

The Dawes Act (1887)

The relentless advance of settlers into the West created constant tensions with Native Americans and sparked numerous wars during the post-Civil War era. President Rutherford B. Hayes acknowledged in 1877 that most "of our Indian wars have had their origin in broken promises and acts of injustice on our part." As a result of such growing concern, federal policy toward the Indians seemingly grew more benevolent. The Dawes Act of 1887, named after its sponsor, Senator Henry L. Dawes of Massachusetts, was intended to improve the lot of the Indians by providing them with private property and opportunities for citizenship. But most of the land grants were inadequate, and the emphasis on individual land ownership eroded tribal unity.

From United States Statutes at Large, 24:388-391.

An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes.

Be it enacted, that in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized ... to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one-quarter of a section; To each single person over eighteen years of age, one-eighth of a section; To each orphan child under eighteen years of age, one-eighth of a section; and,

To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section

Sec. 5. That upon the approval of the allotments provided for in the act by the Secretary of the Interior, he shall ... declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, . . . and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in discharged of such trust and free of all charge or incumbrance whatsoever....

Sec. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; ... And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property....

Sec. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads, or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation

REVIEW QUESTIONS

1. How might the emphasis on private property in the Dawes Act have conflicted with Native American customs?
2. Why did Congress feel the need to retain title to the land allotments for twenty-five years?
3. To qualify for citizenship under the Dawes Act, Native Americans had to adopt "the habits of civilized life." Assess the meaning and implications of such a standard.