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Title

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Permalink

<https://escholarship.org/uc/item/95t7c9zw>

Journal

American Indian Culture and Research Journal , 20(2)

ISSN

0161-6463

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Publication Date

1996-03-01

DOI

10.17953

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The Dawes Act, or Indian General Allotment Act of 1887: The Continuing Burden of Allotment. A Selective Annotated Bibliography

MICHAEL R. MCLAUGHLIN

PREFACE

Compilations of information such as bibliographies and legislative histories on major pieces of legislation in American history are plentiful. Some legislation such as the Tax Reform Act of 1986 have legislative histories that fill many shelves of law libraries. However, with the possible exception of the Indian Claims Commission Act, this is not so in the area of federal government/American Indian relations, hereinafter referred to as "federal Indian law." My efforts to locate any compiled information on the Indian General Allotment or Dawes Act in the offices of Indian interest groups and government repositories in Washington, D.C., at regional offices of the National Archives, and at law schools revealed that none existed. However, such compilations are at the heart of court decisions, legislation, and government and business practices throughout the modern world; without possession of them, groups are liable to be greatly hindered in their ability to meet new social, economic, and political chal-

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lenges. Because American society is increasingly technology driven, the old adage "knowledge is power" takes on increasing significance. Those without the information contained in such compilations are without the power to operate as equals among those who have knowledge and know how to use it. Relegated to secondary status, those without power receive only what the knowledgeable choose to provide or disclose.

In the area of federal Indian law this is especially true: Lack of knowledge about how to use existing information (in this instance, primary government documentation and related information) has relegated native peoples to a second-class status in the American political arena. The absence of such knowledge historically has resulted in native peoples' settling for what is mandated by the federal government and rarely initiating actions until their "backs are against the wall." In the political maelstrom that governs federal Indian law, lack of knowledge about the rules, how to apply them, and how to use them to advantage guarantees second class status (or worse).

The inconsistent and fragmentary history of native peoples dealing as equals with the federal government and other organizations may be due in part to their inability to understand and apply the "rules" that such relationships require and their resulting ignorance as to how to use the rules to advantage. The references in this bibliography point to the rules (i.e., *U.S. Code*, *U.S. Statutes-at-Large*, and court decisions) that continue to govern many Indian lands and the activities on those lands. The thinking behind the rules is revealed in congressional documents and court opinions, and is the subject of monographs, essays, and articles. Alternative perspectives about the rules are the subject of other congressional documents, dissenting or concurring court opinions, monographs, essays, and articles. I believe that compilations such as this one for the Dawes Act may contribute to the process of native peoples' creation, possession, and utilization of information tools; and that these tools may assist in the process of learning to know, understand, and use the rules to stand "as equals" among mainstream organizations and governments of all levels, that native peoples may learn not only to better survive but to use information tools to thrive as native peoples actively engaged in realistic goals of self-determination.

In contemporary federal Indian law issues, the federal courts are the most active bodies extending the legacy of allotment. In making their decisions regarding congressional intent, the

courts look first to the language of the laws and then to the documents of the accompanying legislative histories. Absent the documentation of native peoples' perspectives, the courts must rely on the records available, i.e., primarily the records of those whose concern was establishing federal control over native peoples and whose goals (especially in the case of the Dawes Act) included the elimination of tribes and all that they represented, and the eradication of native peoples' attempts to retain their "Indian-ness."

My goal in compiling the bibliography was to produce a guide to the documentation of the historical evolution of the Dawes Act and its consequences. I also wanted to formulate the type of information tool that can be used to develop applied, relevant Native American legal history to the contemporary issues that confront native peoples.

The previous absence of compiled information on the act has afforded me the freedom (or the burden, perhaps) to entitle and organize the work from my librarian's view of it as a guide to materials that contain information on this subject. I do so with the full knowledge that some relevant materials may not have been included; that my emphasis on some materials and not others may be viewed as questionable by those more knowledgeable on this topic; and that, depending on the research interest, some items may have little or no relevance. This work is not offered as the definitive bibliography on the Dawes Act or on allotment, but as a starting point for more detailed investigation of the allotment of Indian lands and related topics.

To the beginning researcher of federal Indian law I make the following suggestions: Keep in mind, when you research a law such as the Dawes Act, that the official documentation dates from the late nineteenth century to the early twentieth century. Access to documents originating in that era poses special problems that may be ameliorated to some degree by considering the following pointers as appropriate to particular research needs:

1. Almost any topic in the area of federal Indian law is a specialized area of research in which many competent librarians, academics, and legal professionals have limited or no experience. Obtain as much factual information about your topic as possible before you approach one of these professionals for assistance; this will greatly assist him/her in guiding you to relevant sources.

2. The choice of terminology and the spellings of Indian names, especially tribal names, are notoriously inconsistent. Especially with older laws and documentation, consider using all the possible name variations from the government's perspective at the time of enactment or publication, in addition to contemporary or local usage.
3. Obtain a general knowledge of federal Indian law. For example, William Canby's *American Indian Law in a Nutshell* presents a short, concise, chronological overview of major legislation in federal Indian law.
4. If you have no experience in legal research, publications such as *Fundamentals of Legal Research* by J. Myron Jacobstein et al. can guide you through the basic processes and sources. Also, if law review articles of court decisions are part of the research, use a guide to legal terminology such as Black's *Legal Dictionary* to clarify some of the "legalese" encountered.
5. If you have no experience in using government publications, refer to books such as Joe Morehead's and Mary Fetzer's *Introduction to United States Government Information Sources* for an overview of the historical development and government information, along with names and descriptions of general and specialized print and nonprint sources, past and present. Also, older publications such as Laurence F. Schmeckebier's *Government Publications and Their Use* (1936) generally include more detailed descriptions of government publications of the Dawes era.

A general caveat about early government publications is that they are notoriously inconsistent, illogical, and incorrect (typos and mislabeling) in terminology, spelling, and organization, and often appear to have gaps in information. Nor do they often relate to each other clearly.

Since 1895, all federal government publications and the indexes to them (except those categorized under "National Security") are mandated by law to be available to the general public at depository libraries, generally large public and college and university libraries. The indexes to these publications vary greatly in their titles, physical appearance, organizational style, depth, and quality, and are usually entirely separate volumes, often with no physical similarities to each other or to the publications

whose contents they “organize.” In libraries, these indexes frequently are classified and located separately from the publications they index, as is the case of the primary indexes to the congressional documents of that era in the *U.S. Serial Set*, the *Comprehensive Index to the Publications of United States Government, 1881–1893* (see bibliography item 77), and the *Checklist of U.S. Public Documents 1789–1909* (78), which is technically the successor publication to the former, but both must be consulted, because their content overlaps inconsistently. The only possible exception to this inconsistency is the *Congressional Record*, the index to which logically is entitled the *Index to the Congressional Record* and which is classified and located adjacent to the *Congressional Record*.

In all of these publications, searching for entries for the Dawes Act requires looking under all possibly relevant headings (the following are not exhaustive): “Indian General Allotment Act,” “General Allotment Act,” “Committee on Indian Affairs,” “Indian,” “Allotment,” “Land” or “Severalty,” or by the tribal name or the names of individuals. Similarly, publications by departments of the Bureau of Indian Affairs may be located under the bureau’s prior names: the War Department, the Indian Office, or the Indian Bureau. Regardless of the notoriety of these early publications, much of the material being sought usually is there; it simply may be labeled or categorized under various terms or government departments, by the various methods found in these publications. Also, prior to 1895, publications such as Senate or House committee reports and documents were published at the discretion of the committee or body. This often has resulted in the loss of important decision-making records that subsequent research might have found particularly valuable.

6. Be aware that all legal publications (and indexes to them) undergo continuous updating as laws change. Provisions of laws may be added, deleted, or modified. If you are researching the current status of a topic, be sure that the data in the sources used are consistent with current law. This does not mean that older editions are irrelevant; on the contrary, the older editions may contain the exact information necessary to trace the complete historical evolution of an act or to identify the specific provisions in effect at a particular time (e.g., the year an allotment was sold).

These pointers apply to all the above sources whether in traditional print form or in microform; online database sources are useful primarily to obtain current law (or supplementary materials such as law review articles), but current law should be verified by print sources.

* * *

Allotment, widely believed to be dead, remains instead an obstacle to the sovereignty of Indian tribes. The policy's continued vitality in the court may no longer catch us off guard—we may now be well informed and well warned—but the damage caused by the legacy continues.

—Judith V. Royster, *The Legacy of Allotment*,
27 Arizona State Law Journal 77 (Spring 1995).

INTRODUCTION

In a recent discussion about federal Indian law with a native graduate student, I mentioned the Dawes Act, and she said, “. . . but that act is over a hundred years old! . . . What does it have to do with anything today?” Contrary to such assumptions—which unfortunately are typical among native peoples in relation to the laws that provide the foundation for many aspects of their lives as Indians in the United States—laws that undermine self-determination, such as the Dawes Act, continue to have effect.

The passage of the Indian General Allotment Act of 1887, also known as the Dawes Act, was the culmination of two decades of struggle between Congress and influential social reformers to develop a new national policy to deal with Native American peoples. Congress sought to obtain land for white settlement, to reduce the costs of treaty obligations to tribes, and to reconcile the sentiment of influential social reformers who wanted native peoples to be included in American society. There is no record of native peoples participating in the formulation of the act.

Senator Henry L. Dawes introduced the act in the Forty-ninth Congress, first session, as Senate Bill 54. The act's statutes assigned plots of land to individual Indians with the intention of transforming them into farmers and integrating them into mainstream American life. Its codification established (and sometimes disestablished) the physical boundaries to which individuals and tribes were confined. This often resulted in the fragmentation and erosion of native social, cultural, and tribal identity.

The consequences of the act were contrary to the designer's intent; it weakened rather than strengthened native peoples' ability to adapt to mainstream American culture. The statutes sought to sever the individual's traditional ties to tribal authority and made the people wards of the federal government. Additionally, the act's provision for the allotment of a set amount of land to each individual stipulated that vast tracts of "surplus lands" be opened up to white settlement. Indian land holdings dropped from 147,000,000 acres in 1887 to 55,000,000 acres by 1934. These outcomes created a legacy of complex legal issues with which native and nonnative peoples, public and private enterprises, and federal and state governments continue to struggle.

