

Assimilation versus segregation

The federal government and the legal and economic integration of Native Americans and African Americans in society from 1865 to 1900

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Table of contents

Introduction	5
Chapter 1: 1865	11
<i>Native Americans and the U.S. government from colonization to 1865</i>	13
<i>From slavery to emancipation: African Americans and the U.S. government until 1865</i>	21
Chapter 2: Economic independence, labor and land policy	27
<i>The Dawes act and the allotment of Native American's land</i>	29
<i>A legacy of reconstruction: African American labor and land ownership after the civil war</i>	47
<i>Comparison</i>	59
Chapter 3: Citizenship	63
<i>The development of U.S. citizenship for Native Americans</i>	65
<i>African American citizenship</i>	73
<i>Comparison</i>	81
Chapter 4: Education	83
<i>Native Americans: education as a tool for assimilation</i>	85
<i>African Americans: education and segregation</i>	91
<i>Comparison</i>	98
Conclusion	99
Bibliography	104

Introduction

April 22, 1889, was a remarkable day in the history of the United States. Tens of thousands of Americans gathered on an open field in the heart of the Indian Territory, where they waited for a sign by a government official that allowed them to enter the Indian reservation and claim 160 acres of land as their own. The land run of April 22th was the first one of five land runs, organized by the federal government, that took place on the Indian Territory between 1889 and 1895. They were chaotic and violent events. The land runs were a result of decades of commitment by reformers and government officials to remove the tribal culture from all Native American tribes; they wanted to rid the Indians of their own, old culture and 'civilize' them so that they would become assimilated in U.S. society.

Throughout American history, non-citizen groups were affected by the policies of the United States government. Before 1865, African Americans, once imported as slaves, were not seen as citizens of the United States, but solely used for their labor. As the nineteenth century progressed, however, more Americans pleaded for the assimilation of the African American community in society, and grant them citizenship. Eventually, a civil war was fought between 1860 and 1865, which resulted in the emancipation of African Americans slaves, and the first attempts at integrating them in society.

While white homesteaders spread over the North American continent in the eighteenth and nineteenth century, the federal government was obliged to find a solution for the Native

American tribes that owned the land. Because politicians viewed the culture of American Indian tribes as inferior, they considered it as inevitable that they would not sustain the pressure of a dominant, “superior” culture. Nevertheless, since the land had been in their possession for centuries, and defenders of the constitution and religious leaders pleaded that every person is created equal and should thus be treated with respect, the government viewed it as impossible to “wipe out” the American Indian population. Instead, they used methods to control the Native American population; through economically and legally integrating Native Americans in society the federal government gained relative control over their land. In the late nineteenth century, this form of control was carried out in the form of the Dawes act.

The federal government made an effort to emancipate and integrate African Americans in society during the 1860s and 1870s. In the two decades that followed, the governments’ attention shifted to the economic and legal integration of Native Americans in American society. By reviewing these two processes of assimilation and comparing them, a pattern unfolds which reveals us more about how the federal government assimilated groups in American society in the late nineteenth century. Moreover, African Americans and Native Americans distinguish themselves from other groups who were integrated in American society in this period, because both groups have lived as non-citizens on United States soil. Therefore, focusing on these two groups gives us insight in when the federal government was motivated to integrate a non-citizen group in American society.

In the following thesis, I will consider the policy of the federal government with regard to the integration of African Americans and Native Americans in American society from the

end of the civil war to 1900. What were the similarities and differences between the policies enacted in Congress with regard to the assimilation of Native Americans and African Americans in American society from 1865 to 1900? The underlying theme in this thesis is the contradiction between assimilation and segregation. When did actions of the government lead to the actual integration of African Americans and Native Americans in society, and when did the governments' action did not bring about a change in the position of Native Americans and African Americans in society, or even worsened their economic or legal position? There are no historians who have used a comparative approach on this topic before. This will be the first attempt to compare the policies and goals of policy makers with regard to the assimilation of African Americans and Native Americans in the United States in the late nineteenth century.

The framework of this thesis is build around the three pillars of the Dawes act. The Dawes act was an important law, enacted in 1887, that aimed to assimilate Native Americans in U.S. society through subjecting the Native Americans to a reformed land policy, providing American Indians with citizenship, and implementing an educational policy that would educate all Native American children. The ideals reflected in these three themes in the Dawes act were not new: during the implementation of the Indian removal act in 1830, policy makers referred to the process of 'civilization' Indian tribes were pushed towards; in their arguments, they mentioned the importance of education and individual landownership. This reveals that in the United States, land ownership, or another form of economic independence, citizenship and education are three defining aspects in the process of the integration of a group in society.

In this thesis, my method will be to analyze the efforts of the federal government to integrate Native Americans in society in the 1880s and 1890s with regard to land policy, citizenship and education. Then, I will compare them to the efforts the federal government made in the 1860s and 1870s to integrate African Americans in American society with regard to labor and economic independence, citizenship and education.

In the chapter on land policy, I am going to expand the theme by answering the question: how did the federal government aim to provide Native Americans and African Americans with economic independence, and was its policy successful? For both groups, land ownership was an important accelerant for economic independence. The westward expansion that occurred in the late nineteenth century shows that many Americans strove for a piece of land they could possess and cultivate; in the 1870s and 1880s, before the emergence of an economy build around cities, the American economy was based on agriculture. Therefore, the political issue of economic independence was linked to the ownership of land. Nevertheless, the success of the federal governments' policy on providing economic independence depended on the reception of their plans in American society. Were Southern landowners in the 1860s and 1870s willing to share their land with their former slaves? Did the government succeed in providing Native Americans with a land policy that would improve their economic position?

Citizenship is one of the legal pillars that hold a society together. In the period 1865-1900, African Americans and many Native Americans received U.S. citizenship as a response to wishes and actions by Congress. Why did Congress decide to give African Americans and Native Americans citizenship? I will look at citizenship as a catalyst for the integration of

Native Americans and African Americans in U.S. society, and consider if this was the case during the legal integration of African Americans and Native Americans in American society. Did granting citizenship lead to an improvement in the legal position of African Americans and Native Americans in society?

The topic of education is linked to economic independence. In the nineteenth century, many policy makers realized that the most successful way to economically and culturally integrate a minority group in society is through advancing the education of their children. I will ask the questions: how did the decisions of the federal government lead to an increase of American Indian and African American children obtaining education, and was the effort of policy makers to improve their education a success?

Academic descriptions and analysis of the position of African Americans in society during the 1860s and 1870s are interwoven in the discussion on reconstruction. Historians have discussed reconstruction since the early twentieth century, when scholars from the Dunning school – named after historian Willam A. Dunning – described reconstruction as a struggle between “good” and “evil” elements in the American political system. The work of the Dunning school was criticized by W.E.B. DuBois, the first African American scholar who wrote a book about reconstruction. In his book *Black Reconstruction in America*, first published in 1935, DuBois looks to reconstruction through a Marxist lens, focusing on class struggles, as well as race, in his evaluation of the reconstruction policies. As the twentieth century progressed, historians have abandoned the assumptions of “good” and “evil” of the Dunning school, and formed a more moderate approach to reconstruction. From the 1950s onward, so-called “neo-revisionists” have complicated the history of Reconstruction by

emphasizing the difficult position federal politicians were in at the time: they enacted legislation in the South they were not able to enforce. Historians from the early twentieth century focused on the legislators in their evaluation of reconstruction, later in the twentieth century, scholars studied the actions of people in communities when they wrote about reconstruction. In my thesis, I am returning to the focus on legislators.

The academic discussion on Indian reform in the 1880s and 1890s was fueled by the publication of the book *And still the waters run: the betrayal of the five civilized tribes* by Angie Debo in 1940. In her publication, Debo wrote about the problems that arose when the federal government decided to subject American Indian tribes to allotment in the 1880s. Debo argued that the cultural differences between Native American tribes and the United States government were too large for this policy to succeed. Debo's book was preceded by a publication by D.S. Otis in 1934, who was commissioned by the House of Representatives to document the history of the governments' allotment policy. Otis' publication was eventually published for the general public in 1973 with the title *The Dawes act and the allotment of Indian lands*, and has become a standard in the academic discussion of the Dawes act. While Debo referred to the consequences of allotment on the Indian reservations, Otis focused on Congress in his description of the history of the Dawes act. In more recent times, historians such as Frederick Hoxie and Francis Paul Prucha have looked at allotment from both the legislative and the Indians' side of the story.

Chapter 1: 1865

The year 1865 is the starting point in this thesis. It was a year in a turbulent period in American history: a five-year-long civil war had ended, and millions of African Americans obtained freedom through the abolishment of slavery, enacted in the thirteenth amendment. Furthermore, the westward expansion of the United States brought citizens further and further into the American continent, which led to increasing conflicts between white settlers and the Native American tribes. After 1865, American Indians and African Americans became more connected to the economic and legal framework of American society.

Every historical event is a direct result from developments and incidents that occurred before that event. Therefore, in the following chapter, I will look at the defining aspects in the relationship between the United States federal government and African Americans and Native Americans until 1865. I will focus on the position of African Americans and Native Americans during the civil war (1860-1865), because this period illustrates the changing relationship between the federal government and American Indians and African Americans from 1865 onward.

Native Americans and the U.S. government from colonization to 1865

From the arrival of the first European settlers on American soil until the early twentieth century, the history of the Native population in North America has been one of conflict with settlers, and the diminishing of the Native population and its control over the land. The colonization of the territory that would become the United States took place between 1607, the founding of Jamestown, the first town the colonists build on the eastern shore of America, to 1890, when the United States census announced the end of the frontier, which meant that the whole U.S. territory was colonized by non-Native settlers. The effect the loss of tribal land had on the Native American communities can be seen in the rapid decline of the population of the tribes. In the nineteenth century, the overall Native American population in the territory that would later comprise the United States declined from around 600.000 in 1800 to 250.000 between 1890 and 1900, while the non-Indian population increased from 5 million in 1800 to around 75 million in 1900.¹

Especially in the second half of the nineteenth century, an extensive expansion of European settlements took place in the territory west of the Mississippi. The consequence of the westward expansion of the United States was that the Native American tribes that lived in the West were losing their land. The interactions that inevitably took place between the Native Americans in the West and white 'pioneers' resulted in conflicts on various scales.

¹ Russel Thornton,, *American Indian Holocaust and Survival. A Population History Since 1492* (Norman: University of Oklahoma Press, 1987) 133.

In their documentation of the history of Native Americans in the late nineteenth century, many historians have focused on border-regions in which a high percentage of the population was Native American, and where much interaction took place between the Native tribes and the American settlers: the 'Indian territory', in the present day the state of Oklahoma, and the north-west, roughly, in the present day the states of North and South Dakota, Montana, Wyoming, Kansas, Colorado and Nebraska.

Indian Territory was a reservation that was mainly inhabited by five Native tribes in 1865: the Cherokee, Choctaw, Chickasaw, Creek and the Seminole. These tribes are historically known as the Five Civilized Tribes, a name which they obtained during the early years of the colonization of North America. The Five Civilized tribes are rooted in the south-eastern territories of the present-day United States. They were among the first tribes the Europeans settlers had contact with. These interactions between the Indian tribes and the Europeans affected the Native tribes in the south-east; for example, they started to adopt a European system of farming, they drafted legal codes and laws, and some Indians converted to Christianity and founded churches and schools. These changes the south-eastern tribes underwent led the Europeans to name them 'civilized' tribes, when they compared them to other tribes that they encountered more inland.

Even though the Five Civilized Tribes adopted aspects of the culture of the European settlers, in the early years of the colonization, more and more opinion makers and politicians agreed that it was not possible for the two groups to live in one society. Eventually, this led to the policy of Indian removal as enacted by president Andrew Jackson in 1830: the Five Civilized tribes were forced to relocate to a reservation west of the Mississippi river, a land

president Jackson claimed was virtually empty except for “a few savage hunters”². The majority in the five tribes cooperated with the U.S. federal government and relocated to Indian Territory. In the decades that followed, the five tribes adjusted to their new environment and made advancements in self-governance and agriculture. Nevertheless, there was a continuing westward expansion of the United States; throughout the following four decades, white Americans established farms and towns closer and closer to Native American land in the Indian Territory. Eventually, in 1860, the five tribes were again surrounded by white landowners, who lived just miles off their territories.³

Then the civil war started. Most members of the Five Tribes wanted to remain neutral in the conflict between the Northern and Southern United States, a conflict of which they thought they had no part in, but it turned out choosing a side was inevitable. Because of their geographical location – the Indian Territory was surrounded by Confederate states - the Five Tribes made alliances with the Southern Confederacy. On March 5 1861, delegates from the Confederacy and leaders of the Five Tribes agreed on signing a constitution to create a ‘Confederacy of the Indian territory’. The Confederates made deals with the Five Tribes that were more lucrative than any other deal the Indian tribes had ever made with the United States. Regiments of Native American soldiers were drafted and fought on the side of the Confederacy. Nevertheless, there was no unanimity within the tribes on the decision to actively participate in the Civil War on the Confederate side. Especially the Creek and Seminole experienced a split in their tribes, when a large minority left the tribal lands and

²Andrew Jackson, First Annual Message, Dec. 8, 1829, in James D. Richardson, ‘A Compilation of Message and Papers of the Presidents’ (10 vols., New York, 1896- 99), III, 1021-22. in Ronda, James P., ‘We have a country. Race, geography, and the invention of Indian territory’, *Journal of the Early Republic* 19 4 (1999) 745.

³ Angie Debo, *And still the waters run* (New York: Gordian Press Inc.) 3-14.

fled to a Union army base in Kansas. In the course of the war, the Cherokee tribe also split due to disagreements on which side to support. The small tribes that lived in the western part of Indian Territory – the Shawnees, Delawares and the Kickapoos - were sympathetic to the Union army and helped them weaken the Confederates by raiding military buildings and towns in Texas.

When the Civil War ended, officials of the federal government did not intend to clear the slate with regard to the Five Tribes. They had waged war against the Union, and, according to the Secretary of the Interior James Harlan, had violated the treaties that existed between the tribes and the federal government. New treaties were signed by the federal government in 1866, which were adopted by the leaders of the Five Tribes. The tribes were forced to give up “half of their country”⁴ for the creation of railroads, and to make room for Native American tribes from the north-west, who the federal government wanted to relocate to Indian territory. The Cherokee, Creek and Seminole were also forced to emancipate the slaves they kept, and make them full citizens of their societies. The Chickasaw and Choctaw were more reluctant to accept this federal policy; the federal government gave them the choice of adopting the freedmen and obtaining a compensation for the ceded land, or let the government remove the freedmen from their territory without receiving compensation. The two tribes preferred the second option, but the United States government failed to act, which led to a situation in which the Chickasaw and Choctaw freedmen lived among their former owners for years, without a legal status. Despite their differences during the war, the Union-

⁴ Angie Debo, *A History of the Indians of the United States* (Norman: University of Oklahoma Press, 1970) 182.

aligned and Confederacy-aligned factions of the Five Tribes restored peace and reunited relatively quickly.⁵

The Civil War also affected the relationship of the north-western Indian tribes with the federal government. According to Angie Debo, the removal of the federal military troops from the north-west to the battlegrounds in the east created a power vacuum, in which some Native tribes “seized the opportunity to go on a war-path” against expanding groups of white settlers.⁶ During the Civil War, factions of the Sioux, Cheyenne, Comanche, Kiowa and Arapaho tribes waged a bloody war against the federal army on the western frontier. At the close of the Civil War, the federal government decided it was best to present peace treaties to these Plains Indians, instead of continuing the war. This decision was influenced by the work of the Indian peace commission, a federal commission initiated by the U.S. Congress in 1867, and formed by senators and military leaders. The peace commission investigated the background of the Plains Indian wars during the civil war. They concluded that throughout the history of the United States, the federal government had done the Native American tribes injustice, and that the government was responsible for the bloody course of the Indian wars. The commission accused the railroad companies and federal and state employees of racism, and argued that they had treated the Indians with great disrespect; if they had treated American Indians “as they would treat whites under similar circumstances”⁷, the wars would not have been waged. With regard to the actions that could take place within the federal government, the committee suggested transferring the bureau of Indian affairs from

⁵ Debo, *A History of the Indians*, 168-183.

