

**AMERICAN INDIANS, ALASKA NATIVES &  
THE DEPARTMENT OF DEFENSE  
A BRIEF HISTORY**

*As we progress into the 21<sup>st</sup> century, it is fitting that the Department of Defense has come full circle in its relations with American Indians and Alaska Natives. This evolution from adversary to partner culminated in the 1998 announcement of an official DoD American Indian and Alaska Native Policy. This policy promotes the development of a **Government-to-Government Relationship** between the DoD and Federally recognized Tribes and calls for the implementation of meaningful **Consultation** and communication with Tribes. The policy also mandates that DoD be proactive in protecting Tribal-Village cultural and natural resources, and it is particularly strong in committing the agency to fulfilling its **Trust Responsibilities** to Tribes. Unfortunately, this has not always been the case.*

*The following pages present a summary of important events in the history of American Indians and Alaska Natives in relation to the DoD and its precursor agencies (the Cavalry, the US Army, the War Department, etc.). We start the history at the beginning of the United States with the actions of the Continental Congress..*

*Events are grouped in time periods which coincide with major shifts in national policy toward Tribal peoples. The result makes it obvious that the evolving relationship between American Indians, Alaska Natives and the DoD has been continuous and is intimately connected to the evolution of Federal Indian policy.*

## THE NEW NATION

### 1786

On August 7, 1786, the Continental Congress adopted an ordinance for the regulation of Indian affairs. The ordinance required two districts (Northern and Southern), each headed by a superintendent, who reported to the Secretary of War. The Superintendents were authorized to grant licenses to applicants who wanted to trade and live with the Indians. The ordinance also required that all official transactions (including councils and treaties) between the Superintendent for the Northern District and any Indian Nation were to be conducted at the nearest outpost occupied by US troops.

### 1787

On July 13, the Congress adopted the Northwest Ordinance. This ordinance required that all transactions with Indians be conducted in good faith. It stated that Indian lands and property would not be taken without consent and that Indian lands would not be invaded or disturbed, unless Congress had authorized a "just and lawful war". The ordinance also stated that laws founded in "justice and humanity" would be made to preserve peace and friendship with Indians and to prevent wrongs from being done to them.

### 1789

The Secretary of War's report of June 15<sup>th</sup> opposed the use of conquest against the Indian Tribes. The report noted there were less than 600 regular US troops stationed on the frontiers and that Indian warriors along the Wabash River alone numbered approximately 2000.

The Department of War was established on August 7<sup>th</sup>. It was to be headed by the Secretary of War, who would be responsible for all Indian matters entrusted to him by the President.

On August 10<sup>th</sup>, President Washington reported to the Senate that troops had been raised as authorized by Congress on October 20, 1786, and October 3, 1787. The troops were to protect the frontiers from hostile Indians, prevent intrusions on "public lands," and facilitate the survey and sale of "public lands" to reduce governmental debt.

### 1790 to 1795

Military campaigns were conducted against the Miami Indians and other Tribes in what is now Ohio and Indiana. In 1792, Congress doubled the size of the Regular Army following the defeat of Army and militia units in 1790 and 1791. In the last such defeat, 1,000 Indiana Indians surrounded 1,400 soldiers under Major General Arthur St. Clair's

command, killing 637 and wounding 263. In 1794, after more than four years of fighting, the Miami and other Indians were finally defeated by General Anthony Wayne and 3,000 troops.

## **1802**

On March 30, 1802, following the passage in 1790, 1796 and 1797 of temporary legislation, the Congress enacted a permanent Indian Trade and Intercourse Act. The Act authorized the President to employ military force to □ remove any non-Indian attempting to settle on Indian lands; apprehend any person found in Indian country in violation of the provisions or regulations of the Act; and, when requested by civil authorities, assist in the arrest of any violator of the Act who was found outside Indian country.

## **1803**

During this year, the US completed the purchase of the Louisiana Territory from France without regard for the rights of Indians living in the Territory.

## **1810**

With the active support of British fur traders and the Canadian Governor, Shawnee Chief Tecumseh organized a confederacy of Tribes on the NW frontier.

## **1811**

Tecumseh's brother ("The Prophet") was defeated by General William Henry Harrison in the Battle of Tippecanoe. Local Indians joined the British in the War of 1812.

## **1813**

General Harrison's troops killed Tecumseh in the Battle of the Thames at Ontario, Canada, resulting in the collapse of Tecumseh's confederacy.

## **1814**

General Andrew Jackson, with a force of 2,000 (and support from several hundred Cherokee), defeated the Creek Nation at Horseshoe Bend, Alabama.

## **1816**

On April 29<sup>th</sup>, legislation was enacted to supplement the 1802 Trade and Intercourse Act. It excluded the British from trading with Indians within the territorial limits of the United States by restricting trading licenses to US citizens (unless expressly directed by the President). The

law also prohibited foreigners from entering Indian country without a US passport issued specifically for that purpose, and authorized the use of military force to carry out the Act.

### **1818**

With a force including Creek Indians, Maj. Gen. Andrew Jackson invaded Spanish Florida, after Seminole Indians from Florida had conducted raids into Georgia. Secretary of State John Quincy Adams sent an ultimatum to Spain that it either control hostile Indians or cede Florida to the US. Florida was ceded in 1819 by a treaty which also set the western boundary of the area acquired by the US in the Louisiana Purchase. The treaty renounced US claims to Texas and effectively surrendered Spain's claims in the Pacific Northwest to the US.

### **1824**

The Secretary of War created the Bureau of Indian Affairs on March 11<sup>th</sup>.

### **1825**

A military expedition was sent up the Missouri River to impress and “overawe” the Indians and negotiate peace treaties with them. The Treaty of Prairie du Chien established Indian land boundaries in the Northwest and was a precursor to the policy of Indian removal from the East.

During this same time, a law was enacted to establish the Santa Fe Trail and secure, from the various Tribes, rights of passage for travelers.

### **1827**

President John Quincy Adams advised Congress that surveyors authorized by the State of Georgia had trespassed onto Creek treaty lands, but he had decided not to use Federal military force to remove them, thereby avoiding conflict with State militia units.

## **THE TIME OF REMOVAL, TEARS AND RESERVATIONS**

The Removal Period exemplifies two branches of government having very different ideas about Indian policy. While the Supreme Court set the cornerstones for Tribal Sovereignty, Government-to-Government Relationship and Trust Responsibility, Congress passed laws to force Tribes to relocate and lose certain sovereign powers.

## 1830

President Jackson's policy increased use of the Military to force what had begun as voluntary relocation of Indians to the west. After heated debate, the Congress passed the *Indian Removal Act of May 28th*, authorizing the President to exchange lands west of the Mississippi River for Tribal lands within any state or territory and to "remove and relocate" the Indians accordingly.

Seeking a relocation site, Choctaw representatives, accompanied by an Army surgeon and a 14-man cavalry detachment, explored Indian Territory (mostly now Oklahoma). Subsequently, most of the Tribe relocated during 1831 to 1833. Although it began as a joint civilian-military effort, in 1832, relocation tasks were turned over -- for the purpose of lowering costs -- to the Army, under the command of Captain William Armstrong and his brother Major Francis Armstrong. Although final relocation costs totaled about \$5 million, the Government sold the Choctaw lands it had acquired for about \$8 million. The Choctaw sued and won an award for the \$3 million difference, most of which was consumed by lawyers' fees and litigation costs.

## 1831

Georgia asserted the right of jurisdiction and title over Indian lands within its boundaries. Shortly thereafter, President Jackson removed all of the Federal troops which had been protecting Cherokee lands in Georgia. Jackson informed the Congress that States had the right to extend their jurisdiction to Indian lands. He said Indians could submit to the State or be removed to Indian Territory in the West.

