

Part II: Federal Indian Policy during the Nineteenth Century

Introduction: In our earlier discussion, we learned some things about the American Indian peoples who lived in the United States around the time that the Constitution was signed. We also learned a great deal about the Cherokee people and how they lived in the early Nineteenth Century. Today we are going to begin talking about how the Cherokees and other Indian tribes lost their land in the Nineteenth Century.

- The process by which they lost their land is known as **dispossession**.
 - Discuss: What does the word “dispossession” mean? Dispossession occurs when a person or group of people are deprived of their home, possessions, and security. The American Indians were dispossessed of their land, homes, possessions, and security during a time in US history that has become known as Manifest Destiny.
- I. **Manifest Destiny.** When the nineteenth century opened, the vast majority of Americans saw the unexplored North American continent as a place that was **destined** for American settlement.
- A. The term manifest destiny was coined in 1845. [**OVERHEAD - MANIFEST DESTINY and discussion questions**].
1. The phrase simply gave formal wording to the belief that Americans had a God-given right to expand their political, social, and economic system across the North American continent.
 2. But there was one problem with this belief - the portion of the North American continent that had not been explored by Euro-Americans was not empty. Hundreds of American Indian tribes lived on the land and had explored the land that Americans felt was destined for their settlement.
- B. Clearly, conflict would arise as Americans moved westward into land that had been occupied by native peoples for thousands of years.
1. To deal with this conflict, the federal government passed a series of laws that dictated how it would deal with these “troublesome” Indians.
 2. Before we study these laws, it is important to keep one thing in mind.
 - a. The laws were designed to help white Americans move and settle into Western lands - lands that were the ancestral homes of Indians.
 - b. Thus, to the white settlers, the era of Manifest Destiny and of Westward Expansion represented progress and the extension of their cultural and spiritual values to the American West. But to the American Indians, westward expansion was little more than an invasion of their homelands.
- II. **Federal laws dealing with the American Indians.**
- A. After the Americans won their independence from England, they began to think about how they would handle all the land that belonged to the American Indians.
1. Americans immediately claimed ownership of all Indian lands west of the Appalachians by right of conquest over Britain.
 - a. Discuss concept of right of conquest - the belief which originated with the

Catholic Church that when a Christian people found land settled by a non-Christian people, they had the God-given right to conquer the land and convert the people. If the people resisted, then the Christian conquerors also had the God-given right to kill the resisters - whom they often called **heathens**.

- b. Ask a student to show the class where the Appalachians are on a large map.
 2. But the Indians refused to honor the American claim to their land for two reasons:
 - a. they had not signed the peace treaty between the US and Britain; and
 - b. they had never been conquered by either the US or Britain.
 3. In other words, they acted as independent sovereign nations.
- B. Because Indian nations were considered to be sovereign by the new American government, the US faced something that became known as the “Indian problem.” While European Americans wanted to spread their influence over all the land to the Pacific Ocean, it was clear that the hundreds of sovereign Indian nations were not going to willingly or voluntarily give up their land.
- C. Consequently, the new United States government took three avenues that changed the *nature of Indian sovereignty* and eroded Indian powers as sovereign people. **[OVERHEADS - ERODING INDIAN SOVEREIGNTY and THE MARSHALL TRIL-OGY]**
- D. The tools used to erode Indian sovereignty included 371 treaties signed by the US government and various Indian nations, a Congressional laws. As we study these treaties and laws, it is important to note that each had two important goals:
1. To eliminate the Indian “threat” to “peaceful” westward expansion of white settlers.
 2. To destroy Indian cultural, religious, and political traditions by assimilating Indians into American life.
- And remember, while American politicians enacted these treaties and made these laws, no effort was ever made to give the Indians a choice.

E. **[OVERHEAD - FEDERAL POLICIES.]**

III. **Treaty Making.** *Treaties* were legal, **government-to-government agreements** between two legitimate governments - the United States and an Indian nation.

