The Dawes Act, 1887

Forty-Ninth Congress of the United States of America;

At the Second Session,

An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservations in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and,

To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section; . . .

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall . . . declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, . . . and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of such trust and free of all charge or encumbrance whatsoever: . . .

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and not Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States...
Comprehension Questions
1. What is the stated purpose of the act?
2. Who enacted it?
3. What does this act authorize the president to do?
4. The term section is a land unit used in surveying that equals 640 acres, or one square mile. According to the Dawes Act, how many acres does a family get?
5. How many acres does a adult single person get?
6. For how many years does the government of the United States hold the land in trust for the Indian allotees?
7. After the allotments are complete, what is the Native Americans’ relationship to the state or territory in which they reside?
8. What privilege does the United States grant to all the participating Indians?

Critical Thinking
1. What does the government intend for Indians to do with the land they were given?
2. Why do you think the land is held in trust for 25 years rather than given to the Indians outright?
3. What do you think happens to the reservation land left over once the allotments are given out?
4. Given the land allotments, Native Americans in a tribe would not have as much day-to-day contact with one another as on the reservation. What do you think this would do to tribal traditions?
5. How do you think the Native Americans felt about the Dawes Act when it was enacted?

Making Connections
1. The Dawes Act was passed to deal with the existence of Native Americans in places desired by white settlers. What other methods had the U.S. government used to deal with this issue in the years prior to the passage of the Dawes Act?
2. What might stand in the way of Native Americans becoming successful farmers?
3. What else was happening in the United States at this time to influence support for the Dawes Act?
4. What laws were the Native Americans subject to before the act put them under territorial or state law?