American Indian History Timeline

Indian Land Tenure Foundation

LAW
LEGISLATION
POLICY
EVENTS

COLONIAL PERIOD

1598 The colony of New Mexico is founded. The next year Don Juan de Oñate attacks the Acoma killing 800 men, women and children, capturing 500 and condemning all male captives over 25 to have one foot cut off.

1607 Jamestown founded in Virginia.

1756 French and Indian War begins. Algonquian Tribes ally with the French and the Iroquois with the British. The war ends in 1763.

1763 As exemplified by the Royal Proclamation of 1763, the English Crown began to make official statements of policy that recognized the pre-existing inherent sovereignty of Indian Tribes on the North American continent. The Royal Proclamation recognized the rights of Indian nations to aboriginal title to land which was not to be disturbed "without Tribes cedding or selling such lands to the Crown."

1775 Three departments of Indian Affairs created by Continental Congress.

1775 American War of Independence (1775-1783). To finance the war, the American rebel government sold speculative land grants to areas still rightfully occupied by Indians.

1781 The Articles of Confederation declare the federal government shall have authority over Indian affairs, "provided that the legislative right of any within its own limits (sic) be not infringed or violated."

1787 The Northwest Ordinance, an early American Policy statement on relations with tribes states: "The utmost faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress."

1788 The U.S. Constitution, Article 1, Section 8, Clause 3, asserts that Congress shall have the power, "to regulate Commerce with foreign nations, and among the several States, and with the Indian Tribes." State power on Indian issues is thus subordinated to federal power. See also Article VI, Clause 2, where the constitution states that treaties are the "supreme law of the land."

1778 Treaty-making period between the American government and Native North Amaricans begins in 1778 with the first American treaty with the Delaware Tribe.

REMOVAL

1803 The Louisiana Territory is purchased from France for $15 million.

1804 President Jefferson sends Meriwether Lewis and William Clark to chart the Western part of the North American continent.

1817 First Seminole War begins (ending in 1821)

1823 Johnson v. McIntosh, the first of the three Supreme Court cases referred to as the "Marshall Trilogy." The court ruled that Indian tribes could not convey land to private parties without the consent of the federal government. The Court reasoned that European conquest and the establishment of the United States diminished the sovereignty of tribes and limited their power to dispose of their land.

1824 The Bureau of Indian Affairs is created under the jurisdiction of the War Department.

1830 The Indian Removal Act authorizes the President to negotiate with tribes to give up land in the East in exchange for land in the West. This resulted in the forced removal of most Eastern tribes to the West of the Mississippi River by the U.S. Army. Only small remnants remained in their traditional lands in the East.

1831 Cherokee Nation v. Georgia, the second case in the "Marshall Trilogy." The court found that the Cherokee Nation was not a "foreign state" but a "domestic dependent nation," to whom the U.S. has a guardian-ward relationship. Dictum in the case also affirmed the status of tribes as states and the validity of treaties with tribes.

1832 Worcester v. Georgia. The third part of the "Marshall Trilogy." The Supreme Court held that state laws did not extend into Indian Country because they were incompatible with treaties, the Constitution and the laws "giving effect to the treaties."

1832 Black Hawk War in Northern Illinois and Southwestern Wisconsin breaks out as Sauk and Fox Tribes attempt to move back to their ancestral homelands.

1835 The Second Seminole War begins as the Tribe resumes fighting for its land. The war ends in 1842.

1838 Cherokee Trail of Tears. The Cherokee were stripped of their rights and forced to move against their will from North Carolina to Oklahoma.

RESERVATION ERA

1849 The Bureau of Indian Affairs is placed in the newly established Department of the Interior.

1849 Fighting between the Navajo and the U.S. Army results in the incarceration of Navajo on a reservation.

1854 Sioux Wars in the Great Plains begins and continues through 1890.

1855 Third Seminole War begins. In 1858, Seminole are removed to Indian Territory in Oklahoma.

Gold was discovered on the recently established Yakima reservation and conflict erupted between encroaching white miners and tribes marking the start of the Yakima War.

