



# ALLOTMENT AND INDIGENOUS RESISTANCE

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Intended Audience: Tribal leaders, Tribal citizens, non-Native allies

## **Introduction**

Many Native nations control just a small percentage of their original land base. Rather than Tribal governments and individual Tribal citizens stewarding and carrying out their vision for the land, we instead see big ag, vacation home owners, the United States Forest Service, and others making decisions. How did this happen?

The United States Government stole more than 90 million acres of Indigenous land during the Allotment Era. In this guide, we’ll examine allotment’s history and modern-day implications for Native nations. We’ll also highlight ongoing Indigenous resistance and ways everyone can help Indigenous people and nations fight back.

## **Allotment History and Legacies**

Allotment is part of a suite of federal policies responsible for facilitating the theft of Indigenous land by non-Indigenous people, governments, and entities. The Indian Land Tenure Foundation views allotment as “perhaps the single most devastating federal policy” when it comes to Indigenous land theft. In this guide, we use the word “allotment” to refer to the process of dividing up a collectively-held land base into individual parcels.

The federal government began carrying out allotment activities as early as 1798. Some early treaties, for instance, specified that land should be divided amongst individual Native people. Allotment continued until the federal government ceased the policy in 1934.

## **Why Allotment?**

White colonizers pushed for allotment for a variety of reasons. First, allotment was an assimilation tactic: The federal government's previous policies aimed to separate Native people from white society. As settlers continued to steal more land and occupy more spaces, the federal government shifted its approach from separation to assimilation.

Federal policymakers concluded that if they moved Native people from what they saw as "backward" collective land use to individual land ownership, Native people would be more likely to cultivate the land, remain in one place, and ultimately discard their culture and values in favor of those of white colonizers.

Allotment was also about greed and theft: Colonizers wanted to open Native lands for settlement, railroads, and extractive industries. Allotment helped them achieve these goals.

## **General Allotment Act**

Proponents of allotment pushed to make it a national policy. By the late 1880s, the federal government had already stolen the majority of Native lands and forced Native people onto reservations. At this time, more than 300 reservations had been created.

In 1887, Congress passed the General Allotment Act. This Act gave the United States president the ability to survey Native land (on reservations where it was deemed "advantageous" to do so) and divide it into individual parcels. Of course, Congress did not consult with Native people before passing the General Allotment Act.

To break up the land, Individual Native people were sometimes allowed to select a parcel of land (most often between 40-160 acres); otherwise, they had an allotment assigned to them by an agency superintendent. All of the remaining land (deemed “surplus” land) was then sold to non-Native settlers, often farmers and ranchers.

Native people were not granted the same relationship with their lands as other landowners. Unlike settlers, Native people could not sell their land when they chose. The Allotment Act declared Native allottees as “incompetent” and mandated that the United States retain the legal title to the land as trustee for the allottees for 25 years. After 25 years, Native people could lease or sell their allotments.

## Aftermath

As a result of allotment, a huge percentage of Native lands were stolen. Native land holdings dropped from 138 million acres in 1887 to 48 million acres in 1934 (the year allotment ended).

Native people struggled to survive on their assigned allotments. Many of the parcels were not suitable for small-scale agriculture: conveniently, the most productive land was oftentimes identified as “surplus to Indian needs” and sold off to white settlers or business interests.

Brook Thompson shares the following story about the quality of land her family received:

*“I have an allotment that me and my family lived on that was given to us by my grandfather’s uncle. Recently, I brought some friends from my university there who wanted to see my reservation and understand my homeland. I showed them the land my family got from allotment and took them through the area. My Tribe is from the Klamath River in northern California, and obviously, we had a much larger area initially. Our reservation is a mile on either side of the river, from the mouth to about 44 miles up. And our allotment land is all in flood plain. ...”*

*...I never realized that until now. I told my friends how hard it is to move back home and how I would like to build structures and live closer to my family. But, I can't really build anything in the area because it's all floodplain. If I build anything, it's probably going to get flooded or washed out in the winter time."*

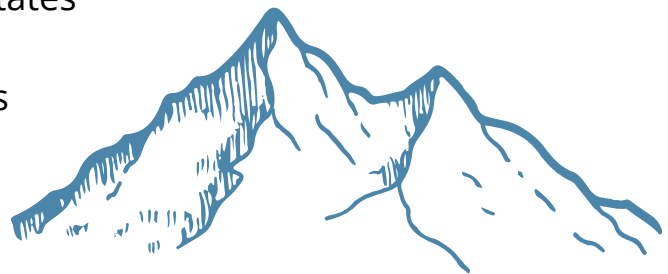
Most Native people couldn't afford the necessary equipment, seeds, and livestock required for farming. Many Native allottees simply did not want to become farmers; for others, intensive agriculture did not align with their culture and values. And, understandably, Native people did not appreciate having their land stolen and their future lifeways dictated by racist assimilation policies and ideologies.

