

III. A Chronological History of United States Indian Policy and the Indian Response: from 1789 to the Present

When the Constitution was written, it included a provision that implied federal authority over the conduct of Indian relations. Thereafter, the federal government - not state governments - was empowered to deal directly with Indian nations. This chronology is intended to trace at least five types of laws and events that have defined this ongoing relationship between the federal government and Indian nations.

- **Federal laws and activities** intended to clarify the relationship between the US government and the various Indian nations.
- **US Supreme Court decisions** that interpreted the parameters of the relationship between the federal government and Indian nations, especially in regard to tribal sovereignty.
- Key **treaties** signed between delegates of the US government and Indian nations and subsequently ratified by Congress.
- Major **military battles** fought between the US army and Indian nations.
- Major **Indian responses** during the struggles to retain their ancestral land, as well as maintain and regain tribal sovereignty.

In general, such laws and events can be traced through five periods:

- **1787 to 1871 - The Formative Years**
- **1871 to 1928 - Allotment and Assimilation**
- **1928 to 1968 - Indian Reorganization and Termination**
- **1968 to 1982 - Indian Self-Determination**
- **1982 to the Present - Self-Governance**

From 1787 to 1887 - The Formative Years

1787 - First federal treaty enacted with the Delaware Indians.* From 1787 to 1868, 371 treaties were ratified by the US government. (Between 1607 to 1776, at least 175 treaties had been signed with the British and colonial governments). While treaty provisions varied widely, it was common to include a guarantee of peace, a clarification of boundaries and understanding of any specific lands ceded to the federal government, a guarantee of Indian hunting and fishing rights (sometimes on ceded lands), a statement that the tribe recognized the authority or protection of the US government, and an agreement about trade regulation and travel of non-Indians in Indian territory.

1789 - Indian Commerce Clause of the Constitution. Article I, Section 8, Clause 3 stated "The Congress shall have Power...to regulate Commerce

* All terms found in *italics* have been hotlinked to other sites on the Web Page. with foreign Nations, and among the several States, and with the Indian Tribes." This clause is generally seen as the principal basis for the federal government's broad power over Indians.

1789 - Indian affairs assignment. Indian agents, who were appointed as the federal government's liaison with tribes, fell under jurisdiction of the War Department. The Indian agents were empowered to negotiate treaties with the tribes.

1790 - Indian Trade and Intercourse Act. This Congressional Act placed nearly all interaction between Indians and non-Indians under federal - not state - control, established the boundaries of Indian

country, protected Indian lands against non-Indian aggression, subjected trading with Indians to federal regulation, and stipulated that injuries against Indians by non-Indians was a federal crime. The conduct of Indians among themselves while in Indian country was left entirely to the tribes. These Acts were renewed periodically until 1834.

1790 - Military battle between US Army and Shawnee. The army, some 1,500 strong, invaded Shawnee territory in what is now western Ohio. The Americans were defeated in 1791 after suffering 900 casualties - 600 of whom died.

1795 - The *Treaty of Greenville*. This treaty marked the end of an undeclared and multiracial war begun in the late 1770s and led by the Shawnees who fought to resist American expansion into Ohio. In 1795, over a thousand Indian delegates ceded two-thirds of present-day Ohio, part of Indiana, and the sites where the modern cities of Detroit, Toledo, and Chicago are currently situated. The Indians, in return, were promised a permanent boundary between their lands and American territory.

1804 to 1806 - *Lewis and Clark expedition with Sacagawea*. Under direction of President Jefferson, Lewis and Clark charted the western territory with the help of Sacagawea, a Shoshone Indian.

1810 - *Treaty of Fort Wayne*. This treaty brought the Delawares, Potawatomi, Miami, and Eel River Miami nations together to cede 3 million acres of their land along the Wabash River to the United States.

1813 to 1814 - *Creek War*. This war was instigated by General Andrew Jackson who sought to end Creek resistance to ceding their land to the US government. The Creek Nation was defeated and at the Treaty of Fort Jackson, the Creek lost 14 million acres, or two-thirds of their tribal lands. This was the single largest cession of territory ever made in the southeast.

1817 - *Indian Country Crimes Act*. This Congressional Act provided for federal jurisdiction over crimes between non-Indians and Indians, and maintained exclusive tribal jurisdiction of all Indian crimes.