From the late 1700s onward, the federal government included allotment of Indian lands in treaties with specific tribes and continued to enact separate allotment acts for tribes and individuals between 1887 and 1934. Although it is risky to generalize, it is accurate to characterize the Dawes Act as the centerpiece of allotment policy with respect to both prior and subsequent allotment legislation. For example, for the Nebraska Winnebago, Dawes's provisions superseded but incorporated some aspects of the provisions of an 1859 treaty and 1863 and 1864 allotment acts specific to the Winnebago. However, acts in 1888 and 1925 also specific to the Winnebago modified some of Dawes's provisions. To obtain the complete information on allotment provisions for a particular tribe or person (those omitted for various reasons from prior allotments added by subsequent congressional acts), one must examine both the Dawes Act and any other relevant acts. The *U.S. Statutes-at-Large* and the indexes to them, and then the *U.S. Code* are the most logical places to start. Additionally, court decisions and laws continue to be made that expand the Dawes provisions into contemporary issues; these will eventually appear in the *U.S. Code* and will be the subject of monographs and law review articles, but they will be found first in the *Statutes-at-Large*.

The Indian Reorganization Act of 1934 ("the Indian New Deal") stopped allotment practices and repudiated Dawes's philosophy but did not repeal the Dawes Act. Its various provisions remain in effect even though the act's underlying philosophy and practices have been condemned since its inception by natives and nonnatives, including government officials, Supreme Court justices, friends of native peoples, and tribal leaders. Various provisions of the Dawes Act continue to be cited as the law in court cases and proposed legislation regarding Indian lands and all activities

thereon impacting, to various degrees, most native peoples. The legacy of allotment includes cases in state and federal courts with topics as disparate as fractionated land, resource management, child custody, environmental protection, taxation, religious practices, telecommunications, custody of remains, and economic development.

To date, the Indian Land Consolidation Act of 1983 is the only enacted legislation that directly attempts to resolve one consequence of the Dawes Act's legacy—fractionated land (land interests that are divided among heirs of original allottees in fractions of parcels). However, problems in its implementation are still being addressed in Congress (see bibliography items 24 and 25).

The primary significance of this 1887 legislation is its continuing impact on all persons—native and nonnative, individuals and corporations, tribal nations, state and federal governments—on Indian controlled lands, and on all activities on those lands. The end result for native peoples is the burden of attempting to meet the cultural, social, economic, and political challenges of the twenty-first century in a land-based legal structure founded on the paternalistic philosophy and legal practices of nineteenth-century America.

It should be noted that native people's perspectives are absent for most of the history of this act. This is not surprising given (1) the assimilation policies of late nineteenth-century America, which made decisions for its native wards without their consultation or consent, and (2) the disruption of native peoples' traditional oral means of discussing, recording, and communicating information during this era. However, recent publications such as *Native American Testimony* (see bibliography item 19) provide some firsthand accounts of native peoples' reactions and efforts to adjust to allotment. Also, publications such as the *Annual Reports of the Commission of Indian Affairs* (22 and 23) and records in the National Archives (80–82) provide glimpses into such reactions, albeit secondhand through the words of government officials. Representatives of "official" contemporary native responses to allotment are found in the testimonies of congressional hearings (24 and 25).

RATIONALE

The impetus for compiling this bibliography was my experience at the National Archives and the Department of the Interior

Library in Washington, D.C., in researching census and allotment records of the Winnebago tribe of Nebraska. The initial materials I reviewed were specific to the Winnebago, because the purpose of my research was to locate and obtain copies of the census and allotment records for the tribe's Cultural Preservation Office in Nebraska. The research on the Winnebago allotment records, in particular, was a slow, tedious, often frustrating but fascinating experience. As I reviewed the Winnebago materials, I began to realize that familiarity with the larger picture of federal allotment policy was necessary, and the Dawes Act seemed to be the starting point of all allotment (i.e., land) issues. I had a general idea that the act concerned Indian land, but sifting through the often cryptic fragments of documentation in the government repositories and attempting to fill in the many gaps of information by using more contemporary sources such as the Smithsonian Institution's *Handbook of North American Indians*, I began to see the act's broader impact on native peoples in both historical and contemporary terms. What began as a brief inquiry into the act's connection to my research on Winnebago allotment records became a fascination with the act. Its provisions provide the legal foundation that governed and continues to govern many seemingly unrelated aspects of federal Indian law, and it continues to expand as the word of law in court cases throughout this nation that impact Indian affairs.

I compiled this bibliography because (1) there is no compiled work on the overall scope of this act—past and present; (2) its provisions continue to affect court cases that impact native peoples' lives both in and beyond Indian Country; and (3) by becoming more familiar with the historical evolution of acts such as this one, native peoples can scrutinize the rationale and processes by which the federal government implements and continues its paternalistic practices in Indian affairs, compare these practices in light of their own experiences, and learn how to use this legacy to exert more control over their own affairs.

METHOD

My research on the Dawes Act began with the *U.S. Statutes-at-Large* and the *U.S. Code*. But although these spelled out the provisions, they did not reveal intent or consequences. It was necessary to examine other federal documents such as the *Congressional Record* and the publications of Congress, as well as

nongovernment publications on the subject in order to see the act in its broader social and political context over time. Identifying and locating the relevant federal documents was quite a challenge since much of the documentation created at the time (1887) was not required by law to be public record. Nor, as stated above, was a comprehensive legislative history of the act prepared by any government or nongovernment source. The government indexes of the time are notorious for their lack of consistency in indexing practices and their ability to confuse the most diligent researcher. The finding aids produced by the National Archives for their own holdings are often incomplete, inaccurate, and inconsistent. And, perhaps because much of the documentation of the time was not identifiable or available for later use, none of the current compilers of documentation such as the *Congressional Index Service* (CIS) contained much information about legislation regarding Indian affairs of this era. The focus of most of the nongovernment materials (generally books or articles) reviewed was on some aspect or aspects of the development, implementation, or consequences of the act. Some provide general overviews of the act within the broader historical framework of federal Indian relations. Law review articles highlight specific provisions of the act as central issues in court cases and reveal how the various provisions continue to expand into Indian Country. But there is no stand-alone work—no bibliography, no legislative history, no bibliographic essay, no legal history—that synthesizes the scope of the act's overall history, evolution, and continuing influence on native peoples' social, cultural, economic, political, and legal autonomy, today and into the future.

SCOPE

This bibliography is an introduction to materials related to the Dawes Act or the allotment of Indian lands and the multifaceted legal issues derived from both. It may assist research regarding allotment histories for specific tribes or individuals. It is not intended to be a comprehensive work on the act or on federal-Indian allotment policy. Rather it is done with an eye toward presenting an overview of the possible range of potentially relevant information sources and toward identifying specific sources that may be relevant to particular research needs.

With that said, this bibliography includes references focusing on materials that highlight the Dawes Act from three perspectives:

1. the current provisions of the act contained in the *U.S. Code*,
2. the original act and its revisions in the *U.S. Statutes-at-Large*, and
3. the materials that comment on the intention, implementation or consequences of the act—congressional reports, congressional hearings, monographs, publications of Indian interest groups, essays, and articles in books and law reviews.

I selected and personally reviewed all items contained in this bibliography. These materials specifically describe the act's provisions or provide authoritative accounts of the formulation, codification, or implementation, or provide authoritative commentary on these various aspects. Government documentation is in the form of statutes, codes, reports, proceedings, hearings; government archival documents lists, indexes, correspondence, tables, notes; nongovernment organizations proceedings and reports; monographs, journal articles and essays, and law review articles. Most of the government documents that reveal intent and issues considered are located in the *Congressional Record* (debates and occasionally reports) and the *U.S. Serial Set*. The *Serial Set* contains all government publications—committee reports and documents, and miscellaneous documents—that aided in the fact-finding process of congressional decision-making. Books and articles written by noted historians, anthropologists, lawyers, or others knowledgeable in federal-Indian relations form the core of the nongovernment, nonindex literature; these discuss and analyze the development of the act and its impact. The monographs and articles selected address specific aspects of the act dating from the 1870s to the present. However, I selected 1910 as the cutoff date for the inclusion of laws and references to relevant government documents and indexes, for three reasons:

1. The main description of "Allotment of Indian Lands" title 25, chapter 9, section 331 of the *U.S. Code* (1988 hard-bound edition) includes amendments up to that year;
2. this section provides the controlling language for amendments and related acts (further provisions resulting from these are located in sections 332 to 358); and

3. the inclusion annotations to all amendments and related works would be the subject of a much larger work. (Note that the subject *allotment of Indian lands* appears in these and numerous other sections of the *U.S. Code*; see appendix 1.)

ORGANIZATION

Author and subject headings serve as access points to the entries. Entries are arranged alphabetically by author under the subject headings. Subject headings are arranged according to the nature of the topics presented. The subject headings are "Federal Indian Law," "Good Intentions . . .," "Meanwhile, Back on the Reservation . . .," "Contemporary Congressional Hearings," "Law Review Articles," "United States Laws," "Congressional Documents," and "National Archives Publications." Each subject area begins with an introductory paragraph.

I found it impossible to choose a citation format for this bibliography, because the information I regarded as necessary to identify some of the items correctly (a few more than one hundred years old, created before the institution of consistent or logical bibliographic practices) did not neatly fit current citation styles. Nor do contemporary citation styles allow inclusion of necessary information such as the *U.S. Serial Set* volume number for a congressional report that is not part of the *Congressional Record*. (My inclusion of this volume number will save the researcher hours of poring over old government indices). Therefore I constructed my own citation style based on Turabian's *A Manual for Writers of Term Papers, Thesis, and Dissertations* and Diane L. Garner and Diane H. Smith's *The Complete Guide to Citing Government Information Resources*. I also included other information I felt was necessary (from my own experience in struggling through some very heavy and dusty volumes). For example, I chose to abbreviate items such as House Reports as they appear in the various indices to the *U.S. Serial Set* (see example below).

Example:

U.S. House. 49th Congress, 1st Session. Allotment of Lands in Severalty to Indians. (H. Rpt. 1835). Washington, D.C. Government Printing Office, 1886. [Serial Set 2440].

