

C o p y

Prattsburg, N. Y.
June 7, 1948

Dear Mr. Hass.

I am writing in behalf of the Oneida Indians of N. Y. S. living on the Onondaga Indian Reservation.

The Oneida people of Onondaga have organized as a body lately as you probably remember telling you when at your office. We have been wondering should we accept the I. R. A. plan, just what, or where to get all the information we should need. So I thought of your office, I am sure you can inform all about the matter.

If the New York Oneidas Indians file claim of N. Y. S. of lands that was never paid for, should we include the Oneida Indians in Wisconsin and those in Oneida Canada? We would appreciate the full information of these Oneida people as we are not sure if they are still N. Y. Indians or not. Since they have a reservation of their own.

Just why we do not get any satisfaction from the Indian department is more then I can see, for my sister and I have been to your office twice with no satisfaction at all, we have lands that N.Y.S. never paid for, and it seems that the Indian department should look into this for us. either the New York state pay our people or give back our lands then we can have our own reservation too. I think the Oneida people deserve attention from your office. They have always been ready to fight for the freedom of our country, but the Oneida people of the N. Y. S. was not known even known as a tribe, there are all of 350 Oneida Indians on the Onondaga reservation.

It seems you could at least give me a little advice on how to go about this business. for we are realy in need of a reservation where we can call home. the lands we occupied on the Onondaga reservation were sold to N. Y. S. to build a dam to protect the White in Syracuse. and we are forced to look for new homes. hoping to hear from you real soon with some encouragement.

Sincerely
Mrs. Mary Winkler
Prattsburg,
Box 275 N. Y.

New York Indian Agency
Sullivan, N. Y.
August 10, 1948

Commissioner of Indian Affairs

Washington, D. C.

Sir:

This will acknowledge Mr. Wheat's letter of August 2 (Land Division Claims), enclosing a letter from Mrs. Mary Winder, an Oneida Indian, concerning the claims of the Oneida Indians of New York. You ask for my views concerning whether these Indians are an identifiable group within the meaning of the Indian Claims Commission Act.

On April 15 of this year I was asked to attend a meeting of the Oneida Indians held on the Onondaga Reservation. Upon attending this meeting I learned that its purpose was to authorize the employment of an attorney for the prosecution of Oneida tribal claims. The attorney, Mr. August Merrill of Utica, N. Y., at whose request the meeting of April 15 apparently was held, had met several times, I was informed, with small groups and individual Oneida Indians to discuss the claims of the Oneida Indians and some of the Indians, including Mrs. Winder, appeared firmly convinced that some large settlement is due them, either from the State of New York or the United States. Apparently Mr. Merrill has evolved some theory of responsibility on the part of the United States resulting in loss to the Oneida Indians and the intent was to file a claim under this theory with the Indian Claims Commission.

The Oneidas in New York have recently formed some sort of organization purporting to represent the New York Oneidas, the Canadian Oneidas and the Wisconsin Oneidas, and it was this group which held the meeting. While there are some 380 Oneidas on the rolls maintained by this office, only about 35 or 40 Indians were present at the meeting, and a part of these were Canadian Indians. Resolutions were adopted authorizing the employment of Mr. Merrill and designating certain Indians to execute the contract of employment. Mr. Merrill stated that duly authenticated copies of the resolutions and the executed contract would be sent to me in short order. I advised both the Indians and Merrill of my doubt that they could properly prosecute any claims of the Oneida tribe but that I would submit the whole matter to the Office when I received the contract. I have had no word from Mr. Merrill since that time.

Regarding the question of whether the Oneida Indians of New York are an identifiable group within the meaning of the Indian Claims Commission Act, Mr. John R. T. Reeves, in his report of December 26, 1914 (House Doc. 3590, 63d Cong.,

3d Sess.), stated that the Oneidas had sold all their lands to the State of New York by various treaties and had removed to a reservation in Wisconsin. He further stated that the small parcel of land retained by the Oneidas in New York had long since been divided in severalty among the Oneida Indians remaining in New York and that "as a tribe these Indians are known no more in that State". In the case of U. S. v. Boylan et al., (256 Fed. 468), decided March 3, 1920, however, the U. S. Circuit Court of Appeals for the Second Circuit held that "some" of the Oneidas removed to Wisconsin, while others remained in New York constituting a "distinct people, tribe, or band", retaining their tribal relations and holding land in common.

