

## ONEIDAS OF WISCONSIN

The Oneida Indians belong to the well known Iroquois family which is the second largest numerically of all Indian stocks. This tribal unit was one of the five composing the Iroquois Confederacy and their earliest known habitat was in the vicinity of Oneida Lake, New York. At the end of the 18<sup>th</sup> century, a portion of the tribe emigrated to Ontario, Canada where they still remain. The first band of Oneidas to push out into the great, and then almost unknown West reached Green Bay, Wisconsin in 1821. Because of the steadily encroaching settlement of the white man, during the next twenty-five years, the majority of the tribe in New York moved from their native home and took up their abode in Wisconsin, where a reservation was set aside for them west of Green Bay under the treaty of 1838.

### 1. TREATIES

The Oneidas have participated in numerous treaties not only with the state of New York (there being thirty negotiated between 1788 and 1842) but also with the federal Government. Treaties with the United States number six:

Fort Stanwix, October 22, 1784  
Fort Harmar, January 9, 1789  
Canandaigua, November 11, 1794  
Oneida, N. Y., December 2, 1794  
Buffalo Creek, January 15, 1838  
Washington, D.C., February 13, 1838

~~1789~~  
1950  
Oneida of Wis  
GEE Lindquist

Practically all these treaties were entered into by the Oneidas by virtue of their membership in the Iroquois Confederacy. From the report by Jeremy Belknap and Jedidiah Morse to the board of Correspondents of the Scottish Society for Propagating Christian Knowledge in 1796 we read the following:

"By a treaty made in 1794 between the United States, on the one part, and the Six Nations and their Indian friends residing in them, on the other part, it was stipulated that the sum of 4,500 dollars should be expended annually and forever in purchasing clothing, domestic animals, implements of husbandry, and other utensils, and in compensating useful artificers who shall reside among them and be employed for their benefit."

The above refers to the well-known Canandaigua Treaty of November 11, 1794, the annuity provisions of which still affect the Oneidas. This is not to be confused with the treaty of Oneida, New York, the same year (December 2, 1794) which was especially designed to reward the Oneidas, Tuscaroras, and Stockbridges who remained faithful to the United States during the Revolution; namely, Article 1. Calls for distribution of \$5,000 for past losses and services. Article 2. Provides for grist mills to be erected; Article 3. For millers to be provided, while Article 4. Appropriates \$1,000 to build a church "burned by the British."

Another important treaty affecting the Oneidas, already referred to, is that known as the Washington Treaty of February 3, 1838, entered into between the United States and the First

Christian and Orchard Parties whereby they cede their Wisconsin lands, as set apart in earlier treaties with the Menominees, to the United States. Article 2 reserves for the Oneidas 100 acres for each individual, also including their settlements and improvements in the Vicinity of Green Bay. Article 3 provides for payment of \$33,500 for services of their chiefs and agents in purchasing and securing a title to the land ceded. Of the latter amount, \$3,000 has to be spent for a church and parsonage "under supervision of Reverend Solomon Davis." A reservation consisting of 65,400 acres was thus set aside for the Wisconsin Oneidas, a more detailed consideration of which will be given in another section.

From 1794 to 1908 the annuity payments to the Oneidas (their share of the \$4,500) has been paid out on a per capita basis, amounting to less than a dollar per head. On April 30, 1908, an act was approved by Congress whereby agreements might be concluded with certain Indian Tribes for the commutation of their perpetual annuities under treaty stipulations. At that time the Oneidas were receiving \$1,331.42 annually. The proposition was submitted to the Oneidas and an agreement concluded on January 4, 1909 by which the Indians agreed in lieu of their perpetual annuity a cash payment in full of all obligations on the part of the United States; based upon their proportion of the annuity paid to the Six Nations.

The agreement of the commutation of this perpetual annuity was on the basis of five per cent; (namely, five per cent on \$90,000) which would have netted the Wisconsin Oneidas about \$26,628.40 as their share (the population being listed as 2,301 on the Wisconsin rolls.) This agreement had 566 signatures. However, Congress made no appropriation to carry this out at the time although the House of Representatives did make provision for the payment as provided in the agreement. It failed to pass the Senate, although it was twice before that body.

By a provision of the Indian Appropriation Act of March 3, 1911, the Commissioner of Indian Affairs was directed to reopen negotiations with the Wisconsin Oneidas with a view of effecting a settlement. Inspector James McLaughlin visited the field but found that a reversal of opinion had been brought about among the resident of Oneidas and the proposal was turned down, "only nine Indians of those present voted to concur in the proposition. All others of the 160 male adults assembled voted to reject it, thus evidencing the sentiment now (August, 1911) prevailing among these Oneidas with reference to the matter as practically unanimous in opposition to the capitalization of the said annuity of the proposed basis." This despite the fact that at the time of their last payment the Oneidas were receiving but forty-two cents per capita annually, "scarcely compensating the beneficiaries", in the words of Inspector McLaughlin, "for coming after their respective shares."

It should be noted that two principal objections were raised by the spokesman for the Oneidas, Mr. Dennison Wheelock, Oneida attorney, at the Tribal Council Meeting held in August, 1911, the first being that the proposed funding on the basis of \$20,000 was not sufficient as to amount in that it did not take into consideration "the expectancy of the tribal life"; the other objection was phrased in the following language by Mr. Wheelock: "Should we relinquish all benefits under that treaty (viz. New York Treaty of 1794) it would cut off all relationship with the Government as a tribe. Its legal existence as a tribe would come to an end - Consequently, if we Oneidas as a tribe, have any claim existing against the United States Government, as soon

as we cut ourselves away from the benefits of that treaty we thereby end our existence as every claim against the Government terminates at that point, because no individual member of this tribe can bring claim against the Government in behalf of a tribe which has no further existence."

The latter objection is cited in some detail owing to the part the whole matter of claims, fancied and real, has played and still plays in Indian life and thought. These alleged claims against the Government, referred to by a former Chairman of the United States Board of Indian Commissioners, as promoting "the lethargy of expectancy" furnish a constant source of agitation and have given rise to all sorts of promotion schemes on the part of shyster lawyers and unscrupulous politicians, both white and Indian. As recently as 1923-4 a number of the Oneidas were being solicited for fees, monthly as well as annually, to prosecute claims in the State of New York. It seems that the basis for the New York Claim had its origin in the mortgaging of a thirty-two acre tract of land in Oneida County, New York. In 1903 the New York Indians protested the foreclosure of the mortgage, stating that it was property held under treaty rights and not of the same status as the land of the white man in New York. The land was taken, however, and the case was appealed to the Federal Circuit Court and Judge Ray of that Court handed down a decision upholding the treaty rights of the Six Nations and reinstating the Indian on his land.

Repercussions from the above agitation had certain far-reaching effects. A number of the Oneidas refused to pay taxes on their patented land and some in consequence either lost their land or were evicted. A Mrs. Laura Cornelius Kellogg, her husband, Orrin Kellogg, former Wisconsin lawyer, and W. K. Cornelius of Oneida, Wisconsin, were indicted in Montreal (about 1928) charged with conspiracy and obtaining \$15,000.00 under false pretences from Indians at four Quebec and two Ontario reservations. They were accused of promoting a fraud to "sell the state of New York" back to the Indians.