⁶ Debo, *A History of the Indians*, 184.

⁷ Francis Paul Prucha, *Documents of United States Indian Policy* (Lincoln: University of Nebraska Press, 2000) 107.

the War Department to the Interior Department. Furthermore, the committee recommended forbidding states to form military troops to wage war against Native American tribes.⁸

As a follow up to the research of the Indian Peace commission, the commission asked permission to negotiate a peace treaty with the Sioux tribe, the Arapaho and the northern Cheyenne. These tribes had waged war against the federal troops from 1866 to 1868 for infringement on their territory, a war also known as Red Cloud's war, named after the leader of the Lakota Sioux. On April 29 1868, the Fort Laramie treaty was signed. In this treaty, the federal government promised to end the war with the Indian tribes "forever", to provide craftspeople, kettle, clothing, food and money to the Native tribes, and build bridges, a saw mill and a public school. In return, the three tribes agreed to no longer raid white settlements and attack the settlers, and cease to resist the construction of railroads through their reservations.⁹ The Fort Laramie treaties were followed by peace treaties with other north-western tribes. Nevertheless, within a few years, many of these treaties were broken on the side of the American settlers or the Indian tribes, which led to new conflicts between the north-western tribes and the federal army in the late 1860s.

Ulysses Grant – president of the United States from 1869 to 1877 – was the initiator of a 'peace policy' regarding Native Americans. This peace policy introduced a new era in the relationship between the federal government and the Native American tribes. It was Grant's task to find a solution for how to coincide the rights of Native American tribes, obtained by treaties with the U.S. government, with the ongoing expansionism by American settlers. The

⁸ Prucha, *Documents of United States Indian Policy*, 105-109.

⁹ Prucha, *Documents of United States Indian Policy* 109.

Indian wars made the American public opinion prejudiced against Native Americans.

Indians were viewed as unequal by white Americans: they were subjected to “all kinds of wrongs, insults and petty annoyances. (...) When the white man did him [the Indian, red.] an injury, reparation was not usually obtainable; on the other hand, Indian crimes against members of the white race were swiftly punished, the whole tribe often made to bear the weight of the punishment.”¹⁰ This unequal treatment was based in the court system. Most Native American tribes had their own tribal courts. Because the jurisdiction of the tribal courts was different than the jurisdiction of the U.S. courts, and American Indians were subjected to the jurisdiction of their tribal courts because they were no citizens of the United States, Native Americans could not appeal to the United States courts when they felt that they had been treated unfairly on their reservation.

Historian Henry Fritz argues that it was the responsibility of the federal government to create a form of commonality both groups could live in, and have equal rights before the U.S. constitution.¹¹ In reality, before 1865, most politicians did not want to integrate American Indians in U.S. society. Many politicians thought that it was in the western tribes’ best interest if they were relocated to a territory that was not directly adjacent to territory white colonists were interested in; this was mainly the territory of present-day Kansas and Nebraska. In 1867, the Indian peace commission discussed a plan to relocate the Sioux tribes to a reservation in present-day west North and South Dakota, and the Arapaho, Cheyenne, Comanche, Kiowa and the Apache (the southern plains tribes) be relocated to the western part of Indian Territory. The Five tribes would lose ownership of the Western parts of Indian

¹⁰ Henry E. Fritz, ‘The Making of Grant’s Peace Policy’, *Chronicles of Oklahoma* 37 4 (1959) 412.

¹¹ Fritz, ‘The Making of Grant’s Peace Policy’.

Territory to make room for the southern plains tribes, partly as a punishment for their support for the Confederacy during the Civil War, and partly for pragmatic reasons. Eventually, as the westward expansion of the United States continued during the 1860s, 1870s and 1880s, the Indian reservations, as they were established by the peace treaties with the Native American tribes, would become the last pieces of land not owned by white landowners in the United States. This led to a policy of abolishing the reservations, as enacted through the Dawes act in 1887.

Conclusion

There are two answers to the question what decisions by the federal government prevented Native American tribes from participating in American society before 1865. Firstly, American Indians could not obtain citizenship; they were not able to participate in the United States legal framework. Secondly, in the early years of the American republic, the north-eastern tribes adopted parts of European culture and wanted to live in the same territory as the former colonists. In the 1830s, the United States government decided to remove the north-eastern Indians from their territory by placing them in a segregated territory outside of American society. Therefore, the north-eastern tribes were prevented to participate in American society because they were forced to move to a territory outside the boundaries of the United States.

From slavery to emancipation: African Americans and the U.S. government until 1865

The arrival of European colonists on the American continent in the seventeenth and eighteenth century brought not only Europeans, but also tens of thousands of African slaves, shipped to America to perform forced labor for the colonists on the newly acquired land.; a 'new' society where social boundaries were not yet defined.

The relationship between the Americans and African Americans has been defined by the institution of slavery. Slavery was deeply rooted in the culture of the American South. From 1790 to 1861 – the year the Civil War started – slavery expanded dramatically in the South. Throughout the nineteenth century, slavery declined in the north-eastern states of the United States: from 36.370 slaves in 1800 to a mere 18 slaves in 1860. While it almost disappeared in the North-East in the nineteenth century, in the Mid-West and, especially, the Southern states, there was a great expansion of the institution of slavery: in the North-West, it increased from 135 slaves in 1800 (against 500 free African Americans) to 114.948 slaves in 1860 (against 69.291 free African Americans); even though there was a considerate number of free blacks in the North-Western states in 1860, the growth of African American slaves had been far greater than the growth of free African Americans. In the South, the number of slaves increased from 857.097 in 1800 (against 61.239 free African Americans) to 3.838.765 slaves in 1860 (against 258.346 free African-Americans); in a steady pace, the number of free blacks and slaves doubled roughly four times in sixty years in the Southern states.¹²

The civil war was a decisive conflict in the history of the African American community, since the war resulted in the abolishment of slavery. In 1860, only 5% of the African American

¹² Campbell Gibson and Kay Jung, 'Historical census statistics on popular totals by race, 1790 to 1990, and by Hispanic origin, 1970 to 1990, for the United States, Regions, Divisions and States' (Washington, DC: U.S. Census Bureau, 2002).

population was free¹³, and five years later, every African American obtained freedom.

Abraham Lincoln won the presidential elections in 1860, which was a direct reason for several Southern states to declare secession from the Northern Union and form their own union of Confederate States. As a Northern Republican, who took an outspoken stance against the spread of slavery to the Western and Northern states, Abraham Lincoln was too controversial for the Southerners.

To this day in 2012, discussions and debates are held on the specific motives and arguments of the Southern Confederates when they secede from the United States, and unleashed a Civil War. From the Confederates' point of view, the main discussion question is to which degree the Civil War was fought to prevent the abolition of slavery, and to which degree other arguments played a part in the Southern states' decision to secede from the United States. Historian James L. Huston argues that the core of the motives for the Civil War can be found in a disagreement about property rights: Southern states viewed African American slaves as 'property', which was protected by the American constitution, while Northerners viewed African Americans as individuals, who had a right to free labor.¹⁴ We can argue that around 1860, there were also fundamental cultural differences on an economic, but also ideological and social level between the Northern and Southern states.

When the first Southern states seceded and the war began, President Lincoln's primary aim was to reunite the Union with the Confederate states as soon as possible. In his first inaugural address he emphasized this, and stated that it was never his intention to let the federal government interfere in the institution of slavery in the Southern states. Furthermore,

¹³ Eric Foner, *Forever Free: The Story of Emancipation and Reconstruction* (New York: Random House, 2005) 5.

¹⁴ James L. Huston, 'Property rights in slavery and the coming of the Civil War', *The Journal of Southern History* 65 2 (1999) 249-286.

to convince the South of his good intentions, Lincoln emphasized the constitutionality of returning fugitive slaves to their former masters. Lincoln went so far as to suggest he would not object to a thirteenth amendment of the Constitution if it were proposed in Congress, which would give extended constitutional protection to the institution of slavery. Despite this rhetoric, the president did admit that the fundamental conflict between the Northern and Southern states lay in the abolition of slavery.¹⁵ Another sign that the president strove to preserve the Union, and not to abolish slavery, was that Lincoln strove to let the border states Delaware, Maryland, Kentucky and Missouri to remain a part of the Union, while they were all slaveholding states.¹⁶

Despite Lincoln's focus on restoration of the Union at the start of the Civil War, during the course of the war, the attention of the Unionists shifted more and more to the emancipation of African Americans as a way to reach a reunion with the South. While the Union army fought battles in Virginia, Tennessee, South Carolina and Louisiana in 1861 and 1862, a great number of slaves in these states left their plantations and followed the Union army. The exodus of African Americans from Southern plantations undermined the institution of slavery in the states. Because of this development, President Lincoln realized the emancipation of the slaves could have military and political effects that could be decisive in winning the war. Lincoln was also confronted with outspoken Republicans who continued to advocate that the solution of the problems that led to the war was twofold: the Union had to be restored, and slavery had to be abolished. In November 1861, Lincoln proposed gradual emancipation of the slaves in the border states. On January 1st, 1863, President Lincoln signed

¹⁵ Abraham Lincoln, 'First Inaugural Address', *Inaugural Addresses of the Presidents of the United States* (Washington D.C.: U.S. G.P.O., 1989), Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven and London: Yale University Press, 1997) 272-273.

¹⁶ Foner, *Forever Free*, 44.

the Emancipation Proclamation, which would change the ideological course of the Civil War; it became a war to abolish slavery in the Southern states.¹⁷

The proclamation reads: “on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.”¹⁸

The emancipation proclamation was a personal document from President Lincoln; he had carefully worked on it for months, and did not allow his cabinet members to make anything but editorial changes to the document. It was a bold statement that aimed at emancipating all slaves in the Confederate states.¹⁹

According to Eric Foner, the Emancipation Proclamation is a misunderstood document; people tend to believe that Lincoln freed all the slaves in the Union and the Confederacy by writing the proclamation, but in reality, Lincoln tried to free the slaves in the Confederacy, not the Union or border states. At the time, Lincoln was aware that the Union government did not have the authority to free slaves in the Confederate states. Nevertheless, the president hoped that the publication of the proclamation would lead to slaves leaving their

¹⁷ Foner, *Forever Free*, 44-45.

¹⁸ ‘The Emancipation Proclamation, January 1, 1863’, National Archives http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/transcript.html (accessed 30 October 2011)

¹⁹ David Livingstone, ‘The Emancipation Proclamation, the Declaration of Independence, and the Presidency: Lincoln’s Model of Statesmanship’, *Perspectives on Political Science* 28 4 (1999) 7.

plantations and the disempowerment of the slaveholders. Essentially, the Emancipation Proclamation is a document that contained a small mandate, but its message was strong enough to cause changes in Southern society.²⁰

In his assessment of the meaning of the Emancipation Proclamation, Foner links it to the American Constitution: “the proclamation linked the national government more closely than ever to the ideal of universal freedom”²¹. The proclamation also led the Union army to accept more African American soldiers; while they obtained territory in the South, the army encountered slaves who were formally freed by the Emancipation Proclamation. Some of the freedmen were highly motivated to fight against the Confederate army, which led to an extensive expansion of African American units in the Union army. At the end of the war, more than 180,000 African Americans had fought in the Union army, and 24,000 in the navy. Service in the Union army offered the freedmen a possibility to educate themselves. It also offered them a place in the political spectrum: the ex-slaves who became politicians or policy makers during Reconstruction were in a majority Union army or navy veterans.²²

The Civil War continued until the summer of 1865, when the weakened Confederacy surrendered and asked to return to the Union. Shortly before the last shots were fired, President Lincoln was shot to death in Washington D.C. by John Wilkes Booth on April 14 1865.

²⁰ Foner, *Forever Free*, 50.

²¹ Foner, *Forever Free*, 51.

²² Foner, *Forever Free*, 52-54.

Conclusion

Before 1865, the institution of slavery was a defining aspect in the relationship between the United States government and African Americans. The, sometimes unspoken decision of the federal government to continue the support of slavery prevented African Americans to participate in American society. Until 1865, there was not a majority in Congress that wanted to abolish slavery. This is due to the fact that slavery was deeply embedded in American culture and society, especially in the Southern states. Because they were slaves, many African Americans were not able to become citizens and profit from the legal protection their owners, often American citizens, enjoyed. They were viewed as inferior and social outcasts.

After President Lincoln signed the Emancipation Proclamation in 1863, the Civil War was, partially, fought for the abolishment of slavery. The proclamation was a pragmatic document, intended for the Union army to gain a military and political advantage over the South. Even though politicians in Congress exclaimed they wanted an end to slavery because it was not in line with the Declaration of Independence on which America was founded, politicians in Congress were more pleased with the military and political effects of the emancipation of the slaves. This indicates that when these positive benefits of the slaves' emancipation would cease, Congress would no longer be motivated to actively assimilate African Americans in society.

Chapter 2: Economic independence, labor and land policy

In the late nineteenth century, economic independence and prosperity in the United States were linked to the possession of farmland. Because of this, the land policy of the federal government was very influential; directly and indirectly, privileges and limitations that were implemented by the government affected groups in society on an economic, political and social scale. In the following chapter, I will look at whether the attempts by Congressional politicians to provide American Indians and African Americans with a land policy were successful in improving the economic position of African Americans and American Indians in society. More importantly, what were the ideological and political considerations of politicians when they put forward a plan to improve the economic position of African Americans and Native Americans?

It is important to consider the difference between the economic position of African Americans and Native Americans from 1865 to 1900. When slavery was abolished in 1865, African Americans craved for a piece of farmland they could possess and cultivate, because many realized that obtaining farmland would lead to economic independence. In practice, policy makers experienced difficulty in their attempts to grant African Americans farmland on several levels. At that time, Native Americans lived on reservations and possessed a relatively large acreage of land. When the westward expansion of homesteaders peaked in the 1870s and 1880s, the federal government was pressured to open up the Indian reservations to homesteaders. This led to the Dawes allotment act, which was adopted by

Congress in 1887. The Dawes act subjected the majority of Native American tribes to allotment: their communally shared reservation was split into small lots of land, owned by families and individual Indians.

In essence, both Native Americans and African Americans struggled to obtain economic independence, and both tried to achieve it through landownership. With regard to the African American community, I will focus on the development of labor as well, because the attempt by federal policy makers to make them landowners was unsuccessful. Instead, a specific labor tradition of sharecropping came into existence in the South, which would influence African American labor and their economic independence well into the twentieth century.

The Dawes act and the allotment of Native Americans' land

As mentioned before, the Dawes act was a very influential law that fundamentally changed the relationship between Native Americans and the United States government by forcing Native American tribes to open up their land for homesteaders. In the following chapter, I will look at the ideological and political considerations policy makers had when they subjected Native American tribes to allotment through the Dawes act. Furthermore, I will look at how the Dawes act was implemented, and how policy makers responded to the consequences of allotment of the Native American tribes.