1823 - *Johnson v. McIntosh* Supreme Court decision. This case involved the validity of land sold by tribal chiefs to private persons in 1773 and 1775. The Court held that that Indian tribes had no power to grant lands to anyone other than the federal government. The federal government, in turn, held title to all Indian lands based upon the "doctrine of discovery" - the belief that initial "discovery" of lands gave title to the government responsible for the discovery. Thus, Indian "...rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil, at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it."

1824 - *The Indian Office*. This federal agency was established by the Secretary of War and operated under the administration of the War Department. The Office becomes the Bureau of Indian Affairs (BIA) in 1849.

1830 - *Indian Removal Act*. This Congressional Act mandated the removal of American Indians from east of the Mississippi River to territory west of the Mississippi.

1831 to 1832 - *US Supreme Court cases*. These two cases changed the nature of *tribal sovereignty* by ruling that Indian tribes were not foreign nations, but rather were "domestic dependent nations." As such, both cases provided the basis for the federal protection of Indian tribes, or the federal "*trust relationship*."

- **1831 - *Cherokee Nation v. Georgia*.** The *Cherokee* Nation sued the State of Georgia for passing laws and enacting policies that not only limited their sovereignty, but which were forbidden in the Constitution. The Court's decision proclaimed that Indians were neither US citizens, nor independent nations, but rather were "domestic dependent nations" whose relationship to the US "resembles that of a ward to his guardian."
- **1832 - *Worcester v. Georgia*.** A missionary from Vermont who was working on *Cherokee* territory sued the State of Georgia which had arrested him, claiming that the state had no authority over him within the boundaries of the Cherokee Nation. The Court, which ruled in Worcester's favor, held that state laws did not extend to Indian country. Such a ruling clarified that Indian tribes were under protection of the federal government, as in *Cherokee v. Georgia*.

1834 - *Indian Territory*. Under the Western Territory bill of 1834, Congress created Indian Territory in the west that included the land area in all of present-day Kansas, most of Oklahoma, and parts of what later became Nebraska, Colorado, and Wyoming. The area was set aside for Indians who would be removed from their ancestral lands which, in turn, would be settled by non-Indians. The area steadily decreased in size until the 1870s when Indian Territory was the size of today's Oklahoma, excluding the panhandle.

1835 - *Treaty of New Echota*. A portion of the *Cherokee* nation agreed to give up Cherokee lands in the Southeast in exchange for land in and removal to Indian Territory. A larger group of the Cherokee did not accept the terms of this treaty and refused to move westward.

1835-42 - *Seminole War*. This was one of the longest and most expensive wars in which the US army was ever engaged. Thousands of troops were sent, 1,500 men died, and millions of dollars were spent to force most of the Seminoles to move to Indian territory.

1836 - *Creek removal*. In five groups, over 14,000 Creeks were forcibly removed by the US Army from Alabama to Oklahoma.

1838 - "*Trail of Tears*." Despite the Supreme Court's rulings in 1831 and 1832 that the *Cherokee* had a right to stay on their lands, President Jackson sent federal troops to forcibly remove almost 16,000 Cherokee who had refused to move westward under the unrecognized Treaty of New Echota (1835) had remained in Georgia. In May, American soldiers herded most into camps where they remained imprisoned throughout the summer and where at least 1,500 perished. The remainder began an 800-mile forced march to Oklahoma that fall. In all some, 4,000 Cherokee died during the removal process.

1849 - *Bureau of Indian Affairs* (formerly The Indian Office). Congress transferred the BIA from the War Department to the newly-created Department of the Interior. Additionally, *physician services* were extended to Indians with the establishment of a corps of civilian field employees.

1851 - *First Treaty of Fort Laramie*. This treaty forced the Sioux, as well as several other Plains tribes, to allow non-Indians to pass through their territory on their way to the far west. In return, the US government declared that most of the present-day states of North and South Dakota and parts of Wyoming, Nebraska, and Montana (134 million acres) comprised the territory of the *Great Sioux Nation*.

