

# Stolen Land and Strategic Settlement

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**D**rastic reforms in American politics marked the United States Progressive Era. During this time, activists and politicians worked to usher in labor reforms, limit corporations, advance women's suffrage, improve child welfare, and protect the environment. These reforms improved the quality of life across the country. Yet, against this backdrop of liberal reform, a different story unfolded in the West: one of dispossession and colonialism through a practice known as homesteading. Allen and Leonard explore the pattern of homesteading—which persisted well into the progressive era—and offer an explanation for its continuation.

The Homestead Act was passed in 1862 and resulted in the transfer of over 270 million acres of land in the West from public to private hands. This land could be either acquired in one of two ways—purchased for a simple \$1.25 per acre or homesteaded. To qualify for the homestead route, applicants were required to live on the land continuously for five years, improve the land, and construct a series of buildings. After meeting these requirements, the 160 acres allotted by the government would be transferred to the settlers and become private lands. The land given through the act came from conquest, purchase, and seizure from indigenous people. Despite its implementation in 1862, homesteading reached its peak between 1900 and 1930. This “late homesteading,” or this latter half of the homesteading era, is the focus of Allen and Leonard's recent APSR piece.

Constant treaty negotiation and renegotiation with indigenous tribes characterize the history of the American West. The government initially ceded this land and engaged in treaty negotiation because it lacked the power to unilaterally take the land from the Native tribes. After the Civil War, however, the federal government continued to amass military power and institutional capacity. The US attempted to unsuccessfully renegotiate the treaties as Americans continued to move west and encroach on Native territories. The tribes refused. In response, the government issued hundreds of legislative and executive acts

to claim the territories, using the federal court system as the final arbiter. Indigenous tribes would have to work through the American court system to reclaim their land. These acts culminated in the seizure of vast tracts of land—that originally belonged to Native tribes—by the federal government.



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The legally questionable seizure of the land ultimately lowered its value. The uncertainty that the land could be transferred back to Native tribes made the land less valuable, which meant that investors who might have purchased the land for development saw it as unattractive. The government, however, still needed to settle the land to prevent it from being reclaimed by indigenous tribes. The puzzle of settling unprofitable land made homesteading an attractive alternative. Homesteaders would farm, construct buildings, and create communities all across the ill-gotten lands, ultimately creating a class of people who were irrevocably tied to the land. Once the settlement was complete, it would be impossible for the lands to go back to the Native tribes.

The authors provide evidence for this theoretical argument through a qualitative and quantitative approach. Qualitatively, the authors take us through a series of court cases, federal policies, and legislation that illustrate the use of homesteading to irreversibly settle the land. The opinions, for example, in cases such as *Lone Wolf v. Hitchcock* (1903) demonstrate the uncertainty of the initial confiscation, that the courts take whether the land is settled into account, and that at times, tribes do successfully reclaim the land. The authors also quantitatively explore this puzzle by mapping the location and timing of homesteading and cash sales. By comparing these data and information on indigenous land takings and cessions, the authors find that when a plot of land was taken by the government, it was significantly more likely to be homesteaded later.

Allen and Leonard demonstrate the importance of understanding the motives behind federal policies and legislation. While nominally the Homestead Act helped over a million Americans amass wealth and improve their quality of life, it permanently served to deprive millions of Indigenous people of their land, way of life, and legacy. Because of this, homesteading irreparably changed the character and trajectory of the West. If we do not scrutinize policy, we may never understand its true cost—in this case, the colonization of Native lands. ■

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