Intellectual background of the Dawes act

The Dawes allotment act was not created in a vacuum. The act was preceded by years of discussion among Indian reformers. Active citizens, writers and politicians were united in civil groups, where they debated on solutions for the social problems that considered Native Americans. According to D.S. Otis, there were two civil organizations in the 1880s that contributed most to the federal government's ideas on allotment and 'civilizing' Indians. One was the Women's National Indian association (WNIA); a non-governmental organization, founded in 1879, which aimed to "stir up public sentiment in favor of Indian rights"²³ and providing Native Americans with education through missionary work. The WNIA essentially aimed at advancing the "civilization, Christianization and enfranchisement"²⁴ of Native American tribes. They were among the first civil groups who actively proposed

²³ D.S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: University of Oklahoma Press, 1973) 33.

²⁴ Otis, *The Dawes Act*, 33.

allotment of the Indian reservations. When the Dawes act was accomplished, senator Dawes said that the Indian policy that led to the Dawes act was influenced by the work of the WNIA.

The second influential civil organization in the 1880s was the Indian Rights Association (IRA). The IRA was founded in 1882 by Herbert Welsh, a rich philanthropist from Philadelphia. Welsh became motivated to improve the living conditions of Native American tribes after a visit to Sioux tribes in Dakota. The Indian Rights Association consisted of Welsh and other philanthropists from Eastern states. The IRA aimed at informing the general public about Indian affairs, they wanted more legal protection for Indian tribes, and they strove for a policy of allotment. In practice, the IRA was active at investigating wrongdoings by non-Indians, lobbying in Washington D.C. and shaping the general public's opinion on Native Americans.²⁵ The Indian Rights Association did not engage in missionary work, and therefore had a different approach than the Women's National Indian Association in their effort to integrate the Native American population in society.

Frederick Hoxie argues that these two civil reform movements were influenced by abolitionist groups in the 1840s and 1850s, and promoters of President Grant's peace policy in the 1870s. All groups were influenced by Christian values, and aimed at promoting "equal rights"²⁶. The difference between the reform movements of the 1880s and previous reform movements was that the WNIA and the IRA intended to abolish the reservations.²⁷ In their

²⁵ Frederick E. Hoxie, 'The Indian Rights Association: The Herbert Welsh Years, 1882-1904 by William T. Hagan', *The Journal of American History* 72 4 (1986) 970-971 ; Herbert T. Hoover, 'The Indian Rights Association: The Herbert Welsh Years, 1882-1904 by William T. Hagan', *Arizona and the West* 28 2 (1986) 177-178.

²⁶ Frederick E. Hoxie, *A Final Promise. The Campaign to Assimilate the Indians, 1880-1920* (Cambridge: Cambridge University Press, 1989) 12.

²⁷ Hoxie, *A Final Promise*, 11-12.

motives and actions, the civil Indian reform movement of the 1880s was similar to the abolitionist movement in the 1840s and 1850s, a civil movement that aimed at emancipating African Americans.

Aside from civil organizations, court cases and increasing media attention made the general public aware of the failure of the Indian policy. A well-known example is the court case *Standing Bear v. Crook* from 1879, in which the leader of the Ponca tribe challenged his detention by the U.S. army and led to the decision that Native Americans can make use of a plea of habeas corpus when they desire. Journalists and intellectuals used this court case to criticize the reservation system in their editorials and columns.²⁸ One of these intellectuals was Helen Hunt Jackson, an author of children's books and columnist for the *New York Tribune*. She became concerned with government policy regarding Native Americans after she heard a speech by Luther Standing Bear in Boston. Standing Bear became famous because of the aforementioned court case, and gave speeches in cities in the North-East to advocate changes in the relationship between the government and American Indians. In her book *A century of dishonor* and her columns, Hunt Jackson criticized the political establishment for their treatment of Native American tribes; she called for an end to corruption on the Indian reservations from government officials and the integration of Native Americans in U.S. society through the abolishment of the Indian reservations.²⁹ This type of media coverage made the general public aware of the problems with the current federal policy, and provoked politicians to take a stance on the future of Indian policy.

The Indian reform movement of the 1880s was supplemented by discussions among politicians in Congress. In this period, the main platform of discussion for Indian affairs was

²⁸ Hoxie, *A Final Promise*, 3-7.

²⁹ Hoxie, *A Final Promise*, 9-10.

the Lake Mohonk conference. In 1883, senator Albert K. Smiley held annual meetings with people who were active in the Indian reform movement at his hotel at Lake Mohonk in New York. The participants were politicians, religious leaders, reformers, philanthropists and people from the military. During Lake Mohonk conferences, participants discussed the state of Native Americans in the U.S., and proposed resolutions for policy changes. During the first meeting in 1883, the participants spoke out in favor of the creation of a federal allotment policy and the abolishment of reservations. In the subsequent year, participants in the Lake Mohonk conference stressed the necessity of providing Native Americans with U.S. citizenship, and made suggestions on how to introduce education to Indian children.³⁰

David Wallace Adams argues that virtually all participants in the Lake Mohonk conferences were guided by Protestant Christian morals. Because they were Protestant Christians, the reformers wanted to spread Christianity, and they tried to achieve this by uplifting Native Americans and integrating them into American society. Adams quotes Carl F. Kaestle, who argues that the reformers at the Lake Mohonk conference also had similar views on the benefits of individualism : they believed in “the importance of individual character in fostering social mobility; the central role of personal industry in defining rectitude and merit; the delineation of a highly respected but limited domestic role for women; the importance for character building of familial and social environment (within certain racial and ethnic limitations); the sanctity and social virtues of property; the equality and abundance of economic opportunity in the United States; the superiority of American Protestant culture; the grandeur of America’s destiny; and the necessity of a determined public effort to unify

³⁰ Prucha, *Documents of United States Indian Policy*, 161-165.

America's polyglot population (...)."³¹ By referring to Kaestle's theory on the ideology participants in the Lake Mohonk conference shared, Adams connects the morals of American Christians, such as participating in a civil group to advance a less 'civilized' group by integrating them in society, to American cultural values such as individualism. This gives us insight in the thinking process of the people who tried to advance the assimilation of Native American tribes: both Christianity and individualism played an important role in the assimilation of Native Americans in American society.

The political reality: role of the government with regard to American Indian landownership and the allotment of tribal lands

Throughout the 1870s and 1880s, the debate on the allotment of Native American reservations led to more and more debate and action by politicians in Congress. Their motivation to draft the Dawes act has been an important factor in the eventual outcome of the policy.

After nearly a decade of debate among politicians and reformers on the advantages and disadvantages of allotting the Native American reservation lands, the Dawes act was adopted by Congress in 1887. Despite the importance many historians have ascribed to the Dawes allotment act, the Dawes act was not an act that fundamentally changed governmental policy regarding Native Americans by itself, because it was preceded by years of activity by Congress and non-political reformers. The first general allotment bill was

³¹ David Wallace Adams, *Education for Extinction. American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995) 11-12.

proposed by Senator Richard Coke in 1881; it was rejected by the majority of the Senate, but sparked a discussion on the future of the position of Native Americans in the United States.³²

The Dawes act was named after Senator Henry Dawes, who was one of the most influential policy makers in the process of constructing the allotment act. Henry Dawes had a long record of service in the United States Congress: he was a member of the House of Representatives from 1857 to 1875, and a Senator from 1875-1893. In the 1870s, Dawes objected the federal policy of making treaties with Native American tribes; he believed it was more beneficial for the government and the tribes to abandon the reservation system, and assimilate Native Americans in U.S. society. Dawes continued to propagate his vision of integrating American Indians in society to other policy makers and reformers in the 1870s and 1880s. He drafted an allotment bill with senator Coke in 1884, which was not adopted by Congress. In 1887, the Dawes act was signed.³³

There are several factors that motivated Congressional politicians to sign the Dawes act in 1887. Firstly, many policy makers believed that individual ownership of land – as opposed to shared ownership of land – would contribute to the process of ‘civilizing’ Native Americans. Supporters of the process of allotment also referred to the virtue of individualism as opposed to tribalism. There were tribes, such as the Five Civilized Tribes and the Pueblo’s, who used agriculture to obtain food before the allotment act, and were motivated to get rid of the support they received by the federal government. Therefore, politicians did not aim to

³² Hoxie, *A Final Promise*, 71.

³³ Charles Waldman, *Who Was Who in Native American History: Indians and Non-Indians From Early Contacts through 1900* (New York, Oxford and Sydney: Facts on File, 1900) 94-95.

increase the use of agriculture on the reservations, but objected the communal ownership of land among Native American tribes.³⁴

Secondly, in the discussion on allotment, politicians aimed at reducing the costs of the funds the federal government paid to feed and maintain the Native American population. By breaking up the reservations and aiming at individual landownership, policy makers assumed the costs for aid would become lower, and eventually, a special policy for the welfare of Native Americans was no longer necessary.

Thirdly, another argument for allotment was that it provided Native Americans with protection from the dispossession of their land by railroad companies and migrants from the east. Several politicians involved in the creation of the Dawes act thought that in earlier times, the federal government had not made enough effort to protect Native Americans.³⁵ For example, at the lake Mohonk conference in 1887, Henry Dawes argued that the federal government had no control over the infringement of property rights of Native American tribes by white settlers. Dawes condemned the passive stance the federal government displayed in the past with regard to Native Americans: "you talk about the necessity of doing away with the reservation system; a power that you can never resist has broken it up into homesteads, has taken possession of it... something stronger than the Mohonk Conference has dissolved the reservation system. The greed of these people for the land has made it utterly impossible to preserve it for the Indian."³⁶ The federal government was powerless to protect the Indian tribes from infringement on their land, but some policy

³⁴ Leonard Carlson, *Indians, Bureaucrats and Land. The Dawes Act and the Decline of Indian Farming* (Westport and London: Greenwood, 1981) 115-130.

³⁵ Otis, *The Dawes act*, 3-7.

³⁶ Otis, *The Dawes Act*, 14.

makers did not want to accept that the Indians would lose all their land within a generation time.

In this case, the federal government was not only trying to defend the rights of Native Americans, it was also under significant pressure by non-Indians to open up the reservations. Examples of this are railroad companies that operated in the West, the Ogden Land Company in New York State and lumber corporations in Wisconsin; all tried to influence state and federal congresses into adopting an allotment policy for the Native American tribes' land, so they could claim the remaining lands for their own ends. In the session of Congress in which the Dawes act became a law, it was one of the nine bills that would become law that dealt with Indian affairs. Of those nine bills, six were requests to grant land on reservations by railroad companies. In the session following the ratification of the Dawes act, thirteen more land grants were issued at the expense of tribal land on the reservations.³⁷

Alongside companies, organized groups of homesteaders put much pressure on the federal government to open up Indian reservations. The Indian territory (in the present day the state Oklahoma) was opened up for settlement by non-Indians through land runs, which started in 1889. During the decision making process of opening the reservations of the Indian territory for settlement, policy makers were influenced by a strong civil movement of 'boomers' who entered the Indian territory in the 1880s to claim pieces of land. Boomers believed they had the right to claim 'unused' Indian land based on the Homestead act. The Homestead act was passed by Congress in 1862, to advance settlement from the densely populated Eastern cities to the West. For a small amount of money, settlers were promised

³⁷ Otis, *The Dawes Act*, 24.

up to 160 acres of farmland.³⁸ Murray Wickett describes that despite the sympathy policy makers had for the Native Americans' wish to remain on their reservation as a tribe, the influx of persistent boomers became so large that they could not maintain the Indian territory, and opened it up for settlement in 1889.³⁹ With regard to the Native Americans tribes on the Indian territory, specifically the so called 'five civilized tribes', the decision by the government to subject their reservation to allotment was motivated by pressure from non-Indians. The two other reasons for subjecting them to allotment were not applicable to the five tribes: they were already 'civilized' in the way that they had education and had developed themselves as farmers; therefore, they did not pose a large burden on the budget the government reserved to support the Indian tribes.

Implementation of the Dawes act

The passage of the Dawes act in 1887 boosted the amount of allotments. Before the enactment of the Dawes act, 586,805 acres of land on Indian reservations were allotted. From 1888 to 1899, the amount of allotments grew to 3,724,013 acres, six times the amount of acres allotted before 1887. In this period, the amount of allotments that were issued every year quadrupled from 490 per year to 2,733 per year. This development was strengthened in the period 1899-1916, when the amount of allotments issued grew to 4,415 per year, and the amount of allotted acres on Indian reservation grew from 3,724,031 acres in 1899 to 14,739,323 acres in 1916.

³⁸ Jason Porterfield, *The Homestead Act of 1862* (New York: The Rosen Publishing Group, 2005) 4-5.

³⁹ Murray Wickett, *Contested Territory. Whites, Native Americans and African Americans in Oklahoma, 1865-1907* (Baton Rouge: Louisiana State University Press, 2000) 46-47.

In the period 1888-1899, a large part of the allotments took place on the reservations in the Indian Territory. Other reservations that were subjected to allotment were located in Oregon, Washington, Idaho, the Dakota's and Minnesota. In the period after 1899, most of the reservations on the plains in the Western states of Minnesota, Montana, Idaho and California were allotted, mainly because non-Indian farmers had become interested in areas that were suitable for farming in this area. The process of allotting reservations came to an end around 1934.⁴⁰

The reception of the allotment policy by the Native American tribes was an important success factor in the implementation of the Dawes act. If the Indian tribes had embraced allotment and its underlying ideas, the policy might have been a success. The reaction of a Native American tribe to allotment was very different from one tribe to another.

Individually, an Indians' view on allotment was influenced by several factors: the age of the Indian, the location of his or her tribe in the United States, and whether the Indian was a full blood or a mestizo (half-blood) Indian. On a grander scale, the reception was imbued with criticism: several leaders of tribes declared that they were afraid that when they agreed with allotting their reservation, the federal government would break the allotments up as quickly as they had abandoned the peace treaties that were signed between many tribes and the federal government after the Civil War. Furthermore, many leaders were afraid of expanding non-Indian economic and cultural influence on their land.

Government officials noticed the aversion with which Native American groups approached allotment. In 1887, the commissioner of Indian affairs tried to interpret the resistance of the Indians, and presented four reasons why Native Americans could oppose allotment: they did

⁴⁰ Carlson, *Indians, Bureaucrats and Land*, 74.

not want to give up their “savage” customs, they did not want to become farmers, they did not understand the merits of allotment, or they generally did not trust the intentions of white people.⁴¹ From the federal government’s point of view, they thought there was a distinct difference between what the older part of the Native tribes and the young generation thought on allotment. Several government officials reported that the older, full-blood Indian generation resisted allotment, while the younger, often more mixed-blood Indians were more open to allotment and saw the benefits of assimilation.⁴²

Despite the quick expropriation of large parts of the land Indian tribes possessed and the difficulties it presented to Indian tribes, politicians remained positive about allotment. In 1889 – two years after the Dawes act was signed – commissioner of Indian Affairs Morgan presented a very optimistic vision on allotment and the consequences its implementation on Native Americans and U.S. society. Morgan estimated that in the United States, the total acreage of Indian reservations was 116 million, on which 250,483 Native Americans found their home. Eventually, Morgan wanted to give each Native American family a lot of 160 acres, which, when added up, would comprise of 30 million acres for Native American families. Then, the federal government had 66 million acres to divide, which they wanted to sell for 1 dollar per acre. Morgan expected the outcome of the selling of the surplus land to be enough money to pay for an educational program for Native American children.⁴³

In practice, one of the failures of the allotment program was that the Dawes act was implemented on Native American reservations with great haste. Several months after the enactment of “his” bill, senator Dawes came to this conclusion when he reflected on the

⁴¹ Otis, *The Dawes Act*, 92.

⁴² Otis, *The Dawes Act*, 95.

