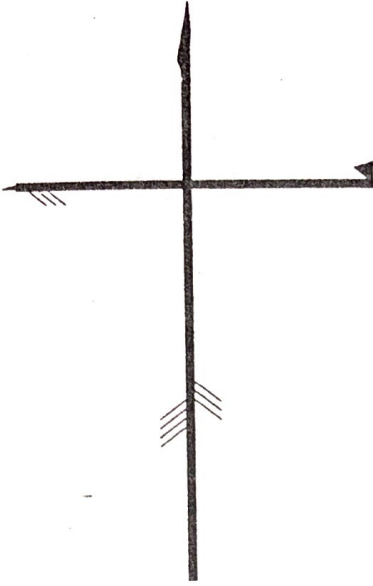


The Brothertown Indian Nation of Wisconsin

A Brief History



The Brothertown Indian Nation is a culturally distinct, politically independent Indian tribe residing in the state of Wisconsin. Brothertown Indians are descendants of the Pequot and Mohegan (Algonquin-speaking) tribes that originally inhabited New England.

The Brothertown tribe became a separate entity when Samson Occum, a Mohegan, urged seven English-speaking and Christian Indian communities (Mohegan, Mashantucket, Stonington, and Farmington in Connecticut; Charleston and Niantic in Rhode Island; and Montawk on Long Island) to join together and move west. They moved to central New York, to lands granted to them by the Oneida Indian Tribe in 1774.

Almost immediately, white settlers and the state of New York pressured them to sell or cede their lands. By the early 1800's the tribe again prepared to move west, this time to Wisconsin. However, before the tribe could settle on land purchased on the Fox River, the United States negotiated a treaty with the Menominee tribe exchanging this land for lands near Lake Winnebago (now Brothertown township, Calumet County).

Today, there are approximately 1,650 Brothertown members. They are concentrated in the general vicinity of Fond du Lac and the surrounding Fox Valley. Although they have no reservation, the Brothertown Indians govern themselves through a nine-member elected council which acts in accordance with a written constitution. The council meets on the third Saturday of each month.

Despite the loss of their land, the tribe has kept Brothertown customs and traditions alive. Today, the tribe is optimistic that federal recognition will invigorate the tribal government and enable it to better provide for the needs of its members.

This brief history was submitted by the Tribal Council to the Department of Public Instruction for educational purposes. This document has been published to extend and increase general knowledge of the Brothertown Indian Nation.

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The Brothertown Indian Nation, now principally located in Wisconsin, traces its ancestral roots to tribes which lived in eastern Connecticut and western Rhode Island. Although the present-day membership can trace their ancestry back to a number of tribes, the majority of members are descendants of the Mohegan-Pequots, an Algonquian-speaking people who lived in the Thames River Valley, and who shared with their neighbors many linguistic and cultural features.

The first known contact with the ancestors of the Brothertown tribe occurred in 1614 when Adriaen Block, a Dutch sea captain, explored the coastline of southern New England. Within a year the Dutch had established trading arrangements in the area, first for furs, and later more importantly, for wampum. Wampum is a bead made from marine shells; white wampum is most commonly made from the central column of whelk (*Buccinum undatum*), while purple or black wampum is made from the hard shell clam (*Mercenaria mercenaria*). These beads became the focus of the Dutch trade. The wampum was from the southern New England tribes and then traded for furs with the Iroquois tribes of central New York State.

The Pequots and the Narragansetts benefitted most from the wampum trade since they controlled the area where the raw materials could be found in abundance. It did not take long for the two colonial rivals, the Netherlands and England, to compete for control of the wampum-producing region. The rivalry led to wars both with the Indian tribes and among the tribes. By the 1630's there were repeated incidents between the traders and the Indians, particularly involving the English. Generally the Pequots were blamed for these. These incidents culminated in the Pequot War of 1637, which resulted in the near destruction of the Pequot tribe and the enslavement of many of its survivors. John Underhill, a participant in the massacre of the Pequot's main village, provided the following graphic description:

Many were burnt in the fort, both women, and children. Others forced out and came in troops to the Indians [allied with the English], twenty or thirty at a time, which our soldiers received and entertained with the point of a sword. Down fell men, women, and children, those who escaped us, fell into the hands of the Indians that were in the rear of us. It is reported by themselves that they were about four hundred souls in the fort, and not above five of them escaped out of our hands.