Referring again to the McLaughlin tribal meeting at Oneida, Wisconsin, in 1911 and the vote as recorded in his letter to the Secretary of the Interior, dated August 30, 1911, it is noteworthy that no mention is made of the vote of any non-resident Oneidas. Presumably, their voice in such an important matter was never considered. Nevertheless any treaty liquidation with respect to the Oneidas would affect all the Oneidas on the annuity roll, regardless whether they live on a reservation in Wisconsin, or in New York State, or elsewhere.

At the present time there are 3,394 (Oct. 1940)x2 on the annuity roll and the per capita payment annually is fifty-two cents. Since approximately 1,500 live off the reservation and scattered in almost every state in the Union, some being in Canada, the task of locating those entitled to their small checks is a tedious, troublesome and expensive one. According to the postmaster at Oneida, himself an Oneida Indian, great difficulty is experienced in delivering these annuity payments. Formerly, the checks were taken to Oneida and certain days set aside for delivery in person. In recent years the checks have been mailed out from the Tomah Agency Office. In case of non-delivery they must be returned to the Chicago Office of the United States Treasury. Consequently, the Tomah Agency had no means of checking on non-delivery except on the basis of complaints sent in. Since non-delivery means non-payment, after the time limit has expired an appreciable share of the Oneida annuity money must annually be returned to the United States Treasury.

## II. POPULATION

According to some authorities (Hodge, Handbook of American Indians North of Mexico, Bulletin 30, Bureau of American Ethnology) the earliest population recording (1660) lists 500 Oneidas. They are placed at 1,000 in 1677 and 1721. In 1770 they were estimated at 410 in 1776 at 628 in 1795 at 660. In Stambaugh's report to the Secretary of War March 1881, the number of Oneidas already in Wisconsin was given as 363; in the census of New York Indians taken in 1837 there were 600 Oneidas at Green Bay and 620 in New York State. The Commissioner's Report for 1856 lists 978 in Wisconsin; in 1862, 1,128; in 1866 with 111 men in the Union Army, the population was given as 1,064. According to the report of 1873 "the population is increasing regularly" and by 1881 it was listed at 1,506. In 1885 the increase in population was "includes migrants from Canada and New York" described as "homeless". The allotment roll of 1889 included 1,503 names. The latter is not the total population as married women were not allotted, the "homeless" ones having been adopted in 1887. By 1905 the population had increased to 2,089. The Handbook (referred to above) presents the figures for 1906 as follows: 2,151 under the Oneida School Superintendency in Wisconsin, 286 still in New York, 783 on Thames River, Ontario, besides those settled among the other Iroquois on Grand River, Ontario.

1 This is substance of newspaper clipping from a Green Bay, Wisconsin publication x2 43 more on annuity roll than census roll.

In the third place, the size of the allotments and the character of the surroundings was such that no leasing problem arose.

We thus have a real trial of the allotment system, it was applied to Indians who could justly be supposed to benefit by it; it was actually put into complete operation; it was not perverted by the evils of leasing.

The allotment of the Oneidas took place the terms of the Original allotment act of February 8, 1887. According to its provisions married women were not allotted, but the head of the head of the family received a double portion. Single portions were given to each single person over eighteen and each orphan under eighteen. Half portions were allotted to minor children. The size contemplated in the act for these portions was quarter, one-eighth, and one-sixteenth sections; but the Oneida reserve was not sufficiently large for this. Each head of a family received ninety acres; single allotments were forty-five acres; while the share of a minor was a mere twenty-six acres. This disposed of the entire land holdings of the tribe with the exception of some acres reserved for school purposes. There were 1,503 allotments made between 1889 and 1891.

Not many tribes were allotted under the original act. Two or three years later it was modified so that a quarter section was allotted to each individual, male or female, minor or adult. This change was an extremely serious modification of the original idea, which thought of the Indians as family groups who would draw their living from a family farmstead.

Of the nine allottees known to be alive, (1941 not one is living on his own allotment) though some have done so in the past. Their present location follows:

Living on own land	0
Living on husband's land	1
Living on reservation (town of Oneida)	2
Employed in United States Indian Service	4
Others living away from reservation	<u>2</u>
	9

Perhaps it should be noted here that whereas some of the land was sold in order to secure an education most of the land was sold to close estates and satisfy heirs.

Prior to 1910, when an Indian allottee died, his heirs might be determined by the country. After the act of June 25, 1910, they were determined by the Secretary of the interior. Some of the sales of land of deceased allottees were made under the first arrangement, some later. In the early years a fee patent for the land was frequently issued "to the heirs of John Doe." This was evidently accepted as negotiable and carried a title acceptable to the buyer. At least no record appears of any dispute arising after such a sale.

#### FORCED "PATENTS"

Before leaving the matter of allotments and the effects of the allotment system, it might be of interest to consider the issuing of so-called "forced patents." In the "Declaration of Policy", promulgated by honorable Cato Sells, as follows:

"The time has come for discounting guardianship of all competent Indians and giving even closer attention to the incompetent that they may more speedily achieve competency."

Pursuant to this policy, the following rules shall be observed:

1. Patent in Fee: To all able-bodied adult Indians of less than one-half Indian blood, there will be given as far as may be under the law full and complete control of all their property. Patents in fee shall be issued to all adult of one-half or more Indian blood who may, after careful investigation, be found competent, provided, that where deemed advisable patents in fee shall be withheld for not to exceed 40 acres as a home.

Indian students, when they are twenty-one years of age, or over, who complete the full course of instruction in the Government schools, receive diplomas and have demonstrated competency will be so declared.

2. Sale of Lands: A liberal ruling will be adopted in the matter of passing upon applications for sale of inherited Indian lands where the applicants retain other lands and the proceeds are to be used to improve the homesteads or for other equally good purposes. A more liberal ruling than has hitherto prevailed will hereafter be followed with regard to the

Forty typical cases were taken from the allotment roll and every effort made to ascertain the facts concerning the allottees themselves and the land which was assigned to them.

Of the forty allottees studied, the ages at allotments were as follows:

	Male	Female	Total
Under ten years	3	6	9
Ten to twenty-one years	8	6	14
Twenty-one to thirty	6		6
Thirty-one to forty	3		3
Fort-one to fifty	4		4
Over fifty	<u>4</u>	<u>        </u>	<u>4</u>
	28	12	40

It will be seen that the method of allotment resulted in the giving of land to no female over twenty-five years. Among the males eleven were under twenty-one years, thirteen were between twenty-one and fifty-four over fifty.

Of the forty allottees considered, there are now (1941) only nine living, twenty-eight dead and three listed as "unknown", the probability being that they are deceased. The twenty-five year trust period, due to expire June 13, 1917, was extended by presidential Proclamation for one year, to June 1918; and at that date patents in fees were issued (or had already been issued) to all, with thirty-five exceptions. Of the forty cases listed just half died before this date. Between June 1918, and the present time eleven more have died (including the "unknown.")

The death of half the allottees before the expiration of the trust period raises the question of the purpose of the trust period. It is assumed to be a time of instruction and development in the requirements of citizenship, in industry and self-support. For twenty of the forty, however, the period of preparation marked all the life that remained, and prepared precisely nothing.

Nor was it only the elder members of the tribe who died thus in advance of 1918. Of the twenty who did not survive the period of education there were:

Under twenty-one years of age	11
From twenty-one to forty	4
Over forty	5

In these forty cases the total number of allottees under twenty-one years of age was twenty-five. Of these twenty-five eleven failed to live through the trust period.

In considering the use made of these forty allotments the greatest possible liberality had been shown. If a allottee lived on and made use of even a portion of his allotment he was considered to have "farmed" it.