- A. When an Indian tribe signed a treaty, it agreed to give the federal government some or all of its land as well as some or all of its sovereign powers. In return, when an Indian nation gave up land through a treaty, it entered into a **trust relationship** with the federal government.
1. Thereafter, Indians had a kind of limited sovereignty that was to be governed by **paternalistic** trust. They would have to trust the US government to do what was best for them in some areas.
 2. The first treaty that was signed by the US government was with the *Delawares* in 1778 during the Revolutionary War. The revolutionary government promised that if the Delawares helped their fight against the British, they would be given statehood in the future.

3. Between 1778 and 1868 - 90 years - 371 treaties were signed. These treaties focused primarily on the way the US government would handle Indian land and the resources on those lands. In 1871, Congress formally ended the government to government treaty-making power. Within a decade, Congress began to pass laws that decided how the federal government could control and govern the remaining Indians.

IV. Policies and Laws - Removal. In the 1820s, about 80,000 members of the Cherokee, Creek, Choctaw, and Seminole tribes lived on land that many Americans felt could be more profitably farmed and settled by white men. But all four tribes had signed treaties with the federal government guaranteeing the right to maintain their sovereign systems of tribal government. None were willing to negotiate new treaties.

A. President Andrew Jackson felt that a new federal law was needed to force the Indians from this valuable land.

B. President Jackson supported the *Removal Act of 1830* which gave him the right to make land “exchanges” to move the four tribes from their ancestral lands. He rationalized the forced removal of the tribes by telling the Indians that they were not losing any land, but rather they were exchanging their old land for new land in place *called Indian Territory* - the land reserved for Indians which now comprises the state of *Oklahoma*.

1. Some of the northeastern tribes had already been involved in the removal process. **[MAP #4 - DISLOCATION OF THE DELAWARE NATION]**. For instance, the Delaware Indians were first removed from their home in Delaware in 1700. Between 1700 and 1867, they were removed six more times before being settled in Indian Territory.

2. More than 30 tribes were removed to Indian Territory during the 19th Century. **[MAP #5 - TRIBAL RELOCATION TO INDIAN TERRITORY]**.

3. President Jackson **rationalized** the removal program in his address to Congress of December 1833. **[OVERHEAD - JACKSON QUOTE with questions]**

4. While similar thoughts about removal continued to be echoed throughout the United States for the remainder of the Nineteenth Century, there were some **dis-senting** voices.

- a. Let’s take a look at two different viewpoints that were expressed in California in 1852. **[OVERHEAD - CONTRASTING THOUGHTS ON INDIANS IN CALIFORNIA, 1852]**

- b. Indeed, throughout the nation there were pockets of individuals and groups who argued against forced removal and relocation onto reservations. However, they were not numerous enough or strong enough to influence public policy.

C. Unfortunately for non-Indians, few tribes willingly wished to disappear or to be removed from their ancestral homes to Indian territory.

1. To enforce the new law, President Jackson sent the US Army to begin forced removal. For the next 60 years, dozens of Indian tribes were forcibly removed from their ancestral homelands to new “homes” assigned to them by the US government.

2. In all cases, removal involved walks of over hundreds of miles under the supervision of the US Army. The most well known of these was the *Trail of Tears* undertaken by the Cherokee nation.

D. **Case Study - Removal and the Cherokee Nation.** Remember what you learned about the Cherokee Nation prior to removal - they were a very “civilized” people who had successfully adapted the white man’s agricultural system, religion, and dress, and were largely literate in their own language.

1. However, by the 1830s, their lands in Georgia were coveted by those searching for gold (which was discovered in 1830) and by those who wanted more land to plant cotton. To the American people and the American government, the only answer was to remove the Cherokee from their lands.
2. The Cherokee, however, did not want to leave their ancestral homes. They reminded President Jackson and Congress that they had made earlier treaties with the US government that had promised them their land in **perpetuity**.
3. This conflict between the Cherokee and the US government led to the Trail of Tears. To better understand what happened, we are going to examine three different dimensions of the Trail of Tears.
 - a. the geographical dimension;
 - b. the political dimension; and
 - c. the human experience.