According to Underhill, the Narragansett allies of the English protested the wanton slaughter, saying, "It is naught because it is too furious, and slaies too many men."

Following the war, the English seized most of the Pequot land. They made alliances with three tribes: Mohegans, who were under the leadership of Uncus, the Narragansetts and the Massachusett. By 1688, they defeated the latter two tribes and had taken much of their territories.

Over the course of the next century, the English colonists continued their efforts to strip away the remaining land of the New England tribes so that by 1770 the tribes were in desperate shape. It was clear that neither the colonial government nor the crown was willing or able to protect tribal land. Tribal members realized that their lands were in certain jeopardy from the avarice of the English neighbors. Nor could the tribes members protect themselves from their own leaders. Two of the tribes--the Mohegan and Narragansett--had continued to operate through hereditary sachems; the Pequots had divided into two tribes, each with a leader who claimed hereditary rights. These leaders sold much of the remaining tribal land for their own gain. Colonial leaders encouraged and used these divisions to control the tribes and force the sale or lease of the land.

Besides their problems with leadership and land, the tribes were beset by virtually insurmountable social and economic problems. The colonial wars had seriously depopulated the tribes, leaving many families without adult males. The increased settlement by whites made game scarce and hunger common. Few Indian families made a successful transition to agriculture, except those who became laborers on white farms. Added to all this was a rise in alcoholism and other social pathologies. By the eve of the American Revolution conditions were desperate for the southern New England and eastern Long Island tribes. It was at this juncture that Samson Occum, a Mohegan, urged the tribes to band together and move west to an area where they would be under less pressure from whites.

Occum was born in 1723 in Mohegan, Connecticut, where he remained with his parents until he was sixteen years old, when he converted to Christianity. He was one of many Indians in the community converted by the religious movement then sweeping New England, known as the "Great Awakening." One of the principal leaders of this revival was Eleazar Wheelock, who in the 1740's opened a religious school at Lebanon, Connecticut. Wheelock is perhaps better known as the founder of Dartmouth College. In 1743 Occum enrolled in the school and after completing the course work, he began teaching and preaching among the Indian communities in eastern Long Island. In 1761, he left Long Island to preach among the Oneidas in New York. Three years later he returned to his people and soon became involved in the problems of the tribe. He joined the faction opposed to the sachem Ben Uncas, and for his reward he was threatened with the loss of his teaching income and his license to preach. He left for a successful three-year tour in England, but on his return, he was soon re-enmeshed in tribal affairs. He soon felt an intense sense of betrayal on the part of the colonists and a sense of hopelessness for his people. It was this combination of experiences that led him to advocate that the seven Indian communities--Mohegan, Mashantucket, Stonington, and Farmington in Connecticut; Charleston and Niantic in Rhode Island; and Montawk on Long Island--join together and move west to land owned by the Oneidas.

It took Occum the better part of five years to convince his flock of the wisdom of his plan and to negotiate with the crown and the Oneidas for a cession of land, but in October, 1774, the Oneidas granted the Brothertown Indian tribe a cession of land in what is now upstate New York. The following spring the first group of Brothertown tribal members arrived in the new homeland and began the arduous task of clearing the land, planting the fields and building their houses. However, before the rest could join them, the Revolutionary War began, and the Brothertowners were quickly involved in it on the side of the colonials. So intense were the hostilities over the next six years in that part of New York that the Oneidas, Tuscaroras, and the Brothertowners were forced to flee the area, along with most of the white settlers. They were not able to return to their land until well after the signing of the Treaty of Paris in 1783. This time they were accompanied by the Stockbridge tribe of Massachusetts.

Occum continued as the tribal leader of the Brothertown tribe until his death in 1792, although during the last few years of his life he was challenged by a number of younger leaders. He and the tribe were also under intense pressures from non-Indians in the area to sell or lease land, and this contributed to divisions within the tribe. Occum's dream of an Indian community insulated from white greed was destroyed even before he had begun.

From 1785 through the 1820's, the Brothertown tribe was under incessant pressure to sell its land and move west. At first the pressure came from individual speculators, and the tribe received some protection from the state. During the 1790's and the first decade of the nineteenth century the

state passed laws appointing Indian commissioners to assist the tribe and prohibiting land sales to whites. But the state also passed laws which stripped away some 14,000 acres of the tribe's 23,000 acre reservation! The Brothertowners found themselves in the same situation that they had been in just a few decades before.