FEDERAL INDIAN LAW

The provisions of the Dawes Act have evolved into a convoluted network of statutes complicating legal relations among federal,

state, and local governments, native and nonnative individuals, private corporations, and tribal nations in or near Indian Country (*Indian Country* is defined in *U.S. Code 18 Section 1151 [1948]*). For example, provisions applicable for a particular tribe in a particular time period may have been prohibited or expanded for another tribe during the same time period. Additionally allotment, in general, impacts the legal realm of governmental, private, and business activities of nonnative individuals or enterprises on lands currently or previously subject to allotment provisions. Developing a basic understanding of this evolution of allotment in the context of federal Indian law will greatly assist the researcher. The following materials will assist the researcher to develop a better understanding of allotment in the context of federal Indian law and policy:

1. Canby, William C. *American Indian Law in a Nutshell*, pp. 19–23, 238, 269–72. Nutshell Series. 2d ed. St. Paul, MN: West Pub. Co., 1988.

Provides an excellent brief, concise description of federal Indian law suitable for both the beginning and the advanced researcher. Integrates a brief historical perspective of the act, its practical application, codification, and problems resulting therefrom within the context of federal Indian law.

2. Cohen, Felix S. *Handbook of Federal Indian Law*, pp. 127–38. 1982 ed. Board of authors and editors, Rennard Strickland, editor-in-chief; Denis Binder et al., contributing writers. Charlottesville, VA: Michie/Bobbs-Merrill, 1982.

Includes the legal history of the Dawes Act, its implementation, and amendments. Documents the statutory evolution of the legal principles, laws, and court cases that culminated in the act. Although somewhat dated, it is still highly regarded among scholars of federal Indian law. Though written from a legal standpoint for lawyers, it manages to convey complex information with sufficient clarity for it to be a valuable resource for beginning researchers. Practitioners of Indian law recommend the 1982 and earlier editions over the 1986 edition.

3. Getches, David H., Charles F. Wilkinson, and Robert A. Williams. *Federal Indian Law: Cases and Materials on Federal Indian Law. Third Edition*, pp. 190–208. American Casebook Series. St. Paul, MN: West Pub. Co., 1993.

Discusses the Dawes Act in historical context as a focus of the federal government's assimilationist policy combined with "manifest destiny" for integrating Indians into American culture. Presents views of several commissioners of Indian affairs promoting adoption of the act as well as its consequences for federal Indian law. Analyzes early court cases in which allotment played a key role. References to allotment appear throughout the text.

4. Linscheid, Steve. *Federal "Trust Responsibility" and Indian Tribes*. Background Papers on Native American Issues 3. Washington, DC: Friends Committee on National Legislation, 1982.

Discusses this "confusing legal concept" of the federal government's self-imposed responsibility toward Indians. Points out the lack of legal definition, inconsistencies in federal government statements and practices. Discusses the Dawes Act as a primary example of the concept put into legal statute whereby Congress exercised unilateral decision-making over all aspects of federal Indian relations.

5. Price, Monroe, E. and Robert N. Clinton. *Law and the American Indian: Readings, Notes and Cases*, pp. 77-81, 111, 628-32. Contemporary Legal Education Series. 2d ed. Charlottesville, VA: Michie Co., 1983 (other title: *Law and the American Indian*).

Discusses how particular treaties and court decisions were instrumental in formulating and implementing the act. Examines the development of the trust relationship between the federal government and the Indians, which found broader codification in the act. Gives examples of some of the issues tribal, state, and federal courts have dealt with that resulted from the act and possible scenarios for moving toward their resolution.

6. Wunder, John R. *Retained by the People: A History of American Indians and the Bill of Rights*, pp. 31-39. New York: Oxford University Press, 1994.

Examines the consequences of the Dawes Act in relation to the legal status and legal rights of Indians on their allotted lands. Views the act as a significant step in the federal government's removing itself from its obligations as histori-

cally stipulated in the various treaties and agreements between the government and the tribes.

“GOOD INTENTIONS”

The enactment of the Dawes Act began a new era in federal-Indian relations. No longer was the tribe the officially recognized conduit for interaction with native peoples; with the stroke of President Cleveland's pen, hundreds and perhaps thousands of years of cultural heritage based on tribal identification was officially dissolved. Debates in Congress and in churches both defended and attacked the allotment of Indian lands. Supporters of allotment saw it as a means to bring Indians into the greater culture; opponents saw it as destroying existing cultures that might adapt more successfully to American culture in their existing (tribal) forms.

The legacy of the Dawes Act can be understood only in the social and political context in which it evolved. The following materials present various aspects of this evolution from the early nineteenth century to the beginning of the twentieth century: ideological beginnings, formulation, implementation, and early consequences.

7. Sturtevant, William C., gen. ed. *Handbook of North American Indians, Volume 4, History of Indian-White Relations*, pp. 51–66, 211–29. Washington, DC: Smithsonian Institution, U.S. Government Printing Office, 1990 (editors of individual volumes vary).

Presents two articles that discuss the Dawes Act in the context of the overall picture of Indian-white relations in the late nineteenth century. Contains two chapters, “U.S. Indian Policies, 1860–1900” and “Indian Land Transfers,” that include the implementation of the Dawes Act as major elements.

8. Gates, P.W. “Indian Allotments Preceding the Dawes Act,” pp. 141–70, *The Rape of the Indian Lands: An Original Anthology*, ed. Paul W. Gates. New York: Arno Press, Management of Public Lands in the United States Series, 1979.

Examines pre-Dawes allotment policies and their implementation from 1805 to 1887. Gives accounts of inconsistencies in the application of these policies, which created problems for

the federal government and, for the most part, displeased social reformers. The experience gained from early allotment practices helped to clarify for Dawes supporters the language (goals and methods) to be included in the Dawes Act.

9. Keller, Robert H. *American Protestantism and United States Indian Policy, 1869–82*. Lincoln: University of Nebraska Press, 1983.

Scrutinizes the complex relations among government officials, Indians, tribes, and social and religious reformers. Discusses President Grant's "peace policy" and efforts of missionaries to protect and convert Indians. Allotment was seen as a means to accomplish these goals. These interactions helped to lay the groundwork for the Dawes Act.

10. Otis, Delos Sacket. *The Dawes Act and the Allotment of Indian Lands*. Edited and with an intro. by Francis Paul Prucha. The Civilization of the American Indian Series, vol. 123. Norman: University of Oklahoma Press, 1973. (Originally published in 1934 in *Readjustment of Indian Affairs* [hearings on H.R. 7902 before the House of Representatives' Committee on Indian Affairs], part 9, p. 428–89, under title *History of the Allotment Policy*. The 1973 edition includes corrections and minor changes.)

Follows the evolution of the act in terms of the aims and motives of the social reformers and their political allies. Considers Indian attitudes toward allotment, the implementation of the act, its impact on Indians, and the thinking of the act's supporters to 1900. Well-documented with extensive coverage of social reformers' conferences, activities, and congressional testimonies that worked for the passage of the Dawes Act. This publication was instrumental in Congress's stopping of allotment practices.

11. Priest, L.B. "The Dawes Act and Indian Reform," *The Indian in American History*, pp. 85–92. Hinsdale, IL: Dryden Press, American Problem Studies, 1971.

Discusses the nature of the compromises between legislators and social reformers in developing the provisions of the Dawes Act. Focuses on their attempts to balance protection for the Indians affected by the act and the acquisition of Indian land by non-Indians.

12. Prucha, Francis. P. *A Bibliographical Guide to the History of Indian-White Relations in the United States*, pp. 128–29. Chicago: University of Chicago Press, 1977.

An excellent, comprehensive bibliography documenting the sources of materials—from government documents, manuscripts, unpublished papers, and newspaper holdings on Indian-white relations. Includes two pages of entries on the Dawes Act and related allotment sources. Although the work is dated, it remains a valuable resource for researchers of the documentary history of federal Indian policy.

13. _____. *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865–1900*, pp. 227–64. Norman: University of Oklahoma Press, 1964.

Discusses the reformers' push for an allotment policy as the panacea to civilize the Indian. Focuses on reformers' views and activities promoting allotment during the decade before the Dawes Act. Includes opponents' views of allotment in general and the the Dawes Act in particular. (The most notable opponent, Senator Henry M. Teller of Colorado, accurately foresaw many of the negative outcomes.)

14. _____, ed. *Documents of United States Indian Policy*, pp. 131–74. Lincoln: University of Nebraska Press, 1975.

Compiles speeches, testimonies, and hearings of influential non-Indians, including U.S. presidents, on the subject of federal Indian policy. Sections relevant to the development of the Dawes Act are preceded by concise annotations describing the significance of the various speakers or authors and their corresponding document in their historical context. Also includes a copy of the *Meriam Report* published in 1928, which reported on the failure of allotment policy (pp. 219–21).

15. Sutton, Imre. *Indian Land Tenure: Bibliographical Essays and a Guide to the Literature*, pp. 125–37. New York: Clearwater Pub. Co., the Library of American Indian Affairs Series, 1975.

Highlights the arguments for and against the Dawes Act and allotment in general, applications of the policies, and some of the results as contained in the works of various noted au-

thorities on the subject. Analyzes the merits of individual works.

16. Washburn, Wilcomb E., ed. *The American Indian and the United States; a Documentary History*, vol. 3, pp. 1686–1800, 2188–93. 1st ed. New York: Random House, 1973.

Provides the political and social context of the often fiery Senate debates on the proposed allotment bills of 1881. These debates are highly significant because the issues revealed in them (i.e., how the dominant culture will regulate the lives of its Native American wards) will be reflected in and will form the basis of all subsequent congressional policies, not only as represented by the Dawes Act, but in every aspect of federal Indian policy into the twentieth century.

17. _____. *The Assault on Indian Tribalism: The General Allotment Law (Dawes Act) of 1887*. Philadelphia: J.B. Lippincott, America's Alternatives Series, 1975.

Examines congressional struggles with the social and political issues of white-Indian relations in the decade before Dawes enactment as senators and congressmen were attempting to determine a direction that accommodated national expansion and leadership in dealing with Indians. A major part of the book contains the documents of allotment, pro and con, including congressional hearings and the testimonies of social reformers before and after enactment, to 1900.

MEANWHILE, BACK ON THE RESERVATION . . .

