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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Subject - Activities of O. J. Kellogg and Laura C. Kellogg, in re their collecting money to finance proposed future lawsuit involving alleged rights of New York Indians to certain lands.

Dear

Receipt is acknowledged of your recent letter requesting information relative to the above subject.

These people have been collecting money from the various members of the Six Nations Confederacy living in Wisconsin, New York, and other places in the United States since as early as 1924, for the alleged purpose of bringing litigation to determine the interests of these Indians in approximately eighteen million acres of land in New York and Pennsylvania. A suit was brought in the United States District Court for the Northern District of New York, which, it was claimed, would determine the title to the lands in controversy. The suit was that of James Daere, etc. v. The St. Lawrence River Power Company, et al. The State of New York was not originally made a party to the suit, but later, intervened as a party defendant. The case was decided and dismissed in the district court in October, 1927 (22 Fed. 2d, 861), but was appealed by the plaintiffs to the United States Court of Appeals, and is reported in 32 Fed. 2d, 550. Both decisions were adverse to the plaintiffs, and the case was not carried to the Supreme Court of the United States.

The Kelloggs represent that the Six Nations Confederacy is an independent nation. Upon that principle they levy a tax upon each individual, amounting in most instances to \$1.25 a month. They also form clubs for which dues are charged, the amount thereof depending largely upon where these clubs are located. Another method of collection is through loans in which receipts, and what may be termed duobills, are issued to the persons contributing. By this method the contributor is promised a refund of at least the amount loaned, often with the additional promise of eight percent interest and double the amount of the original loan. In order to more readily obtain contributions by any of the above methods, copies of letters alleged to have been written by them show that they inform the persons solicited that unless they contribute or pay the tax, or in some way help furnish the money in connection with this matter, they will not be entitled to share in any amount which may be recovered from

the States because their names will be dropped from the rolls. These persons appear to have collected large sums of money, in the aggregate, from individual Indians. It has even been reported that the contributors have mortgaged their homes for the purpose of adding to the funds of the Kelloggs.

* For a while Mr. and Mrs. Kellogg operated also within the Dominion of Canada. They were arrested and tried at Montreal in October, 1927, for conspiracy to defraud, and for obtaining money under false pretenses. The case against them was dismissed. The Canadian law was changed and made more stringent. Since then they seem to have abandoned their efforts to raise money in Canada.

We have no information as to just what additional claims the Kelloggs have at this time, but apparently they are asserting some interest in connection with the St. Lawrence Waterways Project. They claim that the President is anxious to start work on this project, but that he is unable to proceed until the Indians have received a settlement. This Office knows of no special interest that the Indians can have in this project.

To our knowledge no action is pending in the courts which would in any way tend toward a settlement of any of the so-called Kellogg claims, nor is there at present any available method by which a settlement could be effected. Should the claims be later adjudged meritorious and a settlement made, under the ordinary rules governing such matters, the entire membership of the tribe would share rather than only those who have contributed to this fund.

This Office does not believe that money should be paid to any persons for the purpose indicated in the above matters, as it is unlikely that anything will be realized in connection with these claims.

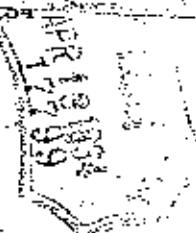
All Superintendents coming in contact with any New York Indians, including the Stockbridges, Munsees, and Oneidas, are requested to bring this circular letter to their notice.

Sincerely yours,

(Sgd.) JOHN COLLIER

Commissioner.

APR 10 1934



Hon. John Collier,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D.C.

Honorable Sir:

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Enclosed request received from Chief Jonas Schuyler
1434-A-S, Second Street
Milwaukee, Wisconsin.

I know nothing about any Oneida case about to be taken before Court
in Chicago. The Chief has written me in the past regarding
Mr. Everett's brief as he knew that I acted as private secretary
to the Hon. E.A. Everett (deceased) when he was chairman of the New
York State Indian Commission (1928), as well as official stenographer.

It is too deep a matter to attempt putting on paper
as I have the Report which the New York Legislature refused to accept,
as well as maps, books and other data which I have gathered.

If you desire to send someone to go over this material,
I'll gladly submit what will be of material benefit to the Six
Nations cause. Should you consider doing this, please write to

Director Palmer C. Ricketts,
Rensselaer Polytechnic Inst.