1860 to 1864 - *Navajo War*. This war broke out in the New Mexico Territory as a result of tensions between the Navajos and American military forces in the area. During a final standoff in January 1864 at Canyon de Chelly, fears of harsh winter conditions and starvation forced the Navajo to surrender to Kit Carson and his troops. Carson ordered the destruction of Navajo property and organized the *Na-*

vaho “*Long Walk* to Bosque Redondo reservation at Fort Sumner, New Mexico. This 400-mile forced march ended in confinement on barren lands, as well as malnutrition, disease, and hunger. In 1866, the Navajo signed a treaty allowing them to return to their traditional homes to begin rebuilding their communities. In return, the Navajo were forced to promise to remain on the reservation, to stop raiding white communities, and to become ranchers and farmers.

1862 - War of Dakota Sioux. The Sioux declared war on Minnesota settlers, killing more than 1,000. They were eventually defeated by the US army, which marched 1,700 survivors to Fort Snelling. Over 400 Indians were tried for murder, 38 of whom were publicly executed.

1864 - Sand Creek Massacre. The massacre occurred when a band of Cheyenne and some southern Arapahos were attacked by the Third Colorado Cavalry. The soldiers mutilated and killed between 110 and 500 Indians, most of whom were women and children.

1866 to 1867 - Red Cloud’s fight to close off the Bozeman Trail. The *Oglala Sioux Chief Red Cloud* successfully fought the US army in an effort to protect Sioux lands against American construction of the Bozeman Trail which was to run from Fort Laramie to the Montana gold fields.

1867 - Treaty of Medicine Lodge. After Congress passed a law to confine the Plains tribes to small reservations where they could be supervised and “civilized,” US representatives organized the largest treaty-making gathering in US history. Members from the Arapaho, Cheyenne, *Apaches*, *Comanches*, and *Kiowas* met at Medicine Lodge in Kansas. The treaty ensured that all tribes would move onto reservation lands. Thereafter, the army was instructed to punish Indian raids and to “bring in” any tribes that refused to live on reservations.

1868 - Second Treaty of Fort Laramie. This treaty guaranteed the Sioux Indians’ rights to the Black Hills of Dakota and gave the Sioux hunting permission beyond reservation boundaries. The federal government agreed to abandon the Bozeman Trail and pledges to keep non-Indians out of the Great Sioux Reservation.

1868 - Nez Perce Treaty. This was the last Indian treaty ratified by the US government.

1869 - Board of Indian Commissioners. Congress created the Board to investigate alleged BIA mismanagement and conditions on reservations where corruption was widespread. The Board continued to operate as an investigative and oversight commission that also helped shape and direct American Indian policy.

1869 - Federally-sponsored Indian police. The first Indian agent was assigned policing duties on the *Sac and Fox* and *Iowa* tribes in Nebraska.

From 1871 to 1934 - Allotment and Assimilation

1871 - Indian Appropriation Act. This Congressional Act specified that no tribe thereafter would be recognized as an independent nation with which the federal government could make a treaty. (From 1607 to 1776, at least 175 treaties had been signed with the British and colonial governments, and from 1778 to 1868, 371 treaties were ratified the US government.) All future Indian policies would not negotiated with Indian tribes through treaties, but rather would be determined by passing Congressional statutes or executive orders.

1876 to 1877 - Battle at Little Big Horn. This battle occurred when General *George Armstrong Custer* and the Seventh Cavalry were involved in a campaign to forcibly place the *Lakota Sioux* onto a reservation. Custer attacked a large hunting camp of *Sioux*, *Cheyenne*, and **Arapaho** in the Little Big Horn Valley. The Indians responded by killing Custer and most of his regiment. In response, the federal government spent the next two years tracking down the Lakota, killing some and forcing most onto the reservation. In 1877, Congress passed a law taking the Black Hills and ending Sioux rights outside the *Great Sioux Reservation*. The Sioux land - 134 million acres guaranteed by treaty in 1868 - was reduced to less than 15 million acres.

1877 - Nez Perce War. This war occurred when the US army responded to some American deaths along the Salmon River, said to have been committed by the Nez Perce. To avoid a battle that would have resulted in being forced onto a reservation, about 800 Nez Perce fled 1,500 miles. They were caught 30 miles south of the Canadian border. Survivors were sent to *Indian Territory* in Oklahoma, despite the promise of the US government to allow them to return to their homeland.

1879 - Carlisle Indian School. This first off-reservation military-style boarding school for Indians was established in Pennsylvania. The school employees created a model curriculum, disciplinary regime, and educational strategy designed to “kill the Indian and save the child.”