4. The Geographical Dimension. **[ASSIGNMENT #3 - MAPPING THE TRAIL OF TEARS].**

5. The Political Dimension. To understand the political issues that led to the Trail of Tears, we are going to watch a video - “The Trail of Tears” which is part of the “How the West Was Lost” series that was created for the Discovery Network in 1993. (Video is available through your local video store.) **[ASSIGNMENT #4 - “THE TRAIL OF TEARS”]**

6. The human dimension. **[ASSIGNMENT #5 - SURVIVING THE TRAIL OF TEARS]**

E. And so almost 100,000 American Indians were forcibly removed from their homes - and at least a fourth of them died during the removal process.

1. But removal still did not solve the “Indian problem.” As Americans continued to move westward, they came into continuous contact with many other Indian tribes that lived in the West.
2. Many of these frontier settlers not only felt that the Indians prevented them from settling in many desirable areas, but also were uncomfortable living amidst the Indian “danger.” Consequently, another new law was passed to deal with the Indians. This time, the law would confine Indians to a land reserved exclusively for their own use - areas that came to be called **reservations**.

V. **Policies and Laws - Reservations.** The men who created the reservation system believed that if Indians could be confined to one particular geographical place reserved for them, they could become ‘civilized.’ **[MAP #6 - RESERVATIONS, 1890]**

A. The purpose of reservations was to assimilate the Indians into American life - to encourage them to stop being Indians and to become like white men. Thus, the reservations were to make sure the remaining tribes were converted to Christianity

and “saved”; taught English, sewing, and small-scale farming; and ultimately, Americanized.

1. When relocated within reservation borders, Indians were not permitted to leave, except by permission. Those who left would be arrested.
 2. All reservations were assigned an Indian Agent - a man who worked for the *Bureau of Indian Affairs* and made decisions about the Indians on the reservation.
 3. Some excellent primary documentation exists which describes the visit of *Indian Agent Vincent Colyer* to various reservations in 1869.
- B. The vast majority of Indians did not readily adjust to the reservations, nor did they become more like the white man. Indeed, most fought to maintain their Indian culture and traditions.
1. For example, the *Otoe* tribe of Nebraska were frustrated and angry about the reservation policy. To learn more about their feelings, we are going to examine an actual conversation between two Indian chiefs from the *Otoe* tribe, their Indian Agent, and the Commissioner of Indian Affairs. The conversation took place in Washington DC during early November 1873.
 2. **[ASSIGNMENT #6 - “WE ARE NOT CHILDREN.”]**
- C. The reservation system flourished for almost two decades before it was clear that all Indians were not going to be confined and that the vast majority were not going to become Americanized. Thus, a new policy was created.

VI. Policies and Laws - Allotment. Many Americans felt that Indians would never become Americanized as long as they lived in large communities in which they celebrated their cultural and spiritual traditions and owned land communally. Further, American policy makers believed that the reservation did not give the Indian an **incentive** to improve his or her situation. So, the federal government created a new policy designed to destroy the idea of communal land ownership on the reservations and to break up the tribal nature of Indian society. This policy became law under the *Dawes Severalty Act of 1887*.

- A. The Act allowed the President to give - or allot - 160 acres of reservation land to individual Indians, each of whom would receive final title to the land and American citizenship *after* a 25-year period during which he had willingly assumed responsibility for his land. It was believed that this Act would encourage individual Indians and their families to own land, to learn to profitably farm the land, and in so-doing, become Americanized.
- B. Any land remaining after allotment would be sold to whites. All proceeds on land sales were to be used to “civilize” Indians on the reservation. **[OVERHEAD - INDIAN LAND FOR SALE]**
- C. The ultimate result of the Dawes Act was more loss of Indian land. Indeed, the final 19th Century dispossession of Indian lands had occurred.
 1. When Europeans had originally landed in North America, the Indians owned and controlled the entire continent. **[MAP #7 - Indian Land Cessions].**
 2. When allotment went into effect, Indians still owned over 138 million acres of land. But when Dawes was **repealed** 47 years later, 90 million acres had passed from Indian hands into the hands of whites, representing a 60% loss of land.