It must be remembered that the Oneidas were already making their living from their land before allotment. The number who were already using their land would be, therefore, larger in proportion to the total than in most other tribes.

Under twenty-one years of age	10
From twenty-one to forty	7
Over forty	<u>23</u>
	40

This would seem to indicate that the purpose of training was more than fifty per cent a failure. It is necessary, however, to analyze the reasons why these twenty-three allotments were useful only as a piece of property to be sold. The reasons for the failure to use them were:

Death of allottee	6
Occupation of allottee elsewhere	7
Incapacity of allottee	1
Female allottees who married other allottees	<u>9</u>
	23

It is thus seen that in seven but of the twenty-three cases the purpose of civilization was already, for one reason or another, carried out. The allottees were self-sustaining away from the reservation. No beneficial purpose would be served by calling them back from a useful life in occupation which they had mastered to take up the cultivation of the soil.

Seven other cases of death and incapacity defeated any purpose allotment may have had.

Of these forty allotments, there remains in the hands of an original allottee a portion of one allotment. Half of another is still held for an heir. The rest of the land has been sold.

After the Burke Act of May, 1906, it was permitted to issue patents in fee for land to Indians who were adjudged competent to manage their own affairs. This was done under their request. Many of the Oneidas requested fee patents, and received them under this act. The details of the sales are as follows:

Sold for the benefit of heirs	17
Sold under provisions of Burke Act	17
Sold after expiration of trust period in 1918	5
Unsold (widow living on it)	<u>1 (part)</u>
	40

applications of non-competent Indians for the sale of their lands where they are old and feeble and need the proceeds for their support.

In as much as the Twenty-five Year Trust period for the Oneidas was due to expire in June 1917, being extended one year by Presidential Proclamation, it would seem that the Oneidas might have been unduly influenced by this liberalizing policy. In patents in fee for the period 1917 to the present, the records disclose the following:

Patents received without application (and generally referred To as "forced)	47	
Patents concerning which there is a question		39
Patents requested by heirs or allottees		95
Number canceled (now tribal land)		2
Number receiving extension		1
Number allowed to expire without action of Department		1
Number issued at suggestion of Superintendent due to expiration of trust period (as disclosed by files)		<u>3</u>
		188

It will thus be seen that more than half the total for the period under consideration were issued on the application of either the allottee himself or his heirs. With respect to those issued without application the conclusion that they were "forced" would more particularly apply to those who refused to accept the patents, did not sign a receipt for them and hence are still on file. That number would not exceed a third of the 47 listed.

Concerning those open to question (39 listed), the difficulty in drawing any conclusion is due to the fact that the Competency Commission, making the rounds at the time, left no record of their recommendations as far as the individual Oneida files are concerned. However, the following letter from Honorable Franklin K. Lane, Secretary of the Interior, to President Woodrow Wilson, dated May 3, 1918, seems to throw some light on the report of the Competency Commission of 1917:

"My dear Mr. President -

Allotments were made in 1891 to the Indians of the Oneida reservation, Wisconsin, and patents were issued therefore, containing a twenty-five year trust clause, under the provisions of the act of February 8, 1887 (24 Stat. 388.) The patents issued to these Indians are dated June 15, 1892, and the period of trust expired June 12, 1917. However, by Executive Order, dated May 19, 1917, this period was extended for one year (with twenty-three exceptions) and will therefore expire June 12, 1918, unless further extended.

Reports now before me convince me that it is no longer desirable or necessary to further extend the period of trust on restricted Oneida allotments except in certain cases where the Indians interested are reported not competent to manage their own affairs and in certain other cases where the interest of the heirs of the original allottees appears to warrant such action. A Competency



Commission, which visited the reservation in the latter part of 1917, recommended an extension of the trust period in eighteen cases. These cases cover only allotments of persons then living. This number was supplemented by a report of the Superintendent in charge of the Oneida reservation, dated March 16, 1918, bringing the total number of cases recommended for extension to thirty-five. The seventeen cases reported by the Superintendent cover the allotments of deceased persons, and in order that the interests of the heirs to such estates may be given full protection, it is believed that a further extension should be granted.

There is submitted the draft of an order extending the period of trust for nine years on the thirty-five cases above referred to. Your approval is recommended.

Cordially yours,

(Signed) Franklin K. Lane,  
Secretary"

The President  
The White house

That the policy of issuing patents without application, especially to the old and decrepit, led to loss of land is evidenced not only from the experience of the Oneidas but from that of other tribal groups. Moreover, the policy was rescinded in the following Indian administration. In a letter of commissioner Charles H. Burke to Superintendent William Donner of the Keshena Agency, dated August 6, 1926, there is the following notation:

"Where patents have been issued without application and the patentees refused to accept them and they have not mortgaged or sold any part of the land, the land is not taxable and such fee patents may be canceled by the Superintendent."

There is no record immediately available to determine the number of the fee patents thus canceled by the Department as far as the Oneidas are concerned. Since the Agency was closed in 1919, the Keshena Agency taking over the accounts, with a clerk stationed at Oneida until 1925, following which the affairs of the Oneidas were handled from Tomah, considerable difficulty is experienced in securing detailed information on this as well as other pertinent data.

#### PRESENT STATUE TRUST ALLOTMENTS

At the present time there are twenty-one tracts of land amounting to 733 acres still held in trust. Of these, just four appeared on the original allotment roll; two have been added since 1932, owing to their claim of being left off the roll by mistake of the allotting agent. Of the six, three only use their land or at least a portion of it for truck gardening. One is an imbecile, his land being used by a nephew. In the case of another the land is in the process of being sold to another Oneida under contract; still another is reported to be a drunkard, living on his place in a log cabin

but not farming the land.

In the case of the 15 so-called "deceased allotments" the land holding have been divided and subdivided into numerous small share, there being now 150 heirs. As an illustration may be cited the estate of William Schuyler, who was a Civil War veteran and died in 1906. The heirs (18) were determined by the Brown County Court, the land being partitioned as follows:

2 own	60/900 acres
5 own	32/900 acres
1 owns	60/900 acres
4 own	30/900 acres
2 own	45/900 acres
5 own	36/900 acres
1 owns	90/900 acres
5 own	4/900 acres
4 own	5/900 acres

On April 24, 1940, John B. Schuyler, possessing 45/900 acres, sold his interest to Oscar Archiquette, who is married to one of the heirs. There are five houses, one constructed out of rehabilitation funds, on this land. While the land is rolling it is mostly cleared and partly under cultivation.

Strictly speaking, the Oneidas did not possess any tribal land since available was allotted. However, due to certain canceled allotments there are now 130 acres in that category. Then too, since the Oneidas have come under the so-called Indian Reorganization Act of 1934, 1,313,445 acres have been purchased although the title held is in the name of the United States Government. Considerable criticism has been made of these land purchases, alleging that instead of buying up Indian land about to be sold for taxes, the larger part consisted of white owned land which was thus taken off the tax rolls. Without going into the merits of this controversy but merely judging by the practices of the land acquisitions made in other areas, it is safe to say that too generous a share of white-owned land was bought, much of it still being covered with brush and thus needing to be cleared prior to cultivation.