1881 - A Century of Dishonor publication. *Helen Hunt Jackson* released her book detailing the plight of American Indians and criticizing the US government’s treatment of Indians.

1882 - Congressional Act. Congress provided funds for the mandatory education of 100 Indian pupils in industrial schools and for the appointment of an Inspector or Superintendent of Indian schools.

1882 - Indian Rights Association. This organization was created to protect the interests and rights of Indians. The association was composed of white reformers who wanted to help Indians abandon their cultural and spiritual beliefs and assimilate into American society.

1883 - Ex Parte Crow Dog Supreme Court decision. Crow Dog, a Sioux Indian who shot and killed an Indian on the Rosebud Reservation, was prosecuted in federal court, found guilty, and sentenced to death. On appeal it was argued that the federal government’s prosecution had infringed upon tribal sovereignty. The Court ruled that the US did not have jurisdiction and that Crow Dog must be released. The decision was a reaffirmation of tribal sovereignty.

1883 - Courts of Indian Offenses. The Secretary of the Interior established these courts to eliminate “heathenish practices” among the Indians. The rules of the courts forbade the practice of all public and private religious activities by Indians on their reservations, including ceremonial dances, like the *Sun Dance*, and the practices of “so-called medicine men.”

1885 - Major Crimes Act. This Congressional Act gave federal courts jurisdiction over Indians accused of rape, manslaughter, murder, assault with intent to kill, arson, or larceny against another Indian on a reservation. The list was eventually expanded to include 14 crimes.

1886 - United States v. Kagama Supreme Court decision. Two Indians on the Hoopa Valley Reservation in northern California killed another Indian on the reservation. They were prosecuted and found guilty by the federal government. The Indians argued that Congress did not have constitutional authority to pass the Major Crimes Act (1885). The Court, however, upheld the full and absolute (plenary)

power of the Congress to pass the Major Crimes Act and of the federal government - not state governments - exclusively to deal with Indian tribes. "These Indian tribes *are* the wards of the nation. They are communities *dependent* on the United States - dependent largely for their daily food; dependent for their political rights. They owe no allegiance to the states, and receive from them no protection. Because of the local ill feeling, the people of the states where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the federal government with them, and the treaties in which it has been promised, there arises the duty of protection, and with it the power." Thus, the ruling implied that because Indian tribes were wards of the US, Congress had the power to regulate tribes, even if it interfered with their sovereign power to deal with criminal offenders on tribal lands.

1887 - General Allotment Act (*Dawes Act*). This Congressional Act authorized the President to allot portions of certain reservation land to individual Indians - 160 acres to each head of family and 80 acres to others - to establish private farms, and authorized the Secretary of Interior to negotiate with the tribes for purchasing "excess" lands for non-Indian settlement. Allotment primarily sought to destroy Indian communities where property sharing encouraged "tribalism," and to open Indian lands for non-Indian purchase and settlement. The result was that from 1887 to 1934 (when the Act was repealed), Indian land holdings decreased from 138 million acres to 48 million.

1888 - The Sioux Act. This Congressional Act divided the Great Sioux Reservation into six separate reservations in an effort to dilute their power and make much of their land available for non-Indian settlement.

1889 - Oklahoma Organic Act. This Congressional Act divided Indian land into two territories in what is currently the state of Oklahoma: the Territory of Oklahoma in western Oklahoma was opened up to non-Indian settlement; and the Indian Territory in eastern Oklahoma was retained for continued Indian settlement.

1890 - Ghost Dance religion created. An Indian prophet, *Wovoka*, created a new religion called the "Ghost Dance." Its followers believed that practicing ritual dance would bring back dead loved ones and restore the land to Native peoples. Ghost dancers also believed that clothing worn in the dance would protect them from bullets or other forms of attack.

1890 - Wounded Knee Massacre. This massacre occurred shortly after non-Indians in South Dakota became alarmed by reports of Indians performing the *Ghost Dance*. Non-Indians feared that Indians believed the dance would result in the defeat of the whites. The Seventh Cavalry reacted by massacring more than 200 men, women, and children of Big Foot's band of Miniconjou Sioux at Wounded Knee.

1891 - Indian Education. A Congressional Act authorized the Commissioner of Indian Affairs "to make and enforce by proper means" rules and regulations to ensure that Indian children attended schools designed and administered by non-Indians.

