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***The Effects of American Federal Government Policies on Native Americans' Land
in the United States, from 1790 till Present Day***

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Civilization and Literature

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Dedication

I dedicate this work to my uncle Elhadi and to all the members of my family.

Acknowledgement

First of all, I thank God the Almighty for His help and guidance. My sincere thanks go to my family and all my friends.

I would like to thank my supervisor Mr. Slimani Said for his help, precious pieces of advice and patience.

Also, I would like to express my gratitude to my dear parents who created for me a healthy atmosphere to accomplish this work.

Last, but not least, I would like to thank the members of the jury who accepted to read and evaluate this work.

Abstract in English

In the 1800s, the United States government began forcing Indians to move West of Mississippi River. Many groups were uprooted and killed. To encourage Indians to move, the U.S government promised them all the West land. The government soon broke its promise. Settlers began moving West and claiming Indian lands. The United States Army built forts on the plains to protect settlers from Indian attacks. By the late 1800s and upon to many treaties and acts ; the American government had ordered all Indians onto areas of land called reservations. Native Americans resisted fiercely. But, in the end they were defeated. Whereas at the turn of the 20th century, many people believed that Native Americans would assimilate into mainstream society and disappear as unique peoples. But native communities in both the United States and Canada survived disastrous assimilation efforts. Instead of disappearing, they revitalized tribal governments, created modern economies, attained legal rights, and revived cultural traditions and ceremonies that had nearly died out. They combined aspects of their traditional cultures with contemporary life without sacrificing the core of their identity. So, what are the cruel means to take over the lands of the Native American tribes? What are the destructive policies of the American government that were adopted against Native Americans? And how Native Americans responded and what are their current claims?

الملخص باللغة العربية

في سنوات 1800 بدأت حكومة الولايات المتحدة بدحض الهنود للتحرك غرب نهر الميسيسيبي وتم اقتلاع وقتل العديد من الجماعات و لتشجيع الهنود للتحرك، وعدتهم الحكومة الأمريكية كل الأراضي الغربية. ولكن سرعان ما أخلفت الحكومة بوعدا بدأ المستوطنون بالتوجه غربا مطالبين بالأراضي الهندية. شيد جيش الولايات المتحدة حصونا على السهول لحمايتهم من الهجمات الهندية. و بحلول أواخر 1800 وبناء على العديد من المعاهدات والقوانين؛ أمرت الحكومة الأمريكية جميع الهنود بالتوجه نحو مناطق تدعى بالمحافظات، قاوم الهنود الحمر بضراوة ولكن في النهاية فشلوا. في مطلع القرن العشرين يعتقد كثير من الناس أن الهنود اندمجوا في التيار الرئيسي للمجتمع الأمريكي و الأوروبي و اندثروا كشعوب فريدة من نوعها. لكن المجتمعات الأصلية في كل من الولايات المتحدة وكندا نجوا من جهود الانحلال الوحشية. بدلا من الاندثار، قاموا بتنشيط حكومات قبلية، أنشؤا اقتصادات حديثة، تحصلوا على الحقوق القانونية، و احيوا التقاليد والطقوس الثقافية التي أوشكت على التلاشي. ربطوا مظاهر ثقافتهم التقليدية مع الحياة المعاصرة دون التضحية بجوهر هويتهم . إذا فما هي الوسائل القاسية التي اتخذتها حكومة الولايات المتحدة للسيطرة على أراضي القبائل الأمريكية الأصلية؟ ما هي سياسات الحكومة الأمريكية التدميرية التي اعتمدها ضد الهنود الحمر؟ وكيف كانت ردة الهنود وما هي مطالبهم الحالية؟

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List of Abbreviations

AC: Articles of Confederation

AIM: American Indian Movement

AIRFA: American Indian Religious Freedom Act

ARPA: Archaeological Resources Protection Act

BIA: Bureau of Indian Affairs

CC : Continental Congress

CIA : Commissioner of Indian Affairs

CRM: Civil Rights Movement

EAP : Employment Assistance Program

EIRP : Extension Indian Reservation Program

FRTEP : Federally Recognized Tribes Extension Program

IAC : Intertribal Agriculture Council

ICRA: Indian Civil Rights Act

IND: Indian New Deal

IRA: Indian Reorganization Act

NAGPRA: Native American Graves Protection and Repatriation Act

NANT: Native Americans of the Northwest Territory

RA: Relocation Act

General Introduction

In this work we wanted to shed the light on one of the most important phases of the American history. Those proud and free American Indians who used to occupy vast territories, suddenly the arrival of the white man has created a big change in their lives. American Indians (the term American Indian or Indian is chosen due to its continued use by Indian organizations and the U.S government); came to be concentrated on reservations is a complicated story that most Americans know only very little about from their courses in American history. The American government policy has great contribution to the changing of Native Americans' culture and life. Besides that, the Indians were also forced off their lands; some of them were even restricted in reservations. As Native Americans had no concept of land "ownership" most believed the "Creator" had provided them with that land for their survival, and in return for this gift they honored and cared too much for it.

The arrival of the Europeans upset the balance of power among North American Indian tribes, both in the Eastern woodland regions and later on the Great Plains and in the deserts of the Southwest. Europeans came to America with a different concept. Land was the source of both livelihood and a source of personal wealth. Private ownership was something foreign to Native Americans. It could be said that the greatest misunderstanding between Europeans and Indians was their differing concepts of land, or land ownership. So, this has led to bloody wars between these two different parts.

Certainly Indian tribes fought over the use of land on which to hunt or fish or even practice agriculture, though the agricultural tribes tended to be less warlike than hunting tribes. But, the idea of "ownership" of land was something they did not understand..

The cultural differences between Indians and Europeans and their American descendants continue to this day. The Indians had become a minority in the country because the federal government had taken advantage by pushing them to live in reservations which did not contain any good condition to survive there because they were mostly dry or rocky areas.

This study had given an understanding of what is the image of colonialism which characterized the American policy. The American government used all the dirty means to realize its objectives. In addition the study had showed how the American government is widely influenced by the values of Europeans such as individualism. All these illustrated the tools followed to take over the lands of Indians.

In this context, the federal government tried to hide its image and attempted always to show that the United States were built upon humanistic principles such as life, liberty, and the pursuit of happiness so as to persuade people to believe that it is the country of human rights and democracy. However history shows how the Indians were destroyed and their cultures were greatly changed. Where is liberty if peoples are forced to assimilate into the American values?

The mutual relationship between American federal government Policies and Native Americans has developed in an environment of changing social and political forces. Hence, this research treats these issues in a historical manner. It begins by the year 1790 till present day in the Americas.

The choice of such a topic to study aims at contributing to make people aware of the Policy of the United States which had changed the Indian quality of life. The study will be based on some historian's ideas such as Anthony Wallace a professor of history and anthropology at the University of Pennsylvania depending on his book "The Long Bitter Trail" (1993) and Peter Iverson's ideas developed in his book "We Are Still Here" (1998).

The whole work will be restricted on the American federal policies during nineteenth and twentieth centuries focusing on the main historical events that related to each era, depending on the essential treaties that had contributed in shaping the Indians' lives.

The first chapter will discuss the main tricks that used in Indians lands subdivision and the effects of the American federal government policies on Native Americans from 1790 to 1934. Whereas, the second chapter will deal with Native Americans response against American government and their claiming for the right to restore their traditional lands from the year 1934 till present day.

CHAPTER I

The Consequences of American Federal Government Policies on Native Americans from 1790 to 1934

Introduction

This opening chapter is devoted to discuss Trade and Intercourse Era (1790-1830) taking into consideration the roles of the “Doctrine of Discovery” and “Manifest Destiny”¹ in shaping federal Indian policy.

After that, the chapter will discuss the policy of Andrew Jackson towards the Indian concentrating mainly on the Indian Removal Act of 1830 during the Removal Era (1830-1850), including the discussion of The Trail of Tears and the role of the United States president Andrew Jackson in this harsh journey pushing the Indians West of the Mississippi River gaining more Indian lands. Then it will discuss the policies of the Bureau of the Indian Affairs (BIA) since its creation in 1824, discussing its early and present missions. Moreover, this chapter will talk about the Indian Reservations that comes as a response to the Indian Removal Act of 1830, in the hope of avoiding clashes over land boundaries between Native Americans and white settlers. In addition, the chapter will deal with The General Allotment Act of 1887. Which divided Native American reservations that were owned communally, into separate plots of land owned by individual tribal members.

At the end, this chapter will discuss the enactment of the Dawes Act of 1887 during the Allotment and Assimilation Era (1887-1934), including its consequences in breaking the Indian views toward lands which enabled the government to cheat the Indian lands.

Trade and Intercourse Era: 1790 to 1830

The Trade and Intercourse Act of 1790 prohibited trading of Indian lands without the participation of the federal government, prohibited non-Indians from entering Indian country without tribal or federal permission. The size of this early act indicated the significance of Native American issues to the new Congress.

