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POLICE FOR INDIAN RESERVATIONS.

MARCH 9, 1880.—Referred to the House Calendar and ordered to be printed.

Mr. SCALES, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 350.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 350) "authorizing the President to prescribe suitable police regulations for the government of the various Indian reservations, and to provide for the punishment of the crimes of murder, manslaughter, arson, rape, burglary, larceny, and robbery upon the various Indian reservations," have had the same under consideration, and report it back with the recommendation that it should pass with the following amendments:

Section 1. Strike out in section 1 all after the enacting clause.

Section 2. In line 15 strike out the word "Arkansas," and insert the word "Kansas." In line 18, after the word "court," strike out all to the word "shall" in line 19, and insert the words "held at Fort Scott, Kansas."

The title of the bill changed by striking out the first two lines, and in 4th line insert after the word "burglary," the word "larceny," so that it will read: "A bill to provide for the punishment of the crimes of murder, manslaughter, arson, rape, burglary, larceny, and robbery upon the various Indian reservations."

The object of this bill is to extend the criminal laws of the United States over the Indian reservations. Hitherto the Indians on the reservations have been without law other than what is known as the intercourse laws.

These laws touched only the relations between the whites and Indians, and were only intended to regulate their intercourse.

As between Indians themselves on their reservation they have no application or force.

If this bill becomes a law, then the laws of the Territory or State in which the reservation is situated, in relation to murder, manslaughter, arson, rape, burglary, larceny, and robbery, are extended over the reservation, but the Federal court alone has jurisdiction to try, determine, and punish such offenders, whether the offense be committed upon whites or Indians. Is this desirable?

Your committee think it not only desirable but necessary to the welfare of both races, and especially to the improvement and civilization of the Indian. We have already upon our statute book a law which forbids any more treaties with the Indians. This act is very important, and means a great deal more than a casual reader would at first understand. It means that the United States Government has ceased to treat these Indians as separate and independent nations, and that they

are under the jurisdiction and laws of the United States. The Indian may be and should be consulted, and whatever is done, if practicable, should be done in accordance with their will, but this, of course, is subject to the will of Congress. A great step was taken when this law was passed in behalf of the red man; the treaties almost without exception were mere farces; instead of being negotiated, they were dictated by the United States, and accepted and signed by the Indians as a matter of necessity and not of will. These pretended treaties divided the responsibility between them, and covered over much of the odium which resulted from the many wrongs thus inflicted. Now there is no divided responsibility; all rests in the hands of the government; their action will be scrutinized at home and abroad, and we will be held to a strict and rigid accountability to the world for our conduct. Now, we propose to take another step, take from them the law of might, and extend over them the criminal laws of the United States. They have all things in common, and know nothing of the rights of person or property; every man does what is right in his own eyes and acknowledges no restraint except such as suggested by his own wild and savage nature. Thus they have lived over a century in contact with civilized America, with but little change and perhaps less advancement in the ways of civilization. But let us give them law, let it be executed with justice and humanity, let them feel its protecting power over the weakest as well as the strongest, against whites as well as Indians, and they will learn to love it, to trust it, and to shelter under it. Let them feel its penalty, and learn its terrible certainty, and they will fear it and avoid the crimes which incur such penalties.

Over fifty years ago that eminent and wonderfully sagacious statesman, John C. Calhoun, while he was Secretary of War, advised that the law, the great civilizer, should extend over the Indians. He believed that without law there was no civilization. His advice was disregarded, under the false and cruel sentimentality that they were independent nations, and had the right to control themselves. The result has proved his sagacity; there was no law, and as a consequence there is no civilization.

No civilized people on earth could be subjected to such a test for twenty-five years, much less a century, without falling into barbarism. Strike down law in our own great nation, and society, religion, civilized government, national honor, national power, material prosperity, and all that is worth living for, would be blotted out forever.