1862 The Homestead Act of 1862 is passed, turning over lands within the American public domain to private U.S. citizens.

Congress passes the Pacific Railway Act authorizing the construction of a transcontinental railroad.

1862 The largest mass execution in U.S. history occurs in Mankato, Minnesota. 38 Dakota are hanged for their participation in the Dakota Uprising.

1866 Various Sioux Tribes sign the Fort Laramie Treaty.

The treaty guaranteed the Black Hills and all lands in current South Dakota west of the Missouri River.

END OF THE CIVIL WAR (1861-1865)

1871 Congress approves a rider to an Indian appropriations act which provides that the U.S. would no longer make treaties with Indian tribes, but that obligations under existing treaties are protected. The rider was introduced by Representative Henry Dawes.

1876 Battle of the Little Bighorn occurs and Sioux warriors wipe out Custer and 250 U.S. soldiers. As a result, the U.S. government confiscates the Black Hills and much of the unceded territory set aside in the Fort Laramie Treaty.

1877 During the Nez Perce War, Chief Joseph, pursued by the U.S. Army, leads his people on an 1,800-mile retreat from their homelands. Upon surrender, Chief Joseph delivered his famous quote, "I will fight no more forever."

ALLOTMENT & ASSIMILATION

1883 Ex Parte Crow Dog. The Supreme Court ruled that the murder of one Indian by another within Indian Country was not a criminal offense punishable by the United States. Indian tribes in their territory were free of regulation by other sovereign governments absent explicit direction from Congress.

1885 In response to Crow Dog case, Congress passes the Major Crimes Act, extending federal criminal jurisdiction over major crimes in Indian Country.

1886 With United States v. Kagama the Supreme Court upholds Congress' authority to pass the Major Crimes Act, holding that the U.S. Federal Government has the "plenary power" or supreme, absolute control over Indians.

1887 The General Allotment Act, introduced by Senator Henry Dawes, is passed by Congress. The single most destructive piece of legislation aimed at tribal land. The act and its subsequent amendments created the general framework for removing reservation land from communal tribal ownership and allotting parcels to individual members, which could eventually be sold, given, or otherwise transferred to non-Indians after expiration or termination of a 25-year-period. Reservation land that exceeded the amount needed by an individual allotments on a reservation was considered surplus, taken out of tribal ownership and was open to general homesteading by non-natives. This formed the basis for modern land trust status, land fractionation, checkerboard land ownership and on-going land loss.

1890 U.S. Army kills nearly 300 Indian men, women and children at Wounded Knee.

1891 Congress permits the leasing of individual Indian allotments by non-natives wherever the Secretary of the Interior finds that the allottee, by reason of age or disability "cannot personally and with benefit to himself occupy or improve his allotment or any part thereof."

1898 The Curtis Act expanded the powers of the federal government over Indian Affairs.

1903 The "plenary power" of Congress over Indians is further strengthened in Lone Wolf v. Hitchcock. The Court ruled that treaties may be unilaterally breached or modified by Congress. The Court also restricted its review of political acts of Congress affecting the federal trust responsibility to Indians.

1906 The Burke Act is passed which allows the Secretary of the Interior to administer Indian trust property. This also allowed the Secretary to take this property out of trust for allottees that applied for fee patents and for those landowners deemed competent by the local Indian superintendent. Some 27 million acres of allotted land were lost to sale by 1934.

1914 World War I (1914-1918). More than 10,000 Americans Indians served in the war effort.

REORGANIZATION

1916 The policy of issuing fee patents to allottees without application begins. The DOI establishes competency commissions to visit reservations and issue fee patents to landowners without their knowledge or consent. Competency Commission members travelled to settlements of allotted Indians and made house-to-house visits to determine the competency of Indian householders, meaning their ability to cope in a white man's world. Visits lasted less than 15 minutes.

