

GEORGE P. DECKER AND THE ONEIDA INDIANS

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CHIEF SPOKESMAN for
A BAND of ONEIDA INDIANS

When Europeans first met them, the Oneida Indians possessed a country which extended from Oneida Lake north to the St Lawrence River and south to the Susquehanna. To the east of the Oneida Nation lived the Mohawk, to the west were the Onondaga, Cayuga, and Seneca nations. These Five Nations came to be known as the Iroquois Confederacy.

After the American Revolution The Oneida Nation faced enormous pressures from officials of New York State who wished to dispossess the Oneidas of their land. Despite warnings of illegality from a weak Federal Government, the New York officials pressed on and executed two purported "Treaties" by which New York "acquired" over five million acres of land. The Oneidas were left with a Reservation of about three hundred thousand acres.

These transactions were the first two of more than thirty, after which the Oneidas land base was reduced to a few hundred acres, and the Oneidas were a divided people. By 1850 some had emigrated to a Reservation near Green Bay, and some had purchased a tract of land in the Province of Ontario, Canada. One group was living on land in Oneida County which they had partitioned and received deeds for.

Still another group of Oneidas remained on about 1400 acres of the original Reservation in what is now Madison County New York. This group was determined to hold on to what was left of their once vast homeland. They had seen time and time again the process which ate away at their land base. When a land transaction took place it usually happened the following way.

A few individuals of the Oneidas would decide to go to some far off place. To finance their move they would agree to sell their "interest" in the Reservation to the State. The State surveyed the remaining lands and took possession of a part of the reservation which was proportionate to the number of Oneidas wishing to leave. Of course the State usually wound up with the choicest real estate as its newly acquired land. Any Oneidas refusing to sell were stuck with what was determined to be the remaining Reservation. Some of the remaining Oneidas had to move after each new "sale".

In 1842 the Oneidas remaining on the 1400 acres finally came up with a way to stop the forced moving after each "sale". They formed 11 separate Bands and divided the remaining land into 19 lots. A Band was made up of both families and individuals, varying in size. Each Band then was assigned one or more of the lots depending on the size of the Band. Band members each held a common interest in the lot or lots. The whole of the combined lots was to be held in common by the combined Bands. The theory being that if any more "sales" took place, at least the remaining Oneidas would be able to retain their lot or lots and not be forced to move.

Between 1842 and 1905 all but one of these Bands ceased to exist, as a result of further land loss by individuals and abandonment or forfeiture of Tribal membership. the Band that did remain in 1905 held on to only 32 acres of what had originally been lot 17 of the 1842 plan.

In the last half of the 1800's some of the Oneidas who had sold out and left for other places began to return to the old Reservation area of Oneida and Madison Counties. They bought or rented land from whites in the area. Although they were not treated badly, they were not allowed to regain their status as members of any of the Bands. Like many descendants of Indians today they had no claim to political status as do recognized tribal members. In this same category were many people who had come to be living on the Onondaga Reservation.

Also during this period two important things happened which helped to add to the confusion over the Oneidas even more. The first was a federal court decision, the second was a report by the New York State Assembly.

In those days Tribal members were not considered citizens of the United States and therefore could not vote. Abraham Elm an Oneida descendant but not a Tribal member voted in the 1876 congressional election. He was indicted and convicted of violating the law by voting while not a citizen. he made a motion for a new trial, claiming he had abandoned his Tribal status, was not a member of a Tribe, Band or Nation of Indians, was indeed a citizen and had the right to vote. Elm was right, but that didn't mean that every Oneida descendant was in the same condition. Judge Wallace agreed with Elm and also included:

"...those who, like the defendant, have no tribe and are taxed, are, within the language of the Fourteenth Amendment, subject to the jurisdiction of the United States..." (U.S. vs Elm, 25 Fed cases No. 15048, 1877)

This meant that Elm and a whole bunch of people like him were citizens. This did not mean that every Oneida was a citizen.

In 1888, the New York Assembly appointed a committee to study the "Indian Problem". The real aim of the committee was to find a reason to break up the remaining Indian Reservations in the State. In its report the committee did not hesitate to include the Elm decision. When they came to the Oneidas, the committee declared that:

"These Indians are citizens...they have no tribal relations and are without Chiefs...the land formerly the Oneida Reservation...was long since divided among the Indians there in severalty, and now they own it in fee..." (New York Assembly Doc. No. 51, Feb 1, 1889)

This type of language has found its way into many succeeding reports, both State and Federal. The report gets quoted over and over, and much of the literature available on the Iroquois contains the same language.