1- The role of the Doctrine of Discovery and Manifest Destiny (DDMD) in shaping federal Indian policy is outlined in detail in Robert J. Miller’s publication (2006), *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny*. Many historians view federal Indian policies as belonging to one of seven distinct eras. This discussion borrows from this chronological policy grouping, adding discussion concerning the Indian New Deal Era.

A series of laws called the Trade and Intercourse Acts (TIA) further defined the United States government's relationship with native groups. These acts, passed between 1790 and 1834, established federal control which meant that only Congress, not states or private parties, could negotiate treaties obtain lands, and trade with Native Americans. The government could also require special licenses for traders or passports for citizens entering Native American lands. This system allowed federal officials to monitor individual interaction with the tribes and to reduce the risk of misunderstandings and hostilities.

After the independence of the thirteen colonies on the Atlantic seaboard of North America that became the founding states of the United States in 1776 (They are New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia) ; they joined together as the Continental Congress (CC) on July 4, 1776, to proclaim their independence from Great Britain to become the United States of America, the American government claimed the "Right of Conquest", which announced that the American government and the American citizens in general had the right to go and expand beyond the borders or the frontiers especially expanding westward to control and exploit all lands West of the Mississippi. So, Native Americans were victims of the American policies since they lost great parts of their lands and they were forced to leave their homes.

After the phase of tribal lands elimination, the American government created new means to deal with the division and the distribution of the lands in the new states. To this, the government had passed the "Land Ordinance" in 1785 which announced the way the lands should be distributed. So, the Land Ordinance had divided the lands into small areas and adopted the principle of private ownership of land the idea which had an impact on the Indian tribes since they did not experienced such divisions and the land did not belong to individuals but to the whole tribe.

Kasperek (2004) claims that the "Northwest Ordinance" of 1787 had prescribed the conditions under which territories could be admitted as states. Whenever a territory's population reached 60,000 free inhabitants, it would be eligible for statehood with the same political rights as the original thirteen states. He argued that when statehood was first proposed, Wisconsin's population was small, but by 1845 it had grown to 155,000 far above the 60,000 minimum suggested by the Ordinance of 1787.

One other means adopted by the United States government to take over the Indian lands was the "Ratification of the Articles of Confederation" (RAC) since there were some states under the control of the government. As a result of the ratification, the states were given more freedom and opportunities neglecting of course Native Americans rights.

McKeever(2006 p.15)considered the Articles of Confederation(AC) which were the first constitution of the United States of America and as the soul of the war of independence. But, in the post independence era, he claims that there were developments in the American society where many Americans claimed the Ratification of the Articles of Confederation to function for the benefit of all the citizens. In fact the articles were ratified and began in operation in 1789.

The final Ratification of the Articles of Confederation on March 1, 1781 gave the opportunity for the Americans to acquire the western lands which the Indians had not exploited and the Congress claimed that these lands were available for use by Americans, to this they claimed:

These lands are likely for the benefit of the United States, and be settled and formed into distinct Republican States which shall become members of the Federal Union, and have the same rights of sovereignty, freedom and independence as other states. Hine (1921 p.10).

The Ratification of the Articles of Confederation dealt with the Americans and how to unite them in a federal government. They granted the rights to the states and neglected the rights of Native Americans on the contrary the ratification made them lose their lands.

Wallace (1993 p.30), who is a professor of history and anthropology at the University of Pennsylvania, in his book entitled “The Long Bitter Trail”, demonstrates that after the American Revolution (1775-1783), the Indians were under the pressure of the federal government that wanted to take over the Indian lands in order to pay debts of the War and to move on the economy. Also, he stated that the government had given charters to private land companies to get lands. Between 1786 and 1788, the Iroquois (important confederacy of Native American tribes of the Iroquoian language family and of the Northeast culture area, originally consisted of five tribes—the Mohawk, Onondaga, Oneida, Cayuga and Seneca—in what is now central New York State); they were forced to sell their lands situated in Genesee River to the Holland Land Company.

Miller (2006) believes that the primary goal of early policy based upon the “Doctrine of Discovery”² was to engage in diplomatic relations with Indians while controlling trade and commerce and restricting the sale of tribal lands to the federal government exclusively. Early American presidents, including

2- Rooted in ancient European law, asserted that the first European country to discover new lands was granted single power over all lands explored and all resources found within these lands.

Washington, Jefferson and Madison, held firm in these beliefs, and federal policies enacted during this period reflect this thinking. In agreement with him, Johansen (2005) in his book entitled “The native peoples of North America”, stated that federal Indian policies which enacted between 1790 and 1830 sought to establish peaceful government-to- government relations with sovereign Indian nations.

Venables (2000a) in his book entitled “American Indian History”, claims that “The Doctrine of Discovery” essentially authorized European conquests of lands occupied by Indians. Federal Indian policies were based upon the belief that indigenous people were inherently inferior. In much later writings policy makers referred to this philosophy toward Indians as “Manifest Destiny”³.

Miller (2006) argued that the Trade and Intercourse Act of 1790 initiated this policy era. This act required the federal government to authorize all sales of Indian lands and granted the government managerial power over all trade and commerce involving Indians. Subsequent federal Indian policies during this period illustrate the philosophy underlying the “Doctrine of Discovery”. Increasing numbers of land disputes were heard in the U.S. Supreme Court. The Court determined that the Doctrine of Discovery “...gave the discoverer the exclusive right to extinguish Indian title either by purchase or by conquest” .In this context Indian people were not regarded as landowners, but simply occupants of lands discovered. Once Indian nations relinquished their title to lands through occupancy or use, they granted defensive power to the U.S. government.

(Miller 2006; Venables 2004a) subdivide “Manifest Destiny” into three components. First, It was based on the belief that Euro-Americans possesses certain moral traits and virtues that no other culture possessed .Secondly, It maintained that Euro-Americans must teach others around the world the concept of republican government .Finally the concept of “Manifest Destiny” was firmly rooted in the belief that federal government, and the religion and race of its citizens, were superior to all other, including the indigenous people discovered.

The strict systems of licenses that pushed the Indians to go away and let their lands in the hands of the new Americans. Such systems applied by the American government were not welcomed by the Indian tribes because these systems opposed their principles and their social structure. As a result, they were

3- Historical expansionist doctrine: the doctrine or belief widespread in the 19th century that the United States had the God-given right to expand into and possess the whole of the North American continent.

forced to move to farther reservations leaving room to new waves of European immigrants

According to Wallace(1993 p.26) in his book entitled “The Long Bitter Trail”, views that the Northwest Ordinance was an attempt of the American government to establish a government in the areas of the Ohio River and east of the Mississippi. The American government also had “financial obligations” such as paying the wages of soldiers of the revolution. So, from enacting the Northwest Ordinance, the American government had paid the soldiers with Lands and had also sold lands to other businessmen who were “hungry” of lands.

As a reaction, Native Americans of the Northwest Territory (NANT) claimed their lands taken from them in the post war period by the American government. Joseph Brant who was the Iroquois leader had formed a confederation of the Northwest tribes in order to resist and react against the American government.

Wallace (1993p. 27) Stated that, as a result, the American government used military force against Native Americans. At the beginning of confrontations, exactly in 1790, the Indians succeeded in defeating the American army in the Maumee Valley in Ohio. A year after, an Indian force succeeded in destroying a great part in the American army under the command General Arthur St. Clair in Wabash River in Indiana. As a result of this, the American forces had lost more than six hundred soldiers and more than a thousand soldiers had escaped from the United States Army.

Hine (1921 p.123), claims that, after being defeated in wars and suffered from the effects of the treaties, Native Americans of the west lived under the control and the domination of the American government. The federal government aimed to break the social structure of Native Americans so as they would be easily controlled and dominated. One of the tricks used was the ‘assimilation’⁴ of Indians that is to say, to oblige the Indians to adopt the European or the American values and way of life and abandon their traditional values. By adopting such policies, the government wanted to oblige the Indians to leave their homelands and remove far.

4- The concept of assimilation concerns the policy of the United States issued in the purpose of converting the Native American tribes. This policy aims at the destruction of the social structure of Native Americans who were considered by the American government as dangerous nations and a menace to the development and the advance of the American citizens.

Most of the American historians have the same opinion about the social heterogeneity of Native Americans that had an impact on their losses since they did not unite their effort because of their cultural and linguistic diversity; whereas the British colonies could unite themselves during the revolution.

The American government claimed that this attempt was to civilize Native American tribes. The best evidence could be, some Indians were influenced and they were converted to Christianity and they adopted the American way of life, but these Indians were few. Whereas, the Indians who remained faithful to their traditional values were living in despair losing their properties and they were pushed to reservations. In 1819, Congress established a permanent “civilization fund” to “award, in effect, religious franchises of named Indian tribes to Christian denominations for the purpose of education and conversion to Euro-American ways.”⁵ During this period there was a change in policy from segregating Native Americans to assimilating them into the American mainstream, by using the reservation as a school for civilization and Christianity.