Troy, N.Y.

asking that I be excused pending the time required to go over the
data with your representative.

Briefly, it was Mr. Everett's aim and ambition to settle
the so called 'New York State Indian Problem' which, as expressed
by the Indians, was a passing of the buck from the State to Federal
authorities and vice versa. He wanted to abolish further 'junk
Commissions': to put the actual facts on the table before a
commission comprised of representatives of the Federal, New York
State and Six Nations Governments and adjust our errors and establish
our integrity as a Nation in the eyes of the aboriginals of this
country.

It was not Mr. Everett's plan to return millions of
acres to the rightful owners, according to our Constitution. But,
he insisted that the claim of the Six Nations to the land of their
ancestors was as legal under our Constitution as the title of
white owners to their property and in many instances of superior
title to the white occupants. This particularly affects the
Aluminum Company of America and the Power Companies. Perhaps you
know that our present Chief Justice, the Honorable Charles Hughes,
a few years ago, appeared for the interests of the political
and financial interests involved vs the Indians and the Federal
Government again failed to intervene.

I can show you that New York not only violated the
Federal Constitution but also violated her own Constitution.
Doubtless you know of the Boylan-Moyer Oneida case wherein Judge Hay

APR 10 1934


reverted the land to the Indian after the State Courts had taken it from the Indian. That should have been the basis of the James Deer case. The trouble with our lawyers is that they do not go to the foundation of the building. Cracks appear on the walls over which they put paper whereas the foundation requires attention if the repair is to be permanent. In other words, we cannot be guided by ex post facto laws or later decisions or State laws contrary to the Federal Constitution. We must get to the foundation of our relation with the Six Nations, to the Treaty of 1784-89, which in 1796 (for what remained) was executed by the Mohawks. We must recognize the stipulations of the Treaty and the Constitution of the United States as of superior authority to any State Law.

Under Section 175, Title 25 of U.S. Code, it is the duty of the United States to intervene and protect the interests of Indians living in tribal relations on reservations in all cases at Law in in Equity.

I presume that as Indian Commissioner, it is your duty to look into this Oneida case as well as the Mohawk case about which I wrote you on March 29, 1934.

Truly the Indians were right when they told us that Judge Ray knew his days were numbered when he rendered the decision in their favor in that Boylan-Moyer case. I can show you letters which cast a strange light on officials in Washington. If you earnestly strive to help the Six Nations, you will have to don a heavy Christian armor as you will be assailed by politics and money.

Very truly yours,


Mrs. L. G. Stillman
c/o Rens. Poly. Inst.
Troy, N.Y.

P.S.

As per my request of March 29/34 (your file 1367-34) were you able to get any information about the Mohawk Petition which we filed in January 1933? Shall I send you a copy?

P.S.

I have decided to draw your attention to the following:

UNITED STATES-GOVERNMENT PRINTING OFFICE,
Washington, 1931

Survey of the Conditions of the Indians in the United States.

Hearings
before a
Subcommittee on Indian Affairs United States Senate
Seventy-first Congress
Second Session
Pursuant to
S. Res. 79 (70th Cong.)

NEW YORK INDIANS - PART 13

APR 13 1934
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I want to explain that Mrs. O.J. Kellogg (Oneida Indian married to a white attorney or lawyer Mr. O.J. Kellogg) attached herself to Mr. Everett after he set forth his ideas at Albany. Suffice to say that I do not trust her for one reason that she borrowed a couple hundred dollars from me which has never been returned. Outside of that I have letters from Indians which put a strange slant on some of her operations.

On page 4878 where Mr. Kellogg testified that Wise, Whitney & Parker received something like \$27,000 let me tell you that Mr. Carl Whitney wrote me that such was not the truth. I'd carefully check up on all that the Kelloggs testified as it was told to me that they had collected something like \$80,000 and that Mr. & Mrs. Kellogg each drew \$250 a month salary. It seems there was some case in Syracuse and one of the Indians wrote me about it.

Regarding the 3%, I suggest you be sure that the majority of the Six Nations are agreeable to paying them anything further.

In fact, I think it is the duty of Federal Officials to handle the grievances portrayed by the Six Nations without cost of attorney to the Indians.

April 10/34

P.S.