

# The Dawes Act and the Great American Indian Lands Grab

*Joseph Bruchac & John Smelcer*

On February 8, 1887, President Grover Cleveland signed into law the Dawes Act, also known as the General Allotment Act, which authorized the United States government to survey Indian tribal lands (over 155 million acres of land had been specifically set aside for Indians under previous treaties) and divide them into allotments for individual use. The legislation was named after Massachusetts senator, Henry Dawes. Under the Act, large tracts of tribal lands were divided into smaller tracts, which were then awarded to individual Indians. Tracts varied in size, from 160 acres for a head of family, to 80 acres for adults, to 40 acres for Indians under the age of 18. *Excess* lands were sold for a profit to private, white Americans. U.S. citizenship was awarded to those Indians who embraced the habits of civilized life (i.e. renounced their Indian Ways, living apart from their tribe). Simply put, the objectives of the Dawes Act were to:

assimilate American Indians by eroding their sense of tribal unity and their cultural and spiritual perceptions related to the earth

promote individualism and individual industry

advance Indian farming initiatives

reduce the burdensome cost of administering Native affairs (BIA, et al)

force the Reservation System, once and for all, on Indian peoples

open “excess” Indian lands to white settlers for profit

By the late 1880s, all Indians remaining in the United States, about a quarter of a million of them, had been relocated on 187 reservations. There was a combined total of about 150,000 square miles of reservation land, a space roughly equivalent to the state of Montana. On the reservations, white Indian Agents, employed by the United States Bureau of Indian Affairs (a department under the Secretary of Interior), had absolute control over people who lived in conditions of extreme poverty. Many agents were corrupt and used their positions of power to profit from government-issued rations and supplies intended for the Indians. Ironically, it was an awareness of the grim nature of life on the reservations that led well-meaning reformers to support a new approach intended to integrate Indians into white culture. As the celebrated reformer Carl Shurz, a Missouri senator and Secretary of the Interior under President Rutherford B. Hayes, put it in 1881:

“I am profoundly convinced that a stubborn maintenance of the system of large Indian reservations must eventually result in the destruction of the red man, however faithfully the Government may attempt to protect their rights . . . What we can and should do is, in general terms, to fit the Indians as much as possible, for the habits of and occupations of civilized life, by work and education; to individualize them in the possession and appreciation of property, by allotting them lands in severalty . . . and to obtain their consent to a disposition of that part of their lands which they cannot use.”

In other words, what Shurz proposed was to make individual Indians landowners while, at the same time, taking away whatever land was “left over” (i.e. in excess) after the distribution. This would serve the purpose of making much more land available for white settlers who could “make better use of it” than the former Indian owners.

However, when the United States Congress passed the Dawes Severalty Act into law in 1887, to do what Shurz and other reformers proposed, the results were devastating. To better understand why the Act did so much damage, one needs to understand first how the ideas of “property” and “ownership” were conceived in traditional Indian cultures. Traditionally, land was held in common by a tribal nation. Agriculture was carried out communally, with everyone

sharing in the harvest. The tribe controlled hunting territories. It was regarded as both honorable and prestigious to share personal wealth rather than amass it in the form of money or material goods. These values, though diminished, still guided many people living on American Indian reservations in 1887. The Native ideas of land use stood in stark contrast to that of white culture, wherein private land ownership was regarded as a mark of civilization. The more property a man owned the better. Reformers also believed that individual ownership of land could only benefit the Indian, making him more civilized and responsible.

While there were many reservations throughout the country, Indian Territory was the largest continuous piece of land still in Native hands. It had been set aside by the Indian Intercourse Act of 1834 as land that would be tribally owned in perpetuity and from which all white settlers were to be excluded. The Indian Removal Act of 1830 had already given the president the authority to remove Indian tribes from their lands east of the Mississippi and the Five Civilized Tribes (Cherokees, Chickasaw, Creeks, Seminoles, and Choctaws) were among the first of dozens of tribes to be relocated there. Originally, Indian Territory had included most of present-day Oklahoma, Kansas and Nebraska, until the Kansas-Nebraska Act of 1854 that created Kansas Territory and Nebraska Territory and resulted in the Sac and Fox exodus to Oklahoma.

Following the Dawes Severalty Act, the boundaries of Indian Territory were further redefined to make space for white settlers within what had been solely Native land. An Act of Congress created Oklahoma Territory from the western half of that formerly Indian land on May 2, 1890. The Dawes Act called for the Indian lands to be divided up in two ways. First of all, Indians would be allotted 160 acres per head of household, with smaller acreages to their dependents. That allotment system was based on the underlying assumption that most Indians would become farmers, making a living from the plots of land that were assigned to them. But there were problems as many Indians did not want to be farmers, and often the plots of land were too small or infertile to support a family. Added to this was the fact that even in the late nineteenth century, large-scale agribusiness was already starting to dominate the farm economy, making it increasingly hard for small farmers to survive. Finally, allottees were no longer entitled to the goods and services promised by treaties. In Oklahoma and other parts of the country, those reservations that had been carved up through allotment officially ceased to exist.