The United States, through this agency, has treated the Oneida Indians in New York as a separate distinct group. Under the treaty of November 11, 1794 (7 Stat. 44), an annuity of \$4,500 is provided to be used in purchasing cloth or other articles for the Six Nations. When the Oneida tribe removed to Wisconsin in 1840 and 1841, a division of this \$4,500 annuity was arranged whereby the sum of \$1,800 is paid per capita in cash to the Oneidas of Wisconsin each year and the remaining \$2,700 is used for the purchase of cloth for issue to the Indians in New York. Our files do not disclose the basis for this division. The Oneida Indians remaining in New York have always received their proportionate shares of the cloth purchased with the \$2,700 referred to, and tribal rolls of the New York Oneidas have been maintained by this agency. The Oneida roll as of June 30, 1947, contains 381 names. Following the custom observed by the other tribes of the Six Nations, only those whose mothers are enrolled Oneida Indians are recorded enrollment.

There seems to be no question but that the Oneida Indians in New York have been regarded as a segment or band of the Oneida tribe proper which is in Wisconsin and which has organized under the IRA and has adopted a constitution. Any claims arising from ownership of land in New York by the Oneida tribe would have to be based on such ownership by the tribe prior to its division and removal to Wisconsin as the Oneida title was extinguished prior thereto. The Oneida tribe of Wisconsin would not be the sole beneficiary of any such claims because the identity of that band of Oneidas remaining in New York has been maintained and that band would be entitled to share in any such claims. The New York group of Oneidas, of course, could not be the sole beneficiary of any such claims because they are only a segment of the Oneida tribe proper. Certainly the Canadian Oneida Indians, with whom Mrs. Winder and her organization are closely associated and whose names Mrs. Winder has requested be placed on the Oneida rolls maintained by this office, would not be beneficiaries in any case. It is my opinion, therefore, that the Oneida Indians of New York are not an identifiable group within the meaning of the Indian Claims Commission Act.

The envelope with your letter is returned.

Sincerely yours,

William B. Bengo
Superintendent.

Encl.

New York Indian Agency
Salamanca, New York
August 26, 1948

Mrs. Mary Winder
P. O. Box 275
Prattburg, New York

Dear Mrs. Winder:

This will acknowledge your letter of August 24. I am sure you will soon hear from Mr. Haas, who is Chief Counsel of the Indian Service, or from the Commissioner's office in regard to the letter you wrote to Mr. Haas. In the meantime I will give such advice as is possible.

As I understand the claims of the Oneida Indians in New York, such claims arose or had a basis at a time when the Oneida tribe as a whole lived here, prior to its division and removal to Wisconsin. It appears to me, therefore, that since the Oneida tribe proper is composed of two groups, the larger group in Wisconsin and the smaller group in New York, both groups would have a like share in the claims which would be based on the ownership of land by the Oneida tribe proper. You will recall that I voiced this opinion as well as the opinion that the Oneida Indians of Canada would not be eligible to share in the claims, when I attended the meeting on the Onondaga reservation in April of this year.

With reference to the question of the Oneida Indians in New York organizing under the Indian Reorganization Act, I am very doubtful that it could be accomplished. Section 16 of the Act provides for the organization of tribes residing on a reservation, and further provides that the Act shall not apply to reservations where a majority of the adult Indians vote against it. The Oneida Indians in New York have no reservation so that they could not vote on the application of the Act. An election was held on the Onondaga reservation in June of 1935 and the Indians voted decisively against the Act. The Indians there turned it down by a decisive majority, which is why nothing more was heard of it.

August Merrill had attorney contracts with the Tonawanda Senecas and the St. Regis Indians, both of which have expired. I made a number of unsuccessful attempts to learn from Merrill what he had accomplished for those Indians but he never advised me. I understand also that he did not advise the Indians. I have not had a single word from him since the meeting in April although he said he would write immediately. Even if he executed a contract with you it seems doubtful to me that the contract would be approved in Washington, D. C.

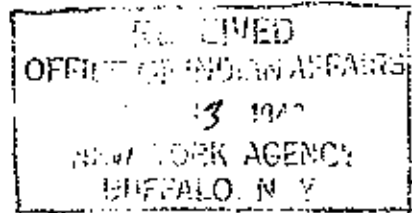
Sincerely yours,

William E. Henze
Superintendent.

F. Rattisburg D. Y.
Aug. 21, 1948,

Dear Mr. Bengel:

I am writing to you in regard to a letter I wrote Mr. Bass in Washington some time ago and have had no answer as yet. I had a few questions in the letter that I would be very glad to have you answer for me I am quite sure you can, first about the Wisconsin Oneidas how they stand with any claim in N. Y. state do they have any claim whatsoever - and how could the Oneidas in N. Y. join the I. R. A. we voted for it back in '32 or '34 - sorta forgot the date but it was presented to the Onondaga reservation and all the Oneidas voted for it but we never heard any more about it - but as you know we would like to have a reservation of our own. and since Mr. Merrill has not made a contract with us yet - just how could I get appointment with the Commissioner in our state, it mentions that - Do you remember my daughters that rode back with you from Syracuse - the addresses you gave to inquire of Mr. Merrill's work - I wrote to all of them but never received an answer. Will you please answer & give me a good advice - Sincerely - Mrs. Winder



April 12, 1948

Mr. William B. Bengel, Superintendent
United States Dept. of Interior
New York Indian Agency
Salamanca, New York

Dear Mr. Bengel:

Your request for information on the
General Conference of Onondaga Indians at the Onondaga Indian
Reservation has been received.