⁴³ Otis, *The Dawes Act*, 85- 86.

quick implementation of allotment; he was worried that president Cleveland and the Commissioners of Indian Affairs had caved in to the interests of white “land-grabbers”⁴⁴, by forcing the Native tribes to allotting their lands and selling them to non-Indian investors.

Furthermore, Otis argues that another reason for the swift enactment of the Dawes act was a flaw in the thinking process of most policy makers: they believed that the Dawes act was the one and only solution for the “Indian problem”, and that after its enactment, no more action from the government was necessary. Because policy makers believed this, they could proceed with the allotment process and sell Native American lands without a feeling of guilt.

This theoretical approach to a problem of cultural differences is visible in the remarks of Commissioner of Indian affairs Morgan. In 1891, Morgan had observed the swift implementation of allotment, and justified it with a pragmatic approach: reality had caught up with the allotment process: the reservations were surrounded with homesteaders, and the Indians required the U.S. federal army to protect them. Morgan pleaded for swift allotment, and expected the Native Americans to get rid of their “savage” and “animalistic” ways and become receptive to “civilization”. By emphasizing the allotment process as a solution to a problem Indians “created” and expecting them to subject themselves to the U.S. government, instead of emphasizing that it is a possibility for the Indians to become more prosperous and acknowledging the difficulties Native American faced in the transition from a tribal culture to a culture based on individualism, politicians like Morgan drew a sharp line that indicated to which degree federal policy makers wanted to cooperate with Native Americans and acknowledge their rights and their culture, and to which degree they merely wanted to “colonize” them and make them subjects of the United States. Even though, to a certain

⁴⁴ Otis, *The Dawes Act*, 82.

degree, the federal government cooperated with Native American tribes during the implementation of the allotment act, the main goal was to subject American Indians to U.S. law, and make an end to the special arrangements.⁴⁵

Failure of the Dawes act: leasing and decline of Indian farming

In the 1870s and 1880s, politicians proclaimed the wish to integrate Native Americans in society through allotting their land and making them individual farmers, but this policy failed. The implementation of the Dawes allotment act took place with great haste.

Eventually, this led to the failure of the allotment program. On the one hand, the Dawes act failed because there were flaws in the thinking process of the legislators who drafted the Dawes act. On the other hand, the process of implementing the Dawes act was flawed: it led to more dispossession of land by Native Americans, and it led to a decline in Indian farming.

Firstly, the failure of the Dawes act can be explained by looking at how politicians viewed allotment. As mentioned before, their solutions to the Indian problem were theoretical: policy makers in Washington D.C. were not interested in integrating Native Americans in U.S. society while respecting the culture of American Indian tribes, they merely wanted to subject them to U.S. law and make them adopt the “superior” Anglo-Saxon culture. As a result of this thinking process, which was, essentially, not a dialogue between two parties in a society but one-way traffic from the federal government to Native American tribes, the process of allotment did not lead to the anticipated effects.

⁴⁵ Otis, *The Dawes Act*, 84.

Because Native American tribes were left out of the political conversation on whether allotment was a good solution for the “Indian problem”, non-Indian policy makers and reformers were able to dominate the public opinion on the consequences of allotment. Despite the difficulties many Native Americans had with the changing land policy, many government officials noted that allotment had been a success on the reservations, and stressed the “civilizing influence”⁴⁶ allotment had on the Native tribes.

Otis concludes that federal policy makers did not realize the success of allotment is dependent on more than redistribution of land; providing American Indians with proper education was just as important. Without providing proper education, so the Native Americans knew what to do with their economic assimilation in U.S. society, the allotment program was doomed to fail. This failure took place because the reformers did not understand the implications the allotment act had on the Native tribes; they sincerely believed the Indians would ‘become’ farmers without receiving the training or proper tools for it. Furthermore, after the enactment of the Dawes act, reform movements stopped actively monitoring the implementation of allotment. Because the implications of allotment on the Indian reservations were monitored in a limited way, it did not lead to a change in perspective by policy makers. In addition to the fundamental problems with the allotment program that were mentioned earlier, misconduct and fraud took place on the Indian reservations by government officials. The majority of the reformers were only focused on the legislative side of the story – allotment would civilize and assimilate Native Americans – , but did not bother to check if the paper reality as presented in Washington D.C. matched with the reality on the reservations.

⁴⁶ Otis, *The Dawes Act*, 98.

Nevertheless, despite the positive attitude of federal politicians with regard to the allotment of the Indian reservations, there was criticism by politicians who argued that allotment was not successful. They stressed that despite the government's intention to make all Native Americans farmers, not all land assigned to the Indians was suitable for agricultural purposes. The critics also mentioned the bad influence of the ration system on the tribes: it made the Indians disinterested in farming because they were afraid they would lose their rations of meat and flour. Furthermore, they argued that the federal government had not done enough to prepare the Indians for their life as a farmer: they could have received education, and an advance payment or loan to buy equipment, but often, the government did not provide this, or not enough.

Ironically, the solutions the self-proclaimed "friends of the Indian" presented with regard to misconducts on Indian reservations and flaws in the implementation of allotment were all grounded in legislation. For example, the federal government forced states to pay the maintenance costs of Indian schools and protection of the Indian communities. This solution was ineffective, because Native Americans did not have to pay state taxes, and thus, states did not feel inclined to spend money on the upkeep of Indian schools. This exemption to pay state taxes was set in the Dawes act, which prescribes that the Native Americans were not able to sell or hire their allotted land for twenty-five years after they have received their lot of land. Other examples of what Indian reformers were occupied with to prevent misconduct on the reservations was civil service reform on the Indian department, and reforming the Dawes act itself, such as improved property rights for Native American women and children, and the leasing of Indian lands to white farmers.⁴⁷ The irony in this legislative

⁴⁷ Otis, *The Dawes Act*, 104-108.

approach is that it was ineffective because the problems that occurred on the reservations, such as fraud among civil servants and the stealing of Indians' land by homesteaders, were practical problems that should have been addressed by sending

Eventually, a bill passed the U.S. Congress in the spring of 1890 which addressed the concerns of the Indian reformers. Firstly, the bill provided a different form of land distribution than the Dawes act: it promised every single Indian male, woman and child with 80 acres of farmland. Secondly, the bill enabled the Native Americans to lease their land to other farmers, if the local agent approved. At the time, the Congressmen and –women viewed the first part of the bill as most important, but eventually, the second part would become the most influential. An Indian could only lease his or her land if he or she was unable to work “by reason of age or other disability”⁴⁸ and for no longer than three years. Nevertheless, as the 1890s progressed, an increasing number of Indians leased their land to homesteaders.

During the implementation of the Dawes act, many American Indians had a difficult time adapting to the new situation: their status as landowners and the obligations that coincided with it. The fact that an individual Indian had obtained a piece of land, and he or she was not always aware, or could not be bothered to be made aware, of the consequences of being an individual landowner, made him or her vulnerable to profiteers. Especially after the Dawes act was amended in 1890, government agents noticed that non-Indian entrepreneurs tried to make Indians lease their land to them. Little debate was held in Congress on the topic of leasing. Otis attributes this to a “lack of interest”⁴⁹, but it could have also been a lack of knowledge of the implications of permitting Indians to lease their land. Generally, the

⁴⁸ Otis, *The Dawes Act*, 112.

⁴⁹ Otis, *The Dawes Act*, 113.

amendment was supported by the legislative committee of the Lake Mohonk conference of 1890, and the Indian Rights Association. In their assessment of the bill, the 'friends of the Indian' focused on the first part of the bill, and did not seem to be interested in looking at the (negative) consequences of the lease policy.

Leonard A. Carlson designed a statistical model which suggests that as a result of the allotment of the Indian lands, Native American farming has decreased, despite the intention of policy makers, who argued allotment would lead to an increase in Indian farming.⁵⁰ Carlson analyzed the goals of the federal government during the implementation of allotment, and argues that the federal government did not provide Native Americans with a durable plan for land distribution. Because of this, the government failed in its objective to protect the Indians' right to a piece of land. Allotment led to a great decrease in the landownership of Native Americans because of population growth and the selling or leasing of their land. At the start of the twentieth century, only 77,8 thousand acres were in Native American hands, a decrease of, roughly, 38 thousand acres of land.⁵¹ Policy makers spent much time behind their desks while drafting policy regarding allotment; they ignored practical restrictions Native Americans had in U.S. society, such as experiencing discrimination and different cultural morals and values, and a low level of education, which hampered with their assimilation in society.⁵² Due to these mistakes made by federal politicians during the drafting and implementation of the Dawes allotment act, the economic integration of Native Americans in the United States failed during the late nineteenth century.

⁵⁰ Carlson, *Indians, Bureaucrats and Land*, 115-132.

⁵¹ Otis, *The Dawes Act*, 87.

⁵² Carlson, *Indians, Bureaucrats and Land*, 174-176.

Conclusion

Through the Dawes allotment act, Congress made a failed attempt to integrate Native Americans in the economic framework of American society. In the 1870s and 1880s, federal politicians were motivated to economically integrate American Indians in society. They believed it was important to remove the tribal influences from Native American culture, and tried to enforce this through splitting up the reservations and make American Indians farmers. There were several motives for politicians to advance this policy: pressure from civil groups and influential corporations, ending the dependant relationship of Native American tribes to the federal government with regard to food, money and other resources, and a wish to protect American Indians from non-Indians who would do anything to acquire land on the reservations. The integration of Native Americans through the Dawes act failed because the implementation of allotment was flawed. The implementation of allotment took place with great haste, which made Indian tribes distrustful of the federal governments' intentions: the fast implementation resulted in a quick expropriation of Native Americans' land, which made it difficult for them to adapt to their new role as individual landowners. Furthermore, the quick implementation of allotment ensured that it was not possible to prepare American Indians for allotment by providing them with proper education on how to become a landowner.

A legacy of reconstruction: African American labor and land ownership after the civil war

After decades of slavery and suppression, African Americans viewed a glimpse of greater economic independence after the civil war ended. In 1865, slavery was abolished by Congress, which led to discussion among politicians on the new position of African Americans in society. African Americans became economically independent, so they had to become integrated in the economic framework of American society. This led to a discussion among politicians on what the federal government could do for the freedmen: was it fair and realistic to redistribute the land of former slave-owners among the slaves?

In the following chapter, I will focus on the political discussion on the economic integration of African Americans after the civil war. I will look at the goals and motives of federal politicians during Reconstruction with regard to African American landholding and labor. I will look at what happened to African American labor after the abolishment of slavery, especially the question: in what way was sharecropping different from slavery?

The political reality: goals of the federal government with regard to emancipation of African American labor

In American politics, the civil war was followed by a decade of political reform in Congress. The Republican party was able to win Congressional and Presidential elections, which led to an era in which they dominated American politics. The most influential policies of the Republicans during reconstruction were three amendments they adopted to change the constitution. African Americans experienced a period of legal emancipation when Republicans abolished slavery through the thirteenth amendment, and citizenship and

voting rights were granted to the freedmen through the fourteenth and fifteenth amendment of the constitution. These reforms were set in motion by a radical faction of the Republican party. Politicians such as Charles Sumner and Thaddeus Stevens wanted African Americans to become fully integrated in American society, and believed they deserved the same legal and economic rights as white Americans.

Over the course of his presidency, Abraham Lincoln's ideas moved towards the radical Republicans. After his death in April 1865, president Lincoln was succeeded by the moderate Andrew Johnson. During his presidency, Johnson approached the reconstruction program in a reactionary way. Johnson wanted Southern society to change as little as possible. He had accepted the legal emancipation of African Americans with restraint, but he refused to advance their civil rights. While radical Republicans aimed at expanding public education, and the redistribution of farmland owned by former slaveholders, president Johnson sympathized with Southern landowners who refused to give up their property rights to the freedmen. Furthermore, he let the Confederate states return to the Union with few requirements, a decision radical republicans strongly opposed, as they wanted stronger military and legal pressure on the Southern states.

The enactment of the reconstruction acts by congress in 1867 opened the way to considerable changes in Southern society. Nevertheless, federal legislators could not prevent that in the implementation, these changes were dependent on the ideas of the new Southern state governments. Furthermore, it appeared that congress was not intended to include a plan for economic reform that would benefit the freedmen. Despite the rhetoric of freedom and opportunities for African Americans, used by radical republicans in congress, the

reconstruction act was a compromise that did not succeed in securing these rights.⁵³ This indicates that despite the majority position of the Republican party in congress, the radical republicans failed to implement their reform program successfully; it would remain very difficult for Southern African Americans to obtain economic independence. The failure of the reconstruction program was caused by two developments: the poor relationship between the federal government and Southern states, and the unsteady coalition the Republican party leaned on to implement their reforms.

Despite the reforms set in motion by the Republicans, in practice, Southern states' governments were not enthusiastic about emancipating African Americans, and certainly not about granting them more economic freedom. During the first years of reconstruction, politicians in the Southern states succeeded in undermining the ideals of more equal rights for African Americans that were at the root of the Reconstruction policies. As a response to the abolishment of slavery, Southern States started to enact Black Codes in 1865: economic laws that were aimed at oppress freedmen by forcing them to perform contract labor, and taxing African Americans higher than whites. After Northern opinion makers and politicians criticized these laws, they were replaced with more "neutral" laws. However, this political change did not lead to an end to oppressive laws: Rogers M. Smith mentions that after the Black Codes, Southern states enacted other discriminatory laws regarding African Americans' access to education, "restrictions on weaponry, and denials of political or juridical representation" with the Johnson administration's "tacit or express approval".⁵⁴

⁵³ Eric Foner, *Reconstruction: America's unfinished revolution* (New York: Harper & Row, 1988) 176-280.

⁵⁴ Rogers M. Smith, *Civic Ideals. Conflicting visions of citizenship in U.S. history* (New Haven: Yale University Press, 1997) 303.

W.E.B. DuBois, an African American activist and Marxist historian, argued that the policies of Reconstruction were supported by a coalition of two parties: abolitionist-democrats, and rich industrialists who wanted more freedom so they could amass even greater wealth and power. The underlying reason why industrialists influenced federal policies in the late nineteenth century is what DuBois names “the great American Assumption”⁵⁵ : any individual can obtain wealth by working hard, regardless of his or her gender, heritage or race. Despite DuBois Marxist view on the distribution of wealth, and his personal link to the socio-economic situation African Americans lived in, because he grew up in this period, his analysis that companies had great influence on American politics after reconstruction is correct. This is visible when we reconstruct the support industrialists and companies gave to Republican politicians: a coalition between abolitionists and businesses was responsible for the constitutional changes that tried to economically emancipate African Americans during reconstruction. In the pre-civil war era, Northern industrialists accepted the fact that many Southern landowners did not want abolishment of slavery, and refused to give freedmen ownership of land, voting rights and education. The industrialists’ point of view changed when Southern representatives started to demand more “political power based on disenfranchised Negroes, which it openly threatened to use for the revision of the tariff, for the repudiation of the national debt, for disestablishing the national banks, and for putting the new corporate form of industry under strict state regulation and rule”. Northern industrialists were afraid to lose their privileges under the current economic system, and

⁵⁵ W.E.B. DuBois, *Black Reconstruction in America* (Cleveland and New York: The World Publishing Company, 1962) 182.

agreed with the abolitionists to subject the South to a “temporary dictatorship”⁵⁶ to emancipate African Americans.