A professor of social work and sociology at the University of Wisconsin-Madison, Gary D. Sandefur states that, toward the end of the nineteenth century, the federal government revised its principal approach to the “Indian problem” to one of forced assimilation rather than forced isolation. This change in policy was in part motivated by awareness that the quality of life on the isolated reservations was very, very low. This assimilation was to be accomplished through allotment policy, and the first allotment legislation (the Dawes Act) was passed in 1887. The basic idea was to divide into smaller parcels (often 160 acres) the small areas of land that were at that time controlled by the various groups of Indians, and to allot one of these parcels to each Indian in the particular tribe. The goal of this policy was to enable Indians to become farmers or ranchers, the major occupations in the areas where Indians were located and full members of American society. A side benefit was that “surplus” land was purchased from Indian groups at low prices and opened up for white settlement. Federal policy after 1865 and the Dawes Act of 1887 [General Allotment Act] made it a national goal. By breaking up the large reservations to create individual allotments, policy makers and the “Friends” of the Indian were sure they were acting in the best interests of the Natives.

5- National Museum of the American Indian Smithsonian Institution, past, present and future: Challenges of the National Museum of the American Indian 33 (2011).

From this point forward, the Federal government progressively adopted policies which were aimed at assimilating Indian people. Assimilation means mainstreaming everyone into the general society, with no particular political rights for Indian people, or unique cultural identity.

One of the forms of assimilation policies was to separate Indian children from their families and send them to boarding schools. Indian children were required to go to those schools, often against their will. At the schools they were regularly punished for speaking their Native languages, or having anything to do with their traditions and Indian culture.

2. Removal Era: 1830 - 1850

Congress passed the “Indian Removal Act” in 1830. The act called for the government to negotiate treaties that would require Native Americans to relocate west. Andrew Jackson (seventh president of the United States of America between 1829 and 1837); immediately set out to enforce the law. He thought his policy was “just and liberal” and would allow Native Americans to keep their way of life. Instead, his policy caused much hardship and forever changed relations between whites and Indians.

In the 1830s, the United States government forced many Native Americans to move to Indian Territory. This territory later became part of the state of Oklahoma. The march to Indian Territory from Georgia to Oklahoma became known as the “Trail of Tears”. Jackson supported Georgia when it wanted Cherokee land. The Cherokees were forced to move from their home in Georgia to Indian Territory (now Oklahoma).

2.1. The Trail of Tears of the 1830’s

As whites invaded their homelands, many Native Americans saw no other choice but to sign treaties exchanging their land for land in the west. Under the treaties, Native Americans would be moved to an area that covered what is now Oklahoma and parts of Kansas and Nebraska. This area came to be called “Indian Territory”(name given to the region of the United States West of the Mississippi River that the federal government set aside in the 19th century for occupation by relocated, so-called civilized Native American tribes. The territory was greatly diminished by the American Civil War (1861-1865).white settlement, and

federal nontribal subdivision. By 1907 the last of the Indian Territory had been incorporated into the Oklahoma Territory).

In 1838, federal soldiers took people from their homes with nothing but the clothes on their backs. Over the fall and winter of 1838–1839, these Cherokees set out on the long journey west. Forced to march in the cold, rain, and snow without adequate clothing, many grew weak and ill. Therefore, a huge number of Cherokees died on the way of cold, hunger, and disease. In 1834 the Indian Territory was created as a permanent homeland for Native Americans who lived east of the Mississippi River. By the end of Jackson’s second administration the army had forcefully moved most of these eastern tribes to their new “home.” The Black Hawk War of 1832 and the Seminole ⁶ War that was renewed in 1835 represented the last efforts of the eastern Native Americans to retain their ancestral lands.

In his book entitled “The native peoples of North America”, Johansen (2005), claims that historical accounts describe the forced relocation of Indians from their homes to relocation camps as upsetting. According to him between 1830 and 1840, approximately 50,000 to 100,000 Indians relocated to lands west of the Mississippi River in a 2,200-mile .Also, he stated that approximately 25 percent of those removed mainly the elderly and children, died from disease, starvation and exposure during the march or shortly after reaching the Oklahoma territory. James E. Officer’s essay, “The American Indian and Federal Policy”(1971.p 10-11-14), stated that the American government recognized the native groups as sovereign and through the use of treaties acquired more and more land to be used free from Indian interference . This policy gave way to a program of removing Indians desiring to “live in a tribal status” from lands East of the Mississippi River to lands West of it.

Following the “American Revolution” in which the American colonies won independence from Great Britain (1775-1783); increases in the emigrant population enlarged the demand for land resources. The federal government recognized the rights of tribes only to use and occupy land. No official recognition of Indian land ownership existed during this period.

Foreman (1989) claims that Indian tribes in the eastern U.S. were pressured to accept the land exchange treaties. Those tribes who did not voluntarily agree were no longer provided physical protection

6- During the 1700s Native Americans, living in the Southeast culture area moved into Florida along with escaped African slaves. Together, they were called the Seminole people.

or funding from the federal government. And after the discovery of Gold in 1849, whites began to move onto Cherokee land. Georgia and other Southern states passed laws that gave them the right to take over Indians lands. When the Cherokee and other tribes protested, Jackson supported the states

2.2. Andrew Jackson's Policy towards the Indians

Andrew Jackson was the seventh president of the United States of America and was president between 1829 and 1837. Historians argued that Andrew Jackson was very hungry of the lands and he managed to acquire great pieces of Indian lands. During his presidency Andrew Jackson had a great impact on the changing life, and culture of Native American people, and through his policy, Native Americans had lost great part of their lands. Even before he became president, Andrew Jackson had issued many policies and tactics to acquire the Indian lands.

Wallace (1993 p.4) described Andrew Jackson as a greedy president who had personal interest in some land of Indians particularly the areas of North Alabama. When he was elected major general of the Tennessee "militia", he dealt with the war of 1812 in which he succeeded in defeating the Indians in Alabama. After that, he succeeded in pushing the Indians west of the Mississippi gaining more Indian lands. As a commissioner, Andrew Jackson succeeded in persuading the Indians by a treaty from 1815 to 1820, to sell great part of their lands to the United States government. The areas sold were fifth of Georgia, half of Mississippi and most areas of Alabama, and Andrew Jackson got profit by acquiring many lands to his own.

The Jackson's policies before he became president shows how the Americans were hungry of Indian lands to make wealth and to prosper and shows also that Andrew Jackson symbolizes one of the most hungry Americans of the Indian lands. In 1829, when Andrew Jackson became President, the U.S. government began the forced removal of tribes located in the eastern states to the West ⁷.

7-Pevar, supra note 2, at 7; Ronald N. Satz, *American Indian Policy in the Jacksonian Era 9–12* (1975); II Robert W. Venables, *American Indian History: Five Centuries of Conflict & Coexistence, Confrontation, Adaptation & Assimilation, 1783–Present 80–81* (2004).

In 1830 Congress passed the Indian Removal Act, giving the President the authority to relocate eastern tribes West of the Mississippi River. Although the United States had entered into treaties with the relocated tribes, it became clear by the 1850s that the western movement of white settlers was causing conflicts with the Indian tribes. Due to the white desire to settle the West, the government violated their treaties and forced both the western tribes and the relocated eastern tribes onto reservations. The federal government created and supervised schools on reservations and placed federal agents on the reservations to monitor tribal activity and promote the “civilization” of the tribal members⁸.

The General Allotment Act authorized the executive branch to divide the reservations into individual parcels assigned to tribal heads of household. A provision within the General Allotment Act allowed the United States to hold the title for these new Indian allotments in trust for twenty-five years after the passage of the Act to avoid the immediate assessment of state property taxes. After this trust period, the Indian head of household could theoretically decide to sell or hold onto their land. In actuality, once the period controlled by the General Allotment Act ended, many impoverished heads of household could not pay the property taxes and lost their land to white settlers and foreclosure. In addition, the government considered all tribal land not allotted to individual Indians as surplus land and placed it in the public domain for sale to non-Indian settlers.

The government had multiple policy goals in passing the General Allotment Act. Some white social reformers wanted to promote allotment to bring Indians out of poverty through assimilation and land ownership. Social reformers hoped that private land ownership would enable the Indians to become farmers, overcome poverty, and better assimilate into American society. However, other policy-makers were more interested in introducing individual Indians to private property because they believed it would be easy to strip land title from people who had little experience with the notion of individual land ownership⁹.

8-See Arrell Morgan Gibson, *The American Indian: Prehistory to the Present* 426–28 (1980); Pevar, *supra* note 2, at 7; Tyler, *supra* note 10, at 72–73.

9- See Cohen’s Handbook, *supra* note 6, § 1.04, at 79; Gibson, *supra* note 38, at 506–07; Tyler, *supra* note 10, at 96.

As a result of these treaties, the Indian tribes were relocated and pushed to the new Indian territories in what is known today Oklahoma and Kansas, and the Indian Removal Act had a great impact in changing and destroying Native Americans values and social structure since they were relocated and pushed into farther areas where tribes could not maintain their way of life.

A speech to support the concept of Indian reservation, neglecting the Indian tribes, Andrew Jackson says: that the Indian Removal Act would

“...separate the Indians from immediate contact with settlements of whites ,enable them to pursue happiness in their own way and under their own rude institutions ,will retard the progress of decay ,which is lessening their numbers, and perhaps caused them gradually , under the protection of the government and through the influences of good advices ,to cast off their savage habits and become an interesting, civilized and Christian community”.