The Onondaga Indians of New York State
are asking some kind of settlement due them as to treaties. In
order to file such claims with the U. S. Government, your signature
and approval will be required. The Onondaga Tribe has engaged a
lawyer to handle the affairs for them. He will also be present at
this Conference.

Mrs. Beryle Smith is an Onondaga Indian and
I don't know why she is not on your roll. Her maiden name was Logan.

Very truly yours,

Chapman Schanandoah,

CS:CR

Wetraw N.Y.

Land Division

February 2, 1948

Mr. Zimmerman

New York - Oneida Treaty with State at Fort Schuyler in 1788.

On January 19 we had a visit with Mrs. Mary Winder and Mrs. Della Waterman, Oneida Indians of Hedrow, New York.

The discussion dealt with a treaty which the State of New York entered into with the Oneida Indians at Fort Schuyler in 1788. The text of this Treaty was printed in the "Report of a Special Committee to Investigate the Indian problem of the State of New York," appointed by the Assembly of 1888, printed by the Troy Press Company, 1889.

The Treaty provided that one-half mile square areas of land should be set aside at a distance of every six miles on the North Bank of Oneida Lake, and a one-half mile strip on each side of Fish Creek. These lands were to be reserved "for the Oneidas and their posterity" and "for the inhabitants of the ~~State~~ State (of New York) to land and encamp on". In other words the Indians and non-Indians of the State were to have free use of these parcels of land which were to remain forever inalienable.

The Oneidas complain that in spite of this agreement, the lands have been sold into private ownership and the Indians are excluded from them.

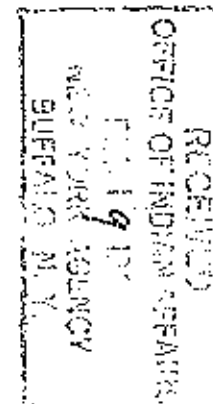
Do we have any records which might indicate when and by what means this 1788 agreement was set aside or modified. The Indians would be grateful for any information you can supply on this question.

(Sgd) William Zimmerman, Jr.
Acting Commissioner.

Copy to Supt. Beage.

DWA/lcc 2/3/48

cc: Mr. McFinkle



TO : Land Division

DATE: February 2, 1948

FROM : Mr. Zimmerman

SUBJECT: New York - Oneida Treaty with State at Fort Schuyler in 1788.

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The Oneidas complain that in spite of this agreement, the lands have been sold into private ownership and the Indians are excluded from them.

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Zimmerman
Acting Commissioner.

Copy to Supt. Range.

*Recd PC
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E*

Filed by L. B. D.

Land Division

February 2, 1948

Mr. Zimmerman

W. Miller

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(Sgd) William Zimmerman, Jr.
Acting Commissioner

Copy to Supt. Benge.

WZ/tes 2/2/48

cc: Mr. McFieble

June 1948
RECEIVED
AUG 13 1948
19251

Dear Mr. Hass:

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3.
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This business. For we are
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and we are forced to
look for new homes.
hoping to hear from
you real soon with
some encouragement.

Sincerely
Mrs Mary Winder
Oradburg
Box 275. N.Y.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

New York Indian Agency
Schenectady, N. Y.
August 10, 1946

19251

Commissioner of Indian Affairs

Washington, D. C.

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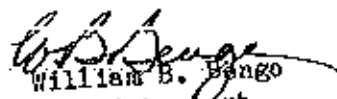
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The enclosure with your letter is returned.

Sincerely yours,


William B. Sango
Superintendent.

Encl.

held up

Oct 13

New York Indian Agency
Salamanca, N. Y.
Sept. 30, 1947

Mr. William Rockwell

Onondaga, N. Y.

Dear Mr. Rockwell:

In the Syracuse Post-Standard of August 24, there was quite a spread about an "Onondaga invasion" of Bernhardt's Bay and one or two adjoining villages. According to the item, the Onondaga Indians claim that this land was reserved to them in a treaty and their title has never been extinguished.

I will appreciate it very much if you will give me a report concerning this matter. The news item referred to the visit of a delegation of Onondaga Indians. If you have the information, I should like to know if there was in fact a visit by an Onondaga delegation, if so whether the delegation was composed of Onondagas from near your part of the country or those residing on the Onondaga reservation. I should also like to know if the Indians have had the assistance of a lawyer in formulating their claims. Anything you wish to add will be helpful.

I had hoped to be able to come up your way soon but it looks very doubtful right now.

I am enclosing a franked envelope for your convenience in replying.

Sincerely yours,

William B. Sarge
Superintendent.