Reality of landownership and sharecropping of African American farmers in the South

Despite the constitutional changes in the late 1860s that were aimed at integrating African Americans in society, it was very difficult for African Americans to break the economic ties with their former owners. Despite their wish to integrate African Americans in society, Congress was not able to enact a form of land distribution that enabled freedmen to obtain a piece of land from their former owners. Therefore, when slavery was abolished, a new labor system emerged in the Southern states: sharecropping, a division of labor and wealth which defined the Southern states’ economy from the civil war until the twentieth century. As Ian Ochiltree argues, sharecropping came into being as a consequence of a situation of “dislocation, depression and insecurity”⁵⁷ after the Civil War, in which Southern white landowners needed a labor force, and land-less African Americans needed a place to work. Since all Southern landowners had grown up with the system of slavery, the labor system they introduced after the abolishment of slavery corresponded with slavery on many levels. In essence, the institution of sharecropping was a compromise which came into being because the two involving parties – landowners and laborers – had different expectations of a labor system, but neither had the power to fully enforce their plans. The majority of landowners in the South wished the institution of slavery to return after the civil war, while the freedmen resisted any system that resembled slavery.

⁵⁶ DuBois, *Black Reconstruction in America*, 185.

⁵⁷ Ian D. Ochiltree, ‘A just and self-respecting system? Black independence, sharecropping and paternal relations in the American South and South Africa’ *Agricultural History* 72 2 (1998) 352.

Black freedmen could not count on much support from poor white laborers in their quest for equal economic opportunities. Even though both groups struggled to make a living in the South, poor whites clung to the values and arguments of the rich plantation owners.

According to W.E.B. DuBois, whites were motivated by feelings of white supremacy; white laborers “wanted the Negro beneath the feet of the white worker”⁵⁸. Ultimately, the poor whites wanted to become planters themselves, and actively revolted against every form of emancipation of African Americans.

This development did not occur without resistance by African Americans. The abolishment of slavery had given them new possibilities for economic prosperity, and many have tried to accomplish a change in their position in society. When reconstruction was implemented in the South, there was a movement of African American ex-slaves who left their former employer. They were able to leave their former owners because they had received the freedom to do so through the fourteenth amendment, which made the freedmen citizens of the United States, and therefore, formally, they could not be denied the ownership of land, and to travel where they wanted to travel to.

The transition from slavery to sharecropping mainly took place because African American laborers no longer accepted the situation they worked in during slavery. At first, Southern landowners wanted their freedmen to work in “gangs (...) under the supervision of overseers”⁵⁹, who they would pay a wage at the end of every month. Refusing or unable to pay their employees, laborers left their employer when they did not receive their share of the revenue. Eventually, many old plantations were split up in allotments which were rented to a number of families, who worked for the landowner and received a portion of the revenue.

⁵⁸ DuBois, *Black Reconstruction in America*, 130.

⁵⁹ Ochiltree, ‘A just and self-respecting system?’ 357.

In practice, sharecropping meant that, as long as African American laborers produced profit for the landowner and agreed to buy seeds and stocks from the landowner, they could enjoy a degree of freedom over their lot of land and their labor. Nevertheless, the system was restrictive: there are differences between sharecroppers and African Americans who were able to buy land. One of the consequences of the first years in which sharecropping was a practice was that white landowners placed more and more restrictions on the freedom and independence of their African American leasers.

During and after reconstruction, many African Americans dreamed of a piece of land they could own and cultivate for their own benefit. Nevertheless, the dream of 'forty acres and a mule' did not match with what Southern landowners wanted for the freedmen and freedwomen. A minority of African Americans did succeed in buying a piece of farmland. The benefits of being a landowner were viewed as significant by African Americans who owned farmland. In general, they were able to acquire a more independent position from the white community than sharecroppers. Unlike sharecroppers, black landowners were able to choose where they wanted to buy their supplies, what product they wanted to grow, and where they wanted to sell it. More importantly, African American landowners had the freedom to choose when they wanted their children to help them on the fields, and when they wanted them to attend school. Mark Schulz notes that in the area he focused on in his research, Hancock County in Georgia, children from landowners attended school more often than children from sharecropping families.⁶⁰ Because the children of landowners had a relatively greater access to education, they were able to profit more of the legal freedoms African Americans had obtained during reconstruction.

⁶⁰ Mark R. Schulz, 'The dream realized? African American landownership in central Georgia between Reconstruction and World War Two' *Agricultural History* 72 2 (1998) 307.

Social historians, such as Jeremy Atack and Donald Winters, have formulated four reasons why African Americans had much trouble obtaining farmland in the late nineteenth century South and holding on to it: poverty, lack of vocational training and experience in keeping a farm, general social and economic difficulties of owning land in the late nineteenth century, and the fact that African American farms were overall smaller than farmlands owned by whites. Southern planters rarely sold parts of their land, and when they did, they often did not want to sell it to an Afro-American. When a white landowner decided to sell or rent their land to a black farmer, he or she had to beware that the local white community agreed with the transaction or the lease; when the white community did not accept the African American family as landowners, they would prevent the seller or leaser from re-distributing their land. When they were offered a chance to buy farmland, African Americans had to pay more than white farmers, and when they applied for credit they had to pay a higher interest rate. When they had acquired land, it was often a relatively small lot that received a low demand from other white farmers. The land had to be cultivated in an extensive way if a family wanted to live of it, which led to a fast erosion of the soil and a high demand of fertilizers, which means the black farmers were often poorer than their white counterparts.⁶¹ In essence, in Peggy G. Harris' words, most social scientists attribute the difficulties as the result of African American's "human capital attributes, various institutional constraints, and the condition of their land."⁶²

⁶¹ Harris, Peggy G., 'Beyond the marginality thesis. The acquisition and loss of land by African Americans in Georgia, 1880-1930' *Agricultural History* 72 2 (1998) 243-244.

⁶² Harris, 'Beyond the marginality thesis' 241.

Failure of the federal government

The federal government failed in providing African Americans with opportunities to improve their economic position in U.S. society. After the civil war, there was a period in which there was a majority of politicians in Congress who were motivated to enact reform that would emancipate and integrate African Americans in society. Despite the difficulties these Republican reformers faced, such as opposition from the Southern state' governments, there were possibilities in Congress to enact policies that would have improved the economic position of the freedmen in society.

One of the most debated policies to improve the economic position of African Americans in the 1860s was the redistribution of land, from former slaveholders to their former slaves. Rogers Smith mentions that several scholars, such as Foner, DuBois, McPherson, Lanza and McFeely, have debated on whether it was possible for the federal government to give the freedmen a piece of land after the Civil War, in the tradition of '40 acres and a mule', a slogan freedmen and their supporters used in their plea for (re)distribution of farmland. Smith argues that, with around four million freed slaves after the civil war, the government would have needed around 40 million acres if they wanted to make this policy work. It was not possible to redistribute this in the South, but Smith stresses that if the federal government really believed the freedmen deserved a piece of farmland as a compensation for their years of bondage they could have provided farmland in the –then largely undeveloped- western states. He bases this argument on the facts that from 1862 to 1871, the federal government granted 120 million acres of land in western states to railroad

companies, and another 105 million acres to western settlers and the Morrill land grant colleges act (1962).⁶³

Despite the disapproval of president Johnson, in the early years of reconstruction, radical republicans strove for a policy of land distribution to former slaves. In 1866, Congress signed a bill that would have authorized the federal government to purchase land, so it could be re-distributed to freedmen, but president Johnson vetoed the bill. A year later, another bill did pass Congress and the desk of president Johnson: the Southern Homestead act opened up 46,4 million acres of land in Arkansas, Alabama, Florida, Kentucky and Mississippi for farmers. Smith stresses that despite this opportunity for ex-slaves, due to aforementioned laws that Southern states had implemented to prevent African Americans from obtaining land, and forced work contracts that bound them to their state, few freedmen could use the bill to obtain a piece of land. As mentioned before, the ex-slaves who did try to become farmers under the Homestead act faced oppression by white supremacists.⁶⁴ This reveals that, with regard to land policy, the position of the federal government was weak, and its policies powerless.

Nevertheless, the failure of the strife for more economic freedom for freedmen was not only due to the powerless position of the federal government. In general, plans for redistribution of land were unpopular in the 1860s and 1870s. Many Northern politicians were not enthusiastic about an expansion of the power of the federal government, and, in this light, viewed redistribution of land by the federal government an undesirable action. The majority of African Americans did not have the financial resources to acquire land without aid from the state or federal government.

⁶³ Smith, *Civic Ideals*, 301.

⁶⁴ Smith, *Civic Ideals*, 304.

Congress was not able to implement land redistribution, but policy makers were also not inclined to removed the barriers that prevented them from implementing a land policy that benefitted African Americans. Smith argues that the underlying motive of Northern politicians to not object to discriminatory laws was racism and feelings of white superiority. Northern politicians rejected the Black Codes, but they did not actively challenge the subsequent laws that were equally harmful for the process of economic independence of African Americans. Smith claims that Johnson was a racist. His “deep hatred of black equality” was a major influence in the development of Reconstruction.⁶⁵

The consequence of these decisions and policies was that in general, African Americans had a difficult time in improving their economic position from 1865 to 1900. In 1880, 90 percent of the Southern African Americans worked under a form of leasing or sharecropping with a white landowner; this was the same percentage of black Southerners that lived in slavery before the Civil War.⁶⁶ White landowners in the South aroused the anger of poor whites by emphasizing the emancipation of Afro-Americans and how it would negatively affected white people’s economic and social rights and potentials. Violence against African Americans took place regularly.

⁶⁵ Smith, *Civic Ideals*, 304.

⁶⁶ Mary Beth Norton et al., *A People and a Nation* (Boston and New York: Houghton Mifflin Company, 2005) 550.

Conclusion

After the civil war, the United States Congress was not able to implement a policy that emancipated African Americans and economically integrated them in society. One of the methods Congress could have used to economically integrate the freedmen was by (re-)distribution of farmland, but despite the wish of many freedmen to own and cultivate a piece of farmland, Congress was not intended to grant them land. There were two reasons for this: on the one hand, Congress was powerless to counteract the resistance by Southern landowners who did not want to sell their land to their former slaves. On the other hand, politicians were wary of implementing land redistribution because it would involve extensive interference by the federal government. Because Congress was not motivated to enact a form of land redistribution, landowners and freedmen in the South adopted a new labor system based on sharecropping: many Southern landowners leased their land to African Americans, and expected a share of the revenue of the crops, and obliged them to buy their seeds and equipment from the landowner. The economic situation of sharecropping families was not much different from the situation of slave families before the civil war.

Comparison

When looking at the development of land and labor reform for the African American freedmen in the 1860s and 1870s and the Native Americans in the 1880s and 1890s, there is a difference in the occasions for policy makers to enact reform. After the civil war, the political discussion on granting more economic freedom to the freedmen was sparked by abolitionists in congress after the abolishment of slavery. While the move for the economic integration of African Americans was heavily influenced by the political reality in congress, in the 1880s, the political discussion on the economic integration of Native Americans was motivated by civil groups, and reformers from various parts of society: missionary workers and military men. The congressional discussion on greater economic independence for Native Americans in the 1880s was dominated by people who wanted to reform the governmental land policy on the Indian reservations. In these two cases, there is a contradiction between the influence of civil groups, and the influence of the political reality in congress on the decision making process.

Additionally, there are similarities in the motivation of congressmen to vote for the economic integration of African Americans and Native Americans from 1860 to 1900. On the one hand, policy makers in congress have exclaimed that they wanted to improve the economic situation of the two groups. On the other hand, in both cases, the federal government was not able to resist the influence of powerful groups in society, such as companies, civil groups and state governments who influenced the decision making process. In the 1860s, several Southern state government refused to adopt emancipating laws that gave African Americans citizenship and was intended to equip them with tools that would benefit their economic situation. Their protest caused a group of Republican policy makers to doubt whether it was

wise for the federal government to subject the Southern states to a policy of land redistribution; with the civil war still fresh in everyone's mind, the majority in congress restrained from allowing the federal government to implement radical reform. When federal policy makers drafted the Dawes allotment act in the 1880s, they were influenced by pressure by companies and civil groups who were determined to open up the Indian reservations so they could buy the American Indians' land. This pressure from outside congress mainly influenced the implementation of the integrating policies.

There is a similarity between the implementation of the laws that were aimed at economically integrating African Americans and Native Americans. In the 1860s and 1870s, a difficult political situation between Southern states and the federal government lead to a very small increase in African Americans landowners, and the emergence of a labor system which did not improve the economic independence of African Americans. As mentioned before, Southern state governments did not want to implement emancipating policies, and in congress, there was not much enthusiasm for land redistribution in the 1860s. Policy makers worried it would hold too much executive power of the federal government over the states. In the 1880s, the federal government's opinion on the desirability of land redistribution had changed with regard to the allotment of the Native American reservations. Policy makers had high expectations of the effectiveness of subjecting the Indian tribes to allotment, but eventually, the implementation of allotment led to more dispossession of Indian land than was predicted. Due to pressure from companies and civil groups, the implementation of allotment took place with great haste, and furthermore, policy makers approached allotment too theoretical.

In both cases, congressional politicians were influenced by civil groups, companies and state governments in the decision making process of the economic integration of Native Americans and African Americans. Furthermore, in both cases, the implementation of their policies was flawed, which caused the economic position of African Americans and Native Americans to be unchanged, or sometimes deteriorate, in the late nineteenth century.

Chapter 3: Citizenship

Throughout U.S. history, citizenship has been granted by the federal government to ethnic groups on the basis of social and legal arguments. African Americans received citizenship through the 14th amendment in 1868. Many Native American tribes received U.S. citizenship through the Dawes act, enacted in 1887. In the following chapter, I will look at the moments in which African Americans and Native Americans received U.S. citizenship. For both minority groups, I will answer the questions: when did granting citizenship become an issue for federal politicians, for which reasons did they receive citizenship, and, according to politicians, what was most important in granting citizenship?

According to Lauren Berlant, citizenship is a term used to institutionalize a commonality based on laws, history and culture. It is a term which has had different meanings over the course of history. Citizenship has a legal aspect and a social aspect. The legal aspect consists of the boundaries a society makes for who is a citizen, and who is not. It also refers to the fact that every citizen has the same legal and civil rights as all other citizens. The social aspect of citizenship deals with cultural traits that can be ascribed to citizens of a country, which give a sense of commonality. Throughout U.S. history, Americans have struggled with balancing these two aspects of citizenship: in the constitution, the most important legal document, a society is described in which every person is equal and should have the same civil and legal

rights. But in practice, American citizens have experienced infringements on their civil and legal rights, even though they should have been safeguarded by the law.⁶⁷

⁶⁷ Lauren Berlant, 'Citizenship' in: Burgett, Bruce and Glenn Hendler, *Keywords for American cultural studies* (New York: New York University Press, 2007) 37-42.

The development of U.S. citizenship for Native Americans

The Dawes act of 1887 provided a large group of Native American tribes with United States citizenship. In the following chapter, I will answer the questions: what were the considerations politicians had when they provided Native Americans citizenship, and what did they try to achieve by integrating Native Americans in the legal framework of the United States?

Political and legal perspectives

Despite the importance of the citizenship clause in the Dawes act, it not the first law that dealt with granting citizenship to American Indian tribes. There are several moments in American history in which the federal government granted Native Americans citizenship. For example, the treaty of Guadalupe-Hidalgo, signed in 1848 to end a war between the United States and Mexico, provided the Indians who lived in California with U.S. citizenship.⁶⁸ President Grant's 'peace policy' from the late 1860s and early 1870s prepared Native Americans and Indian reformers for the integration of Native Americans in U.S. society.

A great number of Native Americans were granted U.S. citizenship through the Dawes act in 1887. Literally, the Dawes act reads: "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 had voluntarily taken up, within said limits, his residence separate and apart

⁶⁸ Prucha, *Documents of United States Indian Policy*, 157.

from any tribe of Indian therein, and had 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 (...)."⁶⁹ This measure was preceded by years of discussion among politicians and court judges on whether it was possible to transform Native Americans to United States citizens.