#### LAND ON THE TAX ROLLS

In the period from 1906 to 1919 patents in fee were issued to practically all the Oneida land. As soon as the restrictions were removed, a large part of the land was sold at prices ranging from \$10.00 to \$50.00 per acre. The worthless character of some of the land allotted together with the large sales and subsequent squandering of the large bulk of the money received in exchange for this land, placed the Oneida Indians upon their own resources. This has naturally led to a scattering of the tribe in search of gainful employment, so that today there are fully as many living away from the reservation as residing on it. This circumstance has helped in no small way to develop the Oneidas into reliable and efficient workmen which one may encounter, not only in the ranks of the Government Indian Service from Washington, D.C. to California, but in other walks of life as well.

In a consideration of the land now on the tax rolls, as well as that mortgaged or lost through the non-payment of taxes, it is well so bear in mind not only the scattering of the tribe referred to above, but other factor as well. In the first place, the expiration of the Twenty-five Year Trust Period did not necessarily confer tax-paying ability to all the Oneida anymore than it would to members of another race. There are some stories of the failure and some of success. It is of interest to note that the non-resident Oneidas have kept up their taxes much better then those residing on the former reservation. Furthermore much of the taxable land is now held by non-residents.

As indicated by the map, the former reservation is divided into two townships, irregular in shape, one known as Hobart in Brown County, the other Oneida in Outagamie County. According to the 1941 tax rolls the list of tracts credited to the Oneidas as well as the decease and the valuation on land and improvements for the respective townships are as follows:

Hobart Township - Brown County

Tracts	Acres	Valuation
95	986.87	\$34,250.00

Oneida Township - Outagamie County

Tracts	Acres	Valuation
95	1,070.72	\$59,045.00

Total for two townships:

Tracts	Acres	Valuation
211	2,057.59	\$93,295.00

According to the Tomah Agency the amount of fee patented land still owned by Indians is listed as 2,308.365 acres. Consequently there is a discrepancy here of recently taken of about 250 acres which may include the "exempt land," once held by Indians but recently taken off the tax rolls due to resettlement purchase by the Government Indian Service. In any case the amount of land owned by Indians does not exceed 2,500 acres, nor does the valuation on said land and improvements exceed \$100,000.00.

A summary of the land situation as given by the Tomah Indian Agency under date of February 1, 1941, is given herewith (see map):

	<u>Acres</u>
Tribal lands (canceled allotments)	130
Indian Reorganization Act Purchases (under authority of Wheeler-Howard Act of 1934)	1,313.445
Optioned to United States (Indian Reorganization Act)	251

	<u>Acres</u>
Indian Fee Patent (still owned by Indians)	2,308.365
Trust (living allottees)	129.40
Trust (Heirship)	515.84
Trust (Partitioned)	68
State (Reformatory Farm)	388
Not Indian owned	60,503.87
Original Area of reservation	65,607.98

#### Delinquent Taxes

During the early 1930's considerable Oneida land was sold for taxes but no figures are available to indicate whether said land was redeemed. For example under date of May 10, 1935, the County Treasurer of Outagamie County, in which the township of Oneida is located, listed 60 tracts of Indian owned land under this category and included delinquent taxes for 1931:

Number of tracts	Average	Amount of taxes (including interest and charges)
60	638.45	\$792.65

As examination of the records indicate that these tracts were mostly small in area, none exceeding 40 acres, the largest amount of delinquency being \$85.77. A further study of the delinquent tax records for the county, covering the same period, would seem to indicate that the white neighbors were not far behind the Indians in tax delinquency.

#### THE ONEIDAS AND THE "NEW DEAL"

Despite the fact that there were only 130 acres of so-called tribal land on the former Oneida Reservation and that the Agency had been abolished in 1919, the agitation incident to the adoption of the Wheeler-Howard Act of 1954 did not escape the Oneidas. Consequently, a Constitution and by-law for the Oneida Tribe of Indians was approved December 21, 1936, the purpose being "to re-establish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our decedents." According to this Constitution the tribal membership was limited (a) to those on "the official annuity roll as of October 7, 1935; (b) "any descendant of a member of the Tribe who is of at least one-quarter Indian blood, provided such a member is a resident of the Reservation at the time of the birth of the said descendant"; (c) the General Tribal Council is given the power, subject to review by the Secretary of the interior, covering future membership and the adoption of new members.

The provisions for tribal membership are cited in detail as these would seem to have considerable bearing on those entitled to a voice in any future agreements looking toward treaty funding and annuity payments. In this connection it is significant that no mention of the Treaty of 1794 nor of annuity payments is made either in the Constitution or the Corporate Charter (the latter ratified May 1, 1937). The Oneida documents as thus drawn up are similar to other tribal

Constitution operating under the Wheeler-Howard plan, whereby non-residents are penalized for having gotten away from the reservation and being "on their own," whereas the "hangers-on" and those who drifted back to the reservation or failed "to make the grade" are slated to enjoy the alleged benefits of the "Indian New Deal," as the Oneidas choose to call it.

Of the 1,313 acres thus far purchased (at an average price of \$36.00 per acre or approximately \$50,000.00) under the terms of the Wheeler-Howard Act, twenty acres were assigned to each family according to the resettlement plan. This would mean that 65 families would now be located on the new land. However, these expectations have not been fulfilled. There are several reasons for this. Attention has already been called to the fact that considerable land adjoins the State Reformatory Farm and is not considered particularly desirable by the Oneidas. Then too, a number of the prospective homesteaders feel that twenty acres is not sufficient land to assure them a decent livelihood much less enable them to repay the credit loans. The amounts of these loans vary but the average refunds from \$300.00 to \$600.00 per family, the money being used to purchase seeds, implements, cattle, etc. "We have to work on the WPA and the CCC in order to repay our loans" represents the point-of-view of more than one disgruntled homesteader.

With regard to the credit loans a prominent Oneida farmer expressed himself as follows:

"A group of us holding taxable lands to promote the 'New Deal' thinking it would help us out. But the Department refused loans on individually held land, either on account of insufficient security or because of being mortgaged. Hence, revolving funds could not be used to help the very Indians who needed it most. We would have to get on the Wheeler-Howard land in order to make use of the loans." The present Chairman of the Tribal Council states that some modification in being worked out but knows of no case where Oneidas not on "New Deal" lands receive any credit loans.

Another difficulty encountered by the executive Committee of the Tribal Council is how and when to evict those now holding assignment who do not work their lands nor pay their loans.

Repercussions from the purchased lands being taken off the tax roll, find expression in the fact that those now living on "New Deal" land and sending their children to public schools must pay tuition, that is to say, the Government pays the tuition for the Indian children, not only in the district schools but in the case of those attending high school as well. Heretofore (that is prior to 1935) no Oneida children were ever called upon to pay tuition in public schools as they were accepted on the same basis as their white neighbors. But with the land being taken off the tax rolls an agreement was made with the school authorities regarding tuition payments. This would seem to be a backward step and provocative of racial discrimination. Furthermore, the concentration of Indian families on the Wheeler-Howard land has led to a segregated school at Chicago Corners, the present enrollment now being practically 100 per cent Indian.

In connection with the recently acquired acreage, twenty-three new houses have been built and a number repaired, the amounts used for this purpose being designated as rehabilitation and resettlement funds.

While some good has been accomplished by recent efforts to place "homeless" Indians back on the land, it may be said that, in general, little enthusiasm is evidenced by the Oneidas themselves in the plan. This is apparent in the difficulty in assembling a sufficient number to constitute a quorum in the tribal business meetings. The Constitution, as originally adopted, provided for one-third of the qualified voters as constituting a quorum. This has since been modified and changed to fifty of voting age. Even so, regular as well as special meetings are often delayed hours waiting for the quorum to gather so that the necessary business may be conducted.