The conclusion of the committee did not take into account the massive changes which had resulted in various degrees to which the Oneidas had been divided. Their complicated history had produced a confusion seldom understood by anyone writing about them. Of the Oneidas in 1905 Chief Judge Nott, U.S. Court of Claims observed:

Thus, for instance, the Oneidas were once a powerful tribe of the Six Nations. They have been divided and subdivided into the New York Oneidas, the Canadian Oneidas, the Wisconsin Oneidas; and the New York Oneidas have been subdivided into two "Christian Parties" and two "Orchard Parties". There are also Oneidas living upon the Onondaga Reservation, and Oneidas living upon their own lands, and Oneidas to whom lands have been allotted in severalty, and who have ceased to be, in a political sense, Indians. (New York Indians vs. United States, 40 Court of Claims, p. 448, 1905)

What all this confusion did was create a climate which made the time right for exploitation of the remaining Oneidas and their tiny Reservation. After all, a State committee had said the Oneidas didn't exist as a Tribe, Band or Nation. The Indian Agent for the Federal Government was situated more than two hundred miles away. Although these agents were responsible for looking out for the interests of all the Iroquois, they seldom if ever traveled to Madison County. When these agents made their reports to Washington they usually parroted the latest State propaganda. A Federal Court had said that at least some Oneidas were citizens. Considering all this, it would seem an easy task to drag some of the remaining Oneidas into a local Court and deprive them of their Tribal land under color of State Law.

In 1906, a non-Indian named Julia Boylan claimed she held a valid mortgage on some land in Madison County, New York. The land was occupied and possessed by a Band of Oneida Indians. Boylan wanted possession of the land and took her claim to the courts. The court decided in her favor and ordered the land to be sold and the proceeds divided.

On Oct 14, 1907 Chief William H. Rockwell, petitioned Governor Charles Evans Hughes. In the petition, Chief Rockwell described the land in question as a remaining piece of the Oneida Reservation protected by treaty and not subject to any mortgage. He stated that the Courts of Madison County had from time to time tried to "dispossess our band of Indians of the land we now occupy." Chief Rockwell asked the Governor for an investigation and four days later Deputy State Attorney General George P. Decker actually visited the land in question and took testimony from the Oneidas.

Decker returned to Albany and wrote a 16 page opinion based on his research and the testimony of the Oneidas. Dated Oct 28, 1907, the opinion upheld the Oneidas contentions that the land was still a remaining piece of the original Reservation, that the Band had continuously been in possession and remained in possession and that dispossession would be a violation of Indian rights.

The Attorney General with the approval of the Governor then appeared before the court and informed the court of the Treaty. The court ordered on Nov 16, 1908, that Boylan did not have any interest whatever in the land but on appeal the order was reversed.

In August 1909 the Oneidas were informed that they were about to be evicted from the land. They wrote to the Governor several times but no further action was taken to stop the process of eviction. On the last day of November the sheriff and a posse forcibly evicted the Oneidas.

The small Band turned to George Decker for help.

George F. Decker was born on June 11, 1861 in the town of Clarkson across the road from the limits of the Village of Brockport. He graduated from the Brockport State Normal School and attended the University of Rochester for a year in 1880-1881. He began the study of law in his fathers' Brockport office, and was admitted to the Bar in 1884. Mr. Decker married Gertrude Lewis of Albion and soon moved to Rochester where he became politically active in a group called "The Silk Stocking Democracy". He became First Deputy Attorney General under Governor Dix and later codified the Game Laws of New York State.

In December 1909, George F. Decker was back in private practice in Rochester, New York. When he agreed to help the Oneidas he couldn't have known that it would be more than twelve years before the case would be settled. He began by asking the State Legislature for just treatment in a Memorial dated May 18, 1910. The Legislature took no action.

On June 10, 1910, Decker sent Governor Hughes a copy of the Memorial, and summarized the position of the Band. In a lengthy discourse on authorities and treaty rights Decker claimed that State Courts did not have jurisdiction in the case. He raised the possibility of Federal intervention, quoting the U.S. Constitution as it relates to Indians and citing several court cases. He pointed out a Federal law Congress enacted July 22, 1790, which declared all purchases of lands from Indians void unless authorized by the Federal Government. He traced the states own duties and laws according to the State Constitution and concluded that even State laws could not justify the treatment that the Oneidas had received. Decker ended by asking for a special committee to investigate and report on the matter. A Bill was introduced in the Assembly on Feb 1, 1911 to pay for the injuries suffered but the Attorney General advised the Committee that the Bill was unconstitutional. There is no indication that either the Governor or the Legislature took any further action. On August 30, 1912 Decker submitted a 40 page In Re Memorial to the State Legislature expanding on his earlier writings. Still no action was taken. It had been more than two and one half years since the Oneidas were evicted but Decker was not discouraged.

Decker had written to the U.S. Justice Department on July 31, 1912, asking for their attention to the matter and offering to furnish a history of the 32 Acres. On September 28, the acting Attorney General wrote to Decker, accepting his offer and promised to consider the facts presented.