One of those legislators was Hiram Price, the Indian Commissioner in Washington D.C. in the early 1880s. In 1881, Price wrote about the relationship between Native American tribes and the federal government. He was interested in integrating Native Americans in U.S. society. In his argument, his reasons for wanting to integrate Native Americans in society are revealed. Price linked the integration of Native Americans in society to the cultural transformation of 'savage' people who had to become 'civilized' by assimilating in U.S. society. Price emphasized that it was not possible for 'savage' and 'civilized' to live together in one geographical area. Eventually, because Native Americans were a minority group (50.000.000 non-Natives versus 250.000 Native Americans), they would have to assimilate by becoming U.S. citizens, or their way of life would become extinct. He argues that the reason Native Americans had not yet become 'civilized' was because of a flaw in the policies of the federal government. The government did not encourage the Native Americans to work, while, at the same time, they presented them with protection, clothes, food and cattle. Furthermore, Price argues that the federal government was responsible for the 'savage' state of the Native American tribes because they had not provided the Indians with redistribution of their reservation or tribal land into individual allotments. Price stresses that when the federal government would decide to try to change the economic situation of Native

⁶⁹ Prucha, *Documents of United States Indian Policy*, 172.

American tribes, they also had to provide the individual landowners with rights, “means and appliances” to assure their independency from their tribe and other white landowners. Price was one of the first policy makers to complement allotment of the Indian reservations with citizenship for Native Americans when he exclaimed in 1881: “let the laws that govern a white man govern the Indian” .⁷⁰

Arguments to provide Native Americans with citizenship were boosted by court cases such as Ex-Parte Crow Dog in 1883, in which Brulé Sioux chief Crow Dog used a writ of habeas corpus to end his detention by the U.S. government. Crow Dog argued that the U.S. government had no jurisdiction over crimes committed on Native American reservations, and thus had no right to detain him.⁷¹

One of the most unique court cases that sparked the discussion on Native American citizenship took place in 1884. John Elk, a Native American who had left his tribe and decided to live in a white community, tried to establish his right to vote. Elk argued that he had become a citizen of the United States when the fourteenth amendment was ratified, and obtained the right to vote during the enactment of the fifteenth amendment. In their denial of John Elk’s right to vote in U.S. elections, the Supreme Court ruled that because he was born on an Indian reservation, he was not a subject to the fourteenth amendment and thus not a U.S. citizen.⁷² This example is relevant because in this court case, the fourteenth amendment was used to overturn the practical consequences of the fifteenth amendment. Even though the wording of the fourteenth and fifteenth amendment suggest them to apply to a wide arrange of minorities, who would then receive more legal and civil rights, in practice, the

⁷⁰ Prucha, *Documents of United States Indian Policy* 154-155.

⁷¹ Prucha, *Documents of United States Indian Policy*, 160-161.

⁷² Prucha, *Documents of United States Indian Policy*, 165-166.

Supreme Court broke down the initiatives of an individual such as John Elk who hoped to use the laws to fully assimilate in U.S. society.

These complicated legal situations were considered unwanted by policy makers. Gradually, they extended the jurisdiction of the U.S. courts to include the Indian reservations. The 'major crimes act', ratified by Congress on March 3rd 1885, specified seven crimes that were no longer the responsibility of tribal courts when they occurred on an Indian reservation; in the case of "murder, manslaughter, rape, assault with intent to kill, arson, burglary and larceny"⁷³, the trial should take place within a United States courthouse. Even when a crime was committed by an Indian to an Indian, the federal government no longer allowed tribal courts to judge. A year later, in 1886, the Supreme Court upheld the major crimes act in *United States v. Kagama*. In their defense of the law, the court emphasized the "weakness" and "helplessness" of the "remnants of the race" Native Americans, "largely due" to the treaties and arrangements Indians had made with the federal government over the years. In this decision, the Supreme Court reaffirmed the federal government's mandate to expand its legal influence over the Indian tribes. We can conclude that in the 1880s, the federal government was active in breaking down the sovereignty of Native American tribes. The government wanted to dismantle the legal power of the tribes and expand the jurisdiction of the U.S. courts so that, eventually, all Native Americans would assimilate in U.S. society.

This conclusion is affirmed when we consider the discussions held at the Lake Mohonk conference. In 1884, Indian citizenship was prominent on the political agenda during the Lake Mohonk conference. In their final report, the participants concluded that the federal

⁷³ Prucha, *Documents of United States Indian Policy*, 166.

government should actively work towards the “disintegration of all tribal organizations”⁷⁴. Apart from redistribution of tribal lands and reinvigorating education of American Indian children, the ‘friends of the Indian’ recommended the federal government to give full citizenship to every male Indian. They admitted that not every Native American was immediately ready for the responsibilities of full citizenship. The participants stated that regardless of whether Native Americans were ready for citizenship, they should obtain the right to sue in U.S. courts, and the federal government should provide the Native tribes with laws regarding marriage and possession rights when they did not exist. The fact that they specified these two measures reveals something about the relationship between the federal government and the Native Americans at the time; apparently, one of the main problems was that Native Americans were not able to enforce their legal and moral rights against imperialists. The emphasis on laws with regard to marriage and property rights hints that policy makers believed the institution of marriage and property rights were the cornerstones of participation in U.S. society.⁷⁵

We can conclude that the citizenship clause in the Dawes act was preceded by years of discussion among policy makers and judges on whether it was necessary and desirable to grant Native Americans U.S. citizenship. Many supporters of allotment thought citizenship to be one of the main solutions to the ‘Indian problem’. Because of this, few policy makers objected to the clause in the Dawes act that provided the Native Americans with allotted land with American citizenship. Nevertheless, before and after the enactment of the Dawes act, administrators of Indian affairs observed how Native American tribes lost the rights to their land. White Americans used legal tricks and intimidation to drive Native Americans of

⁷⁴ Prucha, *Documents of United States Indian Policy*, 162.

⁷⁵ Prucha, *Documents of United States Indian Policy*, 163-165.

their reservations; Native Americans were subjected to this because despite their recently received citizenship, they did not have the same legal protection as white Americans.

When citizenship was granted to Native Americans of the allotted tribes, reformers aimed at granting citizenship to all Native Americans. Supporters argued it had become time to subject all Native Americans to the United States law. They wanted the government to dispose the special arrangements and treaties that had to be made with the Native American tribes.

Another argument that has to be considered in reviewing the legal assimilation of Native Americans is the great influx of immigrants in the United States in the late 1880s and 1890s. Francis Paul Prucha argues that the protestant 'friends of the Indian' solved the assimilation process of the Native American in the same way they solved the problem of the integration of a great influx of Eastern and Southern Europeans into American society at the time: Americanization.⁷⁶ The great amount of Southern and Eastern Europeans that migrated to the United States in the late nineteenth century were culturally very different from the Anglo-Saxon majority. This put pressure on American culture and society. The emphasis on nationalism in the form of Americanization was a way to temper the influence of the new cultures that entered the United States. The assimilation process of the Native Americans was based on this development.

Frederick Hoxie describes the development of ideas on Native American citizenship from the 1880s to around 1900. Around 1880, Indian reformers were motivated by an idea of 'civilizing' the Native American; they thought granting citizenship to Native Americans would provide Indians with the same legal and civil rights as other citizens. This ideology

⁷⁶ Carlson, *Indians, Bureaucrats and Land*, 8.

was influenced by arguments used during the emancipation process of African Americans in the late 1860s and early 1870s. Throughout the 1880s and 1890s, the idea of granting Indians citizenship to improve their social and legal status changed to an idea of using Native American citizenship to provide “guardianship”⁷⁷ to the tribes. Native American citizenship was used to extend the power of the federal government over the Native tribes. They did this because in the late 19th century, politicians and opinion makers were more and more influenced by theories of racial hierarchy such as Charles Darwin’s ideas on evolution. Darwin’s theory of the evolution of species was used as a political ideology which allowed white Americans with political power to place African Americans and Native Americans on a lower scale of society based on their race.

Native American citizenship was a point of discussion among policy makers and judges until the first decades of the twentieth century. Around 1900, the idea of citizenship as an affirmation of the federal government’s role as a guardian of Native American tribes did not match with the legal rights Native Americans had obtained through receiving citizenship.

Conclusion

The debate on the legal integration of Native Americans in society dates from the early years of the American republic. When the Dawes act was enacted in 1887, Native American tribes who subjected themselves to allotment received United States citizenship. Federal politicians had various reasons for providing American Indians with citizenship: a desire to get rid of the special arrangements with Native American tribes, court cases in which federal judges expanded their jurisprudence to influence aspects of the American Indian legal framework, a wish to dismantle the culture of Native American tribes, and the influx of eastern European

⁷⁷ Hoxie, *A Final Promise*, 213.

immigrants in the United States, which led to an emphasis on nationalism in American politics, and the wish to integrate every person living on American soil in American society. By granting Native Americans citizenship, the federal government succeeded in breaking the ties that allowed American Indians to live on reservations in their own jurisdiction. The government did not succeed in dismantling the tribal culture of Native Americans by making them American citizens: while their position in society was weak in the late nineteenth century, Native American tribes have continued to exist to this day.

African American citizenship

As mentioned before, African Americans became legally assimilated in American society through the fourteenth amendment. In the following chapter, I will answer the question: what did politicians want to achieve in providing African Americans with United States citizenship? It is also important to observe what African Americans did with their gained citizenship: did their position in American society improve?

Political and legal perspectives

As with the development of Native American citizenship: the fourteenth amendment was not the first act that dealt with African American citizenship. There are several moments in history in which the status of African Americans in U.S. society was defined. The first moment was in the earliest years of the colonization of the continent by Great Britain, in which blacks could become “colonial subjects of the King”⁷⁸ when they converted to Christianity. This would give Christian African Americans the same place in society as other colonists. According to W.E.B. DuBois, the second moment occurred when the slave trade laws were in effect (1808-1820); African Americans were not seen as a threat because whites believed ultimately slaves would die when the slave trade would stop. In this period, policy makers were not interested in integrating slaves into the legal framework of U.S. society. Some argued that if African Americans would not die after the slave trade ended, they would eventually gain freedom from slavery and they should be deported from the United States to form a new country in Africa, or somewhere else “where they would develop into

⁷⁸ DuBois, *Black Reconstruction in America* 132.

an independent people of die from laziness or disease.”⁷⁹ Over the course of the nineteenth century, this refusal to integrate African Americans in the legal framework of society prevailed. Southern Confederates believed that African Americans were determined to be slaves; they were part of a caste system that would eventually lead to a society in which the labor class consisted purely of black people.⁸⁰

One of the first American citizenship laws was the U.S. Naturalization Act, enacted in 1790. The naturalization act granted citizenship to “free white persons”, and as such, restricted citizenship to those with “ownership of labor”⁸¹. With this law, African American slaves were excluded, not only because they were not white, but also because they did not possess their own labor.

The first political discussions on African American citizenship took place after the Civil War. During the first years of reconstruction, Congressional discussions on African American citizenship centered on voting rights. Abraham Lincoln’s opinion in 1865 was that suffrage should be given to “the very intelligent” African Americans, “and those who serve our cause as soldiers.”⁸² President Lincoln was eventually killed by John Wilkes Booth, who claimed he did it because he did not want African Americans to obtain voting rights. Lincoln successor, Andrew Johnson had a plan for reconstruction that was more moderate, he wanted to grant voting rights to all white people throughout the United States, with an exception for Confederate leaders, who had to apply for a pardon. Radical republicans went one step further: they also wanted to give African American males the right to vote.

⁷⁹ Ibid.

⁸⁰ DuBois, *Black Reconstruction in America*, 131.

⁸¹ Berlant, ‘Citizenship’, 39.

⁸² DuBois, *Black Reconstruction in America*, 164.

The first act that regulated African American citizenship was the reconstruction act, which was enacted in 1867-1868. The reconstruction act gave the federal government military and political power to control the Southern states: five military districts were created in the South, and Congress adopted prerequisites for Southern states to re-enter the United States, including ratifying the fourteenth amendment. Eric Foner points out that even though the Reconstruction act was put forward by radical Republicans and it changed the nature of the relationship between the federal government and the Southern states, it was a pragmatic act that contained compromises suited to moderate politicians. For example, with regard to voting rights, the Reconstruction act granted voting rights to freedmen in the South, not throughout the United States. By stating this, Foner gives a realistic image of the radical Republicans during reconstruction: even though they were intended to fully integrate African Americans in society, they were a minority group in Congress; they were under no obligation to make compromises with moderate politicians.⁸³

The fourteenth amendment, ratified and implemented in 1867, made every person “born or naturalized in the United States” a citizen. This sentence in the constitution overturned the famous Dred Scott case from 1857, in which the Supreme Court ruled that African Americans could not be citizens of the United States, whether they were free or slaves. Furthermore, the fourteenth amendment obliged the government to treat every U.S. citizen in the same way: “no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the

⁸³ Foner, *Reconstruction*, 108-109.

equal protection of the laws.”⁸⁴ This sentence not only legally protected citizens from the government, but also gave the federal government the authority to correct states when they infringed on the legal rights of citizens. Furthermore, the second part of the sentence implies that every *person* residing in the United States, citizen or not, can claim equal protection by the laws. At the time, the fourteenth amendment was seen by proponents and opponents as a shift in power from the states to the federal government.⁸⁵

In 1869, the fifteenth amendment was passed in Congress. Through the fifteenth amendment, radical republicans tried to secure the voting rights of African Americans indefinitely. They did this through forbidding the American government to deny a citizen the right to vote “on account of race, color, or previous condition of servitude.”⁸⁶ Despite the intentions of the initiators of the amendment, the wording of the fifteenth amendment can be interpreted in multiple ways; it opened a way for states to refuse African Americans their right to vote based on other things, such as illiteracy and their inability to pay poll taxes.⁸⁷

Because African Americans voted virtually unanimously Republican, the state constitutions that were adopted in the South during Reconstruction were in line with liberal reform movements in the North, such as an elimination of property qualifications for voting, an expansion of women’s rights in property holding, and providing public schools and shelters for “the mentally ill, the blind, the deaf, the destitute, and the orphaned.”⁸⁸ The fact that the freedmen voted Republican contributed to the dichotomy in Southern state governments: the Republican party became linked to African American political values.

⁸⁴ Thomas Brooks ed., *Plessy v. Ferguson. A brief history with documents* (Boston and New York: Bedford/St. Martin’s, 1997) 14.

⁸⁵ Brooks, *Plessy v. Ferguson*, 14-17.

⁸⁶ Norton, *A People and a Nation*, 436.

⁸⁷ Foner, *Reconstruction*, 199.

⁸⁸ Norton, *A People and a Nation*, 437.

In 1868, for the first time in Southern history, African Americans were appointed as representatives and legislators in state governments. Despite this achievement, African American legislators found it impossible to enact laws that influenced land policy; a policy many wanted to influence because they wanted to redistribute land of their former owners. The Republican legislators could not influence it because in practice, the land was in ownership of white owners who were not inclined to rent to black Americans. Furthermore, the influence of African American legislators was limited because leaders in the Southern Republican party did not want an amount of African American representatives equal to their electoral strength. Black Republicans realized this, and adjusted to the situation by not pushing emancipating legislation to the limits. They argued for the creation of public schools in every Southern state, but they did not demand the schools to be equally available for black and white children, allowing a segregated school system to originate. Throughout the Southern states, laws were enacted that were aimed at creating equal accommodations for African Americans and whites. Nevertheless, it was very difficult and expensive to enforce these laws.⁸⁹

Even though the influence of African American politicians was limited during reconstruction, they met with much resistance from conservatives. In order to retain their control over politics, the conservatives created an image of Southern politics heavily dominated by African American politicians and their allies, 'carpetbaggers' from the North and 'scalawags' from the South. Even though this image of Southern politics did not match reality, it was accepted as the truth by the conservative followers; the political strength of the 'Negro rule' idea was so strong that it contributed to the end of reconstruction.