#### IV EDUCATION

Early education among the Oneidas of Wisconsin is closely linked up with Mission Schools, the Episcopalians having opened a boarding school at Green Bay in 1881. Richard F. and Sarah B. Cadle were the pioneer educators. Marsh in reporting to the Society for Propagating Christian knowledge in 1831 wrote: "The Reverend R. F. Cadle who labors under the Protestant Episcopal Church has boarding school at Green Bay containing at present about fifty children." Originally incorporated as the Wisconsin university of Green Bay and later as Hobart University this school was continued until 1840 and then closed. However, the Episcopal Mission continued its mission school work on the Oneida Reservation and today still conducts a day school, giving work to the eight grades and accommodating 53 pupils. Noon day lunches are served and religious instructions imparted regularly.

Besides these schools the Roman Catholic Church has two parochial schools on the reservation, although only a few Indian children are enrolled. The Lutheran (Missouri Synod) support a day school which last year had an enrollment of forty but this year has decreased to nineteen, of which fifteen are Indians and four whites. The reason assigned by Reverend M. Droegmuller, who is both teacher and pastor, is due to tuition being charged at a rate of \$27.00 per pupil annually, though pupils from Lutheran homes need only pay \$1.50 annually. The attendance has been somewhat irregular at this school in the past.

The Seventh Day Adventists have a day school 8 miles southwest of Oneida village with fifteen enrolled all either of Oneida or Stockbridge blood. Grades 2-5 are carried. This school, the building rather dilapidated in appearance, has been in operation over 20 years.

At one time (between 1891 and 1919) the Oneidas boasted a Government Boarding School with an enrollment of approximately 200 children and considerable farm land in connection with the plant. Following the closing, a movement got under way to organize a non-stock corporation "whose members are to be members of the Oneida Tribe of Indians for the purpose of opening and conducting the Oneida Boarding School for the education of both white and Indian children between the ages of five and twelve years. The board of directors of this organization will consist of fifteen members, ten of whom shall be elected by the Oneida Tribe of Indians and five by such contributing charitable or religious organizations as desire to participate in the management of the school." Nothing came of this movement, presenting strong arguments against it. Finally the plant was sold to the Roman Catholics, a per capita distribution of about \$10.00 being made at the time. The institution is now known as the Guardian Angel orphanage

mostly for white children.

Aside from those who have attended schools, both public and parochial, on the reservation a relatively large number of Oneidas have availed themselves of the various non-reservation schools, past and present. Among the schools thus represented are Hampton Institute, Carlisle, Haskell, Flandreau, Chilocco, Wittenberg, Pipe Stone, and Keshona. Any average audience of Oneidas today will invariably be constituted of former students from the above-mentioned schools.

Since all the Oneidas became citizens at an early date due to the operation of the General Citizenship Act of 1867, they also took advantage of public school education whenever and wherever available, and, as indicated in another section, were exempt from tuition. With each succeeding year there is an increase in attendance at such schools and in recent years a gratifying addition the number of high school students has been recorded. At present 63 are attending the West De Pere High School, being transported by buses a distance of about eight miles; a few also attend high school at Seymour, Freedom and Green Bay. According to the school principal they participate in the various school activities very much as other rural children, there being no racial discrimination apparent.

In the area represented by Oneida village no public school district has thus far been established due, in part, to the presence of the mission schools. However, this matter, which many consider a serious lack, is now receiving consideration.

There is also some agitation on the part of certain Government Indian Service Officials to build a community day School at Oneida, offering the equivalent of a twelve grade course. This appears to many thoughtful Oneidas a back-ward move as it would make for segregation and in all probability a superimposed course of study directed from Washington, D.C.

The schools, giving names and enrollment, both public and mission, are listed here with:  
(For location see map)

<u>Name of School</u>	<u>Approximate Enrollment for 1941</u>
He-Nis-Ra	9
Trout Creek	8
Highview	17
Beauty Grove	3
Silvery Summit	38
Elm Hill	24
Chicago Corners	95
Pine Grove	20
Idle Wild	6
Lutheran Mission	26 (last year)
St. Paul's (Catholic)	12
Episcopal	53
Seventh Day Adventist	22
Guardian Angel Orphanage	3

Immaculate Conception

In Wisconsin a plan is in operation whereby Indian children may be placed in boarding homes while attending public school. Mr. Frank Christy, Superintendent of Indian Education of the State, with headquarters at Milwaukee, gives the following pertinent data:

"In response to your request contained in your letter of the 28<sup>th</sup> there is listed below by tribes and reservations the number of Indian children now in boarding homes at Government expense in the State of Wisconsin":

Great Lakes Agency:	
Chippewa	35
Potawatomi	6
Ottawa	1

Tomah Agency:	
Oncida	26
Winnebago	8
Stockbridge	5

Keshena Agency:	
Menominee	2

Supervision of these children is assumed by the State Public School at Sparta and by the Division of Child Welfare of the Department of Public Welfare of Wisconsin."

## V HEALTH

A survey, conducted by the present investigator twenty years ago, reveals the following paragraph on Oneida health:

"Generally speaking, the Oneidas are a healthy people although estimates place the number having tuberculosis in its various stages at 5% and the prevalence of trachoma is also estimated at this same percentage of the population. There are no doctors nearer than Green Bay, ten miles distant, and were it not for the services of workers at the missions, many of these people would have seriously suffered, especially during epidemics. With little money ahead to pay a large doctor bill, the Indian is very reluctant to cause a physician to make this long trip to attend someone sick in his home."

Today the Oneidas are not dependent on "horse and buggy doctors" since a weekly clinic is in operation at the Oncida village (Relief Center) with a contract Government physician in attendance as well a field nurse. During winter months there are from 75 to 60 who present themselves at this weekly clinic. Pre-natal cases report to the clinic whereas expectant mothers find hospitalization at the Tomah Government Hospital. Emergency cases are cared for either in



state hospitals or sent to the Sac and Fox Sanitarium at Toledo, Iowa. At present there is no Indian "medicine man" among the Oneidas; however, a trained Indian woman physician has carried on a practice for many years.

The field nurse, with headquarters at Green Bay, sustains a relationship not only to the Oneidas but also to the Stockbridge group near Gresham. The county nurses (for Brown and Outagamie Counties, respectively,) help in conducting clinic and immunizing school children but do not visit Indian homes owing to the presence of the government Service representative.

According to the field nurse and physician the incidence of venereal diseases among the Oneidas is not greater than among a comparable group of white people.

## VI SOCIAL CONDITIONS - LAW AND ORDER

In the survey, referred to above as being conducted twenty years ago, the following paragraphs regarding social and moral conditions are cited, more particularly because of the contrast with conditions existing at the present time:

"There is no organized recreation in this community and the only building available for recreational purposes are the buildings of the missions and two commercial dance halls in the little community of Oneida. Social dances, attended by both whites and Indians, are given in these commercial halls weekly and an admission fee of \$1.00 per head is usually charged. There have been no native Indian dances for several years. It should be mentioned in this connection that roller skating parties have been held with regularity each week in the Epworth Hall at the Methodist Mission.