Upper Sioux Tribal Secretary Adam Savariego explains how many Dakota people at the time resisted forced individualized land ownership and subsistence farming:

*"One of the many reasons Dakota people returned to the Granite Falls area in southwest Minnesota is because of allotment itself. Allotment was not aligned with the cultural values of what it meant to be Dakota. Dakota people did not envision land privatization and subsistence farming being part of their lifestyle. ...In the 1900s, Dakota people formally organized in the Granite Falls area—they were really against the individual allotments of lands. This served as the basis for how Upper Sioux formed in the 1930s."*

Following the expiration of the 25-year-period, many Native allottees were forced to sell their land for almost nothing as a result of being cut off from their previous support and survival systems.

During the allotment era, the United States government passed additional laws to make it even easier to steal Indigenous allotments.



An example: they granted themselves the ability to remove land from trust without allottees' knowledge and then later sold the land in tax foreclosure. (Allottees had no idea they owed back taxes.)

Aside from allotment, the federal government used other tactics to steal Indigenous land. For example, the state of California stole land through 18 unhonored treaties that were never ratified by Congress, using militia-led massacres and enslavement to attempt to erase Indigenous culture.

## Modern-Day Legacies

Many Native nations that currently hold reservation land control just a small percentage of their land base—and this is after the federal government stole the majority of their original homelands. So, rather than Tribal governments and individual Tribal citizens stewarding and carrying out their vision for the land, we instead see non-Native entities setting the agenda. Allotment policies allowed non-Native landowners to move in and control land set aside for reservations.

As a result of allotment, Native nations lost access to important sacred sites and must navigate checkerboarded—literally, land that looks like a checkerboard due to mixed ownership patterns—and fractionated ownership, among other issues. Fractionated ownership means that after the death of the original allottee owner, title ownership is divided up among heirs. Through each generation, the number of owners grows exponentially.

Reclaiming stolen allotted reservation land isn't easy. Brook Thompson explains:

*"My Tribe is in Humboldt County in California. It's known as the weed capital of the United States. And so, initially, there were a lot of growing farms on reservation land. The growers polluted water sources by blocking streams with small dams and through fertilizer pollution. When these growers wanted to leave, they tried to sell the land for a lot more than it's worth. ..."*

*... But, this land is part of our original territory. Some of these growers got wise to that and realized that the Tribe really wants to buy these parcels. They inflated the price because they know how much we want to buy the land so we can go back home to our ancestral area. It feels ridiculous to me that I can't afford to move back home."*

In addition to challenges related to reclaiming land, Native nations often struggle to implement their economic development priorities due to patronizing land use policies dating back to the allotment era. Cris Stainbrook explains how the requirement for secretarial approval on trust lands hampers Native nations' agency:

*"The trust relationship as we know it today came out of the General Allotment Act. That's when the federal government declared all Native people incompetent to handle their own affairs and became the trustee of Native lands. And that continues today. At some point, we need to change that. One of the things that the trust relationship requires is that you get the Secretary of the Interior's permission for almost every land transaction you do on a reservation. If you want to transfer your property, you need to get the Secretary's permission. If you want to build a home on it, you need to have the Secretary's permission. And it goes on and on. And so what typically happens is, the Secretary requires appraisals on everything, and appraisals are running 3-4 years behind, if you can even get them done. Ultimately, if you're going to manage your property and your economic development, any other activity becomes a long-term process."*

Upper Sioux Tribal Secretary Adam Savariego adds, "There's a lot of irony in having to purchase the land around us and immediately turn it over to the federal government for our sovereignty to apply."

These requirements have significantly impacted Native peoples' ability to build generational wealth and take needed steps to help future generations thrive. In addition to the need to grow generational wealth, all of us face an urgent climate crisis.

The legacies of allotment impact Native nations' ability to devote time to building climate resilience. Brook Thompson explains:

*"The Yurok Tribe owns about a quarter of its original land. Another quarter of the reservation land is privately owned. And, about half of it is owned by the Green Diamond Timber Company. Instead of helping the world lead when it comes to climate change, we have to spend so much time and energy trying to get back the land that we originally took care of. And trying to restore all of the damage that's been done over the last 150 years or so."*

## Action and Resistance

Native nations, individual Native changemakers, and non-Native allies can all take action to support Indigenous resistance to allotment and landback efforts. Here are just a few examples:

### For Native People and Nations:

Native nations, individual Native changemakers, and non-Native allies can all take action to support Indigenous resistance to allotment and landback efforts. Here are just a few examples:



**Write letters of support.** Native nations should advocate for other nations attempting to put new land into trust. Brook Thompson explains, "If land gets put into trust, it's decided at the federal level. Tribes can provide letters of support by writing to their elected representatives and saying that they support another Tribe getting land into trust."



