Allotment Act (Dawes Act)

The General Allotment Act (Dawes Act) sought to break up tribes by breaking up the ownership of the land and assimilating them into the nation. Specifically the Act:

- Enabled the President to allot small parcels of tribal lands to individual Indians.
 - Authorized the Federal Government to hold land in trust for 25 years or more to prevent transfer of the land.
 - Authorized the United States to sell lands left after allotment.
 - Subjected allottees to State civil and criminal jurisdiction.
 - Extended U.S. citizenship to allottees.
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Allotment and Attempted Assimilation Period: “Surplus” Land

Under the original Act the heads of household and minors received 160 and 40 acres each. This was soon changed to reduce the amount of acreage.

Of the 138 million acres in Indian or tribal lands in 1887, only 48 million acres remained by 1934. Most of the loss resulted from what was called **surplus land**—i.e., whatever land remained after allotments were made to Indian households of their own lands. Some of the surplus lands were sold and payments made to the tribes while others were simply opened for homesteading.

Allotment and Attempted Assimilation Period: Removing Children From Their Families

Federal Indian policy called for the removal of children from their homes and in many cases enrollment in Government-run boarding schools far away from their families.

Allotment and Attempted Assimilation Period: Destroying Tribal Traditions

The purpose was to make children like their so-called civilized American brothers and sisters by destroying their traditions.

Allotment and Attempted Assimilation Period: Granting U.S. Citizenship to Indians

In 1924 Congress granted Indians United States citizenship for the first time because of the services Indian soldiers performed during World War I and lobbying efforts.

The Allotment and Attempted Assimilation Period came to a close as a result of a Government-requested study (the Merriam Report) that deemed the policies of this period a failure.

Reorganization Period (1928-1945)

This short but progressive period ended allotments and began restoring Indian lands. The Federal Government created programs and projects for health facilities, irrigation works, roads, homes and schools to help restore Indian economic and cultural life.

Reorganization Period: Indian Reorganization Act

The Indian Reorganization Act (IRA), sometimes called the Indian New Deal, was the centerpiece of this era.

Instead of forcing Indian people to forsake their traditions for new lives on farms or in cities, the IRA recognized their right to exist as a separate culture.

The Act included the establishment of chartered tribal governments with constitutions and bylaws based on a template of the Federal Government. This structure is very different from the traditional government structure of the tribes.

This period was the first time in American Indian history that tribal councils were formally recognized.

Termination and Relocation Period (1945-1965)

Termination basically ended what the Government previously endorsed:

- Trust relationships between Federal and tribal governments.
 - Self-government of the tribes.
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Termination and Relocation Period: Termination Policies and Results

More than 100 tribes were terminated during this period. The Federal Government simply no longer recognized them as Indian nations and ended Federal supervision and control over Indians.

The tribes lost their governmental authority and State criminal laws were imposed on many tribes. Additionally, millions of acres of valuable natural resource land were taken through tax forfeiture sales.

Termination and Relocation Period: Relocation Program

The Bureau of Indian Affairs started a relocation program that granted money to Indians to move to selected sites to find work—yet another attempt to absorb Indians into mainstream society and eliminate distinct cultures. This program was somewhat successful: 40% of the Indian population still resides in cities.

Self-Determination Period (1965-Present)

The abuses of the Termination and Relocation Period led to reforms. The Federal Government expanded the powers of tribal self-government and restored the recognition of tribes.

In a special message to Congress, President Lyndon B. Johnson stated his principles for tribal relations, which those who have followed him continue to support:

“The greatest hope for Indian progress lies in the emergence of Indian leadership and initiative in solving Indian problems. And we must assure the Indian people that it is our desire and intention that the special relationship between the Indian and his government grow and flourish. For the first among us must not be the last.”

Self-Determination Period: Legislation

Important legislation includes the following:

- **Indian Civil Rights Act:** Established civil rights for all people under tribal government jurisdiction and authorized the Federal Government to enforce these rights.
 - **Indian Self-determination and Education Assistance Act:** Recognizes the Federal trust responsibility and directs the Bureau of Indian Affairs and Indian Health Services to contract with the tribes for programs that these agencies administered such as education, health, and human services.
 - **American Indian Religious Freedom Act:** Preserves the rights of American Indians to practice traditional religious beliefs.
 - **Native American Graves Protection and Repatriation Act:** Requires notification and return of human remains and culture items to the tribes. Also regulates the excavation of land where Indian remains or property is located.
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Self-Determination Period: FEMA Tribal Policy

Federal agencies have acknowledged their support for the independence and government-to-government relationships with the tribes through policy statements and removal of barriers to participation in national programs.

FEMA's tribal policy became effective in 1998.

Resources

Review the following resources:

- List of American Indian and Alaska Native Related Website Links:
<http://www.doi.gov/oait/links.htm>.
 - Indian 101 Frequently Asked or Un-Asked Questions by Non-Natives.
<http://www.atniedc.com/philanthropy/indian-101.htm>.
 - Indian Law: An Overview. <http://wwwsecure.law.cornell.edu/topics/indian.html>.
 - An Outline of American History. <http://usinfo.state.gov/products/pubs/list.htm>.
 - Working Effectively with Federally-Recognized Indian Tribes. Environmental Protection Agency. Call for a copy: (202) 260-2516.
 - American Indians and Alaska Natives. Department of the Interior. Call for a copy: (202) 208-3338 or download it at <http://www.doi.gov/oait>.
 - An Introduction to Indian Nations in the United States. National Congress of American Indians. Call for a copy at (202) 466-7767. There is a charge for the booklet.
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Conclusion

This lesson presented:

- A brief history of Federal Government policy toward Native Americans and how this history impacts current relations.
 - The importance of sovereign nation status and government-to-government relationships, and how these issues relate to the various programs the Agency provides.
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