The following works provide insights into the social, economic, and political environment that confronted native peoples on their allotted lands in the early period from 1887 to 1934. These publications are attributed primarily to nonnatives who studied the particular period or who were present among the native peoples at the time. The *Annual Reports of the Commissioner of Indian Affairs* (see below) were published from 1856 to 1945–46; the two included in this bibliography were selected because of specific references to the Dawes Act; other volumes may also contain relevant information to the act or to allotment. The *Annual Meetings of the Lake Mohonk Conference of Friends of the Indian* were published from 1883 to 1916. This influential group of private

citizens and government officials played a significant role in the passage of the Dawes Act. On the one hand, they deserve praise for their personal and collective efforts to prevent the extermination of native peoples and their belief that native peoples have a rightful place in American society (not a popular notion in nineteenth-century America). On the other hand, their paternalism and racism (reminiscent of the discredited legal notion of "separate but equal") laid the groundwork for the underlying philosophy of allotment: that native peoples' value systems, especially tribal orientation, needed to be eradicated. Most of the damage done by allotment to the tribal, and hence spiritual, lives of native peoples has yet to be undone. The particular issue of the Lake Mohonk Conference *Annual Meetings* that is listed here summarizes the group's past efforts to promote allotment and presents their concerns for its implementation. As with the *Annual Reports*, other volumes of the Lake Mohonk series also contain information about allotment: Those published before 1887 deal with the group's efforts to see allotment implemented, and those volumes published after 1887 present their concerns about and influences on implementation.

18. Carlson, Leonard A. *Indians, Bureaucrats, and Land: The Dawes Act and the Decline of Indian Farming*. Contributions in Economics and Economic History, no. 36. Westport, CT: Greenwood Press, 1981.

Begins with a discussion of the act as a major development in our nation's history in dealing with the "Indian problem," but focuses on implementation and the consequences of the act for Indian farming compared to white farming. Provides numerous graphs and charts showing the evolution of allotment implementation, land usage, productivity, etc. Includes statistical appendices. An interesting study illuminating the act's economic impact on the Indians it affected.

19. Nabokov, Peter. *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492-1992*, pp. 232-74. New York: Penguin Books, 1991.

Contains a selection of native commentaries in response to circumstances imposed by encroaching American culture and government policies. The selected pages refer specifically to native reactions to allotment and reveal native efforts

to adapt; the passages are sometimes humorous, sometimes sad, and often poignant.

20. *Proceedings of the Fifth Annual Meeting of the Lake Mohonk Conference of Friends of the Indian, 1887*. Philadelphia: Sherman & Co., Printers, 1887.

This meeting celebrates the passage of the Dawes Act but also focuses on some issues that the group believes the government still needs to address to ensure an effective and equitable integration of natives into American mainstream culture. Most of these issues were ignored in the government's rush to implement the policy and open the "surplus" lands for settlement.

21. Stuart, Paul. *The Indian Office: Growth and Development of an American Institution, 1865–1900*. Studies in American History and Culture, No. 12. Ann Arbor, MI: UMI Research Press, 1979.

Links the evolution of the Indian Office (later the Bureau of Indian Affairs) with the goals of social reformers and the federal governments' development of a federal Indian policy. Although the author touches on the social and political development of allotment, he focuses on the evolution of the inner workings of the Indian Office as the major government component that dealt with the daily tasks of implementing allotment policy.

22. U.S. Office of Indian Affairs. *Annual Report of the Commissioner of Indian Affairs, 1887*, pp. iv–x. Washington, DC: GPO, 1887 (sometimes issued as *Report of the Commissioner of Indian Affairs*).

Written by then Commissioner J.D.C. Atkins, this report presents an abstract of the Dawes Act, with his understanding of his responsibilities. Discusses the appointment of agents to implement its provisions, and comments on the tribes' status in relation to implementation. Although Atkins praises the efforts of Congress to better the status of Indians in American society and he is prepared implement the policy, the tone of this section of the report conveys a skepticism about the Indians' preparation to adapt to it.

23. _____. *Annual Report of the Commissioner of Indian Affairs, 1889*, pp. 14–18. Washington, DC: GPO, 1889.

Written by then-newly appointed Commissioner J.J. Morgan. Announces the completion of allotments on several reservations and the progress of allotment on others. Lists the names of allotting agents and the reservations to which they are assigned. Discusses some of the issues and problems that have arisen in each locale and the manner in which he is dealing with them.

CONTEMPORARY CONGRESSIONAL HEARINGS

These hearings were selected for inclusion in this bibliography because their subject—testimonies regarding the problem of fractionated land in Indian Country—is representative of contemporary issues that have directly resulted from provisions of the Dawes Act.

The 1983 Indian Land Consolidation Act remains the only official congressional act intended to address one of the primary problems of the legacy of allotment: fractionated land. However, its implementation has been plagued by problems. Since 1934, the federal courts, particularly the Supreme Court, have emerged as the primary government agencies through which the legacy of allotment has been extended (see Law Review Articles section).

24. Adamson, Rebecca. "Statement," pp. 19–23, "Testimony," pp. 138–45. In U.S. Senate. *Fractionated Ownership of Indian Lands: Hearing before the Select Committee on Indian Affairs, United States Senate, One Hundred Second Congress, Second Session, on Oversight Hearing on Land That Is Held in Trust by the United States for the Benefit of Indian People and Their Government*, 2 July 1992 (S.Hrg.102-856). Washington, DC: GPO, 1992.

Addresses the impact of fractionated land resulting directly from the Dawes and related acts in the lack of economic development on reservations, and in the escalating costs to tribes, reservations, and the federal government of administering policies in accordance with the allotment acts. Discusses the inaction and inconsistencies of the Bureau of Indian Affairs in implementing the Indian Land Consolidation Act of 1992, and makes recommendations for tribal demonstration projects and further General Accounting Office studies to identify means of alleviating the problem of fractionated land and modifying relevant Bureau of Indian Affairs policies and practices.

25. Sanders, Helen. "Prepared Statement," pp. 227-31. In U.S. Senate. *Fractioned Ownership of Indian Lands: Hearing before the Select Committee on Indian Affairs, United States Senate, One Hundred Second Congress, Second Session, on Oversight Hearing on Land that is held in Trust by the United States for the Benefit of Indian People and their Government*, 2 July 1992 (S.Hrg.102-856). Washington, DC: GPO, 1992.

Focuses on fractionation and specific problems within the structure of the Bureau of Indian Affairs Realty Branch. Emphasizes the conflict between the language of the Dawes and related acts and state laws that pertain to the provision of intestate succession. This conflict results in inconsistent applications of inheritance and title laws from state to state and among the tribes and reservations located therein, increasing administrative costs to all individuals, tribes, and governments involved. Points out flaws in the Indian Land Consolidation Act. Recommends a uniform federal code for inheritance, a restructuring of BIA realty policies and practices based on such code, and involvement of the BIA in educating allottees and their heirs about the issues involved and mandating plans for reservationwide consolidation of tribal lands to alleviate the problems and costs of administering fractionated land.

LAW REVIEW ARTICLES

The most disturbing aspect of the Dawes Act legacy is not the practice of allotment of Indian lands (that was stopped in 1934) but the broad range of contemporary issues that stem from allotment. On lands subject at some point in time to Dawes Act provisions, individuals (both natives and nonnatives), private enterprises, and tribal nations involved in seemingly mundane activities such as starting or operating a small business, buying and selling goods, renting land, determining child custody, improving property, negotiating small and large construction projects, cutting timber, hunting and recreational activities, controlling tribal resources, or enforcing tribal laws may find themselves involved in costly and time-consuming legal situations caused by these provisions.

The following articles focus primarily on aspects of the Dawes Act revealed in contemporary court decisions. Almost none of the articles focuses on the Dawes Act, per se; rather the focus is on the

various contemporary issues that stem from the act. Most of the articles offer solutions or recommendations to promote a more knowledgeable legal position for native peoples encountering such situations.

The titles of the following entries indicate a sampling of contemporary issues derived from the allotment provisions of the Dawes Act. As a nonlawyer, I felt it would be presumptuous of me to write annotations for these law review articles, which often use substantial "legalese" terminology in their discussions of the issue(s). However, even upon only a cursory reading, the nonlawyer can understand the essential messages of these articles—that the provisions of Dawes continue to regulate or influence, usually at a high cost to self-determination and often quite tacitly, the extent that native peoples both in and out of Indian Country are able to practice self-determination over a variety of significant issues.

26. Atwood, Barbara Ann. *Fighting over Indian Children: The Uses and Abuses of Jurisdictional Ambiguity*, 36 UCLA L. Rev. 1051, August 1989.
27. Casey, James A. *Sovereignty by Sufferance: The Illusion of Indian Tribal Sovereignty*. 79 Cornell L. Rev. 404, January 1994.
28. Du Bey, Richard A., Mervyn T. Tano, and Grant D. Parker. *Protection of the Reservation Environment: Hazardous Waste Management on Indian Lands*, 18 Envtl. L. 449 (Northwestern School of Law of Lewis & Clark College), Spring 1988.
29. Engle, Karla. *Red Fox v. Hettich: Does South Dakota's Comity Statute Foster Unwarranted State Court Intrusion into Tribal Jurisdictional Authority over Civil Disputes?* 38 S.D.L. Rev. 706, 1993.
30. Galloway, William C. *Tribal Water Quality Standards under the Clean Water Act: Protecting Traditional Cultural Uses*, 70 Wash. L. Rev. 177, January 1995.
31. Karns, Christopher A. *County of Yakima v. Confederated Tribes & Bands of the Yakima Indian Nation: State Taxation as a Means of Diminishing the Tribal Land Base*, 42 Am. U.L. Rev. 1213, Spring 1993.

32. O'Brien, Sharon. *Tribes and Indians: With Whom Does the United States Maintain a Relationship?* 66 Notre Dame L. Rev. 1461, 1991.
33. Resnik, Judith. *Dependent Sovereigns: Indian Tribes, States, and the Federal Courts.*, 56 U. Chi. L. Rev. 671, Spring 1989.
34. Reyholds, Laurie. *Indian Hunting and Fishing Rights: The Role of Tribal Sovereignty and Preemption*, 62 N.C.L. Rev. 743, April 1984.
35. Royster, Judith V. *The Legacy of Allotment*, 27 Ariz. St. L.J. 1, Spring 1995.
36. Schuler, Galen G.B. *Easements by Necessity: A Threshold for Inholder Access Rights under the Alaska National Interest Lands Conservation Act*, 70 Wash. L. Rev. 307, January 1995.
37. Singer, Joseph William. *Legal Theory: Sovereignty and Property*, 86 Nw. U.L. Rev. 1, Fall 1991.
38. Williams, David. *Legitimation and Statutory Interpretation: Conquest, Consent, and Community in Federal Indian Law*, 80 Va. L. Rev. 403, March 1994.