Andrew Jackson had long supported a policy of moving Indians west of the Mississippi. He first dealt with the Southeastern tribes after the War of 1812(conflict between the United States and Britain that began in 1812 and lasted until early 1815) .The federal government ordered Jackson, then acting as Indian treaty commissioner, to make treaties with the Indians of the region. Through these treaties forced on the tribes, the government gained large tracts of land.

Jackson believed that the government had the right to regulate where Indians could live. He viewed them as conquered subjects who lived within the borders of the United States. He thought that Indians had one of two choices. They could adopt white culture and become citizens of the United States. Or they could move into the Western territories. They could not however, have their own governments within the nation’s borders.

In 1828, Andrew Jackson was elected President of the United States on a campaign that promised to support western expansion. His policy supported the idea of “Manifest Destiny”, an idea that America was destined to spread itself from sea to shining sea. Removing Indian tribes from their homelands that were in the way of the westward movement became the center piece of federal Indian policy. This process was accelerated with the passage of the Indian Removal Act of 1830, which provided funds for President Jackson to conduct land-exchange (‘removal’) treaties. Altogether many Indian peoples from various tribes including the Chickasaw, Choctaw, Creek, Seminole, and Cherokee were removed from the southeast, The Cherokee story is perhaps the best example. The Cherokees used every means to resist removal. But in May of 1838, the U.S. army began rounding up Cherokee people and took them on a long journey where thousands of them died because most of them were old people and children.

The Cherokee people were taken away from their homeland, everything they knew, all their traditions, the stories about the spirits in the rivers, the graves of their ancestors, and these were very important to the Cherokees. Indian people had a whole different concept about moving than the Europeans who came. Europeans thought it was reasonable to move from place to place, Indian people did not want to move from their homelands. For the Cherokees going west was the direction of death and the darkening land. To the Cherokees it wasn't the walk that was so destructive, because they had been to Indian Territory before, they had traveled everywhere. The devastation was the fact they were leaving everything that was dear to them.

2.3 The Bureau of Indian Affairs (1824)

When the United States of America became an independent country, it adopted European policies dealing with Native American affairs. But, as time passed, the United States had changed its policies towards Native American peoples because of the changes that were occurring in the country.

In 1824, the United States had created the Bureau of Indian Affairs. The latter had been created by the secretary of war named John C. Calhoun. The Bureau was created in order to deal with Native American affairs; its concern was the cooperation with the United States Army in the purpose of enforcing the federal policies. By the creation of the Bureau of Indian Affairs, the federal government claimed that it recognized the existence of the Native Americans; thus Native Americans had a self governing body and were sovereign nations. The federal government had claimed the recognition of these nations as independent communities with their cultural diversity and their identities.

But in the 1830s, the policies of the federal government had changed dramatically towards the relations with the Native American tribes. The American government under the presidency of Andrew Jackson viewed those Native American tribes as the main obstacles that faced the American conquest or expansion. The federal government enacted the Indian Removal Act which aimed at removing Native American tribes from their home lands pushing them to the farther areas. As a result many Native tribes were relocated to the West of the Mississippi River.

In the mid 1840s, the problem complicated when the American Congress had changed the direction of the Bureau of Indian Affairs (BIA) that means deviating the mission of this office from the Department of the War to the Department of Interior which was a new department. The federal government had created the system of reservations. They enacted treaties with Native American tribes in order to force them to settle in the reservations but giving the tribes the chance to live with their traditional way of life. However

the Bureau of Indian Affairs could not function because of the “Civil War” (that is sometimes called the War between the Northern and the Southern states of America which lasted from more than four years from 1861 to 1865). Many tribes were forced by the government to participate in the war, and when the war ended, the bureau followed a new policy. The policy followed by the federal government aimed at the destruction of the tribal governments in order to assimilate Native American peoples and forcing them to adopt the American values.

Pritzker (2000), in his book entitled “A Native American Encyclopedia”, claims that the BIA was created to discourage the development of alliances between Indians and British forces in preparation for the Revolutionary War. In its early years, the duties of this office were primarily to negotiate treaties between the federal government and Indian tribes.

The BIA early mission was to assimilate Native Americans into white American culture. However, by the 1930s it had succeeded only in greatly disordering Native American life. Its present mission from the U.S. Congress is to provide technical assistance to tribal governments, as well as to aid them in obtaining maximum benefits from Native American resources.

2.4. Bureau of Indian Affairs Current programs

Programs of the Bureau of Indian Affairs had changed; they fall into the general categories of education, technical assistance, economic development, and trust protection. It builds, maintains, and staffs schools on large reservations where public schools are inaccessible. It also sponsors vocational training and employment programs for adults on reservations and in urban areas. To tribal governments the bureau offers technical advice and service on administrative procedures, construction, and economic development projects. It maintains a loan fund to assist individual and tribal businesses. Therefore, this agency generally is responsible for administering federal policy for Native Americans. It shares some responsibilities for example, in education and housing with other federal agencies. So, it was created to administer funds for the “civilization” of Indians.

In 2006, the BIA reported 562 federally recognized Indian tribes which include 337 Indian tribes and 225 Alaskan native village corporations (U.S. Bureau of Indian Affairs, 2008). However, several other Indian tribes that are not recognized by the federal government are recognized by the state in which they reside. Today, the BIA is a federal agency within the U.S. Department of the Interior. It administers and manages 55.7 million acres of lands held in trust by the U.S. government for Indians. It currently provides

education services to approximately 48,000 Indian students. Responsibilities assigned to BIA include agriculture programs, protecting land and water rights, and promoting economic development. (U.S. Bureau of Indian Affairs, 2007).

3. Reservation Era: 1850 - 1887

As the population of European origin in the United States began to course West of the Mississippi in the late 1800s, there was increasing pressure on the recently removed groups such as the Cherokee to give up some of their new land, and on the groups indigenous to the west, such as the Sioux (a group of Native North American peoples who lived throughout the Great Plains, and now live mainly in North and South Dakota); to give up large amounts of land traditionally under their control. Some of this further exclusion was accomplished in a relatively peaceful manner through treaties, and some was accomplished through violent military confrontation.

Indian reservations were pieces of lands that were set aside by the federal government for the use of the tribe and its members. The land is owned by the federal government, and the tribe has the rights to use, possess, and occupy that land. The federal government has a responsibility to protect the reservations, but it can also terminate and remove the reservation from the tribe at any time.

At first, the reservations were somehow large. Native American tribes were free to live as they wished. They were given the opportunity to live with their culture practicing their customs and rituals hoping to avoid clashes over land boundaries between Native Americans and white settlers.

However, by the growing desire of the American government to expand beyond the boundaries Native American reservations were reduced and became smaller and in many cases Native Americans were usually dry and unsteady areas that the American government thought they had any fertility and they would not serve in agriculture.

During the second half of the nineteenth century, The Americans were in need of the new territories because of the growing population, and thus the American government could not satisfy the needs of all its population.

Native Americans who lived in the western territories before the American expansion had their own way of life which was based on hunting. When those Indians met the American comers, they tried to push

them away from their hunting territories. But as time passed, they recognized that this idea was impossible to realize. So, they signed many treaties with the federal government. The treaties signed forced the Indians to abandon large pieces of their own lands to the American farmers.

O'Callaghan (1990p.66) stated that "The Fort Laramie Treaty" of 1868 was a sample of the treaties signed between the United States and the Indian tribes. In this treaty, the federal government argued that the lands situated in the Mississippi River and the Rocky Mountains belonged to the Sioux Indians since the latter had been forced to give up a big area in South Dakota by a treaty signed it years before. The federal government had promised the Sioux Indians that the lands remained for them. However, in 1874, the Americans discovered Gold in the area, and they had ignored the treaty signed. They forced the Sioux to sell the lands.

The Sioux had faced another problem which provoked them a difficult life in that area. This problem was that the animals that the Sioux hunted, and provided them food and clothes had disappeared. The main cause of the disappearing of these animals like the Buffalo was that the Americans were killing them in great quantities. As a result, the Sioux were obliged to search for new territories, such thing was impossible because of the growing desire of the Americans to expand and acquire lands.

As time passed, more and more Americans settled in the western territories, and many other treaties were signed with the Indians. All the treaties had injured the Indians, as happened to the Sioux, and they were pushed to leave in reservations which did not contain any good situation to survive there because most of them were waterless or rocky parts.

As the reservations did not contain good living circumstances, the Indians were suffering. Many tribes disappeared. Great numbers were killed in the confrontations with American soldiers, others were died because of the diseases that emerged in the reservations, and others died because of the lack of food, clothes and coverings. All these facts happened to the Indian peoples despite the fact that the American government had promised them by materials to build houses took to cultivate, and work in the land.

The California Gold Rush and the settlement of fertile farmland during the 1840s and 1850s led to increased demands for lands in the western U.S. to be opened for settlement. The Indian Removal Act (1830) led to the Reservation Era which emphasized the idea that the creation of Indian reservations would resolve increasing land disputes between Indians and settlers.