1893 - Indian Education. This Congressional Act authorized the BIA to withhold rations and government annuities to parents who did not send their children to school.

1898 - Curtis Act. This Congressional Act ended tribal governments of tribes refusing allotments and mandated the allotment of tribal lands in Indian Territory, as well as ended tribal sovereignty in the Territory.

1903 - Lone Wolf v. Hickcock Supreme Court decision. The *Kiowas* and *Comanches* sued the Secre-

tary of the Interior to stop the transfer of their lands without consent of tribal members which violated the promises made in the 1867 *Treaty of Medicine Lodge*. The Court ruled that the trust relationship served as a source of power for Congress to take action on tribal land held under the terms of a treaty. Thus, Congress could, by statute, abrogate the provisions of an Indian treaty. Further, the status of Indians who entered into a treaty and their relationship of dependency to the United States were such that Congress had a plenary - or absolute - power over the government's relations with the tribes. The power of Congress in these matters was so absolute, the Court reasoned, that it would not even consider arguments regarding Congress's inability to abrogate an Indian treaty by statute.

1906 - Antiquities Act. This Congressional Act declared that Indian bones and objects found on federal land were the property of the United States.

1907 - *State of Oklahoma*. Congress established the State of Oklahoma by merging Oklahoma and Indian Territory. The former Indian Territory was opened to additional non-Indian settlement.

1908 - *Winters v. United States* Supreme Court decision. Indians from the Fort Belknap reservation in Montana sued to prevent a white settler from damming the Milk River and diverting water from their reservation. The Court found that when Congress created reservations, it did so with the implicit intention that Indians should have enough water to live. Thus, Indians had federally reserved and protected water rights.

1911 - *Society of American Indians*. The Society - the first step in the direction of pan-Indian unity - was established and managed exclusively by American Indians, most of whom were well-known in non-Indian society and well-educated. Although members favored assimilation, they also lobbied for many reform issues, especially improved health care on reservations, citizenship, and a special court of claims for Indians.

1913 - *US v. Sandoval* Supreme Court decision. The Court upheld the application of a federal liquor-control law to the *New Mexico Pueblos*, even though Pueblo lands had never been designated by the federal government as reservation land. The Court ruled that an unbroken line of federal legislative, executive, and judicial actions had "attributed to the United States as a superior and civilized nation the power and duty of exercising a fostering care and protection over all dependent Indian communities within its borders..." Thus, once Congress had begun to act in a guardian role toward the tribes, it was up to Congress, not the courts, to determine when the state of wardship should end.

1917 - *World War I*. When the US entered the war, about 17,000 Indians served in the armed forces. Some Indians, however, specifically resisted the draft because they were not citizens and could not vote or because they felt it would be an infringement of their tribal sovereignty. In 1919, Indian veterans of the war were granted citizenship.

1918 - *Native American Church*. This Indian church was organized in Oklahoma to combine an ancient Indian practice - the use of peyote - with Christian beliefs of morality and self-respect. The Church prohibits alcohol, requires monogamy and family responsibility, and promotes hard work. By 1923, 14 states had outlawed the use of peyote and in 1940, the Navajo tribal council banned it from the reservation. From 1944 - when the Native American Church of the United States was incorporated - to the present day, the Church has continued to play an important role in the lives of many Indian people.

1924 - *Indian Citizenship Act*. This Congressional Act extended citizenship and voting rights to all American Indians. Some Indians, however, did not want to become US citizens, preferring to maintain only their tribal membership.

1924 - Indian Health Division. Congress established the Division to operate under the jurisdiction of the Bureau of Indian Affairs.

1928 to 1968 - Indian Reorganization and Termination

1928 - The Meriam Report, "The Problem of Indian Administration." The report, commissioned by the Department of Interior in 1926, focused on the poverty, ill health, and despair that characterized many Indian communities. It recommended reforms that would increase the BIA's efficiency, promote the social and economic advancement of Indians; end allotment; and phase out Indian boarding schools.

1934 - The "Indian New Deal." The brainchild of BIA director John Collier, the New Deal was an attempt to promote the revitalization of Indian cultural, lingual, governmental, and spiritual traditions. This blueprint for reform was written by non-Indians who felt they knew how to champion Indian rights.