⁸⁹ Foner, *Reconstruction*, 291-307.

The death blow of the reconstruction program occurred through violence, especially the rise of the Ku Klux Klan. The KKK was a secret organisation of white men, who used violence against African Americans and allied whites as a way to intimidate the black community and prevent them from participating in society on an equal basis with white people. Through the hundreds of murders, lynchings and beatings executed in their name in the late 1860s and 1870s, the KKK achieved their goal in intimidating the black community and preventing the implementation of emancipating laws, such as voting rights, in Southern towns and cities. In 1872 and 1873, Congress adopted a law restricting the political influence of the violence of the Ku Klux Klan, through forbidding individuals to infringe on the civil liberties and political rights of a group. Nevertheless, the laws were not enforced in the states where they mattered most.⁹⁰

In the Republican Party, the consequence of the enactment of the amendments of the constitution during reconstruction was a growing difference in opinion on the position of the federal government in political decisions, and its relation to state's rights. Eventually, this led to a revolt in the Republican Party in 1872. Under the name 'Liberal Republicans' these politicians nominated Horace Greely to participate in the presidential elections of 1872. The liberal republicans were a diverse group of reformers and politicians who united because of two shared interests: objection against expanding federal influence in the Southern states, and a sincere belief in capitalism and its premise that everyone who works hard can achieve anything he wants. W.E.B. DuBois labels this "the great American assumption"⁹¹, which was visible in the arguments of politicians in the 1870s and 1880s. Liberal republicans did not want to consider a person's gender or race in the assessment of his or her value to society,

⁹⁰ Foner, *Reconstruction*, 342-345, 425-444, 454-459.

⁹¹ DuBois, *Black Reconstruction in America*, 182.

and whether something had to be changed and government influence was necessary. This was a fundamental difference between radical republicans such as Thaddeus Stevens, Charles Sumner and Wendell Phillips who acknowledged the difficult position African Americans were in before and during reconstruction; they were inclined to allow the federal government to interfere in Southern states on the behalf of African Americans.

Even though Ulysses Grant won the general election from Horace Greely, who was supported by the Democrats and the Liberal Republicans, the influence of the Republicans faded in Washington D.C. during Grant's two terms of presidency. Eventually, Democrats regained control over the majority of Southern state governments around 1880.⁹² Politically, reconstruction ended in the aftermath of the election of President Rutherford B. Hayes in 1876-1877. Hayes won the elections with a very small margin from his Democratic opponent, Samuel J. Tilden. Eventually, a deal was closed between Democrats and Republicans in Congress, in which the Republican Party ended reconstruction by promising, among others, the removal of the federal army in the South. In return, the Democratic majority in the House of Representatives promised to not filibuster the process of the appointment of President Hayes.⁹³

⁹² Norton, *A People and a Nation*, 443.

⁹³ Foner, *Reconstruction*, 564-587.

Conclusion

After the civil war, African Americans were assimilated in the legal framework of American society when the fourteenth amendment was adopted. This development was influenced by the political situation in Congress: the civil war had just ended, slavery was abolished and there was much political animosity between the Democratic and Republican party in Congress and in the White House. African Americans were granted citizenship and voting rights as a consequence of the abolishment of slavery, but the implementation of the fourteenth and fifteenth amendments were marked by compromises. There was a difference between the motive of radical Republicans and moderate politicians in their decision to legally integrate African Americans in society: radical Republicans aimed at fully integrating African Americans in society, while moderate Republicans and Democrats viewed the emancipation of African Americans as a logical consequence of the abolishment of slavery, but did not intend to enact laws that would ensure the implementation of the improved social situation of the freedmen.

The compromises between radical Republicans and moderates opened the way for a flexible interpretation by Southern state governments of the rights African Americans had obtained. The inability of the federal government to prevent state governments from writing their own interpretations of the rights of African Americans ensured that the legal position of African Americans in the South did not improve much in the late nineteenth century.

Comparison

In the case of African American citizenship, the initial political debate in Congress centered around voting rights: the political aspect of citizenship. With regard to Native Americans, politicians in the 1880s displayed an emphasis on giving Indians access to legal protection from people and companies who aimed at obtaining Indian land. The decision to grant Native Americans citizenship had virtually nothing to do with voting rights.

With regard to the sometimes tensed relationship between the federal government and the states, we can conclude that in the case of both Native Americans as African Americans, the federal government granted citizenship as a reaction to the lack of action displayed by state governments and counties. Through the Dawes act, Native Americans who were subjected to allotment received citizenship so they could legally defend themselves against infringement on their land. This decision was motivated by the wars between Indian tribes and homesteaders who moved westward from the 1860s to 1890. Through the fourteenth amendment, African Americans received citizenship as a result of the abolishment of slavery; the federal government wanted them to become full members of society. Radical Republicans supported the fourteenth amendment because they observed that, despite the abolishment of slavery, African Americans were treated unequally, especially in the South. In both cases, politicians in Congress acted through federal legislation because state governments were not active in preventing these developments.

Frederick Hoxie stresses that in the case of African American and Native Americans, the federal government was only interested in securing the legal rights of the two minority groups by giving them citizenship and voting rights, they did not intent to improve civil rights.

The momentum for legal and civil equality for Native American through citizenship ended over the course of the 1880s, when the motivation to grant Native Americans citizenship shifted from increasing Indians' legal rights to the argument of preserving the federal government's role as a guardian of the Native American people. Hoxie stresses that this view on the Indian's role in society did not originate in the 1890s, it has appeared in political debates with regard to Native Americans throughout the nineteenth century, apart from the reconstruction era until the 1880s. In this light, the debates on Indian citizenship in the early 1880s, which were influenced by an attempt to create more equality between Native Americans and other minorities, were motivated by different arguments than pleas for Indian citizenship in the first decades of the nineteenth century and the 1890s.⁹⁴

⁹⁴ Hoxie, *A Final Promise*, 211-238

Chapter 4: Education

In the mid- to late nineteenth century, politicians realized that education is one of the most important factors in the process of successfully assimilating an ethnic group in American society. Through public education, children learn about the culture and history of the United States, and eventually adopt the norms and values of American society. Therefore, it is relevant to contemplate the efforts the federal government made to provide Native Americans and African Americans with education in the period in which they were economically and legally integrated in society.

It is important to note that the fact that politicians acknowledged that education is an important factor in the integration of a group in society, does not mean that politicians have fully lived up to this knowledge. As mentioned in a previous chapter, Native Americans did not receive sufficient education to be prepared to become individual landowners when the Dawes act was implemented. Since this has already been addressed, in the following chapter, I will focus on the government policy regarding the primary education of Native American and African American children between 1865 and 1900. I am going to answer the questions: how did the decisions of the federal government lead to an increase of American Indian and African American children obtaining education, and was the effort of policy makers to improve the education of Native American and African American children a success?

Native Americans: education as a tool for assimilation

To a large degree, the education of Native American children in the 1880s and 1890s took place on boarding schools, specifically designed to educate American Indian children and 'civilize' them, so they would grow up as American citizens. In the following chapter, I will address this education policy. I will answer the questions: why did politicians argue for the implementation of an educational policy specifically designed for Native American children, and was this policy effective in making them assimilated, American citizens?

Government policy

Before the implementation of the federally funded boarding schools, education of Native American children mainly took place through missionary workers, and was grounded in a wish to convert the Native American children to Christianity. There was a discussion among politicians on whether the Indian children were to be sent to off-reservation schools, or be educated amongst their community on the reservation. In 1879, the first off-reservation boarding school was founded in Carlisle, Pennsylvania by officer Richard Henry Pratt. Pratt was an idealist who believed education to be the catalyst for the emancipation and integration of Native Americans. His experience in the U.S. army during the Indian Wars, in which he was second lieutenant in the all-black Tenth regiment, taught him that there is no essential difference between whites, blacks and natives. "All gross injustices to both races [African American and Native American, red.] (...) are primarily the result of national

neglect to give the opportunities and enforce the safeguards of our Declaration of Independence.”⁹⁵

Another supporter of an educational policy for Native American children was Thomas J. Morgan, commissioner of Indian affairs from 1889 to 1893. During his term, his main objective was improving Indian education. Morgan’s vision consisted of four stages of education for Native American children: day schools located at every Indian community, which prepared the youngest Indian children for primary school; boarding schools, where Native American children would experience education apart from their tribes and families; grammar schools, where children would learn “systematic habits”⁹⁶ such as trades and keeping a daily schedule; high schools, where, from their fifteenth year, talented Indians would be transformed into ‘Americans’, and, when successful, changed in such a way that they did not want to return to the reservation.

In 1889, Morgan presented his vision on Indian education at the Lake Mohonk conference. Morgan declared that his starting point was that the federal government was fully responsible for the education of Native American children. He argued that educating Native American children was not an impossible task: at the time, 15,000 Indian children were already attending school, which left another 21,000 children to provide for. In his report, Morgan proposed compulsory education, and one curriculum for all Indian schoolchildren, in which students were encouraged to pursue additional vocational training or a program of higher education. Morgan also pleaded for a curriculum based on the wish of the federal government to individualize the Indian children and appeal to pride in American values and

⁹⁵ Brian W. Dippie, *The Vanishing American. White Attitudes and U.S. Indian Policy* (Middletown: Wesleyan University Press, 1982) 114.

⁹⁶ Frederick E. Hoxie, ‘Redefining Indian education: Thomas J. Morgan’s program in disarray’, *Arizona and the West* 24 1 (1982) 12.

their duties as American citizens. The Indian commissioner wanted children of all Indian tribes to attend the same schools, which would weaken the tribal unity that divided the Native American tribes. Morgan was an outspoken proponent of the 'outing system', in which Native American children were sent to white families to stimulate respect between the two cultural groups, and to learn Indian children about farming and keeping a house.⁹⁷

The primary language spoken at Indian schools was English. This decision was provided with arguments by Indian commissioner J.D.C. Atkins in 1887: because the federal government was active in integrating Native Americans in U.S. society, it was vital for Native American children to learn the English language so they can participate. In his argument, Atkins created a strong link between language and the institutions of the community the language is used in: "true Americans all feel that the Constitution, laws and institutions of the United States, in their adaptation to the wants and requirements of man, are superior to those of any other country; and they should understand that by the spread of the English language will these laws and institutions be more firmly established and widely disseminated."⁹⁸ This opinion reveals the special position of the English language in schools at the time. Apparently, the only way of making non U.S. citizens understand the norms and values of U.S. society and the underlying motives and assumptions American institutions were built upon, was by packaging it in a certain form of language, which they had to learn, or they would not be able to fully understand what it is to be American. Atkins explains that the Germans, the Russians, the Spanish and other people have also forbidden schools to educate children in a second language.

⁹⁷ Prucha, *Documents of United States Indian Policy*, 176-179.

⁹⁸ Prucha, *Documents of United States Indian Policy*, 173.

Frederick Hoxie stresses that Morgan's vision on Indian education was similar to the view of other educators and missionaries in the late nineteenth century.⁹⁹ They believed society can be divided in two groups: civilized and uncivilized people. Civilization is superior, so eventually, all un-civilized people have to become civilized, or their culture will fade away from existence. Education is supposed to civilize those who have not yet achieved civilization.

Morgan made an effort in enrolling Native American children in public schools. During the trial period, the number of Indian children who attended a public school grew: from 100 Indian children in 1891, to 268 children in 1893. This motivated Morgan to conclude that his educational policy was a success; Native American children could become integrated in society through attending school with white children.

To his regret, Morgan's successors were not as passionate about educating Native American children in a public school. Around the turn of the twentieth century, politicians thought Morgan's school system to be too expensive, and focused on a practical approach in which students were prepared for a job on an Indian school. As a result, the participation of public school in schooling Native Americans ceased from 1896 onward: in 1896, forty-five school districts participated in the program, while only twelve school districts participated in 1903. Marcus A. Smith, an Arizona delegate, gives a revealing look at how policy makers thought about Indian education when he said in 1893: "when the first locomotive went through the Apache reservation (...) more was done for Indian education generally than the Carlisle school will do in the next century."¹⁰⁰ The most striking difference between the educational program of the 1880s and their successors was that the generation of policy makers around

⁹⁹ Hoxie, 'Redefining Indian education', 7.

¹⁰⁰ Frederick E. Hoxie, 'Redefining Indian education', 16.

1900 did not believe in the malleability of American Indians. They did not want to use education to change the nature of an Indian, they just wanted to educate Indians to prepare them for a (low-skilled) job.

Francis E. Leupp, commissioner of Indian affairs from 1904 to 1909 offered fundamental critique on the boarding school system, which he thought was teaching “false, undemocratic, and demoralizing ideas.”¹⁰¹ Leupp closed down off-reservation boarding schools, and replaced them with more on-reservation day schools. Eventually, this development led to more Indian children attending public schools.

Hoxie argues that around 1900, Indians were educated in the same way as other ethnic minorities. In the late nineteenth century, there was a shift in thinking about the role minorities can play in society and their relationship with the federal government. While from the 1860s to the 1880s, policy makers were influenced by ideas of Americanization (everyone can succeed if they are ‘American’ enough) and based their educational system on preparing minorities for assimilation, from the 1890s onward, more and more policy makers thought of minorities as inferior, and placed their children in segregated facilities “at the periphery of society (...) praised for their acquiescence.”¹⁰²

¹⁰¹ Frederick E. Hoxie, ‘Redefining Indian education’, 20.

¹⁰² Hoxie, ‘Redefining Indian education’ 22.

Failure of governmental policy

The educational policy of the federal government was not always successful in transforming Native American children to assimilated American citizens. The difficult cultural transformation Native American children were expected to complete when they attended a public school, seldom succeeded. Often, the Indian children resisted the educational program, and when they completed the program, and adopted parts of the Anglo-Saxon culture, Native American children experienced difficulties when they returned to their families on the Indian reservations.¹⁰³ Their resistance, and the inability of federal politicians to look beyond the education of Native American children and effectively stimulate the economic and social improvements on the Native American tribes, contributed to the failure of the federal governments' policy to integrate Native Americans in society.

Conclusion

In the 1880s, the federal government implemented an educational policy specifically tailored to educate Native American children. With this policy, Congressional politicians tried to integrate Native American children in American society through making them adopt the Christian faith, and learn the English language and vocational training that prepared the children for paid work. This integrationist policy by the federal government did not lead to the anticipated effect: many Native American children who were enrolled in a public school resisted the educational program, and when they finished the program and returned to their reservations, they had a very difficult time re-adjusting to their old lives.

¹⁰³ Adams, *Education for Extinction*, 275-283.

African Americans: education and segregation

With regard to the assimilation of African Americans in society from 1865 to 1900, the primary education of African American children was one of the measures that safeguarded their economic and legal integration. If more African American children obtained primary education, more would be eligible for secondary and higher education, which would increase their economic opportunities in society. By enacting the thirteenth, fourteenth and fifteenth amendment, American politicians declared that they wanted to integrate African Americans in society. One of the methods politicians could have used was the creation of an educational policy, that would increase the amount of African American children enrolled in a primary school. In the following chapter, I will answer the question: how did the federal government increase the amount of African American children obtaining education, and was the effort of politicians to improve the education of African American children a success? I will make a distinction between public education as it was organized in the North, and in the South, and between what politicians in Congress said, and what happened in reality.