The moral conditions will compare favorably with those in any white community. Little liquor is used, although during the last few months there seems to be an increase in the amount of drunkenness caused from extract and "moonshine" drinking. There are few cases, however, and it is interesting to know that the white man is the party who is doing the bootlegging. There is practically no prostitution, yet there are a few illegitimate children. The feeling among the Indians themselves is very strong against the violation of family laws."

As the present time there is still no "organized recreation" and a general let-down in morals is apparent. The Superintendent at the Tomah Agency is greatly concerned about this as are other socially minded people in touch with the situation. As a consequence, with twenty taverns and three public dance halls on the reservation, the young people as well as their elders turn to these sources for too much of their "recreation." Furthermore, with no regulatory legislation in force, either with respect to the number of taverns or their location within a given town, the large number cited above may even be increased. Moreover, at the Sivery Summit (note the name) district school, not far from the Methodist Mission, there is a tavern directly across the highway. Here the school children, especially at noon and recess periods, may be edified by seeing their elders, women as well as men, Indians as well as whites, staggering in and out at all hours. Little wonder then, that the Oneida community now has the distinction of being the toughest spot in the two counties.

Hand in hand with the increase in drinking and carousing comes an increase in illegitimacy. One need only cite the figures of mothers ( a number unmarried) receiving "aid for dependent children" (for number amounts and amounts see data under Relief in a later paragraph) to sense a situation which is becoming altogether too general.

Another factor in the liquor situation and the wide open taverns at Oneida is that Indians from nearby reservations, especially the Menominees (the latter still being on a closed reservation and under the old liquor suppression regulation) drive over to this reservation to stock up. Hence the problem is intensified with drunken drivers on the highways, resulting in, not only maiming and wounding, but also the slaying of innocent and guilty alike. Only a week prior to the present investigation arrival, an Oneida was killed in a accident due to drunken driving.

It is significant that a former Roman Catholic priest, the later Father Vissers, took steps during his residence on the reservation, not only to regulate the taverns but also to bring about better law enforcement. He also solicited the support of other missionaries and welfare workers in securing state regulatory legislation. His ten points were as follows:

1. Urged law prohibiting taverns within 500 feet of any church, school or public playgrounds or dance halls.
2. One tavern only for every 500 population within a given town.
3. No license to a woman.
4. Opposed to transfer of any license from one location to another.
5. Minimum annual license fee at \$200.00 (now \$80.00)
6. Closing hour 11 p.m. (Now 1 a.m. - frequently abused and taverns stay open till 2 or 3 a.m.)
7. Opposed to women bartenders.
8. Condemned "give-aways", and treats on the part of tavern keepers.
9. No liquor for "relievers" (those receiving public assistance).
10. Secure State Police who are not dependent on political parties.

Father Vissers died before this could be put into effect.

In discussing the law and order situation with the County officials of Brown and Outagamie Counties the question of conflicting jurisdiction between the Federal Government, the State Government, and the local community regarding responsibility inevitably is brought up. Since the Oneida town government, as constituted at present, is notoriously corrupt it would

seem that some recourse to state jurisdiction is in order.

At a recent meeting of the Wisconsin Federation of Women's clubs, held at Green Bay, October 9, 1941, the following resolution on Indian affairs was adopted:

"WHEREAS: The partition of many of the Indian reservations formerly existing in Wisconsin through the allotments of such lands in severalty to individual Indians and the subsequent sale of many of these allotments to whites, has brought about a condition resulting in serious confusion and doubt with respect to the matter of state and federal jurisdiction over residents of such land; and"

WHEREAS: Further this condition presents a serious obstacle to the effective enforcement of both state and federal laws because of uncertainty often arising as to jurisdiction in a particular case:

BE IT RESOLVED: That, in the judgment of the Wisconsin Federation of Women's Clubs in convention assembled, it would seem conducive to social stability and more effective law-enforcement among Indian citizens of the state to have federal jurisdiction permanently suspended and state jurisdiction extended to all Indian lands ( exclusive of the Menominee Reservation) to which because of the fact that they are Indian owned, non-taxable and held in trust for Indians by the federal government, state jurisdiction does not now extend:

BE IT FURTHER RESOLVED. That copies of this resolution be sent to the Commissioner of Indian Affairs and to Wisconsin Congressmen and Senators.

(Signed) Anna K. Leadbetter  
(Mrs. L. A. Leadbetter)  
Chairman, Indian Welfare  
Wisconsin Federation of  
Women's Clubs

Recommended by the Resolutions Committee  
(Miss) Ida Marie Martin  
Chairman

In a recent study of juvenile delinquency made by the division of Corrections under the Wisconsin State Department of Public Welfare, there occurs an item dealing with 400 cases of Indian juvenile delinquency, and since this study has a bearing on the Oneida situation, it is quoted herewith:

"Indian delinquency appears to be a considerable problem in the northwest, North, Northeast and east statistical districts. Resources for the prevention and treatment of Indian

juvenile delinquency and very inadequate in Northern Wisconsin. Furthermore, there is the question of conflicting jurisdiction between the Federal Government, the State Government and the local community regarding the responsibility for handling these delinquents.”

Continuing, the report say:

“The data reveals an abundance of disorganizing influences in community like contributing to juvenile delinquency. Some of the most important are:

1. Unregulated taverns
2. Dance halls and liquor licenses
3. Road houses
4. Sale of liquor to minors
5. Unsupervised dance halls
6. Slot machines and other gambling devices
7. Movies harmful to children
8. Sensational radio programs
9. Unsupervised playgrounds, swimming pools and skating rinks
10. Pornographic literature
11. Disorderly tourist camps
12. Houses of prostitution

The above formerly were confined to urban centers -- not so anymore -- these influences are outside the pale of law enforcement because they are found in almost all the rural section of the state. Few law enforcing officers, lack of authority to regulate (e.g. “The great game of buck passing”) and the wide expanse of space make it most difficult to regulate and control them.”

#### VII RELIEF

At the Oneida village there is a relief center, operated under the usual alphabetical organizations. According to the director, who has served in this capacity for the past six years, there were 350 cases of direct relief prior to 1935. The following table give the “high” and “low” of the relief load with respect to the Oneida Community as well as the various forms of relief:

Number of Indian Cases (Oneida) Receiving Specified Forms of Public Assistance and Amount for Specified Months

Month	Number of Cases						
	General Relief	WPA	Old Age Assistance	Aid Dependent Children	Aid Blind	Total Relief Cases	Total

Feb.'35	306		21	20	8	355)	
Feb.'38	72	143	79	35	9	336)	1,084
Feb.'88	88	164	75	57	9	393)	
Aug.'34	258		21	20	9	308)	
Aug.'37	29	95	74	28	8	234)	846
Aug.'40	35	125	79	56	9	304)	1,930
Month	Amounts						

	General Relief	WPA	Old Age Assistance	Aid dependent children	Aid Blind	Total Amounts	Total
Feb.'35	\$8,655.59		\$ 239.50	325.00	\$133.66	\$9,353.75)	
Feb.'38	677.95	\$6,864.00	\$1350.50	780.10	146.66	9,819.21)	31,126.74
Feb.'41	1,112.78	7,872.00	1425.50	1376.50	187.00	\$11,973.78)	
Aug.'34	4,157.73		234.50	300.00	145.66	4,838.39)	
Aug.'37	270.14	4,560.00	1,248.62	550.00	166.66	6,795.42)	21,146.69
Aug.'40	452.88	6,000.00	1,510.00	1363.00	187.00	9,512.88)	

Aside from the regular WPA located at Oneida village there is a so-called anthropological WPA project which has been going forward among the Oneidas for the past two years. Considerable time has been devoted to a sort of linguistic revival whereby the Oneida language has been reduced to writing, using what someone has aptly called in "Indian shorthand script." Of recent months well-advised criticism has been waged against this project and it has become a bone of contention among the Oneidas. Not more than 8 to 10 are employed in the linguistic venture. Due, in part at least, to recently publicized criticism, the director of the project, a young Chicago anthropologist, has devoted some time toward obtaining data on family budgets, covering such time as income, food, housing, fuel, clothing, household furnishings, automobile expenses, educational expenses, etc. At the time of this field study (Sept. - October 1941) 38 such Oneida family budgets had been completed had been placed on file.