Venables (2004b) stated that, in an effort to further resolve increased conflicts in western territories, President Ulysses S. Grant initiated what became known as the Peace Policy. (Venables, 2004b; Prucha, 1984), agree that “The Peace Policy” required religious leaders, “Quakers” in particular (who also are known as the Society of Friends, believe every person carries an ability to communicate directly with God. They saw no need for formal church services); to oversee an Indian agency on each reservation and to teach the Indian people Christian religion and customs. According to him the underlying goal of the “Peace Policy” was to “civilize” Indians and prepare them for U.S. citizenship.

4. Allotment and Assimilation Era 1887-1934

Understanding the effects of the General Allotment Act (1887) on Indian land requires recognition that the federal government has enacted several land grant policies in the mid-1800’s in order to motivate economic development and settlement of the western U.S through land grants to emigrants and thus grow the nation’s economy. For American Indians that federal land grant policy was the General Allotment Act. Such act would influence Indian land tenure for generations.

4.1. The Dawes Act of 1887

The Dawes Act or General Allotment Act came in 1887. It was proposed by a senator of Massachusetts Henry L. Dawes. The aim from this act was to break out the traditional Indian ownership of land, changing it to private ownership so as the government could buy and sell the lands after dividing them into small areas. These tricks as a result pushed and excluded Indians from their home lands.

D. S. Otis (1973.p 6-7) in “The Dawes Act and the Allotment of Indian Lands” stated that the Dawes Act was devastating to native communities and he identified four major provisions for this legislation. First, all reservation land would be allotted to members of tribes according to the following method: 160 acres to heads of families, 80 acres to single individuals over eighteen, 80 acres to orphaned children under eighteen and 40 acres to single individuals under eighteen Otis (1973.p6). The second provision stated that allotments would be held in trust by the federal government for twenty- five years Otis (1973.p7). Thirdly, reservation communities had four years to allot the land, otherwise selections would be made for them by officers of the federal government Otis (1973.p7). The final provision stated that American citizenship would be conferred upon allottees and other Indians who had adopted “the habits of civilized life” which was simply characterized as an “independent farmer”. At the end he points out to

purposes of the provisions, one is the destruction of the reservations, thus increasing the availability of land, the other purpose is to bring security and civilization to Indians Otis (1973.p32).Whereas Washburn(1971.p151), views that due to this subdivision each generation's holdings became smaller and smaller and less useful for farming and grazing which promoted the sale or lease of land.

From the point of view of Commissioner of Indian Affairs, Thomas J.Morgan in 1890, he believes that this policy sought to “break up reservations, destroy tribal relations, settle Indians upon their own homesteads, incorporate them into the national life, and deal with them not as nations or tribes or bands, but as individual citizens” (Nebraska Studies, 2007).

According to O'Brien (no page), the passing of the General Allotment Act in 1887 was the best example that shapes the federal government policy toward the Native American tribes through the allotments, the BIA was directed to break the cultural Native American ownership of land. That is to say, the bureau was charged to divide the lands into allotments distributing them to individuals so as the United States would gain and take over more of Native American lands.

The General Allotment Act was promoted as a solution to widespread poverty on Indian reservations. Land grants to emigrants were key to national economic development strategies. This act supported the belief that individual land ownership would motivate Indians to become more self-sufficient within their reservation boundaries. Self-sufficiency implied that individuals and families would produce their own food and perhaps even generate the income necessary to improve quality of life.

Miller (2006) emphasized that the pressure to open reservation lands to non-Indian settlement was one of the motivating forces behind the Allotment and Assimilation Era of federal Indian policy which takes its name from the goals of the General Allotment Act of 1887. This legislation represented a dramatic change in federal Indian policy in that it removed the rights of Indian people to live upon reservation lands communally.

Prucha (1984) highlights the ultimate effect of the General Allotment Act in his book entitled “The great father” that this effect was a dramatic decrease in Indian land holdings, in this sense he stated that in 1881 Indians held nearly 156 million acres but by 1900, they held half , only 78 million with 5.4 million of those acres allotted.

According to (Indian Land Tenure Foundation, 2006) others claim that of the 138 million acres owned by Indians at the beginning of the allotment period, only one third or 48 million acres remained by the end of the period.

Pritzker (2000) outlines the aim of the General Allotment Act 1887 by saying that this act authorized the federal government to allocate to individual Indians reservation land parcels. This policy sought to more fully assimilate Indians into Euro-American culture by requiring individuals and families to farm their allotments. Indians who farmed land allotments were to be granted U.S. citizenship.

Supporters of this act thought the act would “civilize” Native Americans by making them ranchers and farmers and inspire individualism. But the results were disastrous. Allotting land to individuals who could sell it, the Dawes Act of 1887 effectively continued the process of taking away Native American land by making and remaining reservation lands available to white settlement and corporate development.

In agreement with the supporters Johnson (1998p.127) by his role, agree that the Non-Native Americans who had come to America from Europe brought with them the concept of individualism which announces the right to private ownership of lands. Another important aspect is that the Non- Native Americans embodied a Christian belief that gave them the right to control and dominate nature.

McChesney (1992) stated that the General Allotment Act was intended by Indian rights activists to reduce poverty, unfortunately it worsened quality of life on Indian reservations. Some critics of the legislation argued that the parcels were either too small or unsuitable for agriculture where the lands were not ideal for farming, however, and by 1800s most Indians had little agricultural experience. Many sold their land to non-Indians for money to live on, and more Indian lands were lost.

Iverson (1998.p 30-31) in his book entitled “We Are Still Here” stated that, the Dawes Act did not have the same effect on all Indian tribes. The most affected tribes were the Five Tribes of the Indian Territory including the Cherokees, Chickasaws, Choctaws, Geeks and Seminoles, and the five civilized “Tribes” which were called so because many of their members were well educated, and because they had rapidly adopted many elements of European life. They occupied rich agricultural land that was very attractive to potential settlers. They converted to Christianity and they also had the homes like the European ones. The Five Tribes were excluded because these tribes were seen as the more developed and advanced ones and thus could be considered as obstacles. “The Five Civilized Tribes” also had been mistreated

because the representatives had demonstrated in Washington refusing the division and all kinds of allotments, and refusing the individual or private ownership of lands. They argued:

The change to individual title would throw the whole of our domain in a few years into the hands of a few persons.... a large portion of our country, and at least two thirds of the Indian Territory, are only suitable for grazing purposes. No man can afford to live by stock raising and herding who is restricted to 160 or ever 320 acres, especially lands away from water.

Thornton (1987) in his book entitled “American Indian holocaust and survival” demonstrates that in the 1820s the Five Civilized Indian Nations became the center of land controversies. The Cherokee adopted a constitution that claimed they had complete rule over their own territory in the state of Georgia. Lawmakers in Georgia then tried to make it illegal for an Indian to bring legal action against a white man. Meanwhile, the Seminole in Florida were in land disputes with settlers while the Creek were fighting the U.S. Army in Alabama and Georgia. The Chickasaw and Choctaw were embroiled in land disputes with settlers in Mississippi.

Conclusion

As discussed, it could be said that the Indians had important cultural and social values and a distinct way of life, this way of life was different from the European one. The Indians were living in tribes and they had many languages. The tribes were divided linguistically which made the Indian society heterogeneous. In spite of this heterogeneity, all the Indians share a common belief toward the notion of land and nature in general.

However the Indian cultures and life style changed with the arrival of the European colonists; and the Indians suffered more and more since the Europeans had established themselves in America owing to the federal government destruction of Indians tribal relations to pave the way for eliminating them from their original lands, pushing them away to live in a restricted reservations that were usually dry and rocky areas which did not contain good living conditions which the American government thought they had not any fertility and they would not serve in agriculture. The Indians were obliged to abandon large pieces of their own lands to the American farmers. Sometimes through treaties and in other cases through battles.

CHAPTER II

**Native Americans reaction against American Government
and their claiming for the right to restore their lands from
the year 1934 till present day**

Introduction

Over the past eight decades, the American federal government generally shifted its earlier policies that were against Native Americans to a new policies that support their concerns, establishing by that a modern era, a number of laws protect Native Americans cultures and attempt to correct some of the damages from the past. for the time being, many tribal governments have started to adopt a variety of decisions, hoping to improve their situations owing to their cultural and public awarness in an attempt to address their claims on their reservations.

This chapter aims at identifying the recent American federal policies that reflect shifting sociopolitical views of policy makers and the self-determination efforts of Indians and how Native Americans responded when the the United States government promised them all the land west of the Mississippi River and how was their reaction when the government soon broke its promise and how the Indians became able to administer their own lands, set up businesses, and engage in other tribal development projects.

According to Venables (2004b), when the U.S. government slowly abandoned its assimilation policies as a result to its failure, it started to grant universal citizenship to Native Americans in 1924. It also instituted dramatic political reforms in the 1930s under BIA; these reforms included several landmark policies, especially the Indian Reorganization Act (IRA) of 1934. This act attempted to reverse the destructive effects of assimilation by providing greater control to Native Americans over the political economic, and social policies that affected their lives.