UNITED STATES—LAWS

In the legislative process the enactment of an act undergoes the following process: The proposed legislation is introduced as a bill by a member of the U.S. Senate or House of Representatives to that body during a session of Congress; the body assigns the bill a number; the bill is sent to the appropriate committee (e.g., Indian Affairs) of the body, which studies the provisions of the bill and often solicits testimony from interested parties; if the bill is approved, the committee issues reports or documents of its review, the bill is debated in the body, and then it is sent to the other legislative body for approval; if there are disagreements between the two houses, a conference committee, composed of members of both houses, is assigned to negotiate a resolution to the disagreements; if the conference committee reaches an agreement, the modified bill is presented to both houses again and is debated in session; if both houses approve the bill, it is sent to the president

for signature; if signed, the bill becomes a statute and is published in the *U.S. Statutes-at-Large*; the statute then is classified for the appropriate section of the *U.S. Code* and is published in the *Code* as law.

United States–Code

The *U.S. Code* is an official government publication. Commercially produced versions, *United States Code Annotated* and *United States Code Service*, contain the exact text of the government publication but provide more supplementary information and are available in a more timely manner than the official version.

Chapter 9, title 25, "Indians," of the *U.S. Code* (1988 hardbound edition) contains the bulk of current federal laws regarding allotment of Indian lands (but sections relevant to allotment appear elsewhere in the *Code*; see appendix 1). The Dawes Act serves as the basis for chapter 9 and is subdivided into parts 331 to 358. Each section includes the names and provisions of acts for a specific topic or specific tribes or reservations, most of which incorporate or modify Dawes's provisions; included are references indicating their integration into or modification of Dawes's provisions. However, since the *Code* reflects current law, provisions determining allotment practices during prior time periods are not listed (see *U.S. Statutes-at-Large* below). Additionally, most sections contain supplementary information under the headings "Short Title," "Cross References to Other Sections," "Act Referred to in Other Section," and "Section Referred to in Other Sections."

The hardbound printed version of the *Code* is updated annually by softbound supplements for five years; the supplements are then incorporated into a new hardbound edition. Volume 21 of the 1988 edition, *Tables*, contains a list of allotment acts under the heading "Indian General Allotment Act." The 1988 Edition Supplement V contains an amendment to section 331, the "White Earth Reservation Land Settlement Act of 1985."

In some instances, allotment provisions for specific tribes may not appear in current *U.S. Code* because the act providing for allotment may have been repealed. For example, the Curtis Act of 1898, which mandated forced allotments for the Five Civilized Tribes in Oklahoma, was repealed by the 1936 Oklahoma Indian Welfare Act. This did not repeal prior allotments; it stopped

further allotment under the Curtis provisions and deleted the language from the *U.S. Code*. The provisions of the Curtis Act would be located in the *U.S. Statutes-at-Large* for 1898.

39. "Allotment of Indian Lands," chapter 9, title 25, *U.S. Code*, parts 331 et seq., 1988 ed.

Enumerates the provisions of the Indian General Allotment Act as it currently stands. "Amended by the Acts of February 3, 1891, February 28, 1891, and June 25, 1910." Additional acts are cited in the text but do not appear in the title. The sections are numbered from 331 to 358 to incorporate the provisions of subsequent amendments to 1988. (See appendix for other *Code* titles and sections to 1995.)

United States–Statutes-at-Large

The *Statutes* contain the original provisions of all enacted legislation and subsequent acts that amend prior legislation. Subsequently enacted legislation may amend the original language of a statute by adding, deleting, or expanding provisions. The older *Statutes* contain lists of statutes by dates but do not contain tables of contents or indexes of subjects. Subject access is provided by the various separately produced indexes (see the following section, "United States Laws–Supplementary Materials"). Because the *U.S. Code* does not list provisions omitted by amendments, the *Statutes* are the primary source of the original provisions in effect during certain time periods. This is significant because allotments for various tribes occurred at different times during the period 1887 to 1934, and governing provisions will vary. Researching the allotment history of a specific tribe or individual requires starting with the pre-Dawes statutes affecting that tribe, and then the Dawes Act and its amendments, as well as any subsequent statutes that may have been enacted for the specific tribe. Also, the titles of statutes usually do not state *allotment* or even the name(s) of affected tribe(s); in fact, the allotment amendment may be attached as a "rider" to a statute whose title and content are unrelated.

The statutes listed correspond to those listed in the current version of the *U.S. Code* as comprising "allotment." However, additional allotment laws enacted during the 1887–1910 time period may be relevant.

Dawes Act or "General Indian Allotment Act" of 1887

40. CHAP. 119. An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes. (8 Feb. 1887, ch. 119, sec. 1, 24 Stat. 388), XXIV *United States Statutes at Large*, pp. 388–91.

Lists the provisions of the act as originally enacted in Senate Bill 54, 49th Congress, 2d session, and signed by the president on 8 February 1887. Describes qualifications for allotment, allotment procedures, and excluded tribes. Marginal notes next to each section highlight the main issue(s).

Act of February 28, 1891

41. CHAP. 383. An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes." (28 Feb. 1891, ch. 383, sec. 1, 26 Stat. 794), XXVI *United States Statutes at Large*, pp. 794–96.

Senate Bill 3043, 51st Congress, 2d session, amends five sections of the act; the significant modification involves the leasing to non-Indians of allotted lands.

Acts of March 3, 1901 (two separate acts)

42. CHAP. 832. An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirteenth, nineteen hundred and two, and for other purposes (3 March 1901, ch. 832, sec. 9, 31 Stat. 1085), XXXI *United States Statutes at Large*, pp. 1058, 1074–75.

House Bill 12904, 56th Congress, 2d session, enables the president to allocate funds for the surveying or resurveying of lands to be allotted and completion of allotments at locations not specified.

43. CHAP. 868. An Act to amend section six, chapter one hundred and nineteen, United States Statutes at Large numbered twenty-four (3 March 1901, ch. 868, sec. 31, Stat. 1447), XXXI *United States Statutes at Large*, p. 1447.

House Bill 10701, same congressional session as above, accorded American citizenship to Indians in the Indian Territory who had adopted "civilized life."

Act of May 8, 1906 (Burke Act)

44. CHAP. 2348. An act to amend section six of an Act approved February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in several to Indians. . ." (8 May 1906, ch. 2348, sec. 34, Stat. 186), XXXIV *United States Statutes-at-Large*, pp. 182-83.

House Bill 11946, 59th Congress, 1st session, completely revised section 6 (citizenship for allotted Indians) of the Dawes Act and deleted Indians in the Indian Territory (ch. 868, above).

Act of June 21, 1906

45. CHAP. 3504. An Act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes. . ." (21 June 1906, ch. 3504, Sec. 34, Stat. 327), XXXIV *United States Statutes-at-Large*, pp. 327-28 and 349.

House Bill 15331, 59th Congress, 1st session, adds provisions regarding nonliability for debts prior to issue of fee patent, interest on funds held for minors, sales of lands within federal reclamation projects.

Act of June 25, 1910

46. CHAP. 431. An Act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes. (25 June 1910, ch. 431, sec. 17, 36 stat. 859), XXXVI, part I *United States Statutes at Large*, pp. 855-63.

House Bill 24992, 61st Congress, 2d session, extensive revisions regarding Indian trust allotments, heirship, leases of trust allotments, determination of allotment agents, adds allotment of Camp Mohave Reservation. Revisions of original sections 1, allotment on reservations, and 4 allotments off reservations. Adds allotment to Indians living in national forests.

United States Laws—Supplementary Materials

The following materials serve as the indexes to the above laws relevant to the Dawes Act and allotment of Indian lands, in general.

47. *U.S. Index Analysis of the Federal Statutes (General and Permanent Law) 1789–1873 [1873–1907] . . .* by George Winfield Scott and Middleton Goldsmith Beaman. Washington, DC: GPO, 1908, pp. 20–23.

Prepared under the direction of the Librarian of Congress, the "Scott and Beaman. Index Analysis of the Federal Statutes." 1873–1907, designed as "vol. I." Includes a section on how to use the index and a table of popular names of statutes. "Allotments of Land to Indians" contains subject listings derived from the main issues contained in the Dawes Act and amendments with accompanying statute designations. Includes a very useful "Table of Repeals and Amendments" to the statutes which lists statutes amended or repealed (and specific provisions by number) and the act effecting the change, to 1906.

48. _____ . *Index to the Federal Statutes, 1874–1931; General and Permanent Law Contained in the Revised Statutes of 1874 and Volumes 18–46 of the Statutes at Large: Revision of the Scott and Beaman Index Analysis of the Federal Statutes . . .* by Walter H. McClenon and Wilfred C. Gilbert. Washington, DC: GPO, 1933, pp. 501–502.

Updates the Scott and Beaman version. Includes explanatory note (list of abbreviations), index to the federal statutes, official or popular names of statutes, treaties, and proclamations. Under "Indians," a section "Allotments of Lands" lists topics stemming from the act and amendments with accompanying statutes. As in the prior version, a helpful "Table of Repeals and Amendments" lists same and the act effecting same to 1931.

49. U.S. Indian Affairs. *Indian Affairs. Laws and Treaties. Vol I (Laws)*. Compiled, annotated, and edited by Charles J. Kappler. Washington, DC: GPO, 1904.

Contains provisions of the Dawes Act ("Allotments in Severalty") current to 1 December 1902, pp. 33–36, and includes notes on special allotment provisions to specific tribes. Some sections have marginal notes indicating the main issue(s) and/or other publications that contain information relevant to the particular section. Volume III contains the amendments of 1906 and 1910, pp. 181–82, 194–95, and 478–84. Unfortunately, the names of the publications are abbreviated and there is no list of abbreviations, but some of the publication titles may be surmised from the abbreviations (e.g., "fed. rep." for *Federal Reporter*). This volume is one of seven: Volume II lists treaties; the content of Volume IV (below) varies significantly from the other volumes and is listed separately, and the remaining volumes include amendments beyond the scope of this bibliography. All seven volumes, commonly known as the *Kappler Report*, probably provide the most comprehensive coverage of the documents of federal government-Indian relations up to 1979.

50. _____. *Indian Affairs. Laws and Treaties. Vol IV (Laws)*. Compiled, annotated, and edited by Charles J. Kappler. Washington, DC: GPO, 1929, pp. 736–839.

