

**Handout #1**  
**Timeline of American Indian Relations with the Federal Government,**  
**1787 to 1956**<sup>1</sup>

**1787 to 1886**

**1787 - First federal treaty enacted with the *Delaware Indians*.** From 1787 to 1868, 371 treaties were ratified the US government. (Between 1607 to 1776, at least 175 treaties had been signed with the British and colonial governments). While treaty provisions varied, they commonly included a guarantee of peace and friendship; clarification of boundaries and understanding of any specific lands ceded to the federal government; guarantee of Indian hunting, fishing, and gathering rights (sometimes on ceded lands); statement that the tribe recognized the authority and 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 with foreign Nations, and among the several States, and with the Indian Tribes." This clause is generally seen as the principal basis for federal rather than state governmental plenary power over Indians.

**1790 - Indian *Trade and Intercourse Act*.** This first federal Indian statute outlawed all Indian land transactions that were not federally approved.

**1823 - *Johnson v. McIntosh*.** First of the Marshall Trilogy's Supreme Court decisions that limited certain exercises of Indian sovereignty.

**1824 - *The Indian Office*.** This federal agency was administered by the War Department. The Office became the Bureau of Indian Affairs (BIA) in 1849 and was relocated in the Interior Department in 1854.

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

**1831 and 1832 - *Cherokee v. Georgia* and *Worcester v. Georgia*.** US Supreme Court ruling that Indian tribes were not foreign nations, but rather "domestic dependent nations." Both cases provided the legal basis for the federal **trust relationship**.

**1834 - *Indian Territory*.** Under the Western Territory bill of 1834, Congress created Indian Territory in the west that included the land area in present-day Kansas, Oklahoma, and parts of what later became Nebraska, Colorado, and Wyoming. The area was set aside for Indians who were removed from their ancestral lands which, in turn, would be given to

non-Indians. The area steadily decreased in size until the 1870s, when it was the size of today's Oklahoma, excluding the panhandle.

**1830s - *The Trail of Tears and Indian Removal.*** Between 1835-71, between 150,000 and 300,000 Indians were forcibly removed from their ancestral homes and relocated in Indian Territory. In 1838, President Jackson sent federal troops to forcibly remove almost 16,000 Cherokee who had refused to move westward. 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.

**1851 - *First Treaty of Fort Laramie.*** In this treaty, the Sioux, as well as several other Plains tribes, allowed 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.***

**1864 - *Sand Creek Massacre.*** A peaceful camp of Cheyenne and Arapahos were attacked by the Third Colorado Cavalry whose soldiers mutilated and killed nearly 500 unarmed Indians.

**1868 - *Second Treaty of Fort Laramie.*** Treaty guaranteed the Sioux, Cheyenne, and Arapaho rights to the Black Hills and recognized tribal hunting rights beyond reservation boundaries. The federal government agreed to abandon the Bozeman Trail and pledged to keep non-Indians out of the Great Sioux Reservation and other tribal lands.

**1871 - *Indian Appropriation Act.*** This money bill included a rider that allowed the House of Representatives to ratify Indian treaties along with the Senate. Thereafter, all future Indian policies would be made by both houses of Congress, rather than by treaty.

**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 Sioux, Cheyenne, and Arapaho onto reservations. In retaliation for Custer's attack on a hunting camp in the Little Big Horn Valley, Indians responded by killing Custer and the majority of his regiment. The federal government spent the next two years tracking down these nations, killing some of their people and forcing most others onto reservations. In 1877, Congress annexed the Black Hills and the million acre reservations guaranteed by treaties were vastly reduced.

**1878 - *Carlisle Indian School.*** This first off-reservation military-style boarding school for Indians was established in Penn-

sylvania. The school created a model curriculum, disciplinary regime, and educational strategy designed to “kill the Indian and save the child.”

**1880 - Civilization Regulations.** These Interior Secretary rules (re-issued in 1884, 1894, and 1904) set forth a series of offenses and penalties that applied only to Indians. They outlawed Indian religions, the practices of “so-called” medicine men, religious ceremonies, and unauthorized roaming off the reservations. They remained in place until 1936.

### **1886 to 1934**

**1887 - General Allotment Act (*Dawes Act*).** This law 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. The law sought to destroy Indian communities where property-sharing encouraged “tribalism,” subjected allotted land to taxation, and opened 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 law 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 statute 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 - Wounded Knee Massacre.** The massacre occurred shortly after non-Indians in South Dakota became alarmed by reports of Indians performing the *Ghost Dance*. Non-Indians feared that such actions would result in war with the whites. The Seventh Cavalry reacted by massacring more than 450 men, women, and children of Big Foot's band of Miniconjou Dakota and of Sitting Bull's Hunkpapa people at Wounded Knee.

**1891 - Indian Education.** This statute 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 Act of Congress allowed the BIA to withhold rations and government services if parents did not send their children to school, as provided in the Civilization Regulations.

**1898 - Curtis Act.** This law ended tribal governments refusing allotments and mandated the allotment of tribal lands in Indian Territory.

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

**1919 -** Congress extended American citizenship to all Indian veterans of World War I.

**1924 - Indian Citizenship Act.** This law extended US citizenship and voting rights to all American Indians. Some Indians preferred to maintain only their tribal membership.

**1928 - Meriam Report, "The Problem of Indian Administration."** This 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 to 1968**

**1934 - The "Indian New Deal."** The brainchild of BIA Commissioner John Collier, the Indian 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 had championed Indian rights for decades through private organizations.

**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. Tribes were all but required to adopt a US-style constitution and 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 greater federal control.

**1946 - Indian Claims Commission.** The Commission established by Congress was to end tribal grievances over treaty enforcement, resource management, and disputes between tribes and the US government. Tribes were given five years to file a claim, prove aboriginal title to the lands in question, and bring suit for settlement. The Commission would then review the case and assess the amount, if any, that was to be paid in reparations. 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 federal trust relationship with many Indian tribes was terminated. Terminated tribes were then subject to state laws and their lands were lost to taxes and sold to non-Indians. Eventually, Congress terminated over 100 tribes, most of which consisted of a few hundred members. The *Menominee* of Wisconsin and the *Klamath* of Oregon were exceptions, with 3,270 and 2,133 members respectively.

**1953 - Public Law 280.** This 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 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, Education, and Welfare.

**1956 - Relocation Act.** This 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.

<sup>1</sup> of important benchmarks in federal-tribal relations and is not intended to be an exhaustive or definitive timeline of such events or issues.