Beginning in 1831 and continuing through 1834, Captain Benjamin Bonneville, supposedly on a leave of absence from the Army, explored the lands surrounding the Rocky Mountains and then traveled to California. Bonneville documented the strength of each Tribe he encountered.

## 1832

In *Worcester v. Georgia*, a famous and precedent-setting decision, Supreme Court Chief Justice John Marshall declared Georgia's laws null and void within the boundaries of the Cherokee reservation. Marshall concluded that the Tribe had "exclusive jurisdiction" within the boundaries of the reservation. Despite the fact that *Worcester v. Georgia* has become a foundation of Indian jurisdictional law, there was no change in the Government's forced removal policy in 1832.

The Sauk and Fox Tribe, under the leadership of Black Hawk, attempted to recover their lost lands in the Wisconsin and Illinois territories. They were defeated by the Illinois Militia, commanded by General Henry Atkinson.

Hundreds of Creek Indians were removed by the military to Indian Territory.

The Act of July 9<sup>th</sup> authorized the President to appoint, with the consent of the Senate, a Commissioner of Indian Affairs. The Commissioner was to direct and manage all Indian affairs and handle all matters involving Indian relations. The Commissioner was under the direction of the Secretary of War.

### **1834**

A more extensive Trade and Intercourse Act was enacted on June 30<sup>th</sup>. It expanded the provisions of the 1802 and 1816 acts and continued the role of the military as an enforcer. The 1834 Act also banned liquor (other than military supplies) in Indian country.

Another Act of June 30<sup>th</sup> created the Department of Indian Affairs. Basically, the Department was a reorganization of the Indian Affairs Field Force within the War Department. The Act did not alter the authority of the Secretary of War or the Commissioner, nor did it alter the status of the Bureau of Indian Affairs in the War Department. The Act also authorized giving military rations to Indians, under certain conditions, if the rations could be spared without injury to the Service.

The Seminole Indians were ordered to leave Florida and move west of the Mississippi River.

### **1835**

The Second Seminole War began during this year, with great losses to the Army. In December, 330 of the 600 Regular Army troops in Florida were killed.

The Army's Artillery School at Fortress Monroe was closed because the students were needed in Florida for action against the Seminoles.

### **1836**

President Jackson advised Congress that discussions had been terminated with Mexico concerning that country's struggle with Texas. Mexican representatives had left the discussions because Jackson authorized troops to enter Texas to protect against "Indian depredation". Jackson also informed Congress that hostile portions of the Seminole and Creek Tribes required the active use of nearly the whole regular military, including the Marine Corps, as well as large number of Militia and volunteers.

The weary, starving Creeks surrendered unconditionally before Spring and were speedily removed west of the Mississippi. This made additional military forces available for action against the Seminoles in Florida.

### **1837**

While meeting under a flag of truce, the Seminole Chief Osceola was captured and imprisoned by General Thomas Jessup. Osceola died three months later and was buried with full military honors.

## **1838**

The authorized size of the Army was increased from 7,000 to 12,000 Regulars.

Army General John Wool requested reassignment in protest over the order for him to begin the forced removal of 14,000 Cherokees from Georgia. Wool was replaced by General Winfred Scott who arrived in Georgia with 7,000 men. Some 4,000+ Cherokees died in the course of the "relocation" (forced march) to what is now Oklahoma.

## **1842**

By the time the US terminated the Second Seminole War in 1842, some 10,000 Army Regulars and 30,000 volunteers had been involved in removing 3,800 Seminoles to Indian Territory. In the process, 1,500 American troops died in battle or from disease. The War had cost the Federal government \$30 million, and the Seminoles remaining in Florida never surrendered.

## **1848**

The Commissioner of Indian Affairs reported that relocating the Pawnees on the Platte River, as required under their 1833 treaty, would result in constant attacks by the Sioux as the Pawnees moved north into Sioux Territory. A US military force had been sent to protect the Pawnee and to compel their removal to western territories. The Commissioner reported that, if the Pawnees were not driven west, no reasonable amount of military force could prevent their extermination by the Sioux.

## **1849**

The Act of March 3<sup>rd</sup> established the Department of the Interior. The Secretary of the Interior was given limited powers (in relation to the Secretary of War) in matters concerning the Commissioner of Indian Affairs.

## **1850**

The Commissioner of Indian Affairs reported that the commanding officer at Fort Snelling had been among those personally responsible for preventing a general war between the Sioux and Chippewa (Ojibwa).

## **1851 and 1853**

In the Fort Laramie Treaty (1851) with the Northern Plains Tribes, and the Fort Atkinson Treaty (1853) with the Southern Plains Tribes, the Tribes recognized the right of the Federal government to build roads and military posts within Tribal territories.

## **1858**

In his annual report, the Commissioner of Indian Affairs reported that the military had been used to □ prevent the intrusion of improper persons upon the Indian lands; protect Indian Agents; and, control and keep Indians within their assigned limits. He supported the “experimental” program of concentrating and sustaining Indians on small reservations as the best choice available. He stated that the settlement and development of historic hunting, fishing and gathering grounds made it impossible for Indians to subsist in their traditional manner, leaving them a choice of constant hunger (and often death by starvation) or subsistence by raids upon frontier settlements. The Commissioner added that the size of the frontier made it impossible for the available military force to adequately guard against such raids.

### **1861**

Several Tribes made treaties with the Confederate States, which voided their treaty rights with the United States. After the Civil War, these Tribes entered new treaties with the United States. The terms of these new treaties were generally less favorable to the Tribes than the terms of their previous treaties.

### **1862**

In August, an uprising of Santee Sioux Indians in Minnesota resulted in the death of 350 white people. In retaliation, 38 Indians were hung by Federal troops. President Lincoln advised Congress:

‘How this outbreak was induced is not definitely known, and suspicions, which may be unjust, need not to be stated. Information was received by the Indian Bureau from different sources about the time hostilities were commenced that a simultaneous attack was to be made upon the white settlements by all the Tribes between the Mississippi River and the Rocky Mountains.’

Later, it was determined that the uprising was due in part to the Indian Agent's decision to withhold food rations until it was determined whether a cash annuity would be paid in gold or Civil War greenbacks.

President Lincoln's September 20, 1862, letter to the Secretary of War stated:

“I know it is your purpose to send the paroled prisoners to the seat of Indian difficulties; and I write this only to urge that this be done with all possible dispatch. Gen. Wood telegraphs that including those from Harper's Ferry, there are now twenty thousand at Annapolis, [sic] requiring four good unparoled regiments to guard them. This should not be endured beyond the earliest moment possible to change it. Arm them and send them away as fast as the Railroads will carry them. Each regiment arriving on the frontier will relieve a new regiment to come forward.”

## **1864**

The Massacre of Sand Creek occurred when Colorado troops under Colonel J.M. Chivington attacked the peaceful encampment of Black Kettle's and White Antelope's Cheyenne. The Cheyenne were camped at a site designated for them about 40 miles from Fort Lyon, Colorado.

## **1865**

The Secretary of the Interior's introduction to the Annual Report of the Commissioner of Indian Affairs for 1865 included the following statement:

“On taking charge of this department on the 15<sup>th</sup> day of May last, the relations of officers respectively engaged in the military and civil departments in the Indian country were in an unsatisfactory condition. A supposed conflict of jurisdiction and a want of confidence in each other led to mutual criminations, whereby the success of military operations against hostile Tribes and the execution of the policy of this department were seriously impeded. Upon conferring with the War Department, it was informally agreed that the agents and officers under the control of the Secretary of the Interior should have no intercourse, except through the military authorities, with Tribes of Indians against whom hostile measures were in progress; and that the military authorities should refrain from interference with such agents and officers in their relations with all other Tribes, except to afford the necessary aid for the enforcement of the regulations of this department.”

The Doolittle Committee, a Joint Special Congressional Committee, was established with the purpose of looking into activities within Indian Country.