Compiled to 4 March 1927. Contains chapter 9, "Allotment of Indian Lands," title 25 of the *U.S. Code*, sections 331–57. Includes extensive detailed historical notes to each section, including subsequent acts, court citations, court decisions, and referrals to congressional documents. The index to this volume contains liberal references to acts and treaties, citing where the same can be found in the compilation as well as extensive listings pertinent to particular tribes or reservations. The volume also contains indexes to all three prior volumes. As in Volume I, there is no list of abbreviations.

CONGRESSIONAL DOCUMENTS

Congressional documents are the supplementary materials that disclose the contents of the decision-making process in enacting a bill into law.

The Dawes Act was the culmination of legislative, executive, and religious leaders' efforts to formulate a new national policy in

dealing with the "Indian problem." The following *Congressional Record* entries contain the sometimes passionate debates and disagreements and the testimonies of congressmen and interested parties, and reveal the motivations behind support or opposition to this piece of legislation. (Abbreviated legislative histories can be found also in the journals of the Senate or the House of Representatives, but these are not included in this bibliography because they do not contain the text of the debates or testimonies.) As previously stated, the Dawes Act was the culmination of efforts to forge a "new" Indian policy, but spirited debates on the issue had occurred in Congress since the early 1880s. These earlier debates provide essential background material on the evolution of thinking behind the support, opposition, and ultimate enactment of the Dawes Act (see Washburn's *The American Indian and the United States: A Documentary History* [16], or Prucha's *Documents of United States Indian Policy*, [14]).

The *U.S. Serial Set* contained the only congressional report, House Report No. 1835, on the topic of the Dawes Act. (The *Serial Set* contains all congressional documents ordered by Congress to be published for public inspection; during that time period, most documents were not ordered to be published.) Unlike several other reports examined (unrelated to the act), which often contained emotional and moving testimonies, letters, or accounts by Indian agents, missionaries, or Indians themselves, this one contains simply a list of revisions sought by the House Committee on Indian Affairs. *Serial Set* volume numbers are in brackets.

The Dawes Act or General Indian Allotment Act—Senate Bill 54

51. "Lands in Severalty to Indians," *Congressional Record* XVII, part II (17, 19, and 25 Feb. 1886), pp. 1558, 1630–35, 1762–64.

Covers the lengthy Senate debates and resolution of disagreements in the 49th Congress, 1st session, on S. 54. The session ends with referral of the amended version to the House of Representatives.

52. "Lands in Severalty to Indians," *Congressional Record* XVIII, part I (15, 16, and 21 Dec. 1886 and 18 and 25 Jan. 1887), pp. 189–92, 224–26, 313–35, 772–73, 972–74.

Covers the House debates and resolution of disagreements in the 49th Congress, 2d session, on S. 54. The debates end with recommendations for amendment to be returned to the Senate. Senate and House do not concur on amendments, and Conference Committee is called. Report of the Conference Committee recommending passage if both houses concur. Dawes reports back to Senate Conference Committee results. Further Senate debate, Conference Committee report is concurred on, with recommendation for passage.

53. "Lands in Severalty to Indians," *Congressional Record* XVIII, part II (26 Jan. 1887, 8 Feb. 1887), pp. 1046, 1054, 1577.

President Pro Tempore of the Senate signs S. 54. House Speaker signs the bill. Senate informed by message that the president has signed the bill.

54. U.S. House. 49th Congress, 1st session. *Allotment of Lands in Severalty to Indians* (H.R part 1835). Washington, DC: GPO, 1886 [*Serial Set* 2440] (other title: Congressional Series of United States Public Documents).

Submitted by the House of Representatives Committee on Indian Affairs with recommendations to amend S. 54. Recommends passage of the bill if Senate concurs with amendments.

Amendments to the Dawes Act to 1910

Each act amending provisions of the Dawes Act has its own legislative history. Note that these amendments specifically amend the Dawes Act only; other amendments regarding allotment for particular tribes or individuals may be located in other statutes.

The following entries direct the researcher to the specific documents for each amendment. To promote ease of access, each amendment will be referred to by its date of enactment as listed in the *U.S. Statutes-at-Large*. In the *Congressional Record* the bill number identifies the relevant sections on each page listed. Although congressional reports and documents may be included in the *Record*, they are more often contained in the *Serial Set* (volume numbers in brackets).

The activities of each session of Congress and the contents of each report or document listed below are not annotated because of the extensive nature of the listings. The *U.S. Statutes-at-Large*

state the final outcomes of the debates on each bill and the information presented in the reports and documents. It should also be noted that frequently allotment amendments are not confined to legislation categorized by the legislative process as "allotment acts." Amendments regarding allotment may be attached to general legislation such as Bureau of Indian Affairs "appropriations acts" or other acts such as the Curtis Act of 1898 mentioned above.

Act of February 28, 1891

55. Senate Bill 3043, 51st Congress, 2d session, *Congressional Record* V. XXI, pp. 2068, 2741, 3538, 3723, 3912, 4000, 10705, 10710, 10759. V. XXII, part 1, pp. 313. V. XXII, part 3, 3118, 3154. V. XXII, part 4, 3189, 3219, 3535.
56. *U.S. House*, 51st Congress, 1st session, S. 3043 (H.R. part 1809). Washington, DC: GPO, 1889 [*Serial Set* 2812].

Acts of March 3, 1901 (2 separate acts)

57. House Bill 12904, 56th Congress, 2d session, *Congressional Record* V. XXXIII, part 5, pp. 395, 412, 413, 469, 478, 501, 1285, 1370, 1385, 1436, 1438, 1447, 1499, 1503, 1511, 1557, 1558, 1597, 1598, 1603, 1606, 1916, 1952, 2654, 2657, 2639, 2826, 2833, 2657, 2833, 2897, 2898, 2916, 2898, 2916, 3072, 3289, 3384, 3408, 3480, 3591.
58. *U.S. House*, 56th Congress, 2d session, H. 12904 (H. Rpt. 2064). Washington, DC: GPO, 1901 [*Serial Set* 3841].
59. *U.S. Senate*, 56th Congress, 2d session, H. 12904 (S. Rpt. 1979). Washington, DC: GPO, 1901 [*Serial Set* 4064].
60. House Bill 10701, 56th Congress, 2d session, *Congressional Record* V. XXXIII, pp. 4152, 4955, 6760, 6698, 3188, 3506, 3524, 3590, 3525, 3603.
61. *U.S. House*, 56th Congress, 2d session, H. 10701 (H. Rpt. 1188). Washington, DC: GPO, 1901 [*Serial Set* 4025].
62. *U.S. Senate*, 56th Congress, 2d session, H. 10701 (S. Rpt. 2483). Washington, DC: GPO, 1901 [*Serial Set* 4067].

Act of May 8, 1906 (Burke Act)

63. House Bill 11946, 59th Congress, 1st session, *Congressional Record* V. XL, pp. 1110, 2812, 3598, 3602, 3668, 4153, 5189, 5605, 5805, 5980, 6089, 6100, 6233, 7795.
64. *U.S. House*, 59th Congress, 1st session, H. 11946 (H. Rpt. 1558). Washington, DC: GPO, 1906 [*Serial Set* 4906].
65. *U.S. Senat*, 59th Congress, 1st session, H. 11946 (S. Rpt. 1998). Washington, DC: GPO, 1906 [*Serial Set* 4904].

Act of June 21, 1906

66. House Bill 15331, 59th Congress, 1st session, *Congressional Record* V. XL, pp. 2811, 2816, 3401, 3418, 3425, 3460, 3465, 3469, 3539, 3555, 3571, 4093, 5181, 5300, 5735, 5784, 5806, 5955, 6035, 6056, 6199, 6463, 6437, 6463, 7421, 7472, 7998, 8162, 8164, 8240, 8242, 8247, 8264, 8352, 8530, 8532, 8664, 9157.
67. *U.S. House*, 59th Congress, 1st session, H. 15331 (H. Rpt. 1634). Washington, DC: GPO, 1906 [*Serial Set* 4906].
68. *U.S. House*, 59th Congress, 1st session, H. 15331 (H. Rpt. 4436). Washington, DC: GPO, 1906 [*Serial Set* 4908].
69. *U.S. Senate*, 59th Congress, 1st session, H. 11946 (S. Rpt. 2561). Washington, DC: GPO, 1906 [*Serial Set* 4905].

Act of June 25, 1910

70. House Bill 24992, 61st Congress, 2d session, *Congressional Record* V. XLV, pp. 5432, 5810–14, 6078–6114, 6119, 8366, 8723–27, 8819, 8833–34, 8858, 8897–8901, 8979–84, 9201, 9062, 9117.
71. *U.S. House*, 61st Congress, 2d session, H. 24992 (H. Rpt. 1135). Washington, DC: GPO, 1910 [*Serial Set* 5593].
72. *U.S. House*, 61st Congress, 2d session, H. 24992 (H. Rpt. 1727). Washington, DC: GPO, 1910 [*Serial Set* 5593].
73. *U.S. Senate*, 61st Congress, 2d session, H. 24992 (S. Rpt. 868). Washington, DC: GPO, 1910 [*Serial Set* 5590].

Indexes to Congressional Documents

Government-produced indexes that contain materials relevant to the Dawes Act and its amendments include the series of "comprehensive indexes" published by the Government Printing Office: the *Index to the Subjects of the Documents and Reports*, the *Catalogue of the Public Documents*, the *Monthly Catalogue United States Public Documents*, and the *Cumulative Subject Index to the Monthly Catalog . . .*, 1900–1971. These publications, however, are not exhaustive of the indexes to government documents.

In attempting to locate legislative histories in commercially produced compilations, I examined but found no information in Eugene Nabors's *Union List of Legislative Histories: 47th Congress, 1883–89th Congress*, and *Legislative Reference Checklist: The Key to Legislative Histories from 1789–1903*; Bernard D. Reams, *Federal Legislative Histories: An Annotated Bibliography and Index to Officially Published Sources*; Nancy P. Johnson's *Sources of Compiled Legislative Histories: A Bibliography of Government Documents, Periodicals, Articles, and Books*; and Harold O. Thomen's *Supplement to the Index of Congressional Hearings Prior to January 3, 1935*. Most publications such as the *CIS Annual: Legislative Histories of U.S. Public Laws*, did not cover legislation as far back as 1887. I examined the *CIS Index to U.S. Senate Executive Documents & Reports: Covering Documents and Reports Not Printed in the U.S. Serial Set, 1817–1969*, *CIS Index to Unpublished U.S. Senate Committee Hearings: 18th Congress–88th Congress, 1827–1964*, *CIS U.S. Congress Committee Hearings Index, 1833 to 1969*, and the *CIS U.S. Congressional Committee Prints Index: From the Earliest Publications through 1969*. However, only the *CIS U.S. Serial Set Index, Part III, 46th–50th Congresses, 1879–1889*, proved useful in locating congressional reports on the Dawes Act. However, these same indices may have information for subsequent allotment laws.