**Make a plan and build governance capacity:** Native nations should consider building governance capacity to help streamline the landback process. If a landowner comes to your nation with a donation, will you be ready?

**Make a plan (cont):** In addition to building capacity, Native nations may be wise to take an intentional look at their current land holdings to determine what they currently have and what they hope to obtain in the future. Cris Stainbrook notes, “We have to have that mindset that you do this with intention, not just when some issue comes up with the county or city or somebody else.”



**Partner with other nations on a trading platform:** Consider partnering with other nations on a trading platform for undivided interests. An undivided interest refers to heirs inheriting increasingly smaller interests in a single piece of land over generations after the passing of the original allottee. Some individual parcels have hundreds of “owners.” Stainbrook says, “That’s the stuff that keeps us from using our land effectively. If we could get to a trading platform between Tribes, I think we could resolve some of that.”



**Know your individual rights:** Individual Native landowners should ensure they understand their rights, especially when it pertains to undivided allotment interests. Stainbrook mentions, “If you don’t have a will, you need to get a will. Otherwise, you’re going to be subjected to what the federal government uses for attempting to resolve the issues of undivided interest holders. And you could be separated from your land.”

## For Non-Native Allies:



**Understand the history of land theft:** Reading this guide is already a step in the right direction. To support Native nations working to reclaim land and resist the impacts of allotment, ensure you understand the full history of Indigenous land theft and the modern-day realities of nations’ land ownership.



**Understand the history of land theft (cont):** Cris Stainbrook explains, “Here in Minnesota, if you drive across Highway 2, you come to a sign that says, ‘Welcome to the Leech Lake Reservation.’ And you drive another 60 miles, and it says, ‘You’re now leaving the Leech Lake Reservation.’ The impression is, all of that land you just drove across is owned by the Leech Lake Band of Ojibwe. And in reality, they own 4% of their original reservation between individuals and the Tribe. So, there’s a real misconception out there.”



**Support nations putting land into trust:** Similar to the above section, individuals are also able to support Native nations’ applications to put new land into trust. If you see a proposal from a nation in your area, let your elected officials know you support it.



**Affirm that nations know what’s best:** If you’re in a role involving work with Native nations, trust that Native nations know what’s best for their people. Brook Thompson mentions, “There’s this idea that Tribes can’t be trusted with their own land. And, that is wild to me, considering that all of our governments and all of our systems and ways of being have been here way before the US government has. We have the capability to take care of our own land base.”



**Extend the invitation:** Look for ways to involve Native people in restoration and gathering. Thompson explains, “If you own a piece of land, see if any Tribes in the local area have any plants that are significant to them that grow there. And, invite them to gather or reconnect with the land. Hire Tribes or Native people to do restoration work if you can.”



**Use accurate language:** When referring to Tribal businesses and entities, use accurate language that aligns with a nation’s preferences.

**Use accurate language (cont):** For instance, Adam Savariego illustrates, “At Upper Sioux, we don’t call our casino a business. We call it an enterprise. It’s a function of government and helps us meet our basic needs. Rather than distilling Tribes down to casino owners, which they sometimes are, understand casinos are functions of their governments that they use to help support and sustain themselves.”



**Sell or return land in a good way:** If you’re planning to sell land and you’re located near a Native nation, consider reaching out to that nation to see if they’d like to buy your parcel. Even better, donate the land back to a Native nation. Know that it’s not always practical for a nation to receive every piece of land. A nation may turn down your donation—and that’s ok. In this case, sell the land and make a donation to the nation instead. Or, approach organizations like the Indian Land Tenure Foundation who can help you facilitate a donation to a Native nation.

## Additional Resources

- [Issues](#) (Indian Land Tenure Foundation)
- [History](#) (Indian Land Tenure Foundation)
- [What is the federal Indian trust responsibility?](#) (United States Department of the Interior)
- [How reservation land is owned by individuals](#) (Montana State University)
- [Appraisals are at the heart of the federal trust responsibility](#) (Indian Land Tenure Foundation)
- [What is fractionation?](#) (United States Department of the Interior)
- [‘This is all stolen land’: Native Americans want more than California’s apology](#) (The Guardian)