## 1866

The Army's construction of a road from southern Wyoming to Montana along the Bozeman Trail precipitated the formation of a war party among the Sioux.

## 1867

The report of the Doolittle Committee, entitled *Condition of the Indian Tribes*, was published in January. Based on information gathered from Army officers and civilians with significant "Indian" experience, the report concluded that most Indian hostilities could be traced to the aggressive actions of "lawless white men". The report concluded that Indian wars often became wars of extermination, and the Committee opposed the transfer of the Indian Bureau back to the War Department.

## 1867

An Indian Peace Commission was created by the Act of July 20<sup>th</sup>. The Commission consisted of three Army Generals, the Commissioner of Indian Affairs, the Chairman of the Senate Indian Affairs Committee and two others. Their mission was to meet with the leaders of the Tribes at war with the United States to learn the reasons for the hostilities. The Commission was directed to make peace treaties with the Tribes to  establish security for the construction of railroads to the Pacific coast and  establish permanent reservations for the Tribes.

If the Commission failed to secure peace, or if the Indians didn't move to reservations, the Secretary of War agreed to pay for the services of up to 4,000 mounted volunteer units from the States/Territories. These units were to be used to suppress and/or remove the Indians.

During this year, the United States also purchased Alaska from Russia, giving no consideration to Native rights.

## 1868

The Indian Peace Commission reported to the President that poor treatment of Indians by "white people" was the major cause of Indian hostilities. As the 1867 Doolittle Committee report had, the Peace Commission questioned whether the Bureau of Indian Affairs should be in the War Department or the Department of Interior. The Commission recommended removing many corrupt agents and superintendents. It also recommended that the Indian Bureau be made an independent agency.

The Commission also recommended that no State or Territorial governor or legislature be allowed to wage war against Indians. Several disasters from such state action were cited. They included the Commission's charge that:

- Colorado troops had caused the 1864-1865 war with the Cheyenne and the butchery at Sand Creek; and

- Montana troops in 1867 would have involved the United States in an almost interminable war with the Crow Nation, if not for the timely intervention of Federal military authorities.

The Commission concluded that, if there must be Indian wars, "... they should be carried out by the regular army whose officers are generally actuated by the loftiest principles of humanity, and the honor of whose profession requires them to respect the rules of civilized warfare." The Commission also recommended that US Military authorities be directed to remove white persons trespassing on Indian reservations and unceded Indian lands.

On April 29<sup>th</sup>, the Sioux and their allies signed another Treaty at Fort Laramie. This Treaty required the President to detail an Army officer to inspect and report on the quantity and quality of, and the manner in which US goods were delivered to the Indians. The Treaty also required that the military posts north of the North Platte River and east of the Big Horn Mountains be abandoned and roads connecting them to the Montana Territory be closed. Additionally, no whites were allowed in the Black Hills without Sioux consent.

Shortly after the implementation of the Treaty, Lt. Col. George Custer and the 7<sup>th</sup> Cavalry attacked the Cheyenne village of Black Kettle, killing more than 100, capturing 50 women and children, and killing some 900 ponies.

In November, the annual report of the Secretary of War recommended that the management of Indian affairs be completely restored to the War Department. The Secretary said such transfer would be cost-effective and would provide more efficient protection to the frontier settlements. He also said the transfer would improve justice to the Indians.

Also in November, the Commissioner of Indian Affairs recommended against the transfer of Indian Affairs back to the War Department. His reasons included the following:

- "The prompt, efficient, and successful management of Indian affairs is too large, onerous, and important a burden to be added to the existing duties of the Secretary of War;
- "The transfer would create a necessity for maintaining a large standing army in the field;
- "The true policy towards the Indians is peace and the proposed transfer is tantamount to perpetual war;
- "Military management of Indian affairs was tried for 17 years and was proven a failure and must always prove a failure;
- "It is inhuman and unchristian to destroy a whole race by such demoralization and disease as military government is sure to entail upon our Tribes;
- "The conduct of Indian affairs is incompatible with the nature and objects of the military department;

- “The transfer will be offensive to the Indians and injurious to the whites;
- “The January 7th report of the Peace Commission unanimously recommended that Indian affairs should be placed upon the footing of an independent department or bureau;
- “The methods of military management are utterly irreconcilable with the relation of guardian and ward (Trust Responsibility);
- “The transfer will entail a large increase of annual expenditure; and
- “The presence in peaceful times of a large military establishment in a republic always endangers the supremacy of civil authority and the liberties of the people.”

The Commissioner recommended that Indian Affairs be an independent department or, at least, be left in the Interior Department.

### **1869**

General William Tecumseh Sherman took command of the US Army in the West. The West command included 14,000 soldiers in an area that extended from Texas to North Dakota and from Kansas to California.

The November annual report of the Secretary of the Interior defined a new policy for choosing Indian agents. All of the Tribes in Nebraska and Kansas, and some of those recently placed on reservations in Indian territory, were placed under the control of members of the Society of Friends (Quakers). Other Indian agents were Army officers who were detailed for such duty and most of whom were awaiting orders because of new laws which were reducing the size of the regular army. These Army officers were on pay but not on duty, so the government could save the salaries that would have had to be paid to civil officers. The Secretary reasoned that using the Army officers was also appropriate because “.. they were public servants whose integrity and faithfulness could be relied upon and with whom the public were prepared to have confidence.”

In November, the Board of Indian Commissioners published a scathing report (for the times) that stated some of the highest military officers in the US had testified to the effect that, in all the Indian wars, almost without exception, the first aggressions had been made by the white man. The Board also stated that the assertion by these officers was supported by every civilian of reputation who had studied the subject.

The Board also stated that there was a large class of supposedly reputable men who used every means in their power to bring on Indian wars, for the sake of the profit they could realize from the expenditure of government funds and the presence of troops in their midst.

These men proclaimed the inhuman idea that Indians are only fit to be exterminated, and the Board urged that every effort be taken to keep the Military from being influenced by these men.

The Board pointed out that inexperienced officers, ambitious for distinction and surrounded by these influences, had been incited in the past to attack Indian bands without adequate cause, thereby involving the US government in unjust wars. The Board stated that, in the future, such blunders would cost an officer his commission and that □such distinction is infamy.□ The report also noted that soldiers sent to protect the Indians often carried both disease and demoralization into their midst.

## **1870**

The Act of July 15<sup>th</sup> prohibited the appointment of military officers to civil posts unless their commissions were vacated. Certain exceptions relating to Indian affairs were provided for in 1879, 1882, 1892, and 1898.

President Grant's December 5<sup>th</sup> Second Annual Message to Congress stated that the experiment of giving responsibility for a few reservations to the Society of Friends was successful. He said that, since military officers were no longer eligible for appointment to Indian posts because the posts were civil offices, he would turn responsibility for Indian reservations over to those religious denominations that had previously established missions among the Indians. In addition, other denominations would be considered for such responsibility if they would undertake the work on the same terms, *i.e.*, as missionary work.

## **ALLOTMENT & ASSIMILATION**

In the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, the Government decided that Tribal governments were really unnecessary and that Indians should be given the same rights and privileges as other citizens. One major way to accomplish this was to give Indian land to Indian individuals. Congress believed that the Indians would farm the land, become typical landowners, and assimilate into American society. (Individual Allotment Acts were passed before 1887.)

The General Allotment Act (Dawes Act 24 Stat. 388) gave 160 acres to the head of the family and 80 acres to others in the family. Twice that amount was allotted if the land was suitable for grazing. Later, the amounts were reduced. The land was held in trust for 25 years, while the Indians learned to manage their affairs. After that time, the land conveyed to the allottee in fee, free of encumbrances and subject to taxes. The Act also authorized the Secretary to negotiate with the Tribes for disposition of all □excess□ lands remaining after allotments. This land was used for the settlement of non-Indians.