On October 4, 1912 the Band of Oneidas petitioned the Attorney General and asked that he take appropriate action. The Justice Department refused to take action unless it was recommended by the Department of Interior. The Department of Interior took the position that the supposed sales of land purporting to be made by Oneidas were valid under New York State laws. Decker traveled to Washington and convinced the Justice Department that Interior was wrong. He was advised to make a formal application to Interior. On April 18, 1913 he did so, but not until almost two years later did Interior agree to recommend a suit for recovery of the 32 Acres.

Interior was reluctant. After all, Interior had repeatedly submitted reports to Congress which used the same language as the 1889 State report. Interior continued to submit the same type reports even after Decker supplied them with a detailed history of the 32 acres. Decker was very thorough and articulate in pointing out the difference between Oneidas who still held their land as a Reservation and descendants of Oneidas who had no political ties to a Tribe, Band or Nation. As late as Dec 26, 1914, an official report from Interior (House Doc. 1590, 63rd Cong., 3rd sess) was parroting the State report of 1906. Still Decker did not give up.

Somehow Decker was able to convince Interior that its position was wrong. Finally, on April 27, 1915, the U.S. Attorney for the Northern District, John H. Gleason wrote to Decker thanking him for sending material pertaining to the Band and assuring Decker that action would be promptly brought. True to his word, Gleason, representing the United States on Sept 28, 1915, entered a complaint on behalf of the Band of Oneidas, seeking recovery of the possession of the 32 acres.

This case was decided in favor of the Band in 1919. (u.s. vs. Boylan et al, DC, NDNY, March 3, 1919). This time the Judge differentiated between groups of Oneidas and directed that the possession of the 32 acres be restored to the "ejected Indians". The case was appealed to the 2nd Circuit, upheld, and reached the U.S. Supreme Court, which declined to hear it. In 1922, after a 13 year struggle the Band was restored to possession.

Cheif William H. Rockwell returned to the 32 acres to live out his life. Other Band members live throughout the State.

Between 1945 and 1970 a group of people from the Syracuse area, which includes the Onondaga Reservation, pressed the Government to recognize them as Oneida Indians. Somehow these people convinced officials in Washington that they should have a reservation. With Bureau of Indian Affairs approval, they took over the 32 acre Reservation. The Band has once again been dispossessed of its land.

The Band protested to Interior but no action has been taken. In the effort to document our position and history, I searched for the papers of George P. Decker. when the papers were donated an article appeared in the newspaper. I saw it and called George Hammil, who put me in touch with Bob Gullo. I went through the collection and sorted out the material pertaining to the Oneidas.

George P. Decker died in 1936. He was a man of the highest integrity and was devoted to seeking justice. The collection contains much more than material on the Oneidas, for Decker worked with many other Iroquois people throughout the U.S. and Canada. One of the highlights is the international efforts to secure the rights of the Grand River Iroquois.

There is an Irony in Deckers pursuit of justice. He too has suffered an injustice. His name is hardly ever mentioned by the scholars. George P. Decker has been virtually ignored by the "Experts" on the Iroquois. I hope this paper will encourage more work to be done to properly recognize the man.

LIST OF PAPERS RELATING TO THE ONEIDA INDIANS
FROM THE COLLECTION AT ST. JOHN FISHER COLLEGE

DATE	COMMENTS
10-14-07	Pet to Gov Hughes fr Oneidas 4 pages
10-18-07	Oneida testimony, taken by GPD 7 pages
10-28-07	Report to governor from GPD 17 pages
08-19-09	Court decree Boylan v George et al 6 pages
08-20-09	Lawyer to Mary George RE above 1 page
09-24-09	Gov Sec to Rockwell 1 page
10-15-09	Oneida protest of proceedings 4 pages
10-18-09	Ack of above by gov office 1 page
10-22-09	Gov sec ack lttr of 21 Oct & offers mtg 1 page
10-28-09	Gov sec to Rockwell encl rpt of 10-28-07
11-05-09	Gov sec ack lttr of 4 Nov 1 page
12-01-09	News art (Syr Post Standard- eviction of Oneidas
12-14-09	Rockwell to GPD, deeds 1 page
12-21-09	Rockwell to GPD 2 pages
05-18-10	Memorial to State Leg 15 pages
06-10-10	Appeal to gov 14 pages
08-30-12	40 page Memorial to State Leg
09-28-12	U.S. Dept of Just to GPD 1 page
10-04-12	Oneida Pet to Dept of Just 4 pages
10-30-12	Office of Ind Aff ack recpt of 40 page Memorial
04-18-13	Oneida Pet to Sec of Interior 3 pages
04-27-15	U.S. Atty to GPD 1 page
09-28-15	Complaint of U.S. in U.S. v Boylan 6 pages
UNDATED	Abstracts of deeds concerning 32 acres Various newspaper articles

NOTES: The sources of information for this paper are the above listed documents and those listed in the text of the paper
Biographical information is from a Resolution of the Monroe County Bar association which was read Feb 26, 1936