1934 - Indian Reorganization Act (IRA). The IRA was the centerpiece of the Indian New Deal. It encouraged Indians to "recover" their cultural heritage, prohibited new allotments and extended the trust period for existing allotments, and sought to promote tribal self-government by encouraging tribes to adopt constitutions and form federally-chartered corporations. In order to take advantage of IRA funding, tribes were required to adopt a US-style constitution. Tribes were given two years to accept or reject the IRA. Tribes who accepted it could then elect a tribal council. 174 tribes accepted it, 135 which drafted tribal constitutions. But 78 tribes rejected the IRA, most fearing the consequences of even further federal direction.

1930s - Boarding schools closure. At the same time that most boarding schools closed down, the BIA began allowing Indian children to attend day schools closer to home.

1946 - Indian Claims Commission Act. The Commission was created to do away with tribal grievances over treaty enforcement, resource management, and disputes between tribes and the US government. Tribes were given five years to file a claim, during which they had to prove aboriginal title to the lands in question and then bring suit for settlement. The Commission would then review the case and assess the amount, if any, that was to be paid in compensation. Until the Commission ended operations in 1978, it settled 285 cases and paid more than \$800 million in settlements.

1953 - Termination. Under **House Concurrent Resolution 108**, the trust relationship with many Indian tribes was terminated. Terminated tribes were then subject to state laws and their lands were sold to non-Indians. Eventually, Congress terminated over 100 tribes, most of which were small and consisted of a few hundred members at most. The *Menominee* of Wisconsin and the *Klamath* of Oregon were exceptions with 3,270 and 2,133 members respectively.

1953 - Public Law 280. This Congressional law transferred jurisdiction over most tribal lands to state governments in California, Oregon, Nebraska, Minnesota, and Wisconsin. Alaska was added in 1958. Additionally, it provided that any other state could assume such jurisdiction by passing a law or amending the state's constitution.

1954 - Public Law 83-568. This Congressional law transferred responsibility for American Indians and Alaskan Natives' health care from the BIA in the Department of Interior, to the Public Health Services within the Department of Health and Human Services.

1956 - Relocation Act. This Congressional Act allowed the BIA to offer grants to Indians willing to leave the reservation to seek work in urban locations. By 1975, more Indians lived in urban areas than on reservations.

1968 to 1982 - Indian Self-Determination

1968 - Indian Civil Rights Act (ICRA). This Congressional Act revised Public Law 280 by requiring states to obtain tribal consent prior to extend any legal jurisdiction over an Indian reservation. It also gave most protections of the Bill of Rights and the Fourteenth Amendment to tribal members in dealings with their tribal governments. ICRA also amended the Major Crimes Act to include assault resulting in serious bodily harm.

1968 - American Indian Movement (AIM). Shortly after the Minneapolis Anishinaabeg formed an "Indian Patrol" to monitor police activities in Indian neighborhoods, three patrol leaders organized AIM. The new organization was comprised primarily of young urban Indians who believed that direct and militant confrontation with the US government was the only way to redress historical grievances and to gain contemporary civil rights; and that the tribal governments organized under the IRA (1934) were not truly legitimate or grounded in traditional Indian ways. By the 1990s, AIM was still active in Indian affairs, but was less involved in militant confrontation.

1969 - "Indians of All Tribes" occupation of Alcatraz. A group of young Indians seized the abandoned Alcatraz Island in the San Francisco harbor. They issued a "Proclamation to the Great White Father" in which they stated their claim that Alcatraz was suitable as an Indian Reservation and thus, should be converted into an Indian educational and cultural center. The Indians of All Tribes continued to occupy Alcatraz until June, 1971.

1970 - Nixon's "Special Message on Indian Affairs." President Nixon delivered a speech to Congress which denounced past federal policies, formally ended the termination policy, and called for a new era of self-determination for Indian peoples.

1972 - Trail of Broken Treaties. Over 500 Indian activists traveled across the United States to Washington, DC where they planned to meet with BIA officials and to deliver a 20-point proposal for revamping the BIA and establishing a government commission to review treaty violations. When guards at the BIA informed the tribal members that Bureau officials would not meet with them and threatened forcible removal from the premises, the activists began a week-long siege of the BIA building. The BIA finally agreed to review the 20 demands and to provide funds to transport the activists back to their home. Shortly thereafter, the FBI classified AIM as "an extremist organization" and added the names of its leaders to the list of "key extremists" in the US.