Indians who received allotments became citizens of the United States, subject to State and local criminal and civil laws, but enjoying the protection of these laws as well. (Thirty-seven years later, the Indian Citizenship Act of 1924 made all Indians citizens of the United States.)

### **1871**

General William Tecumseh Sherman issued orders forbidding Indians from leaving reservations without permission of the Indian agents.

One hundred non-combatant Apaches were massacred at Fort Grant in Arizona, which resulted in a war with the Apache in New Mexico.

Kiowa raiding parties from Indian Territory crossed into Texas. Gen. Sherman had their three leaders arrested at Fort Sill. One was later killed trying to escape and the other two were tried and imprisoned for two years.

### **1872**

The Commissioner of Indian Affairs reported that, in the year preceding the Act of July 15, 1870, all superintendents and Indian agents, except those for Kansas and Nebraska, were Army officers. Subsequently, the officers were replaced with persons nominated by religious and missionary societies. The Commissioner defended the policy of restricting Indians to reservations as reducing the potential for military conflict. This was necessary, he said, because a general Indian war could not be waged with the then reduced US military force. The Commissioner concluded that the reservation system, combined with the feeding system, dramatically reduced occasions for confrontation by lessening the points of contact. He also noted that the combined system meant “that the number of Indians available for hostile expeditions involving exposure, hardship, and danger is so diminished through the appeal made to their *indolence* and *self-indulgence*, that the Army in its present force is able to deal effectively with the few marauding bands which refuse to accept the terms of the Government”

### **1873**

Some 120 Modoc Indians led by Captain Jack held out in California lava beds against over 1,000 troops. They were finally dislodged by artillery bombardment, and Captain Jack and two other leaders were hanged. The remaining Modoc were forcibly removed to Indian Territory.

## 1874

By Spring, Col. George Custer had lead the 7<sup>th</sup> Cavalry into the Black Hills and confirmed reports that gold had been discovered.

On September 26<sup>th</sup> , Col. Randal McKenzie's 4<sup>th</sup> Cavalry found a large village of Comanches, Kiowas, Cheyenne and Arapahos who had left their reservation because they were starving. The Indians were encamped to hunt for buffalo in hopes of fending off starvation. The village, including all of its horses, was destroyed. Survivors were forced to return to the Reservation because winter was approaching.

## 1875

More than 15,000 gold seekers poured into the Black Hills in complete violation of Indian rights and the 1868 Treaty of Fort Laramie. President Grant secretly ordered the Army not to enforce those rights and the Treaty. He then sent a “commission” to use “all necessary means” to get the Indians to relinquish the Black Hills.

The Indian Commission went to the Court of Claims to protest the taking of the Black Hills from the Sioux. The Court upheld the charge that the government had been neither fair or honorable in its dealings. The court remarked upon President Grant's duplicity in breaching the Government's treaty obligation to keep trespassers out of the Black Hills. It also reprimanded the government for practicing an unconscionable pattern of duress by refusing food, etc., to the starving Sioux to get them to agree to the sale of the Black Hills. The Court of Claims concluded: "A more ripe and rank case of dishonorable dealings will never, in all probability, be found in our history."

Quanah Parker, leading a force of Comanche, Kiowa and Cheyenne forces, was defeated by US Army troops and taken to Fort Sill.

## 1876

In a January 19<sup>th</sup> letter to the Chairman of the House Indian Affairs Subcommittee, General Sherman recommended that Indian Affairs be transferred back to the War Department, that the duties of the agents and superintendents be assigned to military officers and that the head of the Office be a military officer. General Sherman persuaded Congress to place reservations in troubled areas under the absolute control of the Army. Indian agents were replaced with Army officers, who treated all Indians as potentially hostile. Weapons, ponies, ammunitions and other personal belongings were confiscated, and many men (whether or not they were hostile) were held as prisoners of war.

General Sherman was authorized to commence operations against the □hostile Sioux.□ General Crook and his troops were defeated at the Battle of Rosebud by Indians under Sitting Bull and Crazy Horse, and Lt. Col. George Custer and his 7<sup>th</sup> Cavalry were defeated at the Little Big Horn by Indians led by Crazy Horse.

President Grant signed a bill that forbade payment of a single penny of the year's appropriations (1 million dollars for food alone) to any branch of the Sioux engaged in hostilities, even if most of the branch kept the peace. In addition, with the penalty that all future appropriations would be withheld, the bill required that the Sioux cede much of their existing territory and agree to railroad rights across their remaining land.

Facing "surrender or starve" conditions, a delegation of 29 Sioux and 5 Cheyenne leaders were forced to "touch the pen" and agree to the harsh terms imposed upon them. The signers did not include Sitting Bull, Crazy Horse and other champions of resistance.

## **1877**

Crazy Horse acknowledged defeat in May and led his Oglala Sioux and their Cheyenne allies to the Red Cloud Agency in Wyoming. Later that year, responding to unconfirmed rumors that Crazy Horse was plotting trouble, soldiers were sent to lock him up. The great war chief resisted, and he was bayoneted to death.

After the destruction of his camp at Redwater Creek by troops under the command of Colonel Nelson Miles, Sitting Bull took his remaining people to Canada.

Some 750 Nez Perce who had been forced from their homeland fled 1700 miles before being stopped by the US Army, just short of the Canadian border. The Nez Perce Chief, Joseph, earned the respect of several of his pursuers and was considered a tactical genius by many of the officers who fought against him. Until cold, starvation and illness forced him to surrender, he was able to successfully beat back several thousand Army forces with less than 200 warriors.

The November 1<sup>st</sup> annual report of the Commissioner of Indian Affairs recommended expanding the use of Indian police, contending that this would relieve the Army of police duty on Indian reservations. (Police units composed of Tribal members were established at most agencies by 1885.)

Some 90 Cheyenne men and more than 200 women and children left Indian Territory intending to return to Montana. After several clashes, captures and escapes, the remaining members of the group (33 men and 81 women and children) were captured without a fight.

## 1878

The Bannock, Paiute and other Indians of southern Idaho, starving and dispirited, left their reservations in an attempt to re-establish their traditional way of life. They were captured and subdued by the 21<sup>st</sup> Infantry, 4<sup>th</sup> Artillery and 1<sup>st</sup> Cavalry by September 1879.

## 1879

On May 12<sup>th</sup>, the US Circuit Court for the District of Nebraska held (in *Standing Bear v. Gen. George Crook*) that an Indian was a person under the laws of the US. The ruling also stated that there was no Congressional or Treaty authority that authorized the Commissioner of Indian Affairs or the Army to force the Ponca Tribe to return to Indian Territory. On the other hand, the Court also ruled that, in time of war, the Army could remove the Ponca (as enemy aliens) to a place of safety. Removal, however, was only for the duration of the war unless the removed individuals were charged with some crime.

Some 200 men of the 5<sup>th</sup> Cavalry and 4<sup>th</sup> Infantry, dispatched to aid the Ute Indian Agent at White River, Colorado, were attacked by more than 300 Utes. The Agent and most of his staff were killed. It took several thousand troops to □pacify□ the rebellious Utes, who capitulated in November 1880.

## 1882

In early winter, the US Navy shelled the Alaskan Native village of Angoon, burning it and its food stores. The aggression was undertaken to support a whaling company involved in a dispute with the village over the accidental death of a villager in the company's employ.

## 1883

On October 27<sup>th</sup>, William Tecumseh Sherman noted in his final report as General of the Army that he regarded the Indian problem as substantially eliminated. Sherman indicated that the recent completion of the last of four great transcontinental railway lines had settled forever the Indian question.

Sitting Bull was a guest of honor at the opening of the Northern Pacific Railroad. When he spoke, he reportedly said that white people were thieves and liars and they had taken away the Indians land and made them outcasts. The Army translator told the crowd that he said how happy he was to be there and that he looked forward to peace and prosperity between Indians and white people.

