

Monday 3-23-20 Assignment (10 pts.)**Dawes Act (1887)**

Federal Indian policy during the period from 1870 to 1900 marked a departure from earlier policies that were dominated by removal, treaties, reservations, and even war. The new policy focused specifically on breaking up reservations by granting land allotments to individual Native Americans. Very sincere individuals reasoned that if a person adopted white clothing and ways, and was responsible for his own farm, he would gradually drop his Indian-ness and be assimilated into the population. It would then no longer be necessary for the government to oversee Indian welfare in the paternalistic way it had been obligated to do, or provide meager annuities that seemed to keep the Indian in a subservient and poverty-stricken position.

On February 8, 1887, Congress passed the Dawes Act, named for its author, Senator Henry Dawes of Massachusetts. Also known as the General Allotment Act, the law allowed for the President to break up reservation land, which was held in common by the members of a tribe, into small allotments to be parceled out to individuals. Thus, Native Americans registering on a tribal "roll" were granted allotments of reservation land. "To each head of a family, one-quarter of a section; To each single person over eighteen years of age, one-eighth of a section ; To each orphan child under eighteen years of age, one-eighth of a section; and To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section..."

Section 8 of the act specified groups that were to be exempt from the law. It stated that "the provisions of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies and Peorias, and Sacs and Foxes, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south."

Subsequent events, however, extended the act's provisions to these groups as well. In 1893 President Grover Cleveland appointed the Dawes Commission to negotiate with the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles, who were known as the Five Civilized Tribes. As a result of these negotiations, several acts were passed that allotted a share of common property to members of the Five Civilized Tribes in exchange for abolishing their tribal governments and recognizing state and Federal laws. In order to receive the allotted land, members were to enroll with the Office of Indian Affairs (later renamed the Bureau of Indian Affairs (BIA)). Once enrolled, the individual's name went on the "Dawes rolls." This process assisted the BIA and the Secretary of the Interior in determining the eligibility of individual members for land distribution.

The purpose of the Dawes Act and the subsequent acts that extended its initial provisions was purportedly to protect Indian property rights, particularly during the land rushes of the 1890s, but in many instances the results were vastly different. The land allotted to the Indians included desert or near-desert lands unsuitable for farming. In addition, the techniques of self-sufficient farming were much different from their tribal way of life.

Many Indians did not want to take up agriculture, and those who did want to farm could not afford the tools, animals, seed, and other supplies necessary to get started. There were also problems with inheritance. Often young children inherited allotments that they could not farm because they had been sent away to boarding schools. Multiple heirs also caused a problem; when several people inherited an allotment, the size of the holdings became too small for efficient farming.

1. How was land dispersed to Native Americans in this Act? _____

2. Section 8 of the Dawes Act describes who is exempt from having to participate in this new law, who are those that are exempt? _____

3. Describe what type of lands were reserved to be given to American Indians in the Act?

4. The reading mentions “the act as a necessary step toward fully assimilating the Indians into American culture.” In your opinion, how does this act bring about the assimilation of Native Americans into American culture?

Thursday 3-26-20 Assignment (10 pts.)**Indian Citizenship Act of 1924**

On June 2, 1924, President Calvin Coolidge signed into law the Indian Citizenship Act, which marked the end of a long debate and struggle, at a federal level, over full birthright citizenship for American Indians. The act read that “all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.”

American Indians had occupied a unique place since the drafting of the Constitution in citizenship matters. Originally, the Constitution’s Article I said that “Indians not taxed” couldn’t be counted in the voting population of states (while slaves were counted as three-fifths of a person). American Indians were also part of the *Dred Scott* decision in 1857, but in a much different way. Chief Justice Roger Taney argued that American Indians, unlike enslaved blacks, could become citizens, under congressional and legal supervision.

The 14th Amendment’s ratification in July 1868 made all persons born or naturalized in the United States citizens, with equal protection and due process under the law. But for American Indians, interpretations of the amendment immediately excluded most of them from citizenship.

There was enough confusion after the 14th Amendment was ratified about American Indian citizenship that in 1870, when the Senate Judiciary committee was asked to clarify the issue. The committee said it was clear, to it, that “the 14th amendment to the Constitution has no effect whatever upon the status of the Indian tribes within the limits of the United States,” but that “straggling Indians” were subject to the jurisdiction of the United States.

At the time, U.S. Census figures showed that just 8 percent of American Indians were classified as “taxed” and eligible to become citizens. The [estimated American Indian population](#) in the 1870 census was larger the population of five states and 10 territories—with 92 percent of those American Indians ineligible to be citizens.

The Dawes Act in 1887 gave American citizenship to all Native Americans who accepted individual land grants under the provisions of statutes and treaties, and it marked another period where the government aggressively sought to allow other parties to acquire American Indian lands.

Another Supreme Court case in 1886 ensured that the federal government has full power and control of all lands inhabited by American Indians. And a separate act eliminated the definition of “Indians not taxed” for legal

purposes. The issue of American Indian birthright citizenship wouldn't be settled until 1924, when Indian Citizenship Act conferred citizenship on all American Indians. At the time, 125,000 of an estimated population on 300,000 American Indians weren't citizens.

The Indian Citizenship Act still didn't offer full protection of voting rights to Indians. As late as 1948, two states (Arizona and New Mexico) had laws that barred many American Indians from voting, and American Indians faced some of the same barriers as blacks, until passage of the Civil Rights Act of 1965, including Jim Crow-like tactics and poll taxes.

1. **What reasoning did Chief Justice Roger Taney provide for American Indians not being included in the Dred Scott decision?** _____

2. **What did Article I of the Constitution say about American Indians?** _____

3. **Explain the reasoning for Navajos not being citizens under the 14th amendment.** _____

4. **What two states chose not to abide by the Indian Citizenship Act of 1924, and what two tactics did they implement to discourage Navajos from voting?** _____
