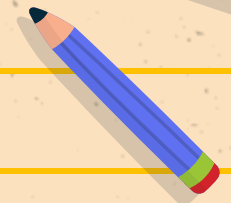
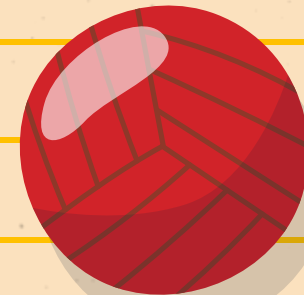
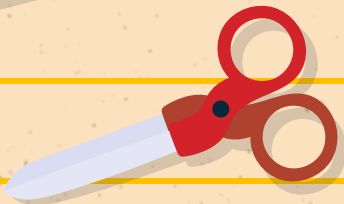
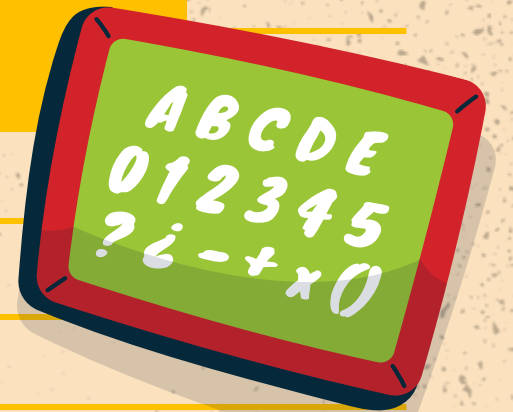
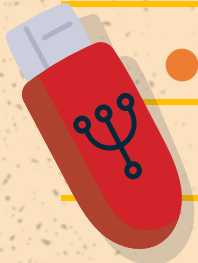


# What do I already know about Native American Law?

INVESTIGATE



**4.5**

# **Assimilation & Indian Laws**



## **As a Young Historian, I will be able to...**

- **Examine the impact of Carlisle Indian School & Native education**
- **Examine the Dawes Act & its impact**
- **Analyze 3 court cases that impacted tribal sovereignty**

# **Situation in Native America**

**Pre-Colonization populations were between 7-18 Million people, by the turn of the century the number was 250,000**

**Poverty, dependency, & forced containment was becoming “a way of life”**

**1871- Congress created a law declaring that the U.S. could not make treaties with tribes, only “agreements”**

**Non-Indians began to question, “how do we civilize the Indians?”**

# Education

**Merril E. Gates** argued that assimilation was the only way to transform the reservation system

**Captain Richard Henry Pratt** declared we should “kill the Indian, but save the man”

Indian prisoners had their hair cut, dress in military garb, & create “Indian Art” for tourists

# Carlisle

**1879- Pratt opened the [Carlisle Indian Industrial School](#) in Carlisle Pennsylvania**

**Native young people had their hair cut & were forced to dress in proper attire**

**Students took classes in European subjects to civilize them**

**Goal was simple, reorient their political identities, rewrite their history, & make them “American”**

# Allotment

Henry L. Dawes created the **General Allotment Act of 1887**, or **The Dawes Act**

**Believed that communal values of tribes were stopping them from being productive & being selfish with the land**

**The goal was to separate the land up & make Indians private property owners**

**Dawes & other advocates for Indian rights believed this would destroy the reservation system**

# Dawes Act

**There were 3 components to the Act**

**1. Define- Take a census of Native American communities**

**2. Divide- Subdivide reservations into family parcels of land for farming**

**3. Divest- Stop funding the reservation so people could become self reliant**



## **Dawes Act Results**

**Any land that was not given to Indians in Indian territory was “surplus,” which could be sold to non-Indians**

**The goal was to provide Indians with citizenship & created a 25-yr trusteeship. Indians were given free patents to land, thus out of trust & could make land taxable**

**Corruption, conspiracy, fraud, theft, & murder were prevalent & Native people lost millions of acres of land**

**Blood Quantum-** The degrees of Indian DNA in a person to make them a percentage of a people

# US. Vs Crow Dog

**Ex Parte Crow Dog-** Who had jurisdiction over murders on a reservation. The tribe or the Feds?

**Bureau of Indian Affairs made decisions about if Native people could access their own money & had their own police force**

**1881- Brule' member Crow Dog killed chief Spotted Tail in a disagreement about accomodation**

**Following Lakota custom, he paid the victims family \$600 in cash, 8 horses, & a blanket**

# **U.S. vs Crow Dog**

**However, he was arrested by the U.S. government & found guilty of murder & sentenced to hang**

**Case went to Supreme Court who said that courts would recognize treaties & sovereignty.**

**However, they would only recognize laws that tribes already had in place**

**Left serious crimes on reservations unaddressed, resulting in inconsistent justice, limited federal protections, & challenges in tribal governance**

# U.S. vs Kagama

**Major Crimes Act of 1885-** Law for when the federal courts could intervene in crimes committed between Indians

**An argument on the Hoopa Valley Reservation in California led to the death of a Klameth man by Kagama & his son**

**Supreme Court found the Crimes Act was constitutional & federal government put him on trial**

# **Outcome of U.S. vs Kagama**

**1. Decided that U.S. would not necessarily allow tribes to deal with local affairs their own way**

**2. Said the federal government could assert jurisdiction for crimes**

**3. Congress could legislate in any way it deemed “beneficial” to tribes**

# **Lone Wolf v. Hitchcock**

**The Kiowa, Comanche, & Apache tribes agreed to relocate to Oklahoma in return for annuities, schools, etc.**

**The tribes moved, but the federal government failed to follow through, making life more challenging**

**1890- Non-Indians came to the region & began to work towards statehood**

**The federal government allotted the land, making 2 million acres “surplus land”**

# **Lone Wolf v. Hitchcock**

**Lone Wolf-** A Kiowa leader challenged the agreement & resisted allotment

**Believed the agreement for allotment was fraudulent & stated that the Treaty of Medicine Lodge had been violated**

**Case made it to Supreme Court where it was decided that tribes were not independent nations, but dependents of the state they resided**

**Congress could act in the best interest of the tribes, without the consent of the people**