In common with other Indian jurisdiction the Oneidas have the CCC-I.D. relief organization. The director is an Oneida, who was formerly in the Indian Service and who appears alert, progressive and ambitious. He states there are now 22 enrollees. The projects include road work, clearing underbrush, digging ditches, building play grounds, erecting shelters for picnic grounds, etc. Aside from those working at Oneida a number of the younger men have enrolled in CCC camps at Lac du Flambeau and other Wisconsin points.

#### VIII RELIGIOUS CONDITIONS - CHURCH LIFE

For more than a century the Oneida Indians have been in close contact with missionary effort and the work and influence of the church has been a vital contributing factor in the history of their advancement. As early as 1815 the Protestant Episcopal Church established a station among the Oneida Indians of New York. This definite station-work was prefaced by several years of intermittent efforts by visiting missionaries. When the advance band of the tribe first visited Wisconsin it was under the leadership of Rev. Eleazer Williams. He secured a strip of land five miles wide crossing the Fox River and on what is now the site of Kaukauna, established the first Settlement of New York Indians in Wisconsin. This was in 1822 and only three years later a church was erected, the first home of an Episcopal Mission in the north-west territory. In 1839 a finer frame building replaced the earlier log one, which the growing church found too small for its enlarging needs. Not many years afterward, the desire for a more substantial house of worship prompted the Indians to commence in 1870 quarrying stone and having timber for a new building. During the next fourteen years, this group of Indians saved \$3,000 to invest in this church, but the bank in Green Bay went insolvent about the time active building was to be started and these savings were lost. The zealous missionary, undaunted by this thwarting of his plans, sought assistance from eastern friends and through their help, \$5,00 was secured and the structure was completed. This building has been the church home of the mission ever since. Another calamity to the building came in 1919 when a fire destroyed the wood work of the church leaving only the stone walls standing. Again through united efforts repairs were effected and the sanctuary restored to its former worshiped status. A new parish house was created and dedicated in 1906. At present its used in combined with that of the day school, previously mentioned.

Besides the Episcopal missionary efforts, other pioneer workers found audiences among the Oneida Indians in an early day and Samuel Kirkland preached to them for some time before the Revolutionary War. The Methodist had an established church work for these Indians in New York and with the moving of the Orchard band of Oneidas to Wisconsin in 1831, a mission work was immediately begun for them in their new home. The report from this mission in 1888 shows a membership of one hundred and the missionary comments: "The conditions of the Indians of this band compare favorable with that of their white neighbors." At the time of that report, the Methodist were also operating a school which has been closed, and the building is now used as a recreational hall.

Aside from the two denominations mentioned above, other church bodies have entered this field in more recent years. Included in the number are two Catholic Churches, their constituency being largely white, a Lutheran (Missouri Synod), Seventh Day Adventist, and within the past two years still another, known as the "Church of Christ." The latter is in charge of an intermarried Sioux Evangelist and claims about a dozen Indian families.

The Lutheran Mission was established in 1925, first as a school, following which a church and parsonage was built. The congregation, made up of both whites and Indian, number 150 communicants; eight Indians families or 35 individuals are included.

The Seventh Day Adventists established their school and mission about 20 years ago, their constituency is also mixed, with the whites predominating.

Contrary to the expression of other Indian groups under long-time religious tutelage, the Oneidas have failed to develop any outstanding natives pastors, there being but one ordained worker throughout the years, namely, Reverend Cornelius Hill, a faithful worker in the Episcopal church until his death at the age of 75 in 1907. However, almost without exception, every Indian within the boundaries of this reservation recognizes some church affiliation.

The Episcopal Mission plant includes, aside from the stone church and parish hall, a rectory, a Sister's home (The Sisters of the Holy Nativity having been at Oneida since 1898,) and a building formerly used as a hospital but which now provides a home for some half dozen Indian families. Mission aid has been received since the church was organized but last year the rector reports \$2,000.00 as being received toward local support, a number of non-resident members contributing the lion's share of this amount. The present missionary is optimistic as to ultimate self-support but indicates that the parochial school and work of the Sisters must continue to receive outside help. The membership is 1,000 and the number of communicants approximately 600. The Church School is conducted on Saturdays with an attendance of 130.

The Episcopal as well as the Methodist Mission has discontinued the general distribution of Christmas bundles, feeling that this should be restricted to needy cases arising during the year, rather than being restricted to a given season. Occasional rummage sales are conducted.

The Methodist Mission, located three miles from the Episcopal Church and largely ministering to the Second Christian or Orchard Party, has a tract of 37 acres. A church building, the fourth in order of construction, with a seating capacity of 500, a large parsonage and a social building, Epworth Hall, comprise the material equipment of the mission.

The membership roll of the church includes 161 names, 27 being non-resident. At present no white families (except intermarried whites) are included in its constituency, the latter being given a \$500. The Sunday School enrollment is 160 with an average attendance of 65, depending somewhat on the season. The Oneidas are good singers and for years this church has enjoyed choral music. At present there is no Epworth League nor has any Vacation Bible School been conducted in recent years. The statement is that "the children accompany their parents to the berry field and engage in seasonal occupations during the entire summer."

Camp meeting once flourished among these people. At present "a special" meetings, generally a week's duration, are held annually. Steps are now under way to secure an Indian Evangelist to conduct a preaching Mission among these Oneidas.

According to the record of church finances, approximately \$300.00 is the amount raised annually toward local support, of which \$56.00 goes toward conference fees and benevolence. Home mission aid has been received from the time of organization, which if dated back to the first Methodist Church dedicated at Smithfield, September 16, 1832 "as a house of worship for the Oneida Indians" (inscription on boulder near Kimberly), would take in a period of 109 years. According to both the local missionary and the District Superintendent, the prospects for immediate self-support are nil, and concerning the future neither ventured a prediction.

The church work on the Oneida reservation needs, as was suggested twenty years ago, the development of a strong social program. Furthermore, a unified effort to inaugurate a week-day religious education program, especially in connection with such schools as Chicago Corners, Silvery Summit, Elm Hill and Pine Grove, should be promoted.

In connection with the general strengthening of the church work among the Oneidas children and the young people the following suggestions, as contained in the Wisconsin Survey of Juvenile Delinquency, under the heading of "prevention and treatment," seem to be support:

- (a) Foster programs of Religious Education
- (b) Promote full time recreational programs
- (c) Sponsor social gatherings of Young People
- (d) Provide instruction in preparation for marriage
- (e) Foster dramatics
- (f) Provide summer camps
- (g) Organize vacation schools
- (h) Form parent's clubs (twig benders) for the discussion of their children
- (i) Organize public forums.

#### IX THE ONEIDAS AND WARDSHIP

From the above review of the Wisconsin Oneidas, past and present, some pertinent questions may be raised with reference to their wardship status.

