Indian Affairs - Office of Public Affairs
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An application for 160 acres of grazing land near Craig, Colo., filed by Kiowa Indian Amos A. Hopkins-Dukes, has been rejected by Secretary of the Interior Stewart L. Udall on the grounds that the land cannot qualify for allotment under an 1887 act providing l60-acre allotments for Indians.

The Secretary's ruling may forestall a flood of applications which would lead to great waste of public and private funds. The Indian Allotment Act of 1887 allowed from 40 to 160 acres for Indians wishing to leave reservations and become farmers or ranchers. The grants were to be made from the public domain, now administered by Interior's Bureau of Land Management.

Secretary Udall issued a strong note of caution to other Indians. “While the law is still open to bona fide applicants," he said, “ there is very little likelihood that suitable land could be found on the public domain today.”

Long-established Interior rulings have held tha.t allotted lands must be capable of supporting an Indian family. The law allowed 40 acres for irrigable land, 80 acres for non-irrigable agricultural land, and 160 acres of non-irrigable grazing land. Very little agricultural and pasture lands remain in the public domain capable of supporting a farm or ranch family in such small units. In the past 5 years only 17 allotments embracing 2,250 acres were approved for patent.

In his decision Secretary Udall said that the land Hopkins-Dukes had applied for can support only two cows on a year-round basis, and that economic ranch operations in the area required 100 animals.

Publicity concerning Hopkins-Dukes' application has stirred considerable interest among Indians in Colorado, Wyoming, and Oklahoma. The Kiowa Indian, described in newspaper interviews in Colorado as a motion picture stuntman-actor and writer, has recently stimulated Indian interest in the 1887 law through the Iowa Tribal Land Association.

Bureau of Indian Affairs officials have indicated doubt that many of the 7,000 eligible Kiowas, Comanches and Apaches living in the three states would be able to find lands suitable for allotment. Secretary Udall's decision confirmed this when he pointed out that lands incapable of supporting an Indian family cannot be allotted.

Secretary Udall pointed out that the public lands in the Western States were withdraw from entry and selection in 1934, and that the Taylor Grazing Act requires him to use his discretion in classifying lands as suitable for entry.

In ruling against Hopkins-Dukes' application, Secretary Udall said he considered "the capability, suitability and physical characteristics of the lands for the purpose for which they were sought, and for the other purposes for which the public land laws were enacted."

Secretary Udall pointed out that the Indians' relation to the allotment law is the same as all citizens' relation to the homestead laws. All citizens are born with a homestead right, but only a handful will

receive homesteads because of the lack of good agricultural lands in the public domain.

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