3. The allotment provisions of the Dawes Act were repealed by the Indian Reorganization Act of 1934. The Act also:
 - a. pledged that the government would return to tribes all lands that had once been within Indian reservations but had not yet been sold to whites;
 - b. authorized a \$2 million annual fund to purchase additional lands for individuals and tribes;
 - c. allowed tribes the right to organize for the purposes of limited self-government and economic development;
 - d. promised that qualified Indians would be given preference for positions in the BIA; and
 - e. pledged that \$250,000 would be appropriated annually for educational loans to Indian students
4. Ironically, allotment was designed around the notion that ownership of private property would teach the Indian to imitate the white man and finally assimilate into American culture. Instead, it transformed many Indians into landless people who were dependent upon the federal government for basic subsistence.
- D. But some American Indians had resisted placement on reservations and had also avoided allotment. It was with this small group of “bad Indians” that the federal government was concerned about toward the end of the century. For these uncooperative groups, yet another policy was enacted - extermination.

VII. Policies and Laws - Extermination. The rationale for exterminating Indians grew out of a belief that Indian resistance was the equivalent to a declaration of war against the US.

- A. Using such a rationale, in the late 1800s the Army declared war upon several tribes, began eliminating resisters, and sought to absolutely **subjugate** any survivors.
- B. The *Lakota Sioux* were one of the first tribes to be targeted for such governmental policy.
- C. **Case Study of the Lakota Sioux.** [ASSIGNMENT #7: THE LAKOTA SIOUX]

VIII. Unit II Summary

1. After the US government was created, a series of federal laws were passed to help white Americans move and settle into Western lands - lands that were the ancestral homes of Indians.
2. To white settlers, the era of Manifest Destiny and of Westward Expansion represented progress and the extension of their cultural and spiritual values to the American West. But to the American Indians, westward expansion was little more than an invasion and destruction of their homelands.
3. Treaties were legal, government-to-government agreements between the United States and an Indian nation. When an Indian tribe signed a treaty, it agreed to give the federal government some or all of its land as well as some or all of its sovereign powers. In return, the Indian nation entered into a trust relationship with the federal government in which it promised to provide benefits to the Indians in exchange for their land.

4. The Removal Act of 1830 gave the President of the United States the right to forcibly remove American Indians from their ancestral homes and relocate them to another “home” designated by the US government.
5. Reservations were created to make sure that Indians were converted to Christianity; taught English, sewing, and small-scale farming; and ultimately, Americanized.
6. Allotment, which was implemented with the Dawes Severalty Act of 1887, was designed to destroy the reservation system by getting rid of communal land ownership. Instead, allotment resulted in even more loss of Indian land. By the turn of the century, Indians lived on only a fraction of the land that had once been under their stewardship.
7. After treaty making, removal, reservations, and allotment failed to remove the Indian threat to white westward expansion and to Americanize the remaining Indians, the federal government adopted a policy of elimination. While somewhere between 5 and 10 million American Indians had lived in North America at the time of European contact, by the turn of the 19th century, about 250,000 Indians still remained within the continental borders of the United States.

For More Information. Teachers may want to consider the following other types of activities for students during the completion of this unit.

1. **Skeletal Outline.** Because this part of the lesson is particularly infused with legal issues and more complicated ideas, teachers might create a skeletal outline for students so that they can take notes during the discussions.
2. **Mock-experiences of living on an Indian reservation.** A two-part learning experience dealing with decisions that Indians have confronted and must currently confront is available on the Internet. “Reservation Controversies - Then and Now” uses Problem Based Learning (PBL) by placing students into two different but related mock experiences that Indians face while living on reservations. Through the use of brainstorming, role playing, and oral presentations, students learn to use primary sources and other background materials to make a recommendation. In the first scenario, “The Indian Agent Appointment Interview,” students are prospective Indian Agents for the Comanche Indian Reservation in 1873. In the second scenario, “The Indian Reservation Gaming Issue,” students play the role of a newly-appointed congressional intern who has received a letter from his/her congress person asking for help regarding casinos on Indian reservations. In both scenarios, students have online access to links and resources that will help them gather research. This project, created by high school educators and university professors for the American Memory Fellows Program of the Library of Congress, is designed to take place over several days and can be accessed at <http://www.chs.chico.k12.ca.us/libr/amem-student.html>.