74. Congressional Information Service. *CIS U.S. Serial Set Index, 1789–1969, part III, 46th–50th Congresses, 1879–1889*. Washington, DC: Congressional Information Service, 1975–1979.

Compiles selected records from the *U.S. Serial Set*. Volumes are divided into parts by Congresses (e.g., part III, 46th–50th Congresses). These parts are subdivided into subject indexes and finding aids; the former is organized alphabetically and is easier to use. *The Subject Index A–K* volume

contains a category "Allotment" under the "Index of Subjects and Keywords"; *Subject Index L-Z* contains a category "Severalty." The entries under the subject headings contain the document title, type of document, and number (e.g., Senate Report No. 111), the congressional session, and the *Serial Set* volume number. Entries from parts III-VII, spanning the 46th to 63d Congresses, under the two above categories provided most of the congressional reports included in this bibliography.

75. Gasaway, Laura N., James L. Hoover, Dorothy M. Warden. *American Indian Legal Materials: A Union List*. American Indians at Law Series. Stanfordville, NY: E.M. Coleman, 1980 (to be used in conjunction with the *Native American Legal Materials Collections* [microform]).

Provides basic bibliographic entry information for materials made available by participating universities and organizations. Entries are organized roughly parallel to alphabetical by author or document title. Material on Dawes and related subtopics is included, but there is no subject heading in the index for *Dawes* or *allotment*. Researchers must know an author name or the document title to locate entries.

76. Johnson, Steven L. *Guide to American Indian Documents in the Congressional Serial Set, 1817-1899: A Project of the Institute for the Development of Indian Law*. The Library of American Indian Affairs Series. New York: Clearwater Pub. Co., 1977.

Serves as a guide to federal government reports and documents in the *Serial Set* that concern Indian relations with the federal government. Provides brief explanations of the nature of the documentation (relative to American Indian documents) contained in the *Serial Set*, the manner in which documents in the *Serial Set* are coded, the purpose and organization of the *Serial Set*, and how the *Guide* is organized to provide access to the documentation. Lists documents and reports in chronological order by year of publication. For each year the entry numbers start over at number 1. The subject index lists entries concerning allotment and the Dawes Act under "allotment."

77. U.S. Congress. *Index to the Congressional Record*. Washington, DC: GPO.

These are the most useful indexes for locating the *Congressional Record* dates and page numbers of floor debates and congressional document numbers. Each session of Congress publishes an index to its proceedings and debates. The index is the last volume of each session. The congressional legislative histories for the Dawes Act and amendments are located in the indexes of the respective Congresses in sections entitled "History of Bills and Joint Resolutions," which are subdivided for Senate and House bills introduced, debated, and enacted in the respective Congresses. A separate alphabetical subject listing includes congressional departments, topics, and names of individuals.

78. Ames, John G. / U.S. Department of the Interior, Division of Documents. *Comprehensive Index to the Publications of the United States Government, 1881-1893*. Washington, DC: GPO, 1905.

This two-volume set is one of the indexes that attempted to fulfill the government mandate for comprehensive coverage of government publications, particularly congressional reports and publications of government departments. This index is arranged alphabetically by subject. Entries for Dawes and related items can be located under the alphabetical subject headings "Indians," "Indian Lands," "Indian Lands, Allotment of, in Severalty" and "Public Documents." There is a "Personal Name Index" and a table "Congressional Documents," which lists *Serial Set* volume numbers but provides no information about the documents. Although the entries include descriptions of congressional reports, there are no references to the *Serial Set* volumes in which the reports are located. In order to locate the *Serial Set* volume, one must use the *Checklist*, below.

79. *Checklist of United States Public Documents, 1789-1909: Congressional to Close of Sixtieth Congress, Departmental to End of Calendar Year 1909*. Compiled under the direction of the superintendent of documents. 3d ed., rev. and enl. Washington, DC: GPO, 1911 (Volume 1 lists congressional and departmental publications. No further volumes published).

A successor publication to Ames's *Comprehensive Index*, the *Checklist* is based on a compilation of the U.S. Public Documents Library and contains a detailed introduction explain-

ing the content organization and appendixes. Encompasses many entries, but does not claim to be comprehensive. Unique and most helpful is the listing of document titles with accompanying descriptions (report number and *Serial Set* volume numbers) arranged according to the sessions of Congress (e.g., 49th Congress, 1st session). Knowledge of the Congresses involved in the legislation, in this case the Dawes Act, assisted in locating entries for relevant documents.

NATIONAL ARCHIVES PUBLICATIONS

This bibliography's caveat in the preface regarding inconsistency (or absence) of identifying terminology in government publications applies to these "guides" and to the National Archives records themselves.

The researcher will be greatly aided by a familiarity with the organizational structure of the record creators (i.e., departments and divisions) at the time the records were created, because this is how the records are organized and accessed. The first two National Archives publications below include concise descriptions of these organizational structures.

The official government records documenting allotment are located (in theory) in the various National Archives. In researching the records at the National Archives in Washington, D.C., I learned that government practices and procedures of allotment were documented in various separate groups of records, including registers of families, census rolls (Bureau of Indian Affairs, not Census Bureau), platbooks, track books, allotment schedules, and various records of correspondence and instructions to and from allotting agents.

The National Archives guides to the collections in Washington, D.C., and its regional branches assist in locating potentially relevant primary sources. However, experience in researching the Washington, D.C., branch, using *Preliminary Inventory No. 163* (see below), revealed that materials categorized under a particular listing must be examined carefully for accuracy. For example, in attempting to locate and review the Winnebago allotment records, I located and examined records listed in the *Preliminary Inventory* as item 343 "Allotment Schedules." These bound, oversized records are very old and fragile; they are not identified on the binding or the cover, and they contain no title page, no table of contents, no indication whatsoever of their content. They contain cartographic descriptions of land and a few names and

dates. Consultation with National Archives staff provided no confirmation that these were indeed allotment schedules (I was referred back to the *Preliminary Inventory*). Further investigation of other items listed in the same and other guides and consultation (spanning several weeks and numerous phone calls) with staff at the Bureau of Indian Affairs, the Bureau of Land Management, and the Kansas City branch of the National Archives indicated that these items were most likely the "tract books" listed in the *Preliminary Inventory* as item 340, or the "platbooks" item 341, not allotment schedules. Ultimately, I discovered that the Winnebago, Nebraska, allotment schedules were located at the Bureau of Land Management office in Cheyenne, Wyoming, not in the National Archives. If my experience is any guide, absent clear identification of records and their contents, the researcher may very likely need to consult sources other than National Archives staff or publications, such as personnel in the Bureau of Indian Affairs or the Bureau of Land Management, to determine if the records listed in the guides are indeed those sought.

80. Hill, Edward E. *Guide to Records in the National Archives of the United States Relating to American Indians*. Washington, DC: National Archives and Records Service, Gen. Serv. Admin, 1981.

Intended to describe and assist the researcher in locating within the National Archives facilities in Washington, D.C. government publications concerned with American Indians. The records are organized by record groups (i.e., issuing agencies). Allotment records resulting from the implementation of the Dawes Act are found under various record groups. The index category "Land Allotments" or specific tribal category will direct researchers to the pages describing the contents of the records group holdings.

81. U.S. National Archives and Records Service. *American Indians: A Select Catalog of National Archives Microfilm Publications*. Washington, DC: National Archives Trust Fund Board, General Services Administration, 1984 (rev. ed. of *The American Indian*, 1972).

This publication includes lists identifying specific tribes and their census rolls and the microfilm numbers on which these rolls appear. These census rolls served as the basis for the allotment process mandated by Dawes and related acts.

82. United States, National Archives and Records Service. *Preliminary Inventory of the Records of the Bureau of Indian Affairs (Record Group 75)*. Volumes I and II. Series: United States, National Archives and Records Service Preliminary Inventories, no. 163. Compiled by Edward E. Hill. Washington, DC: 1965 (includes records of related and predecessor agencies).

Similar in concept to Hill's *Guide*, this publication lists the individual files within record groups. The files are described in great detail. However, the organization of the file listings are difficult to follow because of the changes in the organizational structures of the agencies that produced the records. The index in Volume II will direct the researcher to the file numbers of specific types of documents or to those of specific tribes. The records on allotment reveal the layers of bureaucratic process that were undertaken to implement the Dawes Act and its derivations.

CONCLUSION

My main goal in producing this bibliography is to share the materials that awakened me to the extent to which the Dawes Act continues to complicate and undermine the self-determination of native peoples. As wards of the federal government, Indians must rely on the government's policies and procedures to resolve pressing issues. Absent information tools that reflect native perspectives in interpreting Native American legal history, many of the government's "resolutions" to these issues are reached according to the intent and provisions of nineteenth-century statutes such as the Dawes Act.

My primary objectives are to create an introductory guide to the documentation of the historical evolution of the Dawes Act—its formulation, implementation, evolution, and consequences—and to create a model of an information tool that can assist in the development of such tools for application to Native American legal history relevant to contemporary issues confronting native peoples.

I hope this bibliography will assist others interested in this or related aspects of federal Indian law to educate native peoples to the social, cultural, economic, and political consequences—both personal and tribal—of such laws. I personally believe that federal Indian law should be part of the educational curriculum (tailored to specific educational levels, of course) for native chil-

dren, because as Indians in the United States, their lives and goals will be subject to rules and regulations no other Americans face. I also hope that such works may help to educate teachers, tribal officials, congressional staffers, and judges to the importance of reexamining the historical record and developing new perspectives to address the present and future problems confronting Indian Country. And I hope, ultimately, that native peoples will acquire a broader knowledge and understanding of the rules and practices of federal Indian law to their advantage.