Differences between African American education in the North and the South

With regard to the education of African Americans in the nineteenth century, there is a difference between the policies and practices of legislators and public school boards in Northern states and in Southern states. In Northern states, from the 1840s to 1860, public education grew strongly due to the 'common school movement', in which Northern educators successfully appealed to state legislators to expand public education. As a result of this, the United States enjoyed the highest literacy rate in the world in 1860. Promoters of

common schools had many arguments to substantiate why public education was important. For example, they argued that public education was essential for an effective democracy, and that education was effective in assimilating minority groups into the “common culture”¹⁰⁴ ; when they would all attend the same school, all American children would learn the same values.

In the North, before the Civil War, it was formally possible for African American children to obtain education in a public school, but in practice, boards of educators of public schools often denied African Americans access to new schools; they were assigned to “racially separate and inferior schools.”¹⁰⁵ When African American children in Northern states were educated, the majority received education through private schools, founded by wealthy African Americans and sympathetic whites. Over the course of reconstruction, due to the emancipation of freedmen, Northern public school boards increasingly abandoned their discriminating policy and accepted more African Americans in their schools. Nevertheless, there were several counties in which public schools continued to exclude African Americans from their schools, despite opposition from Northern policy makers and judges. Even though Northern state legislators and judges opposed segregated schools, and enforced their opposition in federal governmental policy and in the courthouses, this did not prevent segregation of the educational system to occur.¹⁰⁶

Davison M. Douglas stresses that the enthusiasm for public schooling by legislators came primarily from New England states. The development of public education took a significant

¹⁰⁴ Davison M. Douglas, *Jim Crow Moves North. The Battle over Northern School Segregation, 1865-1954*, (New York: Cambridge University Press, 2005) 15.

¹⁰⁵ Douglas, *Jim Crow Moves North*, 2.

¹⁰⁶ Douglas, *Jim Crow Moves North*, 1-11.

longer time in the South and West.¹⁰⁷ This indicates that there is a difference between north-eastern state legislatures' and mid-west and southern legislatures ideas on the merits of a public school system.

Before the Civil War, it was prohibited to educate a slave in most Southern states. Small amounts of free blacks were educated at private schools in this period, but it was controversial and remained limited to a small privileged group. After emancipation, generally, community leaders in the South were not enthusiastic about providing African Americans with primary education. Pressure from the federal government, efforts by Northern educators, missionary workers, and African Americans themselves led to an increase in African Americans receiving education in the South after 1865.

Segregation in the schools: the federal government and African American education

As a follow on the emancipation of African Americans in 1865, Congress established the Freedman's Bureau. As it was part of the War Department, it was not a task of the Freedman's Bureau to expand primary education for African Americans. Nevertheless, commissioner O.O. Howard believed education was an important factor in the emancipation of the freedmen, thus he unlocked federal funds for the creation of schools for African Americans. The ability of the Freedman's Bureau to expand the education of African Americans was increased in 1866, when Congress approved an extension of the Freedmen's Bureau by two years, and expanded its tasks. Boards of schools for African American children were often confronted with a shortage in teachers, and hostile reactions from white

¹⁰⁷ Douglas, *Jim Crow Moves North*, 61-122.

supremacists in their community, which showed itself through threats and burned school buildings. Nevertheless, the amount of African American children who received education rose in the South. In the 1870s, public education for African Americans in the South was funded by several state governments. Especially in states with a Republican government, public education received a boost. The momentum for improving public education throughout the United States is visible when we consider president Grant's proposal to draft a constitutional amendment which would guarantee free public education to all Americans in 1875. Furthermore, expenditures in education rose from 20 million in 1860 to almost 62 million in 1870.¹⁰⁸

The emphasis on public education by the government had been very effective on the enrollment of students in Southern schools. In South Carolina, the number of white children receiving primary education rose from 12% to 50% from 1869 to 1875, and the number of black children from 8% to 41%. In Mississippi in 1876, 48% of white and 45% of all black children attended primary school. In the district of Colombia in the late 1860s, more black children attended school than white children.¹⁰⁹

Despite these numbers, Rogers M. Smith emphasizes that in practice, it was difficult to provide minorities such as African Americans, Native Americans and women with education: even though policy makers defended the right of minorities to receive education, in practice they were not enthusiastic about defending equal rights; African Americans and women were often placed in subordinate positions in schools and other institutions in society on the basis of their race or gender.

¹⁰⁸ Smith, *Civic Ideals*, 321.

¹⁰⁹ Smith, *Civic Ideals*, 322.

Smith argues that because the forces of integrated public schools were divided, Southern Democrats were able to legally segregate public schools in the 1870s. This development started in the border states, where state governments abandoned their state educational policies so they could cut the funding of schools. Eventually, it became very difficult for children of poor families in the South to receive education. Smith stresses that, when compared to other countries, children born in the United States had more opportunities to enroll in a public school, but the school system was based on traditions of “ascriptive hierarchies” and inequality.¹¹⁰ Because of this influence by state governments, in the late nineteenth century South, American children were brought up with fixed ideas on who was meant to have the best education and, later in life, the best paid jobs: it depended on the color of one’s skin.

There were civil groups who propagated the desegregation of public schools, but they did not achieve much. The proponents of desegregating public schools contributed to the failure of the plan because they had different ideals. African Americans had a practical approach; they were mostly interested in building schools, they often did not engage in the difficult struggle for creating non-segregated school facilities, but instead build schools that were attended by, mainly, black students. White Americans who were supportive of integration of public schools were often motivated by, what Smith calls, “romantic racialist views”.¹¹¹ They viewed African American children as inferior, but thought an education among white children would elevate them and make them better citizens.¹¹²

¹¹⁰ Smith, *Civic Ideals*, 324.

¹¹¹ Smith, *Civic Ideals*, 323.

¹¹² Smith, *Civic Ideals*, 323-234.

Douglas describes that in the North, from 1860 to 1890, public schools were desegregated, and more African American children were able to obtain education. This situation was reversed in the period from 1890 to 1940, when there was a new momentum for segregating public schools in the North. Douglas argues this is due to a great migration of Southern African Americans to Northern states in the 1880s and 1890s. 2,5 percent of Southern Black population migrated to the North¹¹³, which triggered hostility and white supremacist feelings among a part of the Northern population. This racial hostility was fed by scientists, specifically anthropologists, who believed the differences between people from different ethnicities can be explained through a racial hierarchy, in which white, Anglo-Saxons are superior to every other race. According to Douglas, the Northern cities that housed most Southern migrants were the cities in which racial violence was the most present.¹¹⁴

The move towards a more segregated public school system was strengthened by the famous court case *Plessy v. Ferguson*. The federal Supreme Court ruled in 1896 that it was legal to create segregated facilities in public buildings, provided that every person has equal opportunities to attend school, use a hospital, a public bathroom, etcetera. Homer Plessy was an African American male from New Orleans. In 1892, he was arrested for riding the train coach where only white people could sit. Even though Plessy was only one-eighth African, police officers found him guilty of breaking the state law. Plessy's arrest was not an accident: it was staged by a group of African Americans from New Orleans, who wanted to bring the case to the highest court, and overturn the segregationist laws in New Orleans. After several years, the case ended up at the federal Supreme Court. Eight of the nine judges in the Supreme Court ruled for public accommodations and facilities based on a "separate,

¹¹³ Douglas, *Jim Crow Moves North*, 124.

¹¹⁴ Douglas, *Jim Crow Moves North*, 153.

but equal” basis. Judge Harlan wrote a dissenting opinion: he argued that because African Americans have become citizens of the United States through the fourteenth amendment, it is not right for government agencies to subject Blacks to a different treatment. As opposed to the other judges, Harlan favored a strict interpretation of the constitution: “the glory of our American system of government is that it was created by a written constitution which protects the people against the exercise of arbitrary, unlimited power.”¹¹⁵

Conclusion

After 1865, the number of African American children who attended a public school rose significantly. The federal government contributed to this development through the Freedman’s Bureau. Especially in the North, after 1865, state politicians reinforced the public school system to include African American children. In the South, state legislatures were less inclined to accommodate African Americans in public schools. When the 1870s progressed, the states reversed the federal policy to accommodate African American children in public schools, and as a response to pressure by school boards and – teachers, allowed a segregated school system to emerge. We can conclude that regardless of the enactment of the emancipating amendments of the constitution, federal politicians after 1877 were not active in preventing segregation of public schools in the South, and did not provide African American children with opportunities that would benefit their economic and legal integration in American society.

¹¹⁵ Brooks, Thomas ed., *Plessy v. Ferguson. A brief history with documents* (Boston and New York: Bedford/St. Martin’s, 1997) 35.

Comparison

In the 1870s and 1880s, for both minority groups, educational reform took place on the federal level. Politicians emphasized it was important to elevate the two ethnic groups through education. Both groups attended special schools, but were also integrated in the common school system to a limited degree. Schools for Native Americans had an extensive curriculum that prepared the children to assimilate in white society. There were experiments with entering Indian children in public schools. In the North, African American children were accepted at integrated schools with reluctance, while in the South, segregated schools were founded. From 1890 onward, the situation changed for both groups: Native American education no longer focused on integration in white society, but more on learning the language and vocational skills. Segregation of public schools took place in the North and the South, which led to African American children receiving different education than white children. In the 1890s, Native Americans and African Americans were viewed by politicians as inferior people. Therefore, the education of Native American and African American children was no longer a method to assimilate them in society; when they were able to obtain primary education, they often learned vocational skills that were aimed to prepare them for low-paid jobs.

Conclusion

From 1865 to 1900, there were two moments in which the United States federal government expressed it wanted to integrate a group in society: the adoption of the 13th, 14th and 15th constitutional amendments from 1865 to 1870, which aimed at economically and legally integrating African Americans in society, and the enactment of the Dawes act, which aimed at the economic, legal and cultural integration of Native Americans in U.S. society. Despite the good intentions of some reformers and policy makers, both attempts to integrate a minority group in U.S. society failed for similar reasons.

With regard to the integration of African Americans and Native Americans in U.S. society from the 1860s to the 1890s, the federal government appeared powerless in protecting Native Americans and African Americans from infringement on their rights by other groups. Furthermore, policy makers focused more on the political reality in Congress and on theoretical solutions, instead of finding a fitting solution that would benefit both Congress and the minority groups in U.S. society.

Some politicians were concerned for ethnic groups who were excluded from the economic and legal framework of American society; they wanted them to become assimilated.

Partially, the Civil War was fought to abolish the institution of slavery in America. After the Civil War was won by the Union army, Republican politicians were motivated to enact legislation to confirm the new position of African Americans in society. This led to the enactment of the 13th amendment in 1865, which abolished slavery, the 14th amendment in 1868, which provided citizenship to every person born in the United States, and the 15th amendment in 1870, which affirmed that every male citizen had the right to vote. Starting in

1883, senator Albert K. Smiley held annual conferences at Lake Mohonk to discuss Indian reform, because he was worried about the deteriorating position of Native Americans in America due to the increasing westward expansion of homesteaders. Because of the work of civil groups and meetings such as the Lake Mohonk conference, politicians were triggered to reform Indian policy through the Dawes act in 1887 by allotting the reservations, granting the allotted Indian tribes citizenship, and establishing schools for Native American children.

But eventually, despite the reforms set in motion by Congress to legally and economically integrate Native Americans and African Americans in society from 1865 to 1900, the policies did not have much effect. With regard to the assimilation of Native Americans and African Americans, developments in society opposed the decisions Congress made, which made implementing the integrating policy very difficult. When the 13th, 14th and 15th constitutional amendments were ratified by the states, the implementation of the acts proved difficult: many Southern states were not inclined to emancipate African Americans, and adopted state legislation that practically overturned the constitutional amendments.

In the late 1880s and 1890s, the Dawes act was implemented with great haste, which led to the failure of the allotment program, and a decrease in Indian landholding and farming. This quick implementation was forced by non-Indian civil groups and corporations who were interested in buying and leasing the land on Indian reservations.

These examples reveal the powerlessness of the federal government. It was not possible to successfully implement federal policies because the government had limited control over what happened in society; it could not enforce its desired outcome. This powerlessness of the federal government to influence the economic and social structure of society is not limited to this period in American history; I believe it reveals a structural problem in American

democracy which is visible through defining aspects of the American political system: the tensed relationship between state governments and the federal government, and the influence of pressure groups on federal policy makers.

Another reason why federal politicians were not successful in economically and socially integrating Native Americans and African Americans in U.S. society between 1865 and 1900, is that their approach to reform was too theoretical, and their focus was mainly on the political reality in Congress, rather than the consequences of their policy in U.S. society. In essence, the political solutions politicians in Congress came up with did not always match with the problems that occurred in society.

An example of the theoretical approach congressional reformers used can be found in the discussion on integrating Native Americans in U.S. society in the 1880s. Many politicians and commissioners of Indian affairs thought that when Native American tribes were subjected to allotment, they would automatically become farmers; they construed an image of what they wanted Native Americans to be like – farmers - , and thought that when Indians would receive the material components, they would all automatically become farmers.

Another example of congress' theoretical viewpoint is its approach to Indian education: they believed that by emphasizing American norms and values, as opposed to the norms and values of the Indian tribe, Native American children would be transformed into American citizens in a few years on an off-reservation boarding school. Policy makers advanced this educational policy without considering the cultural problems Indian children were confronted with when they were removed from their home in the tribe, with a culture based on community, and placed in an alienating environment where they had to learn and adopt the merits of individualism.

The emancipation of African Americans by Congress was also heavily influenced by the political situation at the time. Radical republicans were able to abolish slavery because it had been one of the reasons to fight a civil war; in 1865, it was at the top of the political agenda. The two amendments that followed from the 13th amendment were enacted in the first years after the war, when the Republicans had a majority position in both houses of congress. There was a coalition of influential radical republicans and industrialists who were responsible for placing the emancipation of African Americans on the political agenda. Another political reason for the enactment of the 14th and 15th amendment was that due to the decisions and opinions of president Andrew Johnson from 1865 to 1869, who opposed the majority opinion of the Republicans in congress, a sharp line was drawn between politicians who supported the emancipation of African Americans, and those who opposed it, or wanted to leave the mandate to the states. When president Johnson left the political stage in 1869, the emancipation of African Americans became a less discussed topic. At the same time, little legislation was enacted with regard to the integration of African Americans after the 15th amendment in 1870. When the political debate on the emancipation of African Americans in Congress turned from conflict to finding consensus, it gave Southern states the possibility to draft their own laws regarding labor and voting rights without the federal government actively interfering, and led to a situation in which African Americans could not profit from the legal rights they had obtained in the constitutional amendments.

The fact that congress' approach to the integration of Native Americans and African Americans was too theoretical and, during the implementation of its policies, policy makers caved in to political pressure and pressure from companies and civil groups, were problems that Congress itself made. We can conclude that the powerlessness of congress to influence

and control developments in society can be attributed to this theoretical approach, and congress' inability to construe effective solutions based on more than the political reality in congress.

When we compare the congressional discussions about the integration of Native American and African American people in U.S. society, an underlying motive of some policy makers in both debates was based on an ideology of racial hierarchy. In the debates on legally and economically emancipating African American in the 1860s, several Democratic and Republican politicians exclaimed feelings of white supremacy. In the prelude to the Dawes act, the discussion on integrating Native American in U.S. society was dominated by reformers and policy makers who were influenced by theories of racial hierarchy. Especially in the 1890s, Darwin's theories on the origins or species led to an renewed emphasis on racial hierarchy in political decision-making.

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