## **1886**

Geronimo and his band of 24 Chiricahua Apaches were hunted by General Nelson Miles and 5,000 soldiers. After Geronimo's surrender, he and all Chiricahua Apaches, including those who assisted the Army as scouts to help find Geronimo, were sent as prisoners to Ft. Marion, Florida. There, in a short time, more than a hundred died. The children were sent to the Carlisle Indian school in Pennsylvania, where more than 50 died within the first few years of their arrival.

## **1890**

Listening to unfounded rumors that Sitting Bull (now an old man, tired of fighting) was plotting another resistance, troops were dispatched to the Standing Rock Agency. On December 15, Sitting Bull was killed while being arrested.

Dismayed by Sitting Bull's death and the approach of troops, the Sioux leader Big Foot and his band of 350 people, most of them peaceful Ghost Dancers, fled the Cheyenne River Agency and headed for the Badlands to await the fulfillment of Ghost Dance prophecies. The 7<sup>th</sup> Cavalry pursued. When the 7<sup>th</sup> caught up with them on December 28<sup>th</sup>, the Indians surrendered. On December 29<sup>th</sup>, surrounded by 470 soldiers at their camp on Wounded Knee Creek in South Dakota, they were ordered to give up their guns. One of the Sioux grappled with a soldier trying to disarm him, and his weapon discharged into the air. Shooting erupted and the band tried to flee in terror. What followed was a massacre that claimed the lives of 200 Indian people, mostly women, children and elderly, many of whom were shot in the back.

## **1892**

The Act of July 13<sup>th</sup> included a provision requiring the President to detail Army officers to act as Indian agents (under the orders and direction of the Secretary of the Interior) at all Agencies where vacancies occur. Exceptions were allowed where the President determined that the public would be better served by the appointment of a civilian.

Geronimo and most of the other Chiricahua Apache prisoners of war were transferred from Florida to the Mount Vernon Barracks in Alabama.

## **1894**

Geronimo and the surviving Chiricahua Apache prisoners of war were transferred to Ft. Sill in Oklahoma.

## **1897**

By agreement with the Kiowa Comanche and Kiowa Apache, some 27,000 acres of Kiowa, Comanche and Apache Reservation were added to the Fort Sill Military Reservation. These lands were to be used exclusively for military purposes and for the permanent location Apache prisoners of war.

## **1901**

Geronimo, still a prisoner of war, was sent to Washington, D.C. to ride in President Teddy Roosevelt's inaugural parade.

## **1906**

Utes left their reservation and raided the Wyoming countryside until forced back onto the reservation by the 6<sup>th</sup> and 10<sup>th</sup> Cavalry.

## **1909**

Geronimo dies, still a prisoner of war after 23 years.

## **1914**

The Indian Affairs Appropriations Act allocated \$100,000 for continuing the relief and settlement of the Apache prisoners of war held at Fort Sill. The prisoners were to be resettled in Oklahoma, on land selected by the Secretary of the Interior and the Secretary of War. Those lands would then be made subject to the general allotment act of 1887, as amended.

## **1915**

The Indian Affairs Appropriations Act made prisoner of war appropriations from the previous year available until expended.

## **1917**

The Indian Affairs Appropriations Act of 1917 allocated:

- \$75,000 for beginning construction of a dam and related facilities for irrigating Indian land and allotments on the Gila River Reservation, AZ, as recommended by the US Army Board of Engineers;

- \$75,000 for beginning construction of a dam and related facilities to divert water from the Gila River above Florence, AZ, as estimated by the US Army Board of Engineers; and
- \$9,533.38 of unexpended, prior appropriations for purchasing allotments for three former Apache prisoners of war who had been held at Fort Sill and who had not received allotments.

The Act of March 4th, authorized pensions to survivors of certain Indian wars between 1859 and 1891.

## **1919**

The Indian Affairs Appropriations Act for 1919 allocated funds for the Indian Service to complete construction of the Gila River dam and related facilities.

The Act of February 28<sup>th</sup> authorized the City of San Diego to condemn lands belonging to the Capitan Grande Indian Reservation for dam and reservoir purposes. The city was required to sell the water at cost to the War and Navy Departments for military or naval installations in that vicinity.

The Act of November 6<sup>th</sup> granted US citizenship to any Indian who had served honorably in the Military (including the Navy) against Germany. Granting US citizenship would not impair individual Indian property rights.

## **1920**

Section 22 of the Indian Affairs Appropriations Act authorized and directed the Secretary of War and the Secretary of the Interior to immediately investigate the advisability and necessity of acquiring some 3,200 acres of allotted Nisqually Indian lands in Pierce County, Washington to increase the size of the military's Camp Lewis. Subsequently, the lands were awarded by a State court decree as □lands in fee□ to the County, who then transferred title to the War Department.

## **1922**

The Apache were still confined as prisoners of war at Fort Sill. The Act of September 21<sup>st</sup> authorized their continued subsistence and purchase of land for their settlement. The lands were to be selected jointly by the Secretary of the Interior and the Secretary of War.

Congress appropriated \$5,000 from Rosebud Sioux Tribal funds to erect a monument, under the supervision of the Secretary of the Interior, to Tribal members who gave their lives for their country in WWI.

## **1923**

Funds, in the amount of \$42,500, were appropriated (as authorized by the Act of September 21, 1922) for relief of, and purchase of lands for certain Apache prisoners of war at Fort Sill.

## **1924**

The Act of April 28<sup>th</sup> authorized the Secretary of Interior to disburse \$85,000 to settle the claims of 25 heads of families on the Nisqually Reservation, Washington. This was additional compensation for more than 3,200 acres of allotted Indian land taken for military purposes. The appropriation included compensation for the surrender of treaty rights and removal expenses. An unexpended balance was later used to remove and rebury remains from the old Nisqually cemetery.

Legislation was enacted to recognize all Indians as US citizens.

## **1926**

The Interior Department was appropriated \$25,000 of Osage Tribal funds to erect a monument on the Osage Reservation as a memorial to Tribal members who gave their lives for their country in the recent war with Germany.

The Act of April 14<sup>th</sup> authorized \$2,500 for the Secretary of the Interior to acquire, by condemnation or otherwise, up to 160 acres on the site of the battle between Sioux Indians and the commands of Major Marcus Reno and Major Frederick Benteen. A monument and historical tablet were to be erected.

The Act of July 3<sup>rd</sup> authorized the Navy to transfer unneeded property to the Interior Department to be used at the Sante Fe Indian school.

## **INDIAN REORGANIZATION AND PRESERVATION OF TRIBES**

The Merriam Report, released in 1928, concluded that the allotment policy was devastating for Tribal governments and individuals. Ninety (90) million acres of Indian land was lost between 1887 and 1934 and the Indian population was not assimilated or economically improved. During the period of Indian Reorganization, legislation was passed to put Tribal land back into trust and to provide assistance to strengthen Tribal governments. However, for the DoD this was a period of taking Indian lands for dams and building memorials to US and Indian wars and the removal of Indians from their homelands.

## **1928**

Federal land at the site of the battle between Nez Perce Indians and the command of Nelson A. Miles as was designated the "Chief Joseph Battle Ground of the Bear's Paw."

## **1930**

The Act of April 7<sup>th</sup> stated that military service in the Indian wars from 1817 to 1898 counted as residence and cultivation time, for purposes of the homestead laws. This benefit was later extended to widows and orphans of such veterans by the Act of March 3, 1933.

Five thousand dollars was appropriated to the Secretary of the Interior to pay retired Maj. Gen. Hugh L. Scott and his Indian assistants to make a permanent film record of the theory, history and practice of American Indian sign language.