1. In what respect are the Oneidas still wards of the Government? 2. What steps are necessary to remove them from wardship?

1. In what respect are the Oneidas still wards of the Government? All the Oneidas are citizens and have exercised the rights of suffrage for many years. The Daves Act of 1887 provided for the granting of citizenship to all those to whom land was allotted individually. In the Annual Report of the Commissioner of Indian Affairs for 1897 regarding the Oneidas, this statement occurs: "At the end of twenty five years, —the whole tribe will be in condition to become good citizens. They now exercise the right of suffrage at all state elections and cast their votes as intelligently as their white neighbors." That was 44 years ago.

But the Supreme Court has decided that the status of wardship is not incompatible with citizenship, that is, as Indian can be both a citizen and a ward at the same time. Wardship still exists where the land is held in trust, whether or not the Indian owner is a citizen. Thus while the Oneidas have only 21 tracts of trust land left, 733.24 acres, divided among 150 heirs, and 1,239,945 acres of purchased land, the title to which is held in the name of the United States, they are nevertheless wards with respect to these lands. They may not sell them without the consent of the United States. And since the Oneidas are under the Wheeler-Howard Act they would presumably have to go to Congress for permission to sell their land, at least to a non-member.



Then, too, the Oneidas may be paid to be wards by virtue of the old treaty of 1794, certain provisions of which are still in force. This has been considered in some detail in Section I of this report. Today the Oneidas, especially these residents on the reservation look forward with considerable interest to the annuity payments and many feel that the funding of this treaty would sever the tie which binds the tribe to the United States Government.

While wardship apparently grew out of the land situation and the fulfillment of old treaties, it has been developed to include many things. A decision of about 1912 said that the fact of having supplied the Indians with schools, farmers, hospitals, etc., the federal government had laid upon itself an obligation to continue such service, thus making itself the guardian of the Indian. In consequence, although the Agency was abolished in 1919 and the Boarding School about the same time, the Oneidas are still the recipients of the services mentioned above. In fact, the Superintendent of Tomah Agency indicated recently that not only would a federal farm agent be appointed for the Oneidas, despite the fact there are two county agricultural agents available, one for Brown and the other for Outagamie, respectively; but that he has also recommended, as indicated in another section, the erection of a so-called community school, to be operated under federal auspices.

2. What steps are necessary to remove them from wardship? The second question is one difficult to answer than the first. (1) In the first place, it would take an Act of Congress to repeal the Wheeler-Howard Act as far as the Oneidas are concerned. For example, page 6 of the document known as the "Corporate Charter of the Oneida Tribe of Indians of Wisconsin of the Oneida Reservation" reads, "This Charter shall not be revoked or surrendered except by Act of Congress."

(a) This would seem to be necessary in order that the Oneidas now holding trust land might secure individual fee simple title;

(b) That those now assigned to Wheeler-Howard land as virtual tenants might be secured in their title either by purchase, grant or life tenure. In fact, life tenure (and perhaps family tenure) to a small homestead, a home to which the Indian could repair for shelter in time of need, if indeed he did not permanently live there, might very well be granted to the older members of the group.

2. Furthermore, an act of Congress is needed to define the term "Indian" that is, the degree of Indian blood which designates him as a member of the race. Reference has been made to the fact that as early as 1796 considerable doubt was evidenced as to the existence of a single Oneida full blood. Surely, at this late date Congress should be called upon to define just who is an Indian.

3. In the third place, the treaty rights of the Oneidas with regard to annuities must be found as early and as fully as possible. Whether this can best be accomplished by a commutation of their perpetual annuities on the basis of a 5 per cent capitalization, as proposed in 1908 and in 1911, or by some other funding method, the present investigator is not prepared to say. Some Oneidas recommend that payments be made in a lump sum, thus enabling those who desire to

stay on the land to pay their loans, mortgages, taxes, etc., and so get started toward ultimate self-support. Other tribesmen advocate investment of the entire sum in cooperative canneries, creameries, cheese factories, etc. Still others, notably the government officials, recommend that the annuities be allowed to accrue and form a sort of tribal fund, whereby, additional lands may be purchased and more Oneidas placed on the land.

4. There follow certain specific items/to be considered:

(a) Law and Order -- In theory the Oneidas are already under State laws. However, if certain provisions of the Wheeler-Howard Act are pressed it is the consensus of opinion that the question of jurisdiction could with validity be raised leading to the confusion already apparent on other reservations. The practical problem of applying state law to "incompetent" non-tax paying Indians is no easy one. Any attempt to recreate courts of Indian offenses (also known as tribal courts) would be distinctly reactionary and retrograde. In order to provide better law enforcement some method of federal subsidy of local and county law enforcement agencies may be necessary for a time.

(b) Health--Health services should be provided in state and county hospitals, subsidized whenever necessary. These charge when they can, and give when they must. The philosophy here, as someone has put it, is one of coalescence of races. One policy for both white and Indian. As far as public health nurses are concerned, Wisconsin has for years supported at least two such nurses for Indians in other parts of the state.

(c) Education--The trend toward the enrollment of the Oneidas in public schools both elementary and high, should be accelerated. Here as elsewhere, "a normal relationship between the children in the schools has tended to normalize the communication between adults. This points the way the goal of racial harmony and understanding." Toward this and a closer tie-up with state and county educational agencies, should be encouraged. There is no legitimate reason why the State of Wisconsin should not operate under the provision of the Johnson-O'Malley Act as do the States of California, Washington and Minnesota.

(d) Social Service--This would seem to be a state function (including the federal subsidies as at present) until the churches and philanthropic agencies are prepared to provide adequate resources for it.

(e) Churches--It is axiomatic that without a self-supporting constituencies there can be no self-supporting churches. However, none of the missions now operations on the Oneida Reservation have thus far seriously faced the implications of ----paternalism. For instance, the amounts raised toward local support ----not appreciably higher than they twenty years ago. In some respects there ---- been a retrogression. With no full time native leadership developed nor any church supporting its local missionary after a hundred years and more of home mission aid -- -- much remains to be done.

3. What will happen to these Oneidas when they go out from wardship? In other words, what will happen to the Oneidas with the termination of wardship?

(1) Will they have enough to purchase land and homes elsewhere? With the funding of the treaty and some form of per capita payment this could be brought about by those desiring to do so. In this connection it should be recalled that fully one-half are already residing away from the reservation.

(2) What about those who remained?

(a) The suggestion has been made that as a provision for liquidating the old treaty the Oneidas should require title to the land now held in the name of the United States, and those who were already on the land be given the opportunity to pay off their loans, acquire individual title to their lands and be on their own.

(b) For those who could not rise to self-dependence, there might be provided, what some one has called, a second estate status, whereby either a small homestead might be provided on a life tenure basis or something like a "Townsend village" be established for the incapacitated.

(3) Will anything be gained by exchanging a status of federal wardship for state wardship? Not if the plan proposed is that of the one in operation with the groups in new York State and Maine. Furthermore, it is not a question of "either-or." The point is that the closer the Indian can be brought into the everyday life of his fellow citizen the more quickly will the causes which make for race prejudice be removed. Or, in the Indian apart and keep him out of touch with his fellows, the more natural and satisfactory will be his relation to those fellows." The ultimate goal, with the Oneidas as well as other tribal groups, is the assimilation of the Indian into the great stream of American life.

-G.E.E. Lindquist