1972 - Indian Education Act. This Congressional Act established funding for special bilingual and bicultural programs, culturally relevant teaching materials, and appropriate training and hiring of counselors. It also created an Office of Indian Education in the US Department of Education.

1973 - Wounded Knee Occupation. At the Pine Ridge Reservation of the *Oglala Sioux* in South Dakota, trouble had been brewing between the Indian activists that supported AIM, and tribal leaders who had the support of the BIA. After a violent confrontation in 1972, tribal chair Richard Wilson condemned AIM and banned it from the reservation. In February 1973, AIM leaders and about 200 activists who were supported by some Oglala traditional leaders took over the village of Wounded Knee, announced the creation of the Oglala Sioux Nation, declared themselves independent from the United

States, and defined their national boundaries as those determined by the 1868 *Treaty of Fort Laramie*. The siege lasted 71 days, during which time federal marshals, FBI agents, and armored vehicles surrounded the village. AIM members finally agreed to end their occupation under one condition - that the government convene a full investigation into their demands and grievances.

1975 - *Indian Self-Determination and Education Assistance Act*. This Congressional Act recognized the obligation of the US to provide for maximum participation by American Indians in Federal services to and programs in Indian communities. It also established a goal to provide education and services to permit Indian children to achieve, and declared a commitment to maintain the Federal government's continuing trust relationship, and responsibility to, individual Indians and tribes.

1975 - *Council of Energy Resource Tribes (CERT)*. Leaders from over 20 tribes created CERT to help Indians secure better terms from corporations that sought to exploit valuable mineral resources on reservations.

1975 - *Leonard Peltier Arrest*. Two years after the siege at Wounded Knee, conditions at the Pine Ridge Reservation had deteriorated. AIM activists and supporters continued to clash directly with tribal Chairman Wilson and his men. In 1975, two FBI agents were killed and AIM activist Leonard Peltier was arrested, tried, and convicted for the deaths. Sentenced to double life imprisonment, Peltier's arrest and conviction are still the subject of heated controversy among many American political activists.

1977 - *Senate Committee on Indian Affairs (SCIA)*. This Senate resolution re-established the SCIA. The Committee was originally created in the early nineteenth century, but disbanded in 1946 when Indian affairs legislative and oversight jurisdiction was vested in subcommittees of the Interior and Insular Affairs Commission of the House and Senate. The Committee became permanent in 1984. Its jurisdiction includes studying the unique issues related to Indian and Hawaiian peoples and proposing legislation to deal with such issues - issues which include but are not limited to Indian education, economic development, trust responsibilities, land management, health care, and claims against the US government.

1977 - *Report of the American Indian Policy Review Commission*. The Commission, established in 1975, issued its report in which it called for a firm rejection of assimilationist policies, increased financial assistance to the tribes, and a reaffirmation of the tribes' status as permanent, self-governing institutions.

1978 - *Indian Child Welfare Act*. This Congressional Act addressed the widespread practice of transferring the care and custody of Indian children to non-Indians. It recognized the authority of tribal courts to hear the adoption and guardianship cases of Indian children and established a strict set of statutory guidelines for those cases heard in state court.

1978 - *American Indian Religious Freedom Act*. This Congressional Act promised to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise" traditional religions, "including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites." Although the enactment seemed to recognize the importance of traditional Indian religious practices, it contained no enforcement provisions.

1978 - *Santa Clara v. Martinez* Supreme Court decision. When a Santa Clara woman married a Navajo, the tribal council denied her children membership in the Santa Clara Pueblo based upon a 1939 tribal ordinance that denied membership to children of women who married outside the tribe. The

woman sued to grant membership to her children. The Court held that Indian tribes are “distinct, independent political communities retaining their original natural rights in matters of self-government.” In short, the Court held that the Court itself did not have the right to interfere in tribal self-government issues such as tribal membership.

1978 - Federal Acknowledgment Project. This Congressional Act established the Branch of Acknowledgment and Research within the BIA to evaluate the claims of non-recognized Indian tribes for Federal acknowledgement. The project created a uniform process for reviewing acknowledgement claimants with widely varying backgrounds and histories. In 1994, the Project regulations were amended.

1979 - The Seminole Tribe of Florida and Gaming. The Seminoles were the first tribe to enter into the bingo gaming industry. Their endeavors encouraged other tribes to begin *gaming enterprises* on reservations as a step towards greater economic self-sufficiency.

