Introduction
An understanding of current American Indian issues requires a basic familiarity with federal Indian policy. This fact sheet provides a brief overview of these policies spanning two centuries. The policies are presented as policy “eras” in chronological order.

Trade and Intercourse Era: 1790 to 1830
The Trade and Intercourse Act of 1790 initiated this policy era. This law required the federal government to authorize all sales of Indian lands and granted the government managerial power over all trade and commerce involving Indians (Johansen, 2005). Based upon the Doctrine of Discovery, the primary goal of early federal Indian policy was to engage in diplomatic relations with Indians while controlling trade and commerce and restricting the sale of tribal land sales to the federal government exclusively. In this context, Indian peoples 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 pre-emptive power to the U.S. government. Between 1774 and 1855, this sociopolitical paradigm fueled expansion from America’s original 13 colonies to eventually extend to the Pacific Northwest. The expedition of explorers Lewis and Clark, in the early 1800s, culminated the advance of the American empire from the Atlantic to the Pacific Oceans (Johansen, 2005).

The Doctrine of Discovery, rooted in ancient European law, rationalized that the first European country to discover new lands was granted sole power over all lands explored and all resources found within these lands (Miller, 2006). In later policies, legislators referred to this philosophy towards indigenous Americans as Manifest Destiny (Venables, 2004a).

Removal Era: 1830 to 1850
Following the American Revolution, increases in the emigrant population increased the demand for land resources. Treaties forged during this period recognized only limited tribal sovereignty. The federal government recognized the rights of tribes only to use and occupy land. Increasing land disputes between Indians and settlers resulted in the Indian Removal Act. The Indian Removal Act provided President Jackson with federal funds necessary to set aside lands west of the Mississippi River in exchange for Indian occupied lands in the eastern U.S. (Thornton, 1987). President Andrew Jackson conceived of and promoted the concept of an Indian reservation as an area of land reserved or set aside for Indian use but which remained under federal trust. Federal policymakers who supported Jefferson viewed Indian removal as
necessary to resolve land disputes, accommodate national development and continue expansion (Blackhawk, 2006).

Indian tribes in the eastern U.S. were pressured to sign the land exchange treaties. Those tribes who did not voluntarily sign were no longer provided physical protection or funding by the federal government. Between 1830 and 1840, approximately 50,000 to 100,000 American Indians relocated to lands west of the Mississippi River in a more than 2,000-mile long journey known as the Trail of Tears. Approximately 25 to 30 percent of those removed died during the march or shortly after reaching the Oklahoma territory from disease, starvation and exposure (Johansen, 2005).

Many Indians died along the Trail of Tears.

Reservation Era: 1850 to 1887
While the Indian Removal Act of 1830 introduced the concept of the Indian Reservation as a solution to land disputes involving American Indians in the eastern U.S., the California Gold Rush and the settlement of fertile farmland in the Oregon Territory during the 1840s and 1850s led to increased demands for lands in the western U.S. to be opened for settlement. Increased American expansion into lands west of the Mississippi River precipitated the Indian Appropriations Act. The Indian Appropriations Act of 1851 authorized the U.S. government to set aside additional lands for Indian reservations in Oklahoma and farther west in order to reduce the growing number of conflicts between settlers and Indians.

In an effort to resolve increased conflicts in western territories, President Grant initiated what became known as the Peace Policy (Venables, 2004a). These reservations were designed to restrict Indian tribe movement and hunting activities, by military force if needed, to specific and often remote areas of the western U.S.

The Peace Policy required religious leaders, Quakers in particular, to oversee an Indian agency on each reservation and to teach the Indian people Christian religion and customs. An underlying goal of the Peace Policy was to “civilize” Indians and prepare them for US citizenship (Prucha, 1984). Although many Indian tribes in the West ignored federal orders to occupy reservation lands, the U.S. Army effectively restricted their movement. This military initiative resulted in several deadly Indian wars. By the late 1870s, President Hayes began to phase out the Peace Policy so that by 1882, all religious affiliations on reservations were required to transfer their authority directly to federal Indian agencies.

Allotment-Assimilation Era: 1887 to 1934
The pressure to open additional 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. The General Allotment Act authorized the federal government to allocate to individual Indians reservation land parcels typically ranging in size from 40 to 160 acres. This policy sought to more fully assimilate Indians into non-Indian culture by requiring individuals and families to farm their allotments. The policy stipulated a 25-year waiting period, or one generation, that prohibited allottees from alienating or transferring the title to their allotted land. Indians who received land allotments were
also granted U.S. citizenship (Pritzker, 2000).