The Dawes Act was a product of the late-nineteenth-century nationwide belief that Indians should either disappear or become like everyone else—a belief that was formulated without regard for the histories, cultures, or desires of native peoples. The federal government is facing growing state and national pressure, including pressure from the courts, to relinquish or severely curtail trust responsibilities, and to pass jurisdiction over Indian affairs to the states (i.e., to abolish or limit tribal courts and self-government, and to tax tribal lands and allotments). If native peoples are to retain and expand self-determination, they will need to refine and enhance their legal strategies. To do this, they must learn to identify, articulate, and utilize to their advantage the record of paternalism, Eurocentrism, and racism in federal Indian law that the Dawes Act exemplifies.

APPENDIX

U.S. Code sections containing language regarding “allotment of Indian lands” as of 1995. This listing is derived from the United States Code Service (USCS) version of the *U.S. Code*.

1. 5 USCS @ 706 (1995), TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES, PART I. THE AGENCIES GENERALLY, CHAPTER 7. JUDICIAL REVIEW, @ 706. Scope of review.
2. 8 USCS @ 1401 (1995), TITLE 8. ALIENS AND NATIONALITY, CHAPTER 12. IMMIGRATION AND NATIONALITY, DEPORTATION; ADJUSTMENT OF STATUS, NATIONALITY AND NATURALIZATION, NATIONALITY AT BIRTH AND COLLECTIVE NATURALIZATION, @ 1401. Nationals and citizens of the United States at birth.
3. 18 USCS @ 13 (1995), TITLE 18. CRIMES AND CRIMINAL PROCEDURE, PART I. CRIMES, CHAPTER 1. GENERAL PRO-

VISIONS, @ 13. Laws of States adopted for areas within Federal jurisdiction.

4. 18 USCS @ 1151 (1995), TITLE 18. CRIMES AND CRIMINAL PROCEDURE, PART I. CRIMES, CHAPTER 53. INDIANS, @ 1151. Indian country defined.

5. 18 USCS @ 1153 (1995), TITLE 18. CRIMES AND CRIMINAL PROCEDURE, PART I. CRIMES, CHAPTER 53. INDIANS, @ 1153. Offenses committed within Indian country.

6. 18 USCS @ 1154 (1995), TITLE 18. CRIMES AND CRIMINAL PROCEDURE, PART I. CRIMES, CHAPTER 53. INDIANS, @ 1154. Intoxicants dispensed in Indian country.

7. 18 USCS @ 1864 (1995), TITLE 18. CRIMES AND CRIMINAL PROCEDURE, PART I. CRIMES, CHAPTER 91. PUBLIC LANDS, @ 1864. Hazardous or injurious devices on Federal lands.

8. 25 USCS @ 2 (1995), TITLE 25. INDIANS, CHAPTER 1. BUREAU OF INDIAN AFFAIRS, @ 2. Duties of Commissioner.

9. 25 USCS @ 9 (1995), TITLE 25. INDIANS, CHAPTER 1. BUREAU OF INDIAN AFFAIRS, @ 9. Regulations by President.

10. 25 USCS @ 181 (1995), TITLE 25. INDIANS, CHAPTER 5. PROTECTION OF INDIANS, @ 181. Rights of white men marrying Indian women; tribal property.

11. 25 USCS @ 231 (1995), TITLE 25. INDIANS, CHAPTER 6. GOVERNMENT OF INDIAN COUNTRY AND RESERVATIONS, GENERALLY, @ 231. Enforcement of State laws affecting health and education; entry of State employees on Indian lands.

12. 25 USCS prec @ 331 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, Preceding @ 331.

13. 25 USCS @ 331 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 331. Allotments on reservations; irrigable and nonirrigable lands.

14. 25 USCS @ 332 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 332. Selection of allotments.

15. 25 USCS @ 333 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 333. Marking of allotments by agents.

16. 25 USCS @ 334 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 334. Allotments to Indians not residing on reservations.

17. 25 USCS @ 335 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 335. Extension of provisions as to allotments.

18. 25 USCS @ 336 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 336. Allotments to Indians making settlement.

19. 25 USCS @ 337 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 337. Allotments in national forests.

20. 25 USCS @ 337a (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 337a. San Juan County, Utah; discontinuance of allotments [Caution: For repeal of this section, see Other provisions note to this section].

21. 25 USCS @ 338 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 338. [Repealed]

22. 25 USCS @ 339 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 339. Tribes excepted from certain provisions.

23. 25 USCS @ 340 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 340. Extension of certain provisions.

24. 25 USCS @ 341 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 341. Power to grant rights-of-way not affected.

25. 25 USCS @ 342 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 342. Removal of Southern Utes to new reservation.

26. 25 USCS @ 343 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 343. Correction of errors in allotments and patents.

27. 25 USCS @ 344 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 344. Cancellation of allotment of unsuitable land.

28. 25 USCS @ 344a (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 344a. [Repealed]

29. 25 USCS @ 345 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 345. Actions for allotments [Caution: For partial repeal of this section, see Other provisions note to this section].

30. 25 USCS @ 346 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 346. Proceedings in actions for allotments.

31. 25 USCS @ 347 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 347. Limitations of actions for lands patented in severalty under treaties.

32. 25 USCS @ 348 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 348. Patents to be held in trust; descent and partition.

33. 25 USCS @ 348a (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 348a. Extension of trust period for Indians of Klamath River Reservation.

34. 25 USCS @ 349 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 349. Patents in fee to allottees.

35. 25 USCS @ 350 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 350. Surrender of patent, and selection of other land.

36. 25 USCS @ 351 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 351. Patents with restrictions for lots in villages in Washington.

37. 25 USCS @ 352 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 352. Cancellation of trust patents within power or reservoir sites.

38. 25 USCS @ 352a (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 352a. Cancellation of patents in fee simple for allotments held in trust.

39. 25 USCS @ 352b (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 352b. Partial cancellation; issuance of new trust patents.

40. 25 USCS @ 352c (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 352c. Reimbursement of allottees or heirs for taxes paid on lands patented in fee before end of trust.

41. 25 USCS @ 353 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 353. Sections inapplicable to certain tribes.

42. 25 USCS @ 354 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 354. Lands not liable for debts prior to final patent.

43. 25 USCS @ 355 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 355. Laws applicable to lands of full-blood members of Five Civilized Tribes.

44. 25 USCS @ 356 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 356. Allowance of undisputed claims of restricted allottees of Five Civilized Tribes.

45. 25 USCS @ 357 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 357. Condemnation of lands under laws of States.

46. 25 USCS @ 358 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @ 358. Repeal of statutory provisions relating to survey, classification, and allotments which provide for repayment out of Indian moneys.

47. 25 USCS @ 359 (1995), TITLE 25. INDIANS, CHAPTER 9. ALLOTMENT OF INDIAN LANDS, @@ 359–370. [Reserved].

48. 25 USCS @ 372 (1995), TITLE 25. INDIANS, CHAPTER 10. DESCENT AND DISTRIBUTION; HEIRS OF ALLOTTEE, @ 372. Ascertainment of heirs of deceased allottees; settlement of estates; sale of lands; deposit of Indian Moneys.

49. 25 USCS @ 373 (1995), TITLE 25. INDIANS, CHAPTER 10. DESCENT AND DISTRIBUTION; HEIRS OF ALLOTTEE, @ 373. Disposal by will of allotments held under trust.

50. 25 USCS @ 391 (1995), TITLE 25. INDIANS, CHAPTER 12. LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS, @ 391. Continuance of restrictions on alienation in patent.

51. 25 USCS @ 399 (1995), TITLE 25. INDIANS, CHAPTER 12. LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS, @ 399. Leases of unallotted mineral lands withdrawn from entry under mining laws.

52. 25 USCS @ 406 (1995), TITLE 25. INDIANS, CHAPTER 12. LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS, @ 406. Sale of timber lands held under trust.

53. 25 USCS @ 408 (1995), TITLE 25. INDIANS, CHAPTER 12. LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS, @ 408. Surrender of allotments by relinquishment for benefit of children.

54. 25 USCS @ 461 (1995), TITLE 25. INDIANS, CHAPTER 14. MISCELLANEOUS, PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES, @ 461. Allotment of land on Indian reservations.

55. 28 USCS @ 1291 (1995), TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE, PART IV. JURISDICTION AND VENUE CHAPTER 83. COURTS OF APPEALS, The CASE NOTES segment of this document has been split into 2 documents. THIS IS PART 1, @ 1291. Final decisions of district courts.

56. 28 USCS @ 1291 (1995), TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE, PART IV. JURISDICTION AND VENUE, CHAPTER 83. COURTS OF APPEALS, @ 1291. Final decisions of district courts.

57. 28 USCS @ 1331 (1995), TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE, PART IV. JURISDICTION AND VENUE, CHAPTER 85. DISTRICT COURTS; JURISDICTION, @ 1331. Federal question.

58. 28 USCS @ 1331 (1995), TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE, PART IV. JURISDICTION AND VENUE, CHAPTER 85. DISTRICT COURTS; JURISDICTION, The CASE NOTES segment of this document has been split into 2 documents. This is part 2, @ 1331. Federal question.

59. 28 USCS @ 1353 (1995), TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE, PART IV. JURISDICTION AND VENUE, CHAPTER 85. DISTRICT COURTS; JURISDICTION, @ 1353. Indian allotments.

60. 28 USCS @ 2409a (1995), TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE, PART VI. PARTICULAR PROCEEDINGS, CHAPTER 161. UNITED STATES AS PARTY GENERALLY, @ 2409a. Real property quiet title actions.

61. 40 USCS @ 484 (1995), TITLE 40. PUBLIC BUILDINGS, PROPERTY, AND WORKS, CHAPTER 10. MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY, PROPERTY MANAGEMENT, @ 484. Disposal of surplus property.

62. 42 USCS @ 1983 (1995), TITLE 42. THE PUBLIC HEALTH AND WELFARE, CHAPTER 21. CIVIL RIGHTS, Generally, the CASE NOTES segment of this document has been split into 5 documents. This is PART 1, @ 1983. Civil action for deprivation of rights.

63. USCS Const. Amend. 5 (1995), CONSTITUTION OF THE UNITED STATES OF AMERICA, AMENDMENTS, AMENDMENT 5 [CRIMINAL ACTIONS—PROVISIONS CONCERNING—DUE PROCESS OF LAW AND JUST COMPENSATION CLAUSES], The CASE NOTES segment of this document has been split into 3 documents. This is PART 3, Criminal actions—Provisions concerning—Due process of law and just compensation clauses.