



WESTWARD EXPANSION





Federal Indian Policy in the United States

Exploring the relationship between Tribal
Nations and the U.S. Federal Government



1774-1789: The Confederation Period

April 1775 - "shot heard around the world"

July 1776 - Declaration of Independence

- *"that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."*
- *"He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes, and conditions."*

November 1777 - Continental Congress adopted Articles of Confederation

March 1781 - Articles ratified by 13 states

- **Problem**: The Articles of Confederation did not give Congress the power to manage and deal with the Native Nations that were already here.

★ **Creates the Question**: Who has power over who? Do the Tribes control themselves and their actions or does the newly formed Federal Government?

1774-1789: The Confederation Period

May 1787 - U.S. Constitution signed

- Designated who had power over “Indian Affairs”
- The Commerce Clause refers to Article 1, Section 8, Clause 3 of the U.S. Constitution, which gives Congress the power “*to regulate commerce with foreign nations, and among the several states, and with the Indian tribes*”

✦ **Question:** What about this language is so important?

June 1788 - U.S. Constitution Ratified

Comprehend & Reflect

1. In the beginning of the Declaration of Independence it states, “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Did this apply to the Native Americans that were already living on the land? Explain your answer.

2. What did the Articles of Confederation not give Congress the power to do?

- A. request money from the states
- B. regulate armed forces
- C. manage and deal with Native Nations
- D. declare war

3. What document designated who had power over “Indian Affairs”?

- A. The Declaration of Independence
- B. The Articles of Confederation
- C. The Trade & Intercourse Act
- D. The United States Constitution

1789-1825: Trade & Intercourse Era

Congress established the Department of War with responsibilities over Indian Affairs

★ Q: What does this immediately do to and show about the relationship between the new federal government and the Native American tribes? How does the government view the Tribes?

1790 - Congress enacts the Trade & Intercourse Act

- Congress recognized that they must purchase the property from Native Americans to reduce conflicts and continue U.S. Expansion as orderly and fairly as possible

U.S. Policies created to:

- Define “Indian” Territory
- Protect “Indian Country”
- Regulate traders’ dealings with Tribal Nations by controlling the pioneers and settlers who were trying to take Native lands

1789-1825: Trade & Intercourse Era

- Purchasing Lands -

As a result of the Trade & Intercourse Act:

- Indigenous Nations would be treated as foreign nations and lands would be **purchased** through treaties, although at a low cost
 - * *treaty: a legally binding agreement between sovereign nations*
- 390 treaties would be negotiated between the United States and Native Nations before 1871

Sounds great, right?

✦ Q: What could possibly go wrong?

Comprehend & Reflect

1. The 1790 Trade & Intercourse Act demonstrated that Congress recognized that they must _____ the land from Native Americans to reduce conflicts and continue U.S. expansion as orderly and fairly as possible.

2. Explain why the United States Federal Government was legally able to create treaties with Native Nations.

1825-1850: Removal Era

Mid-1820's - The U.S. Government began openly discussing the forceful move of all Tribal Nations west in order to give the U.S. more room to grow

1830 - The Removal Act was passed under Andrew Jackson's presidency

- The government began to relocate Tribal Nations to "Indian Territory"
- **Ultimate Goal:** Move all Native Nations past the Mississippi River and into Oklahoma, resulted in the Cherokee Trail of Tears
- Promised to have this land forever and that the Federal Government would protect that promise

Comprehend & Reflect

1. What was the ultimate goal of the 1830 Removal Act?

- A. move all Native Nations past the Mississippi River and into Oklahoma**
- B. move all Native Nations past the Snake River and into Idaho**
- C. remove the treaty rights that had been previously established**

2. Who was the United States President at the time the Removal Act was passed?

1850-1887: Reservation Era

The Gold Rush & the Oregon Trail

- Leads to a flood of United States citizens across the country
- Creates conflict within the “frontier” among pioneers/settlers and Native tribes
- Pioneers/Settlers began to stake claim to land and claim ownership, which is an extremely uncommon concept to Native Peoples

✦ Q: How could this clash of cultures create issues?