Indian New Deal Era: 1934 to 1945

The Miriam Report (1928) indicated that quality of life on Indian reservations was deplorable. Infant mortality rates were three times that of Euro-Americans while large numbers were dying from measles and tuberculosis. Boarding school students were allocated 11 cents per day for food rations and provided unsanitary conditions. The average life span of Indians at this time was 44 years (Johansen, 2005). The Miriam Report determined also that American Indians had been deprived of their land rights through the General Allotment Act.

Congress deliberated these results and ultimately terminated the allotment process by enacting the Indian Reorganization Act in 1934, also referred to as the Indian New Deal, because instead of “assimilating” Indians to fit into white culture, the legislation explicitly recognized Indian tribes as sovereign nations. The Indian Reorganization Act allowed Indian tribes to organize tribal governments. This policy significantly slowed the loss of Indian reservation lands (Rusco, 2000). It restored to Indian tribes the authority to manage their reservation holdings communally. It also provided for federal assistance to reacquire previously allotted lands and to 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 (Venables, 2004b).

Termination Era: 1945 to 1965

Following World War II, federal Indian policy was influenced heavily by “reformists” who viewed the federal trust relationship with tribes as the key obstacle to their economic and personal success. In 1946, Congress passed the Termination Act to terminate the federal trust relationship with American Indian tribes and reverse the goals of tribal sovereignty established by the Indian Reorganization Act (Philp, 1999). The goals of the Termination Act were to: 1) repeal discriminatory laws that granted Indians different status from other Americans; 2) disband Bureau of Indian Affairs (BIA) and transfer its duties to tribes or local and state government; 3) end federal supervision of individual Indians; and, 4) end federal trust responsibilities for Indian tribes.

During the Termination Era, another policy goal emerged to accelerate assimilation and absorption of individual Indians into white culture. The Relocation Act, enacted in 1956, provided economic incentives to encourage American Indians living on reservations to relocate to urban areas and seek employment. This policy allocated funds to BIA to facilitate a Voluntary Relocation Program, which assisted more than 31,000 Indians to relocate from reservations to urban areas (Philp, 1985). By 1960, 30 percent of American Indians nationwide were relocated from Indian reservations to cities, such as Los Angeles, Dallas, Denver and Salt Lake City. Proponents of termination thought voluntary relocation would better the lives of American Indians living on remote reservations, with little to no access to employment or education.

Self-Determination Era: 1965 to Present Day

The Self-Determination policy era evolved partly in response to the Termination era.
and partly out of a larger national social movement that emerged during the 1960s. A heightened social awareness, featuring President Kennedy’s “war on poverty” and a growing national Civil Rights movement prompted a major shift in Indian policy. Subsequently, in 1975, the federal government enacted the Indian Self-Determination and Education Assistance Act. This legislation, which featured two provisions, was designed to empower and authorize tribal governments to manage their social programs.

Pursuing additional legislation to fuel self-determination via economic development, the U.S. Supreme Court determined in 1987 that federally recognized tribes, as sovereign political entities, were allowed to conduct tax exempt gaming facilities free of state regulatory controls. In 1988, the Indian Gaming Regulatory Act was enacted to establish terms for how tribal gaming operations were to operate. The legislation enables Indian tribes to utilize gaming revenue to: “provide for the general welfare of the Indian tribe and its members; to promote tribal economic development; to donate to charitable organizations; or help fund tribal agency operations” (National Indian Gaming Commission, 2007).

Revenue from Indian gaming has increased steadily since 1988. Recent revenue statistics reported 387 tribal gaming operations nationwide operated by approximately 220 federally recognized tribes generating billions of dollars of revenues annually. The most lucrative Indian casinos tend to be located near or in large metropolitan areas, however, rather than rural, remote areas. Indian gaming has enabled tribes, well situated geographically, to improve their overall quality of life through significant improvements in public services and infrastructure on Indian land. Indian gaming has also elicited controversy. The availability of gambling on reservations has led to addiction behavior in addition to related criminal activities on and off reservations (National Indian Gaming Commission, 2007). Communities located near Indian casinos have expressed the desire to have more input in decisions to locate off-reservation gaming facilities. These issues, in addition to constant growth in gaming revenues, have attracted the attention of state and federal courts and policymakers.

Conclusions
American Indian issues have evolved over time and have been influenced greatly by 200-plus years of federal Indian policy. Although the current self-determination era has encouraged development of policies that are more sensitive to Indian independence and self-governance, many socio-economic issues on Indian lands, resulting from earlier policies, continue to adversely affect Indian quality of life.

References