In the Supplemental Appropriations Act, Congress appropriate \$3,045 to compensate Crow Indians for Tribal and allotted lands taken by Executive Order in 1886 as a site for the Custer Battle Field National Cemetery.

In three separate acts, Congress authorized funds to erect monuments to commemorate American Indian history. They included:

- \$2,500 for a marker or historical tablet on the site of the battle between Nez Perce Indians under Chief Joseph and the command of Nelson A. Miles.
- \$1,500 for a monument on the Cheyenne River Reservation to commemorate the deceased chiefs of the Cheyenne River Sioux and the servicemen of that Tribe who died during WWI.
- \$2,500 to the Secretary of War for a suitable marker at New Echota, the last capital of the Cherokee Nation prior to the Tribe's removal to Indian territory.

## **1932**

Funds authorized in 1930 for the Nez Perce and Cheyenne River Sioux monuments were appropriate to the Interior Department.

## **1938**

Congress appropriated \$35,000 to commemorate certain Civil War battles and the 100<sup>th</sup> anniversary of the removal of the Cherokee Nation from Tennessee.

## **1941**

American Indian men were required to register for the draft, even though Indians were not allowed to vote in some states.

## **1942**

Congress transferred more than 900,000 acres of Native lands in Alaska and on 16 Indian reservations to the military for use as air bases, gunnery ranges, nuclear test sites, training installations or internment camps for Japanese Americans. Sioux who resided on 300,000 acres of the Pine Ridge Reservation were paid 75 cents an acre and given 30 days to move. Alaskan Natives and Native Aleuts were given similar moving deadlines but were typically not compensated. Some Native Aleuts were placed in "holding areas," similar to internment camps, since it was believed they might collude with the enemy; no non-native was "held."

## **1944**

The Flood Control Act of 1944, which would have significant consequences to local Tribes, authorized the Army Corps of Engineers to establish a comprehensive flood control plan along the eastern border of the Cheyenne River Reservation.

## **1945**

The War Department Civil Appropriations Act authorized the Secretary of War to institute proceedings to condemn the Osage Tribe's mineral rights on land the Federal government wanted for the Hulah Dam and Reservoir project. The condemnation process allowed land to be taken without compensation.

## **1947**

The War Department Civil Appropriations Act prohibited the Secretary of War to use funds appropriated for construction of Garrison Reservoir dam until certain conditions were met. Those conditions included selecting and offering land to the Three Affiliated Tribes. The land was to be comparable in quality and size to acreage on the Fort Berthold Reservation that would be inundated by the dam.

## **1948**

The War Department Civil Appropriations Act appropriated \$5.1 million to acquire lands and rights from the Three Affiliated Tribes at Fort Berthold (ND) for the Garrison Reservoir, fund contract negotiations with the Tribes, and fund litigation by the Tribes in the Court of Claims. The resultant contract was subject to the approval of a majority of adult Tribal members.

## **1949**

The Act of October 29<sup>th</sup> provided that, if the Three Affiliated Tribes approved the Act within six months, the funds appropriated in 1948 would be made available. An additional \$7.5 million would also be provided.

## **1950**

The Act of September 30<sup>th</sup> authorized the Army Chief of Engineers, with the Secretary of the Interior, to negotiate separate settlement contracts with the Cheyenne River Sioux (SD) and the Standing Rock Sioux (SD & ND). The contracts, which were for lands and rights required for the Oahe Dam and Reservoir, were subject to ratification by a majority of the adult Tribal members. However, nothing in the Act restricted the dam's construction and completion and, consequently, the land could be taken and construction could begin before settlements had been agreed upon with the Tribes.

## **POLICIES OF TERMINATION AND RELOCATION**

Federal Indian policy returned to assimilation. Federal programs established to promote relocation from reservations to urban areas and to terminate reservations and Tribal governments. Most of the direction for DoD's dealing with Indian Tribes came from Congress through appropriation acts.

## **1953**

Congress decided it wanted "... as rapidly as possible to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States." Over 100 Tribes were terminated and made subject to State laws. Most of the terminated groups were small Tribes or bands, with the exception of the Menominee of Wisconsin and the Klamath of Oregon. The terminated Tribes' land was converted into private ownership and, most often, sold. The Bureau of Indian Affairs established its Relocation Program, which encouraged Indians to leave the reservation and seek jobs in urban areas. Thousands relocated to cities across the country.

## **1954**

The Public Works Appropriations Act authorized compensation by the Army Corps of Engineers to Tribes and other Indians whose fishing rights and interests would be impaired by the construction, operation and maintenance of the Dalles Dam on the Columbia River. Similar provisions were included in subsequent Acts.

The Cheyenne River Act provided \$10,644,014 for the Cheyenne River Sioux Tribes in exchange for 104,420 acres of land taken for the Oahe Dam and Reservoir projects. Compensation was for loss of wildlife, loss of revenue from grazing permits, negotiation costs, and the costs of “complete rehabilitation” of all resident Tribal members and the restoration of Tribal life.

## **1956**

The Public Works Appropriations Act authorized the Army Corps of Engineers to relocate Indians living in the Dalles Dam project area.

## **1957**

The Seneca Nation of New York opposed the loss of 10,000 acres of their land to Army Corps of Engineers for the Kinzua Dam project. The Senecas hired their own engineers and proved that the dam could be built more effectively 30 miles downstream. The Corps of Engineers would not consider the alternative. When relocating a Seneca town, the Federal Government gave the best lots to Christian Senecas and saved the most isolated lands for the Handsome Lake Senecas, followers of the Longhouse religion, who were most vocal in opposing the dam.

## **1958**

Although the Miccosukee Indians of Florida were opposed to projects for Everglades reclamation and the straightening of the Kissimmee River, the Army Corps of Engineers proceeded with the projects.

Buildings acquired by the Army Corps of Engineers on the Crow Creek Reservation, in connection with the Fort Randall Dam and Reservoir project (in South Dakota), were transferred back to the Tribe by Congress.

Congress also authorized additional compensation to certain Sioux who suffered damages as a result of an aerial gunnery range established on the Pine Ridge Reservation in South Dakota.

## **1962**

PL 87-735 ordered the Secretary of the Army to pay for allotted and Tribal land on the Crow-Creek-Sioux Reservation that the Corps of Engineers needed for the Big Bend Dam and Reservoir Project on the Missouri River. It also required that the Secretary of the Army bear the cost for (1) social and economic development of Tribal members displaced by the project; (2) the relocation and re-establishment of Indian cemeteries, Tribal monuments and shrines; (3) the protection, replacement, relocation or reconstruction of existing essential facilities on the reservation (schools, hospitals, roads, bridges, governmental agencies, etc.) If these facilities were affected by the Big Bend project; and (4) developing a 50-home townsite with a fully developed utility infrastructure.

## **A RETURN TO TRIBAL SELF-DETERMINATION**

The official Federal policy of assimilating American Indians into the general population by terminating Tribes and relocating thousands to urban areas was judged a dismal failure. Congress, the Administration and the Courts recognized the multitude of problems caused by two decades of assimilation policy. To repair the damages, measures were enacted from 1968 - 1982 to support Tribal Governments. Most terminated Tribes were reinstated.

President Richard Nixon's Indian Policy stressed the continuing importance of the trust relationship and urged the development of programs that gave Tribes maximum autonomy in managing their own affairs. Nixon also acknowledged Tribal governments as permanent fixtures in Indian society and culture, and he repeatedly supported consulting and strengthening these governments. As a result, this era created several new laws and policies that affect relations between all Federal agencies and Tribal governments.

## **1969**

The Army officially adopted a policy (AR 70-28, dated 4 April 1969) of naming Army aircraft after Indian Tribes, chiefs or artifacts. A list of choices was obtained from the Bureau of Indian Affairs. This policy is still in effect.