1. Indian New Deal Era: 1934 – 1945

In fact, Franklin Delano Roosevelt (1882-1945), thirty second president of the United States during the period 1933-1945, has promised a “New Deal”for the American people. In its general sense, the term “New Deal”came to describe Roosevelt’s domestic policies, under which the government became much more directly involved in national social and economic affairs than ever before. Actually, this name given to the peacetime domestic program of United States, especially to the innovative measures taken between 1933 and 1938 in order to confront the effects of the Great Depression(a global depression or a great decline in the world economy resulting in mass unemployment and widespread poverty that lasted from 1929 until 1939). Therefore, Roosevelt is known for his steps that immediately faced the depression and stimulated the United Stated economy.

In 1928 there was a report issued called the “Merriam Report” which went into great detail as to what was going on in Indian country, and since they were in a state of despair; they were living in extreme poverty and had very little access to education, social services, and health care, as a result the Report described the deplorable living conditions on the reservations and was critical of dividing up land boarding school policies, and health systems for Indians. The Report was so enlightening that eventually Congress was willing to go forward and pass an education reform act, an act that covered a wide variety of areas affecting Indian tribes and their members.

In 1928, the Brookings Institute published the famous Merriam Report, which detailed the failure of the allotment period and publicized the poverty, illness, hunger, and lack of education experienced by the American Indian population¹⁰.

Johansen (2005), considered Miriam Report that was known for its director Lewis Merriam as a study on the condition of Indians and administration of federal Indian policy, the study described living conditions on reservations as deplorable. Infant mortality rates on reservations were three times that of Euro-Americans, with large numbers dying from measles and tuberculosis. The average life span of Indians during this time was 44 years. The Merriam Report also determined that Indians had been cheated of their land rights through the General Allotment Act. It criticized Indian boarding schools and health programs and alleged that government agents had wrongfully appropriated federal funds targeted for Indians.

Schneider (1986.p92), gave a shortened version of the Merriam Report as it has been said ,stating its main points ; in 1928, the Merriam Report was issued and revealed the inadequacy of federal Indian policy citing “poverty, poor education, poor health and numerous other problems” Dr. C. Hart Merriam said :

“My dear Sir: ...It is now fifty five years since I listened in Idaho to complaints of Shoshone and Bannok Indians against their treatment by the government. And during the past forty years, in the course of fieldwork among the Indians of Nevada and California, I have been in personal contact with the poverty misery, and absolute hopelessness of members of some 150 tribes in these states. The progressive saisie of their lands and homes, the cutting off of their normal food supplies, the distances they have been driven from sources of employment, the lack of medical care for the sick and aged, the lack of proper treatment, have left a large proportion of the survivors in a pitifully helpless condition ...”

10- Lewis Merriam, Institute for Government Research, The Problem of Indian Administration (F. W. Powell ed., 1928), available at <http://www.narf.org/nill/resources/meriam.htm> (documenting the deplorable conditions on Indian reservations since the passage and implementation of the General Allotment Act); see also Pevar, supra note 2, at 9. 55 Indian Reorganization Act.

1.2. Indian Reorganization Act of 1934

Under the presidency of Franklin Roosevelt and his New Deal platform, Indian policy was influenced by the Merriam Report and took a dramatic change. In 1934, Congress passed the Indian Reorganization Act (IRA). The IRA is also known as the Indian New Deal because it was enacted in order to reform what was going on with Indian tribes and individual Indians.

Rusco (2000), in his book entitled “A fateful time” considered the Indian Reorganization Act (IRA) as one of the most important pieces of the American legislation that the United States government enacted in 1934, he explained the adoption of the IRA by saying that the IRA was voluntary ; which means that it was of a free will and each reservation had 18 months to vote on whether or not to adopt the IRA. Tribes that did not adopt the IRA maintained their own tribal governments and constitutions. However if adopted, in this case the IRA imposed a model of tribal governance based on a corporate structure that differed from many of the traditional tribal democratic systems.

He also claims that the (IRA) allowed Indian tribes to organize tribal governments. He outlines several purposes of the legislation ;first authorized tribes to create and adopt a tribal government constitution ;the other goal is to restore the authority to the tribal governments to conduct government-to-government negotiations with local state and federal governments , he also stated that the IRA was intended to slow the loss of Indian lands due to the allotment process. He added that this act sought to decrease poverty on reservation lands by granting loans to Indians. This Act was enacted to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Partially in response to the Merriam Report, Congress passed the IRA of 1934, which reestablished the legitimacy of tribal governments and stopped the allotment of existing tribal land. Congress authorized the Department of the Interior to create new reservations for tribes that had lost all of their land, add land to reservations that white ownership had not destroyed completely, and restore tribal ownership to any extra land that was not sold to white settlers.¹¹

11- Cohen's Handbook, supra note 6, § 1.05, at 84; Pevar, supra note 2, at 10; Venables, supra note 35, at 298–99.

Although the IRA of 1934 acknowledged sovereign governmental powers for Indian tribes and empowered tribes to establish governmental units with the authority to govern within reservation boundaries, they could not arrive at the improvement and the situation of the other American citizens especially in the sectors of education, health, and work.

In the same context, O'Callaghan (1990.p 69) in his book entitled "An Illustrated History of the USA" emphasized that the Indians could not arrive at the level of the other American citizens in the 1980s; in the contrary they were suffering from the lack of good conditions. He estimated that the unemployment rate among the Indians had touched thirty nine percent. The wages of the Indians were not sufficient to cover the needs of the Indian families especially healthcare; there were many diseases such as pneumonia and diabetes which the Indians had not the opportunity to cure them. As a result, these diseases had killed so many Indians and the number of the dead was the double comparing to the other Americans.

Rusco (2000) Congress ultimately stopped the allotment process by enacting the Indian Reorganization Act in 1934. John Collier, Commissioner of Indian Affairs (CIA) during the 1930s acknowledged that ending the allotment process was critical to preserving what remained of Indian lands.

Philp (1977) stated that Collier referred to the IRA as the Indian New Deal (IND), because instead of "civilizing" and "assimilating" the Indians to fit into white culture, the legislation explicitly recognized Indian tribes as independent, sovereign nations. He shares the same view as Rusaco (2000) who claims that his policy restored to Indian tribes the authority to manage their reservation holdings communally.

The passage of the Indian Reorganization Act in 1934 ended the allotment system, and Native Americans were encouraged to organize governments and to adopt constitutions, and by laws they were authorized to set up business corporations for economic development, and a credit program was established to back tribal and individual enterprises.

In agreement with Venables (2004b), who stated that IRA also provided federal assistance to reacquire previously allotted lands and improve quality of life on Indian reservations through economic development planning. The legislation called for the establishment of a credit system, home rule rights, the right to form businesses and provision to improve access to vocational and higher education.

In the late 1940s, the BIA had come back to the policy of assimilation of the Native American tribes. In 1948, a commission gave a report to congress by which they stated that the assimilation of the Native American people into in the American society must be set again. Through the revival of the policy

of assimilation, the United States government aimed at dominating the Native American tribes and getting control over the tribal governments; such thing that was impossible for the Indian tribes to accept since it was totally apposing their culture. This pushed one Cherokee chief named Ruth Muskrat Bronson to say in 1957, opposing the idea of assimilation:

“ ... More than one theorist has stated that “the solution to the Indian problem” is the absorption of the Indian into the culture, race, and society of the European-oriented American way. Shouldn’t the Indian have something to say about this? Should the Indian be forced to give up his beliefs, his way of conducting his affaires...? His kind of life on the land he is part of if chooses not to?” Iverson (1998p.103)

Of course the Indians were seeing the assimilation to the American “mainstream” as strange idea because their cultures and way of life was totally the opposite. According to O’Brien, the BIA had issued several bureaucratic reforms. These reforms aimed to quicken and making easier the assimilation of the Native American peoples into the “mainstream”. Congress had also given up the responsibility over more than one hundred tribes. This attempt had ended the government protection for these communities.

In an attempt to highlight one of the main objectives of IRA that was stopping allotment, Frederick (1948,p155) stated that the policymakers who crafted the IRA were extremely aware of the destructive consequences of allotment. They understood that the previous generation of Indian Office and congressional leaders had been motivated to accelerate the division of tribal lands and the removal of the restrictions of the Dawes Act that had originally placed on the sale and lease of individual allotments¹².

In accordance with what has been disscussed, we can outline the fundamental goals of this legislation in order to define its core intent. First, the IRA was intended to end allotment because the American government program was devoted to individualize and privatize American Indian lands.

In short, the IRA was intended to initiate a new era in which the United States would support Indian people and tribal communities as continuing and dynamic members of a modern American nation. The IRA prohibits future allotments, and the sale of Indian lands, enables Indians voluntarily to return their individual landholdings to the protection of tribal status.

¹²-Quoted in Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984), 155.