A decade later, in 1898, the Curtis Act further diminished tribal identity by dissolving tribal courts and tribal governments. The Act was also designed to further open tribal lands by selling *excess* Indian lands to white settlers and for railroad easements and right-of-ways. In 1906, the Burke Act further stripped Indian landholdings through a process of forced land patents. The Secretary of Interior calculated that such a restrictive and subjective system would eventually deprive 95% of Indians of their lands by selling them to whites in forfeit of imposed taxes and encumbrances. In relatively short time, through fraud and misappropriation, Indian landholdings plummeted from about 155 million acres in 1887, to 78 million acres by 1900, to less than 48 million acres by 1934 (a 66% loss). By 1934, almost 90,000 American Indians were landless.

# INDIAN LAND FOR SALE

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Location.	Acres.	Average Price per Acre.	Location.	Acres.	Average Price per Acre.
Colorado	5,211.21	\$7.27	Oklahoma	34,664.00	\$19.14
Idaho	17,013.00	24.85	Oregon	1,020.00	15.43
Kansas	1,684.50	33.45	South Dakota	120,445.00	16.53
Montana	11,034.00	9.86	Washington	4,879.00	41.37
Nebraska	5,641.00	36.65	Wisconsin	1,069.00	17.00
North Dakota	22,610.70	9.93	Wyoming	865.00	20.64

**FOR THE YEAR 1911 IT IS ESTIMATED THAT 350,000 ACRES WILL BE OFFERED FOR SALE**

For information as to the character of the land write for booklet, "INDIAN LANDS FOR SALE," to the Superintendent U. S. Indian School at any one of the following places:

<b>CALIFORNIA:</b> Hoopa. <b>COLORADO:</b> Ignacio. <b>IDAHO:</b> Lapwai. <b>KANSAS:</b> Horton. Nadeau.	<b>MINNESOTA:</b> Onigum. <b>MONTANA:</b> Crow Agency. <b>NEBRASKA:</b> Macy. Santee. Winnebago.	<b>NORTH DAKOTA:</b> Fort Totten. Fort Yates. <b>OKLAHOMA:</b> Aandava. Cantonment. Colony. Darlington. Muskogee. Pawnee.	<b>OKLAHOMA—Con.</b> Sac and Fox Agency. Shawnee. Wyandotte. <b>OREGON:</b> Klamath Agency. Pendleton. Roseburg. Siletz.	<b>SOUTH DAKOTA:</b> Cheyenne Agency. Crow Creek. Greenwood. Lower Brule. Pine Ridge. Reserved. Siouxton.	<b>WASHINGTON:</b> Fort Simcoe. Fort Spokane. Tukwa. Tulalip. <b>WISCONSIN:</b> Oscoda.
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**WALTER L. FISHER,**  
Secretary of the Interior.

**ROBERT G. VALENTINE,**  
Commissioner of Indian Affairs.

Indian Land For Sale poster by Commissioner of Indian Affairs (c. 1898)

The Dawes Act, the Burke Act, and the Curtis Acts were finally terminated in 1934, when President Franklin D. Roosevelt enacted the Indian Reorganization Act (also called the “Wheeler-Howard Act”), which allowed Indians the rights to reorganize and form their own governments. However, the Alaska Native Allotment Act continued until it was revoked by the Alaska Native Claims Settlement Act (ANCSA, 1971).

Under pretexts of “civilizing” Indians, encouraging farming, individual ownership, and citizenship, the Dawes Act, the Burke Act, and the Curtis Act, stripped American Indians of much of the lands that had been set aside for them in treaties and destroyed tribal governments by abolishing tribal jurisdiction of Indian land. In fact, the Acts were systematically manipulated by a corrupt and unscrupulous white administration to steal Indian land to sell for profit to individuals and corporations.

The various Acts deprived Indians of more than just land. Along with boarding schools, which were being established during the same period, the legislations deeply threatened American Indian identity and damaged Native communities. A common theme in American Indian literature is the loss of belonging to a place, a geography . . . a home, and the realization that sometimes you can’t go back home. You can see the influence of the Dawes Act particularly in Royal Roger Eubanks’ story “The Middle Man.”

Joseph Bruchac is a writer and storyteller whose work often reflects his Abenaki Indian heritage and his lifelong interest in the cultures, traditions, history, and languages of the Native peoples of the northeast.

John Smelcer is a shareholder of Ahtna, Inc., an Alaska Native Corporation, which was conveyed 1.6 million acres under the Alaska Native Claims Settlement Act of 1971. His family, including himself, has had land allotments from the Bureau of Indian Affairs.