## **1971**

Following the discovery of oil on its North Slope, Alaska leased lands to private oil companies for more than 1 billion dollars in fees. Native people, organized as the Arctic Slope Association, sued the State. The Association claimed that Native land rights had been violated when Alaska leased land that the Inuit (Eskimo) had occupied, used and "exercised dominion over" for centuries. The *Alaska Native Lands Settlement Act* (ANSCA) was passed to settle this and other Native claims. ANSCA extinguished aboriginal land, hunting and fishing claims. Alaska Natives received 44 million acres and 962 million dollars in compensation for giving up claim to 90% of Alaska. The

settlement land was divided between 220 newly created village corporations and 12 regional corporations. The corporations were established for the purpose of conducting for-profit business under State law, thus bypassing Tribes. There was a 20-year restriction on stock alienation, which was extended in 1988.

ANSCA authorized the Secretaries of Interior, Defense and Agriculture to exchange land under their jurisdiction in Alaska for land belonging to Village Corporations, Regional Corporations, individuals or the State. Lands could be exchanged for consolidation or to facilitate the management and/or development.

The River Basin Monetary Authorization Act authorized the Army Chief of Engineers to construct dikes to prevent shoaling near an irrigation pumping plant's Missouri River intake on the Fort Peck Indian Reservation in Montana. The Bureau of Indian Affairs was charged with obtaining the land, easements, and rights-of-way. It was also responsible for maintaining the project after its completion. The Act also authorized \$800,000 for commitments made in 1962 to Tribes surrounding the Big Bend Reservoir project. In addition, the Secretary of the Interior could reimburse Tribes up to \$22,500 for all attorneys' and engineering fees and Tribally-incurred expenses for obtaining and implementing legislation to remedy difficulties arising in connection with the Corps' project.

### **1973**

The Head of the Army's 82<sup>nd</sup> Airborne Division was called in preparation for an assault on the Indians occupying Wounded Knee, site of the 1890 massacre by the 7<sup>th</sup> Cavalry.

### **1976**

The Alaska Native Claims Settlement Act's land exchange provision was amended (see 1971) to include Native selection rights. The Act was extended to all the Native corporations established under ANCSA, and the purposes of the exchange were broadened to "other public purposes."

The Water Resources Development Act directed the Army Chief of Engineers to survey the Navajo Reservation (which includes parts of Arizona, New Mexico and Utah) to make recommendations for flood control. The Act also authorized a plan for removing and disposing of debris and obsolete buildings resulting from WWII military construction in the vicinity of Metlakatla and Annette Island in Alaska. The Army was also directed to make recommendations to restore the area to its natural condition.

The Resource Conservation and Recovery Act authorized a study by Presidentially appointed agencies (including DoD) to determine the best methods for removing solid waste from Federal lands in Alaska. Personnel conducting the study were to consult with representatives of the State of Alaska and the appropriate Native organizations.

## **1978**

Congress authorized the Coast Guard to enter into a long term lease to acquire a site on the Quileute Indian Reservation (Washington) for relocation of the Quileute River Coast Guard Station. Relocation of the station to the reservation town of La Push was completed in 1980.

Even though freedom of many traditional Indian religious practices continued to be prohibited, religion was a guaranteed right to US citizens. In 1978, the American Indian Religious Freedom Act (AIRFA), established official Federal policy that the government had a responsibility to protect and preserve the inherent right of American Indians to believe, express and exercise their traditional religions. This included, but was not limited to, access to sites, use and possession of sacred objects and the freedom to worship through ceremonies and traditional rites. Federal agencies/departments responsible for administering relevant laws were directed to evaluate their policies and procedures in Consultation with traditional American Indian leaders. Through this Consultation, the agencies/ departments were to determine the changes necessary to protect and preserve Native American religious cultural rights and practices. Although there were no mechanisms to enforce the intent of this Act, nor did the Act give legal recourse to Tribes, it did form the basis of some of the early Resource Protection Agreements between branches of the Armed Forces and American Indian Tribes.

## **1979**

The Archaeological Resources Protection Act (ARPA) required that a Federal land manager (including the DoD) give notice to each affected Tribe before issuing a permit for excavation or removal of any archaeological resource, if that excavation or removal would harm or destroy any site having religious or cultural importance to the Tribe. The Secretary of DoD was to consult with Tribes and other knowledgeable persons and develop regulations that took into account ARPA and AIRFA requirements.

## **1981**

Congress authorized the Secretary of the Army to acquire from the Osage Tribe any available mineral interests needed to construct, operate and maintain Skiatook Lake.

## **THE TIME OF SELF-GOVERNANCE**

In keeping with the move toward encouraging Tribal self-determination, the years from 1982 until the present have seen a resurgence of the authority of Tribal governments. As American Indians have successfully exercised their right to self-governance, more and more Tribes are divesting themselves from reliance on Federal management and funds. Federal agencies have been, in the most part, supportive as Tribes have operated their own programs and exerted widening range of governmental powers.

Congress uses the DoD appropriation process to compensate Tribes for past losses and to direct DoD to actively assist Tribal governments.

## **1982**

President Reagan declares National Navajo Codetalkers Day. Unfortunately, the declaration fell short of honoring other Tribes -- such as the Choctaw --who were also a vital part of the WWII Codetalker strategy.

## **1984**

The Fort Berthold Reservation Mineral Restoration Act returned to the Three Affiliated Tribes mineral interests acquired by the Secretary of the Army for the Garrison Dam and Reservoir. It also authorized transfer, if owners agreed, of Tribal or individual Indian lands to the Secretary of the Army.

## **1986**

Congress directed the Secretary of Defense to report on DoD's efforts □ and their outcomes □ to increase contract awards to Indian-owned business.

## **1988**

The National Defense Authorization Act for FY's 1988 and 1989 authorized the Secretary of the Navy to pay \$3.4 million to the Tulalip Tribes. This payment compensated the Tulalip for loss of their fishing grounds, which they blamed on the construction and operation of Navy homeport facilities at Everett and Port Gamble, Washington.

The Secretary of the Army was directed to improve, maintain, and acquire additional lands for Indian treaty fishing sites on the Columbia River.

The Aleutian and Pribilof Islands Restitution Act provided compensation to Native Alaskan Aleuts for their relocation, internment and community losses in WWII.

Congress repudiated House Concurrent Resolution 108 of the 83<sup>rd</sup> Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

The Indian Financing Act was amended to award Federal contractors an additional 5 percent of the amount paid to a subcontractor or supplier if the subcontractor or supplier was an Indian organization or Indian-owned enterprise.

## **1990**

The DoD Appropriations Act prohibited the agency from contracting any activity performed by more than ten DoD employees. Exceptions were allowed for commercial or industrial type functions, if performed by a qualified firm with 51 percent Native

American ownership. Similar provisions were included in other DoD appropriations acts.

The Defense Authorization Act for FYs 1990/1991 increased assistance for Tribal organizations under the DoD Procurement Technical Assistance Cooperative Agreement Program. The Act also defined the method of determining credit for meeting DoD subcontracting goals, in the case of work performed on Indian lands or by a joint venture involving a Tribe or Tribal owned corporation. The latter provision was codified as permanent law in the Defense Authorization Act for 1993.

## **1991**

The Defense Authorization Act required that DoD property which included unsafe buildings or debris could be released from Federal control only after GSA regulations for safe transfer could be met. An exception was made for property conveyed to a State, municipal government, or Native corporation.

Custer Battlefield National Monument was renamed Little Bighorn Battlefield National Monument.

The Chehalis River Basin Fishery Resources Study and Restoration Act required that the Director of the Fish and Wildlife Service consult with the Army Corps of Engineers and Tribal fishing interests in carrying out the Act.

The DoD Appropriations Act established a □Legacy Resource Management Program□ to protect, inventory and conserve Native American artifacts; 10 million dollars were appropriated to establish and maintain the program.