2. Termination Era: 1945 – 1965

In accordance with what has been discussed above, in 1934 Congress passed the IRA, which granted Native Americans the right to elect tribal councils to govern reservations. However, in 1953 the federal government changed its position and adopted a “termination” policy. Congress passed a resolution to end its responsibility for Native American tribes. This resolution granted Native Americans citizenship, stopped the reservation system, and distributed tribal lands among individual Native Americans.

According to (Philp, 1999) John Collier left office in 1946, and his philosophy towards federal Indian policy was replaced by a post- World War II (1939-1945) reformist philosophy. Reformists sought to “liberate” Indians from their status. However, others viewed tribal governments as a link to communism because they supported the concept of socialist democracies, featuring communal land ownership and cooperative association such thing could form an obstacle to their economic and personal success. He also depicted the Cold War (nonviolent relations between the former Soviet Union and the United States, and their respective allies, from around 1946 to 1989); which firmly took hold during this period, as a threat to Americans. For him, many federal policy makers believed that all Americans had to stand together which meant all Americans should be treated roughly the same, and that Indians should be integrated into the broader national society.

(Peroff, 2006; Philp, 1999) highlighted four major goals for the Termination Act (TA): repeal the unfair laws that granted a privileged status to Indians than other Americans; break up the BIA and transfer its duties to tribes or local and state governments; stop federal supervision of individual Indians; and end federal trust responsibilities to Indian tribes.

In the 1950s, the(BIA) started a program to relocate Native Americans from reservations to urban areas. Known as the Employment Assistance Program (EAP) or the Voluntary Relocation Program (VRP), it offered one-way bus tickets and temporary housing to Native Americans who agreed to move to cities, during these years the proportion of the American Indian population living on reservations has declined from over 50 percent to approximately 25 percent in 1980. This decline has been due to the migration of American Indians away from these impoverished, isolated areas. In 1980, 336,384 American Indians lived on reservations. Although some of these reservations are quite small, 250,379 Indians lived on 36 reservations with populations of 2,000 or more. Threequarters of these Indians lived on the 18

reservations that had poverty rates of 40 percent or higher. In other words, approximately 14 percent of all American Indians in 1980 lived on large reservations with poverty rates of 40 percent or higher¹³.

(Philp, 1985), points out that during the termination period, another policy emerged to accelerate assimilation and absorption of individual Indians into white culture which is The "Relocation Act" of 1956 that provided economic motivations to Indians living on reservations to relocate to urban areas to seek employment. This policy allocated funds to the BIA to create a Voluntary Relocation Program, which relocated more than 31,000 Indians from reservations to urban areas. By 1960, 30 percent of Indians nationwide were relocated from reservations to cities such as Los Angeles, Dallas, Denver and Salt Lake City.

He stated that proponents of termination thought voluntary relocation would better improve the lives of Indians living on remote reservations with little to no access to employment or education. Other policy analysts, however, viewed termination and the relocation efforts that followed as a throwback to 19th century removal policies that only accelerated the dissolution of tribal governments and additional loss of Indian reservation lands.

Retired U.S. Senator Ben Nighthorse Campbell, of 44 chiefs of the Northern Cheyenne Indian tribe, notes that in the 1950s the Termination and Relocation Acts dissolved dozens of tribal governments and moved many tribal members to urban areas for job training. Many could not find jobs, however, and they were abandoned in cities away from their relatives. As a result, some U.S. cities still have large Indian populations.

Here is the briefest summary of another important piece of the government's termination policy was public law 280, passed in 1953. this bill, passed without the consent of the tribes, transferred almost all civil and criminal jurisdiction over reservation lands in California, Minnesota, Nebraska, Oregon, and Wisconsin from the federal government to the states. during the 1950s, the BIA also helped to establish a relocation program, which attempted to integrate native americans more fully by moving many from their rural reservations to large urban areas.

¹³-This and other information on the American Indian population in 1980 are based on computations with published data from the 1980 Census. These published data appear in the volumes titled General Social and Economic Characteristics and Detailed Characteristics and American Indians, Eskimos, and Aleuts on Identified Reservations and in the Historic Areas of Oklahoma.

3. Self-Determination Era: 1965 - Present day

The right of self-determination was and still very important to Native Americans, because it is essential to the preservation and well-being of indigenous cultures and societies and is necessary for the enjoyment of their human rights.

Castile (1998) views that Self-Determination policy era changed to a certain extent in response to the termination era and to some degree due to a larger national social movement such as American Indian Movement (AIM) that emerged during the 1960s. Cultural and social awareness, featuring thirty fifth president of the U.S, President Kennedy¹⁴'s "war on poverty" and a growing Civil Rights Movement, provided an atmosphere in which Indians demanded more contribution to national policies that affected them.

Beginning in the 1950s, large numbers of Native Americans moved into the cities, partly to find work and partly because government programs encouraged action. In 1968 Native Americans in Minneapolis, Minnesota, founded the American Indian Movement (AIM), opening a new period of activism and pride.

American Indian Movement is the American Indian civil rights organization, that founded in Minneapolis, Minnesota in 1968 under the leadership of Dennis Banks, Clyde Bellecourt, Eddie Benton Banai, and George Mitchell. Later, Russell Means ; who became a prominent spokesman for the group. Its goals eventually encompassed the entire spectrum of Indian demands—economic independence, revitalization of traditional culture, protection of legal rights, and, most especially, autonomy over tribal areas and the restoration of lands that they believed had been illegally seized.

AIM was involved in many highly publicized protests. It was one of the Indian groups involved in the occupation (1969–71) of Alcatraz Island, the march 1972 on Washington, D.C, to protest violation of treaties (in which AIM members occupied the office of the Bureau of Indian Affairs), the national leadership disbanded in 1978, although local groups continued to function. From 1981 an AIM group occupied part of the Black Hills (South Dakota) to press its demands for return of the area to Indian jurisdiction ¹⁵.

14- John F. Kennedy (1917-1963), thirty fifth president of the United States during the period (1961-1963)

15-American Indian Movement." Encyclopædia Britannica. 2008. Encyclopædia Britannica Online. 10 Mar. 2008 <<http://search.eb.com/eb/article-9006120>>.

Ward Churchill outlines the main goals of this movement in a few words that included in the following statements of Dennis Banks, One of the main AIM leaders, who became well-known spokesman for Native American rights.who stated that : “Only by reestablishing our rights as sovereign nations, including our right to control our own territories and resources, and our right to genuine self-governance,” he added , “can we hope to successfully address the conditions currently experienced by our people.”

Therefore, American Indian Movement (AIM), is an organization that devoted to promoting cultural awareness and political self-determination for Native Americans of North America. AIM seeks recognition of treaty rights in accordance with agreements between Native American tribes and the United States government. The organization also supports Native American education and cultural programs. AIM is best known for its confrontational political demonstrations during the late 1960s and 1970s.

In the same context, Venables (2004b) views that in 1968, the Indian Civil Rights Act (ICRA) was passed to require tribal governments to respect basic rights of Indians as well as non-Indians. Such rights included, for example, freedom of speech, and freedom to practice religion. Clarkin (2001), by his role claims that this organized activist efforts(Civil Rights Movement) demonstrated that Indians had become increasingly effective in attracting national attention to their policy goals and demanded more control over the federal policy-making process.

To give back lands for their rightful owners O’Callaghan (1990 p.70) in his book entitled “An Illustrated History of the US” gave an example for the Sioux who demanded the federal government to restore their lands which were the Black Hills. The government however did not accept the idea; they just attempted to give them 122.5 million dollars the thing that the Sioux did not accept because they had not the culture of buying and selling the land.

Brinkley (2003.p1-3) in his article entitled“American Indians” wrote “government has cheated them out of billions”, he stated that despite the fact that the Indians did not succeed in restoring their lands, they continued in claiming and demanding them. In the late twentieth century, they attempted to count their loss, and private records in the field of oil extraction and mineral mining had discovered that the American government had stolen billions of dollars that were earned on tribal lands dating from 1887. This pushed more than three thousand of Indians in the sixth of June 1996 to give records to a federal judge. The records showed that the federal government had stolen to the Indians more than 137 billion dollars over the last century. But despite all the records, the Indians could not succeed to return their money in spite of their

insistence; they claimed “this is our money that the government took, and they have to give it back”. The federal government argued that the money was the revenues of the taxes.

In 1975, the federal government enacted the Indian Self-Determination and Education Assistance Act. This legislation essentially authorized tribal governments to supervise their own social service programs.

Another outcome of the Self –Determination program is Self-Governance, whereby tribes assume even greater control over a larger range of programs, with minimal federal supervision. Congress created the Self-Governance program under Title II of the Indian Self-Determination and Education Assistance Act Amendments of 1994.¹⁶

On his first presidential visit to Standing Rock Reservation, Obama attempted to find solutions to the pressing problems that confront Native youth, emphasizing on education, economic development, and health. recognizing that tribes must be part of the solution in Indian country meant that federal policy shifted to come itself into correct position more closely with tribal goals.

