

Box 412 Series C
File: Indian Affairs
Sept - Dec, 1929

R.F.D. No. 1,
Oneida, Wisconsin
August 26, 1929



Hon. R. M. LaFollette, Jr.,
United States Senate,
Washington, D.C.

Dear Sir:

We come to you to take up for us the following matters with the Commissioner of Indians Affairs or the Secretary of the Interior for action in accordance with the suggestion of Hon. Seth W. Richardson, Assistant United States Attorney General to recover the taxes the county has collected from the Oneida allotments.

We herewith quote Mr. Richardson's letter dated August 8, 1929,:

"This will acknowledge receipt of your letter of July 22, 1929, relative to the matter of Henry Doxtator, an Oneida Indian.

"This matter was referred some time ago to the United States Attorney at Milwaukee, Wisconsin for investigation and report and I want to assure you that the same is receiving our careful consideration. Insofar as the question of State taxes on Indian Allotments is concerned, it is my suggestion that you submit the matter to the Superintendent of the Indian Agency to the end that a proper case be presented to this Department through the regular channels, with such request as the Secretary of the Interior may see fit to make in the premises."

We know that the Indian Agent at Keshena who keeps the Annuity and Allotment roll, would have to be instructed by his superiors before he can act on the matter as suggested by the Assistant Attorney General of the United States.

I have also on hand a communication, dated October 6, 1928, from the Hon. John H. Edwards, Assistant Secretary of the Interior, wherein he states that, "We will be glad to lay before the Department of Justice all evidence that may be furnished by Oneida Indians or procured through official channels showing that the rights of an individual Indian or the tribe have been violated.

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A brief review of our case will show that we have a just right to recover taxes unlawfully collected from us.

CONSTITUTION.

Article 6, Section 1.

"All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation."

The engagements above referred to between the United States and the Oneidas are found in the Six Nation - United States Treaties of 1784 - 89 - 94 and 1838 - that the soil on which the Oneidas and Tuscororas dwell shall forever be secure to them.

U.S. Supreme Court Decisions.

"The Supreme Court held in the case of the New York Indians, 5 Wall.761. 18L. Ed. 708, that the treaties entered into between the Indians and the Government prevented the state from taxing such lands, and this because of the guaranty of tribal rights of the Indians by the various treaties of the United States."

In United States vs. Sandoval, 231, U.S. 28, 34 Sup.Ct.1, 58L. Ed. 107, the Supreme Court said:

"Not only does the Constitution expressly authorize Congress to regulate Commerce with the Indian tribes, but long continued legislative and executive usage and an unbroken current of judicial decisions have attributed to the United States as a superior and civilized nation, the power and the duty of exercising a fostering care and protection over all dependant Indian communities within its borders, whether within its original territory or territory subsequently acquired and whether within or without the limits of a state."

Concerning taxes under fee simple patent, the United States Supreme Court said in "U.S. vs. Rickert" at page 444/23 S.Ct. 483):

"In view of the relation of the United States to the real and personal property in question, as well as to those dependent Indians still under National control and in view of the injurious effect of the assessment and taxation complained of upon the plans of the Government, in reference to the Indians, it is clear that the United States is entitled to maintain this suit. No argument to establish that proposition is necessary."

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Recently, On January 18, 1928, where a band of Sioux Indians had all received their fee simple patents, Dewey County, So. Dakota, contended before the United States Eighth Circuit Court of Appeals, "That inasmuch as these Indians are now permitted to exercise the right of franchise, their children admitted to the public schools of the county maintained by taxation and public highways, built and maintained at public expense through the territory which they occupy, their property should now be subject to taxation."

The Court in answering this contention said: "But it is not within the right and power of the State or its municipal subdivisions to decide when the National guardianship shall come to an end and the policy of the United States in the protection of its wards shall cease. Emancipation rests exclusively with Congress." "United States vs Nice, 241 U.S. 591, 36 Supreme Court, 596, 60 L. Ed. 1192."

"It is plain the United States has the right to maintain this.

This case was carried to the Supreme Court by Dewey County., by certiorari, but was denied review of the decisions of the lower courts.

Since the Department of Justice are ready to take up the state taxation on the Oneida allotments, providing that it is placed in their department through the regular channels, we would appreciate having this taken up for us with the Secretary of the Interior, so that the Indian Agent at Keshena can take our taxation cases in hand for us, as the Henry Doxtator case was done.

Let me hear from you as soon as convenient if you can perform this service for us.

Respectfully yours,

Wm. Skeneandore

Chairman Oneida Indians.