## **1992**

The DoD Appropriations Act stated that Indian Tribal governments should be treated the same as State and local governments for the purposes of disposing of DoD real property from sites and installations that were recommended for closure. The Act also earmarked \$8 million for extra payments to contractors who subcontracted to Indian organizations or Indian-owned enterprises. The Act required that DoD regulations regarding such payments be implemented and distributed within 90 days. Similar provisions were included in subsequent appropriations acts.

## 1993

Congress directed the Air Force and the Department of Interior to equally share the cost of any necessary health and environmental mitigation before a DoD site in Bethel, Alaska could be transferred to the Yukon Kuskokwim Health Corporation.

The Defense Appropriations Act earmarked \$8 million for mitigation of environmental impacts resulting from DoD activities on Indian lands. In addition, up to 5 million dollars was authorized to purchase tidelands, to be conveyed to Washington State. This was to mitigate responsibilities related to tideland access guaranteed under US treaties with Tribes in the Puget Sound region.

The Energy and Water Development Appropriations Act for 1993 appropriated up to \$500,000 to finance a reconnaissance study on flooding problems associated with the sanitary land fill on the Salt River Pima-Maricopa Indian Reservation in Arizona. The study was to be conducted by the Corps of Engineers.

Congress authorized a settlement between the Corps of Engineers and the Pueblo de Cochiti of New Mexico.

## 1994

President Clinton issued a Memorandum entitled *Government-to-Government Relationship with Native American Tribal Governments*. The memo directed all executive branch departments and agencies to operate in a content of Government-to-Government when interacting with Federally recognized Tribes. The memo also directed the Federal entities to consult, to the greatest extent practicable and to the extent permitted by law, with Tribal Governments prior to taking actions that affect the Tribes. The mandated Consultation is intended to allow Tribes to (1) assess the impact of Federal Government plans, projects, programs and activities on Tribal trust resources, and (2) provide input into the development of such plans, projects, programs and activities.

The Everglades Restoration and Kissimmee River Restoration projects were implemented to reverse the effects of the Army Corps of Engineers original 1958 Everglades Reclamation project and its actions to straighten the Kissimmee River. (Original 1958 projects had been strenuously opposed by the Miccosukee Indians.)

The Aleutian and Pribilof Islands Restitution Act authorized funds for the renovation, replacement and restoration of church property lost, damaged or destroyed during World War II.

The Defense Authorization Act required DoD to establish procedures for Indian Tribes to buy law enforcement equipment for counter-drug activities.

The Defense Appropriations Act stated that an Indian Tribal or Alaska Native

corporation could not be denied the opportunity to compete for a procurement contract solely because it was not the actual manufacturer or processor of the product to be supplied. The Act also provided \$8 million to mitigate environmental impacts related to DoD activities. Fundable activities could include training and technical assistance to Tribes; related administrative support; information gathering; documenting environmental damage; and developing a prioritization system for mitigation. Similar provisions were included in subsequent appropriations acts.

The Defense Appropriations Act declared the sense of Congress that the Secretary of the Air Force should consider the comments of authorized representatives of the Duck Valley Reservation of the Shoshone-Paiute Tribes. The Act specifically referenced considering the Tribal Representatives' input in making decisions concerning airspace above the reservation, particularly in relation to military training flights below 15,000 feet.

## **1995**

The Defense Authorization Act provided for participation by Indian Tribes in agreements for DoD related environmental restoration. It also directed DoD to help place former members of the Armed Forces in law enforcement, fire fighting, and rescue or medical transport positions with Indian Tribes and other governments.

The Defense Appropriations Act for 1995 authorized the use of DoD funds to transport medical supplies and equipment, on a non-reimbursable basis, to the Indian Health Service when such supplies will be used in relation to a civil-military project. Similar provisions were included in subsequent appropriations acts.

The Defense Appropriations Act also required DoD to develop a report to Congress on environmental damage caused to Indian lands as a result of DoD activities.

## **1996**

The Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act included a Congressional finding that the Secretary of the Army had not provided, as required by law, mitigation activities to counter the effects of the Fort Randall and Big Bend projects on the Crow Creek Reservation. The Act concluded that the Tribe was entitled to additional benefits through the Pick-Sloan Missouri River basin program. (See paragraphs under 1962 and 1971.)

The Air Force agreed to provide 463 housing units from Grand Forks Air Force Base to Sioux Tribes in North and South Dakota.

Executive Order 13007, "Indian Sacred Sites," mandated that each Federal agency (including the DoD) that manages or administers Federal lands should accommodate access to, and ceremonial use of, Indian sacred sites on those lands. The agencies must also avoid adversely affecting the physical integrity of such sacred sites. The

Order further directs each agency to report back to the President within one year on the implementation of the Order.

## **1997**

The Omnibus Consolidated Appropriations Act allowed the Secretary of the Interior to directly transfer portable housing units, which DoD had declared excess property on the Grand Forks Air Force base, to Tribes in North and South Dakota.

## **1998**

Executive Order 13084, "Consultation and Coordination With Indian Tribal Governments," was issued by the White House. This Order reaffirmed the Government-to-Government Relationship which Tribal sovereignty confers and reaffirmed the Federal government's Trust Responsibility to Tribes. It also mandated that a policy of Consultation and coordination with Tribal Governments be implemented by each agency.

DoD published an official American Indian and Alaska Native Policy committing DoD to fulfilling its Trust Responsibilities, building stable and enduring relationships with Tribes, implementing and integrating the principals and practice of meaningful Consultation and communication with Tribes, and undertaking actions that protect and conserve natural and cultural resources of significance to Tribes.

The Defense Authorization Act contained amendments to allow agreements in support of environmental technology certification to include Indian Tribes.

DoD began a five year project which includes building 15+ miles of mountainous and coastal road across Annette Island to facilitate access by Alaska Natives from Metlakatla to a proposed ferry dock providing service to Ketchikan. The project includes asbestos abatement and removal activities at the Annette Island Airbase. The Army, Marine Corps, Air Force and Civil-Military Readiness Training Program are all involved.

The Alaska State Legislature urged the President, on behalf of the US Government, to apologize for the Navy's unwarranted 1882 attack on the Alaska Native village of Angoon. (Information under 1882.)

There were several important parts in the Act of October 21<sup>st</sup> relating to American Indians. These parts provided that:

- The Cheyenne River Sioux and Lower Brule Tribes prepare plans to restore the wildlife habitat that was lost because of the flooding associated with the Big Bend and Oahe projects;
- Trust funds, totaling \$57.4 million, be established to carry out the Tribally-developed plans;
- The Secretary of the Army transfer certain lands within the two reservations to the Tribes, under a schedule agreed to by the Secretary and the Tribes; and
- The Secretary of the Army arrange for the US Geological Survey, in Consultation with the Bureau of Indian Affairs, to conduct a comprehensive study of the land transfers as they would impact the Tribes and the state of South Dakota. The impact on those South Dakota Sioux Tribes which have water rights within the Missouri River Basin would also be reviewed. (See paragraphs under 1950 and 1954.)

## **1999**

The Defense Authorization Act provided that the Air Force shall, to the extent practicable and not clearly inconsistent with essential agency functions, accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners. The Act also directed the Air Force to avoid adversely affecting the integrity of such sacred sites. It also required the commander of Mountain Home Air Force Base, Idaho, to regularly consult with the Tribal Chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation to assure that Tribal governmental rights and concerns are fully considered during the development of the Juniper Butte Range.

The DoD Appropriations Act authorized the Secretary of the Air Force to convey military housing units at the Malstrom Air Force Base in Montana to Indian Tribes, in accordance with requests submitted by the Operation Walking Shield Program. The Act also authorized the Secretary of Defense, in coordination with the Secretary of HHS, to carry out a program to distribute surplus dental equipment to Indian health facilities.