1982 to the Present - Self Governance

1982 - Indian Mineral Development Act. This Congressional Act encouraged Indian tribes to mine their lands in a manner that would help them become economically self-sufficient.

1982 - Seminole Tribe v. Butterworth Supreme Court decision. The Court ruled that tribes have the right to create *gambling enterprises* on their land, even if such facilities are prohibited by the civil statutes of the state. The ruling enabled reservations to establish casinos, as well as gave reservations greater authority for tribal governments to levy taxes, own assets, and create judiciaries.

1987 - California v. Cabazon Supreme Court decision. The Cabazon tribe in Southern California operated a high stakes bingo game and card club on reservation lands. The State claimed that it had the legal authority to prohibit such activities on Indian lands located within California if such activities were prohibited elsewhere in the State. The Court found that states which permitted any form of gambling could not prohibit Indians from operating gambling facilities.

1988 - Lyng v. Northwest Indian Cemetery Association Supreme Court decision. The Yurok Indians and several other Northern California tribes argued that the construction of a 6-mile, two-lane paved road between the towns of Gasquet and Orleans (*the G-O Road*) and the implementation of a timber management plan would interfere with traditional tribal religions. The Court held that construction of the road did not violate their freedom of religion. Thus far, the road has not been built due to an administrative decision.

1988 - Indian Gaming Regulatory Act (IGRA). This Congressional Act affirmed the right of tribes to conduct gaming on Indian lands, but made it subject to tribal/state compact negotiations for certain types of gaming.

- Class I includes social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals and is subject to exclusive tribal regulatory jurisdiction.
- Class II includes all forms of bingo and other games similar to bingo (pull-tabs and punch-boards), provided such games are played in the same location as bingo games; non-banking games that are either expressly allowed or not expressly prohibited by state law; and banking card games in existence in Michigan, No. Dakota, Montana, and Washington State on or before May 1, 1988. Class II gaming is subject to tribal regulatory jurisdiction with extensive oversight by the *National Indian Gaming Commission (NIGC)*.

- Class III includes all form of gaming not mentioned in Class I or II - slots, casino games, banking card games, horse and dog racing, pari-mutuel wagering, and jai-alai. Such gaming is lawful on Indian lands **only** if it has been authorized by a tribal ordinance approved by the chairperson of the NIGC, **and** if such gaming is permitted by the state for any purpose by any person, organization, or entity, **and** if is conducted in conformance with a tribal-state compact entered into by the tribe and the state that is in effect. Class III gaming is left to the tribal-state compact negotiation process.

Under IGRA, a tribe must request a state to enter into compact negotiations. After such a request is made, the state is obligated to negotiate in “good faith” to enter into a compact - which must also be approved by the Secretary of the Interior. Because some states have failed to live up to IGRA and “good faith” negotiations, a number of law suits have arisen.

1990 - *Native American Languages Act.* This Congressional Act made it US policy to “preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.” Consequently, the federal government encourages and supports of the use of native languages as a medium of instruction in schools; recognizes the right of Indian tribes to give official status to their languages for conducting their own business; supports proficiency in native languages by granting the same academic credit as for comparable proficiency in a foreign language; and encourages schools to include native languages in the curriculum in the same way as foreign languages. Today, many American Indian languages have been *lost*; less than 100 languages currently are spoken by Indians.

1990 - *Indian Arts and Crafts Act (IACA).* The Congressional Act is intended to promote Indian artwork and handicraft businesses, reduce foreign an counterfeit product competition, and stop deceptive marketing practices.

1990 - *Native American Grave Protection and Repatriation Act.* This Congressional Act required all institutions that receive federal funds to inventory their collections of Indian human remains and artifacts, make their lists available to Indian tribes, and return any items requested by the tribes.

1990 - *Indian Law Enforcement Act.* This Congressional Act created a unified approach to the BIA's provision of law enforcement services on reservations.

1992 - *Foxwoods Casino of Connecticut.* The Mashantucket Pequots opened the first large casino in the United States.

1994 - *Native American Free Exercise of Religion Act.* This Congressional Act protected the rights of American Indians to use peyote in traditional religious ceremonies.

1996 - *National American Indian Heritage Month.* President Bill Clinton declared November of each year to be National American Indian Heritage Month.