1917 The Commissioner of Indian Affairs issued a Declaration of Policy under which Indians determined to be 'able-bodied, adult (and) of less than one-half Indian blood were presumed competent. In 1919, the presumption of competence was expanded to include Indians 'of one-half Indian blood.'

1924 The Indian Citizenship Act is passed declaring all non-citizen Indians born within American Territorial limits to be U.S. citizens.

1928 A report funded by the U.S. Government entitled the Merriam Report is released. The report detailed the destructiveness of federal Indian policy and spurred changes within the federal administration of Indian Affairs.

1934 The Indian Reorganization Act is passed. This Act repealed the Dawes Act and enabled tribes to voluntarily organize and adopt federally approved constitutions and by-laws.

1941 World War II (1941-1945). More than 44,000 American Indians served.

Uranium mining operations begin on the Navajo Reservation and continued for nearly 40 years.

1944 National Congress of American Indians (NCAI) is established.

1946 From 1946 to 1978 the Indian Claims Commission, using an adversarial court process, hears land claims brought by tribes for wrongful dispossession of their lands. Tribes prosed 484 claims and won 58% of them. The commission's remedy was to provide cash payment rather than land transfers.

1950 Korean War (1950-1953). More than 10,000 American Indians served.

1953 Public Law 280 is passed which transferred civil and criminal jurisdiction over Indian lands to state governments in six states.

TERMINATION ERA

1953 The policy of tribal termination began with the passage of House Concurrent Resolution 108 which set up the process whereby a tribe's political status could be dissolved, tribal lands be taken out of trust and sold to non-natives, and imposed state laws on former tribal members. From 1953 to 1970, 11,466 Indians lost their tribal identity and 1,362,155 acres were lost.

1953 Affiliated Tribes of Northwest Indians (ATNI) is established.

1954 Brown v. Board of Education is decided by the Supreme Court prohibiting states from segregating schools based on race – based on the principles of equality.

1955 In Tee-Hit-Ton v. U.S. the Supreme Court held that aboriginal title is "not a property right but amounts to a right of occupancy which the sovereign grants and... may be terminated and such lands fully disposed of by the sovereign itself without any legally enforceable obligation to compensate the Indians."

1956 The Relocation Act is passed encouraging Indians to move to urban areas.

1957 Vietnam War (1957-1975). More than 42,000 American Indians served, 90% of whom volunteered for duty.

1958 Inter Tribal Council of Arizona is established.

1965 All Indian Pueblo Council recognized by the Spanish government in 1598, adopts an organizational constitution.

1966 Inter Tribal Council of Nevada is established.

1969 Indian activists occupy Alcatraz Island. This event drew attention to radical Indian activism and the Red Power Movement.

United South and Eastern Tribes (USET) is established.

1970 Sacred Blue Lake and surrounding 48,000 acres is returned to the Taos Pueblo.

Native American Rights Fund is established.

SELF-DETERMINATION

1970 President Nixon delivers a speech to Congress on Indian Affairs stressing the importance of genuine Indian self-determination and empowerment.

1972 Southern California Tribal Chairman's Association is established.

1973 Members of the American Indian Movement (AIM) became involved in a 10-week standoff with federal law enforcement agents on the Pine Ridge Reservation in South Dakota. This violent siege becomes known as "Wounded Knee II." Indian activists occupy the BIA building in Washington D.C. for 6 days.

1974 U.S. v. Washington (the Boldt Decision) holds that treaties with tribes in the Northwest that preserve the right to fish 'at all usual and accustomed grounds and stations' guarantees tribes an opportunity to take half of all harvestable fish. This was later extended to shellfish and game.

1975 The Indian Self-Determination and Education Act is passed which recognized the right of Indian tribes to self-government "as domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory."

1975 Council of Energy Resource Tribes is established.

1976 Intertribal Timber Council is established.

1978 In U.S. v. Wheeler the Supreme Court grants the existence of tribal sovereignty but declares this sovereignty subject to Congressional whim.