Nearly 300 Reservations formed

- Often advertised as a “safe space” for Native Peoples
- They were poorly managed and promised services were not being provided
- President Grant moved Indian Affairs from the Department of the Interior to the Military

Treaty making ended in 1871 due to a power struggle between the Senate and the House over control of Indian Affairs

- Management of the Reservations moves into control of religious denominations

Comprehend & Reflect

1. What two historic events led to the increase in settlers moving west?

- A. the Civil War and the Dred Scott Decision
- B. the Gold Rush and the Oregon Trail
- C. the Fugitive Slave Act and the Great Chicago Fire
- D. the defeat of Lieutenant Colonel Custer and the division of the U.S. into time zones

2. How were Reservations advertised to Native Peoples? Were they everything that had been promised?

3. Who controlled the Indian Reservations after the end of treaty making in 1871?

1887-1934: Allotment & Assimilation Era

1887 - Dawes General Allotment Act was passed

- The United States Government could not uphold the promises that have been made (healthcare, housing, education, etc.)
- **Goal #1:** Assimilate into American Society and “civilize Indians”
- **Goal #2:** Break up the Tribal Nations’ ownership of land
 - Opening the land to be sold to settlers
 - Eliminates the need to uphold the promises within treaties

“Kill the Indian, and Save the Man”

-Capt. Richard H. Pratt on the Education of Native Americans



Q: How would this affect the identity of Native Peoples?

INDIAN LAND FOR SALE

GET A HOME OF YOUR OWN

EASY PAYMENTS



PERFECT TITLE

POSSESSION WITHIN THIRTY DAYS

FINE LANDS IN THE WEST

IRRIGATED IRRIGABLE GRAZING AGRICULTURAL DRY FARMING

IN 1910 THE DEPARTMENT OF THE INTERIOR SOLD UNDER SEALED BIDS ALLOTTED INDIAN LAND AS FOLLOWS:

Location	Acres	Average Price per Acre	Location	Acres	Average Price per Acre
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Comprehend & Reflect

- 1. What were the two goals of the Dawes General Allotment Act?**
- 2. Look at the quote below. How does this quote make you feel?**

“Kill the Indian, and Save the Man”

-Capt. Richard H. Pratt on the Education of Native Americans

1934-1940s: Indian Reorganization Era

Roosevelt's New Deal: The Indian Reorganization Act (IRA) was passed

- Congress and the Executive Branch support Tribal Governments and Sovereignty
- The IRA forced Tribal governments to organize themselves under constitutions (you need to look like “us” if we are going to work with you)



John Collier in a 1934 meeting with South Dakota Blackfoot Indian chiefs to discuss the Indian Reorganization Act (IRA)

★
Q: How could this affect the cultural structures and practices that had been in place for thousands of years?

Comprehend & Reflect

1. The Indian Reorganization Act forced Tribal governments to organize themselves under _____

2. What was the purpose of this forced organization?

1940-1961: Termination Era

The United States Government terminates the legal relationship with 109 Tribal Nations

Results

- loss of Federal benefits
- loss of 1.3 million acres of Tribal land
- relocation of many Tribal Nations' people from reservations to cities

Comprehend & Reflect

1. What were the results of the termination of legal status for the Native Nations? (circle all that apply)

- A. loss of federal benefits**
- B. loss of 1.3 million acres of Tribal land**
- C. loss of trust in the United States government**
- D. loss of identity and culture**
- E. relocation of many Tribal Nations' people from reservations to cities**

1961-PRESENT: Self-Determination Era

Kennedy Administration: Refused to undertake new actions to terminate more Tribal Nations

1970s & 1980s: Tribal Nations are restored

Indian Self-Determination and Education Assistance Act of 1975

- Instituted fundamental changes
- Tribes are allowed to run their own government
- Contract their own services
- Govern their own people



Kathryn, Karen, and Frank Harrison, seated in the front row, testify for Congressional restoration of the Grand Ronde tribe.

Comprehend & Reflect

1. What presidential administration refused to undertake any new actions to terminate more Tribal Nations?

- A. Jefferson**
- B. Kennedy**
- C. Grant**
- D. Bush**
- E. Jackson**

2. In what year was the Confederated Tribes of Grand Ronde restored?

After everything you have learned, how would you summarize the relationship between the United States Federal Government and Tribal Nations in one word or sentence?

