

## Three Separate Governments and Governing Systems From 1823 to Present Day

### FEDERAL SUPERINTENDENCE – 69 YEARS

1823 – 1892

#### NY Oneida Indians Under Treaty of 1838

1838: Treaty executed by United States with First Christian and Orchard bands of New York Indians. (The governing entity, *Oneida Tribe of Indians of Wisconsin* did not exist for another 99 years (May 1, 1937) See Red Block -->

1887: Dawes (Allotment) Act passes; a majority of NY Oneida members elect to have reservation allotted for individual (fee patent, taxable) ownership.

1889: President Benjamin Harrison closes the rolls of Oneida Tribal allottees. Reservation is fully allotted but for 85 acres reserved for a school, and later sold to a church.

1890: Bureau of Indian Affairs (BIA) Agent & allottees make presentation to Brown County to form two towns on fully allotted reservation.

1892: Entire reservation but for 85 acres is fully allotted into parcels under STATE jurisdiction.

1906: Two separate Congressional Acts (Burke Act and "Oneida Special Provision Act") expedite patenting of allotments into fee (taxable) land.

### STATE JURISDICTION – 43 YEARS

1893 – 1936

#### NY Oneida Indians exchange tribal affiliation to become Wisconsin CITIZENS, land owners under the Dawes Allotment Act

1893: As former NY Oneidas transitioned to Wisconsin citizens, the Treaty of 1838 no longer applied to the new Wisconsin citizens.

1903: WI citizens meet with Madison and Brown County to form townships to build roads to their new privately owned land.

1908: Former tribal members incorporate towns and are first elected officials of the Town of Hobart.

1909: *U.S. v. Hall*: Federal Court case rules "the STATE has assumed a vested jurisdiction." No federal jurisdiction remains.

1910: Former tribal members incorporate and are first elected officials of the Town of Oneida.

1933: *U.S. v. Stevens*: Federal Court rules a "Discontinuance of the reservation and recognition of the power of the State." This is a second case that rules the former reservation as discontinued or disestablished.

### STATE & FEDERAL JURISDICTION – 76 YEARS

1937 – 2013

#### Oneida Tribe of Indians of Wisconsin is federally chartered and recognized as a government on May 1, 1937.

1936: In a review of a draft Constitution for the Oneida Tribe, Bureau of Indian Affairs (BIA) officials advise tribe to make no reference to former Treaty of 1838, nor any reference to former reservation in their final Constitution. Article 1 of the tribe's current Constitution defines their jurisdiction as "present confines" (federal trust land only).

1953: Public Law 280 transfers law enforcement authority on reservation to State of Wisconsin.

1988: Indian Gaming Regulatory Act (IGRA) passes.

2005: *City of Sherrill v. Oneida Nation* case rules, "mere acquisition of land does not restore tribal sovereignty."

2008: *Oneida Tribe v. Hobart*: The Village has full municipal authority over all fee lands, even if owned by a tribal government or tribal member.

2009: *Carcieri v. Salazar*: "Land may not be taken into federal trust unless a tribe was under federal jurisdiction or superintendence on June 1, 1934. (Oneida Tribe did not exist until May 1, 1937).

2009: *O.H.A. v. Hawaii*: "Land may not be removed from a State without full approval of a state legislature.

2012: *Patchak v. Salazar*: "Citizens have standing to challenge proposed and existing federal "trust" lands. Quiet Title Act (QTA) is not a bar.