Obama said “ ...Let’s put our minds together to improve our schools because our children deserve a world- class education, too, that prepares them for college and careers. And that means returning control of Indian education to tribal nations with additional resources and support so that you can direct your children’s education and reform schools here in Indian Country. And even as they prepare for a global economy, we want children, like these wonderful young children here, learning about their language and learning about their culture, just like the boys and girls do at Lakota Language Nest here at Standing Rock. We want to make sure that continues and we build on that success...’’¹⁷

16- Pub. L. No. 103-413, 108 Stat. 4250 (codified at 25 U.S.C. § 458aa-gg). The amendments made permanent what had been a pilot “Tribal Self-Governance” program. See 25 C.F.R. § 1000.4 (2004). 1082.

17-Barack Obama, President of the U.S., Remarks by the President at the Cannon Ball Flag Day Celebration (June 13, 2014), <http://www.whitehouse.gov/the-press-office/2014/06/13/remarks-president-cannon-ball-flag-day-celebrati>

Today, federal and state partners are making improvements in a number of areas, including education, but absent a significant increase in financial and political investment, the path forward is uncertain. Despite advances in tribal self-determination, the opportunity gaps remain startling: more than one in three American Indian and Alaska Native children live in poverty¹⁸ and the American Indian/Alaskan Native high school graduation rate is 67 percent¹⁹.

Another policy effort to promote the individual rights of Indians is the “American Indian Religious Freedom Act” of 1978. (Prucha, 2000; Venables, 2004b) agree that this legislation protects and preserves the right of Indians to practice traditional religions which includes access to sacred sites, the right to possess sacred objects and the right to worship through the use of traditional rites and ceremonies.

(Prucha, 2000; Venables, 2007).pointed out that expanding on the concept of religious freedom, the “Archaeological Resources Protection Act” of 1979 requires that tribal governments grant permission for archaeological excavations on reservation lands. Similarly, the “Native American Graves Protection and Repatriation Act” (1990) reinforces the recognition of Indian religious freedom by protecting Indian graves on federal lands. This legislation called for the return to tribal governments any religious artifacts, including skeletons and burial objects, found on federal or tribal lands or in the possession of federally funded institutions.

On January 24, 1983, President Ronald Reagan²⁰ issued an American Indian policy statement which reaffirmed the government-to-government relationship of Indian tribes with the United States expressed the primary role of tribal governments in reservation affairs; and called for special efforts to develop reservation economies.

18-Data from the 2008-2012 Amer. Community Survey 5-year estimates, U.S. Census Bureau, U.S. Dep’t of Commerce (Dec. 17, 2013) [hereinafter 2008-2012 ACS].

19- Indian Students in Public Schools- Cultivating the Next Generation: Hearing on Indian Education Before the S. Comm. on Indian Affairs, 113th Cong. (2014) (testimony of William Mendoza, Exec. Dir., White House Initiative on Am. Indian and Alaska Native Educ.).

20- Ronald Reagan (1911-2004), fortieth president of the United States during the period (1981-1989), who implemented policies that reversed trends toward greater government involvement in economic and social regulation.

The President's policy expanded and developed the 1970 national Indian policy of self-determination for Indian tribes. President Reagan said it was the goal of his administration to turn the ideals of the self-determination policy into reality.

4. Indians Current Claims

Despite all massacres, the death and the diseases wave, the Sioux and other Native Americans survived. The survived Indians in the twentieth century had protested and claimed for their rights which had been broken by the federal government, they claimed especially for their lands that were taken over by the United States. By the mid-1960s Civil Rights Movement, prompted federal legislation to fight poverty and to promote equal rights, highlighted the needs of minority groups in the United States. Moreover, the protests in the 1960s showed how both nonviolent and violent public marches and demonstrations could focus attention on problems in American society.

In recent years, service programs (welfare reform, child care, and social support) and environmental programs have been increasingly devolved from the federal government to state, local, and tribal governments in a shift in responsibility intended to make government more responsive to local needs.

According to (Indian Country Extension, 2007) in 2005, Extension Indian Reservation Program EIRP changed its name to Federally Recognized Tribes Extension Program (FRTEP). The name change eliminated confusion between FRTEP and the 1994 Tribal College and University programs. Using FRTEP funding, Extension educators conduct outreach programs on reservations across the U.S. These Cooperative Extension programs are designed to fit reservation culture and lifestyle, tribal governance structure and community needs. The program has been successful because it seeks to build awareness and appreciation for social, economic and political environments on reservations. However, the program suffers from limited funding.

Talking about the relations with State and local governments, time and again the U.S. Supreme Court and the U.S. Congress have reiterated the status of tribal governments as sovereign nations, something that was first established in the U.S. Constitution. As a result, Indian nations determine their own form of government, their own membership, their own tax structure and their own education and infrastructure

systems. In short, they govern themselves and manage their own services, while the United States acts as a trustee on their behalf.

According to the recent census in the United States, about 2.5 million people now call themselves Native Americans today most of them live in cities. Their life is similar to that of other American citizens. Other Native Americans in the United States live on some 275 reservations.

Across North America, Native American groups have tried to maintain some of their traditions. They practice traditional art forms, attend traditional religious ceremonies, and speak their native languages. In this way, Native American groups keep their distinct cultures alive.

In the present time, Indians can and do live anywhere in the United States that they wish. Many leave their home reservations for educational and employment purposes. Over half of the total U.S. Indian and Alaska Native population now live away from reservations. Most return home often to participate in family and tribal life and sometimes to retire, they are free to move about like all other Americans. Contrary to popular belief, Indians are not required to acquire passports to leave or enter reservations.

The government also took a “paternalistic” view that Indians were not competent to handle their affairs, so the U.S. accepted a “trust responsibility” to provide for them. The trust includes protecting tribal lands and guaranteeing the rights of tribes to use and govern the lands, as well as ensuring that tribes have food, medicine and access to education. Today, many of these responsibilities fall on the BIA and the Indian Health Service.

Conclusion

To conclude, the policy of the United States government had wronged them and changed the life and the cultures of the Indian peoples. Whereas, over the past eight decades the American federal government reestablished itself through enacting new acts and treaties in an attempt to reverse the destructive effects of its past against Native Americans. Today, under the policy of Self-Determination Indians have considerable power to govern themselves and their lands. Starting from the year 1924, the United States granted citizenship to American Indians. In 1934, the IRA or the “New Deal” for Indians reversed the Dawes Acts; restored many tribal lands and allowed tribal governments more control over their assets. Moving to the 1950s, the Termination and Relocation Acts dissolved dozens of tribal governments and moved many tribal members to urban areas for job training. Many could not find jobs. But they were stranded in cities away from their relatives. As a result, some U.S. cities still have large Indian

populations. In the 1970s, after many failed policies, the American government championed “self-determination,” providing Indian governments more control over their affairs.

General Conclusion

This study provided a brief overview of the American federal government policies starting from the year 1790 till present day. The roles of the “Doctrine of Discovery” and “Manifest Destiny” were considered in the context of shifting sociopolitical views that helped to shape Native Americans lives over time.

This work restricted on the the main historical events that associated to each period depending on the main treaties that had contributed in shaping the Indians lives. These policies had greatly affected Indian culture and the tribal natural resource base and quality of life. The United States had contributed to the victimization of Native American peoples. The latter had become a minority in the country. Why they became a minority? Because the federal government had cheated their lands and pushed them to live in reservations where there is a lack of the necessary conditions of life.

The study had helped to have a look at the image of colonialism which characterized the American policy. It shows the pragmatism of the American government, which used all the dirty means to achieve its objectives. As it is mentioned in the first chapter, the Americans tried to break out the Indian cultures in order to pave the way to get their lands. Another example is the use of the system of licenses and the adoption of the system of selling and buying the lands. All these did not exist in the Indian society. So the policy of assimilation is just to get profit in acquiring the lands not as the federal government claimed that it was to civilize the Indians.

In addition, the study had showed how the American government and the Americans in general are widely influenced by the values of Europeans such as individualism. All these illustrated the policies followed to take over the lands of Indians. As a result of all this, people who are aware of the American policy will recognize that the real image of the Indians was falsified.

In this context, the federal government tried to hide its image and tried always to show that the United States were built upon humanistic principles such as life, liberty, and the pursuit of happiness so as to persuade people to believe that it is the country of human rights and democracy. However, history shows how the Indians were destroyed and their cultures were greatly changed.

Nowadays the Indians who remained are just a minority in the United States. Some of them had assimilated but some others refused. The Indians who refused are still practicing their ceremonies and speaking their native languages. Despite the fact that the Indians are just a minority and in spite of the fact that they are living in reservations, they argued “we are still here”, indeed they have been mistreated for centuries and they are a minority, but they are still fighting for their rights over their ancestral lands.

In sum, for most of the nineteenth century the policy of the U.S. government was to isolate and concentrate Indians in places with few natural resources, far from contact with the developing U.S. economy and society. However, by the year 1934 the American federal government adopted new policies to extend to Indians the right to form business and other organizations; to improve the situation of the other American citizens, especially in the sectors of education, health, and work. Indians prompted by the Civil Rights movement and Indian activism nationwide, American federal policy shifted again. Policies enacted since the 1970s have largely supported efforts of tribal governments to stimulate economic growth on reservations to strengthen public services for Indian individuals and protect religious and cultural traditions.

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