In Oliphant v. Squamish, the Court struck down tribal jurisdiction over crimes committed by non-Indians on reservations.

1978 American Indian Religious Act is passed promising to 'protect and preserve for American Indians their inherent right and freedom to believe, express and exercise' traditional religions, "including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites."

1980 U.S. v. Sioux Nation. The Court rules that the Sioux must be awarded compensation with interest for the U.S. confiscation of the Black Hills. The Sioux Nation refuses the money in the hopes of regaining the land itself.

1981 In Montana v. the U.S. the Court ruled that a tribe's regulation of non-Indian hunting on non-Indian land within a reservation was inconsistent with a tribe's status as a dependent domestic nation.

1982 In Seminole Tribe v. Butterworth, the Court ruled that tribes have a right to create gambling enterprises on their land.

1983 The first Indian Land Consolidation Act is passed. This law, and its 1984, 2000 and 2004 amendments, promotes tribal land, allotment, and interest consolidation.

1987 In California v. Cabazon Band of Mission Indians, the Supreme Court rules the grant to civil jurisdiction under P.L. 280 does not include regulatory authority; therefore, the state laws relating to gaming cannot be enforced against Indians.

1988 The Indian Gaming Regulatory Act is passed.

1989 In Hodel v. Irving, the Supreme Court invalidated original Section 207 of the Indian Land Consolidation Act of 1983 on the grounds that it effected a taking of private property without just compensation.

1990 The Native American Graves Protection and Repatriation Act (NAGPRA) is passed.

1996 Elouise Cobell, a member of the Blackfeet Tribe, files one of the largest class-action suits in history against the U.S. government. Her suit seeks redress of the gross mismanagement of 300,000 individual trust accounts. Secretaries of the Interior under Presidents Clinton and Bush are held in contempt.

1997 In Babbitt v. Youpee Sr., the Supreme Court affirmed that Section 207 (as amended) of the Indian Land Consolidation Act of 1983 violated the Just Compensation Clause of the Fifth Amendment.

2000 Amendments to the Indian Land Consolidation Act are passed.

SOVEREIGNTY

1987 Intertribal Agriculture Council is established.

1991 Indian Land Working Group is established.

1993 Mni Sose (Lakota River of Missouri River) Intertribal Water Rights Coalition is established.

2001 Indian Land Tenure Foundation is established.

2004 American Indian Probate Reform Act (AIPRA) passed. Note in Federal Register and notice to landowners in 2005, went into effect in June 2006.

2005 In City of Sherrill v. Oneida Indian Nation of New York, the Supreme Court held that the repurchase of traditional tribal lands did not restore tribal sovereignty to that land, meaning that the land could not be exempted from local property taxes.

2005 BIA no longer writing or storing wills for individual Indians.

2009 In Carcieri v. Salazar, the Supreme Court's decision eliminated the ability of the federal government to take land into trust for Indian tribes that were not recognized as "under federal jurisdiction" in 1934, when the Indian Reorganization Act was passed, unless there is some other statutory authority for the trust acquisition.

2010 After 14 years of litigation, President Barack Obama signs legislation approving the Cobell Settlement, the terms of which, respect the federal government's immunity from suit to challenge Secretarial trust land acquisitions in the Administrative Procedure Act. The decision compounds the problems created by Carcieri by broadening the class of individuals who could challenge trust acquisitions, and provides that the fee-to-trust conversion could be reversed if successfully challenged.

2012 In Patchak v. Salazar, the Supreme Court held that Congress waived the federal government's immunity from suit to challenge Secretarial trust land acquisitions in the Administrative Procedure Act. The decision compounds the problems created by Carcieri by broadening the class of individuals who could challenge trust acquisitions, and provides that the fee-to-trust conversion could be reversed if successfully challenged.

2102 All Indian reservation lands are in Indian ownership and control.

Special thanks to the Shakopee Mdewakanton Sioux Community for supporting this project. © 2018