The unremitting pressures from whites on Brothertown land, the religious disputes that wracked the community, the frustrations in dealing with the state whose singular interest was their removal, and their inability to protect themselves and their land, all had a compounding effect on the tribe. The result was that, beginning in the early 1800's, leaders of the tribe were out looking for another place to move. At first there seemed to be the possibility of the tribe moving to the Ohio Valley, on land held by the Delaware. In fact, a part of the Stockbridge tribe attempted such a move, but the War of 1812 interrupted the plans, and after the war, the Delawares sold the land to the United States while the Stockbridge were enroute.

Although frustrated in this attempt, the Brothertown tribe was still anxious to find a home free of white pressure. In 1816 an Episcopal missionary named Eleazar Williams began preaching among the Oneidas. He had a dream to establish an Indian empire in the west, and to take all New York Indians there. He received enthusiastic support from New York. Soon his plans included the Brothertown and Stockbridge tribes. By 1823, he and a delegation of Oneidas had secured joint occupation of some 4,000,000 acres of land from the Menominees and Winnebagos in Wisconsin. The Brothertowners joined in the plans to move west, and eventually purchased 23,040 acres along the Fox River. However, before they could move to the new lands, the U.S. government negotiated an exchange for an equal amount of land along Lake Winnebago. Beginning in 1831, groups of Brothertown Indians began the long migration to their new home. Although the majority of the tribe had arrived by 1837, there were still members joining as late as 1841.

The tribe was hardly settled in its new location, having been pressured out of New York and pushed off its land at Kaukauna, when a new threat appeared. The federal government entered into negotiations with the tribes in New York and Wisconsin to exchange their lands for land in the Indian Territory of Kansas. On January 15, 1838, the United States concluded the Treaty of Buffalo Creek.

Once again the Brothertown tribe was in danger of being uprooted and forced to move. Once again, it was apparent that the cause of the problem was the manner in which the tribe held its land. By a perversity of law, as long as the land was held in common and inalienable, it was subject to loss by government action. The remedy, some thought, was to protect it in the same manner as the property of non-Indians was protected; through private ownership. But to do this required that the land be divided in severalty, and that in turn, required a different form of governance.

On March 3, 1839, the U.S. congress passed legislation dividing the Brothertown tribal lands in severalty and making the tribal members citizens. But in granting the Brothertown Indians citizenship the Congress faced a dilemma; could the Brothertown Indians be citizens and still retain tribal status? It should be borne in mind, in this context, that the U.S. Supreme Court had established an artificial, if useful, distinction between tribes and states in the Cherokee cases. Thus, when Congress granted tribal members citizenship and established their reservation as a town, subject to territorial laws, the Congress found it necessary to remove from the tribe the power to make laws to govern the same land. The specific language in the act read as follows: "...and their rights as a tribe or nation, and their power of making or executing their own laws, usages, or customs, as such tribe, shall cease and determine..."

What this language proposed to do was to assure that in the governance of the town, territorial and later state law would be in force, and this was necessary in order to protect the land from illegal takings. Had this occurred fifty years later (under the Dawes Act, for example), the clause quoted would have been unnecessary. In other respects, the power of the tribe to act was not diminished by the statute. The final line in the act made it clear that the tribe could continue other tribal activities such as the collection of annuities due it.

Provided, however, that nothing in this act shall be so construed as to deprive them of the right to any annuity now due them from the state of New York or the United States, but they shall be entitled to receive any such annuity in the same manner as though this act had not been passed.

Land patents were issued to tribal members in 1845, pursuant to the 1839 act, and tribal leaders continued to govern the tribe in much the same manner as they had before the act. For the next few years the Brothertowners continued their control over the town, but by the time of the Civil War, this had changed. Non-Indians began buying up the lands as economic hardship, foreclosures and tax sales took their toll. By the 1870's much of the land was lost to non-Indians, and many tribal members were living on other tribe's reservations, working as tenants on other peoples' farms, or living in one of the cities in and around Lake Winnebago. Yet throughout the period, the tribe continued to act on behalf of its members. It petitioned the Congress for permission to clear the title to some remaining lands on the former reservation and joined in a lawsuit against the United States over the land it and other New York tribes had a claim to in Kansas. This case was eventually won and the tribes involved (including the Brothertown) received a per capita payment. Thus, throughout the nineteenth century, despite the loss of their land, the tribe continued its activities in the interest of its members.

Congress appears to have recognized the continued existence of the tribe on at least one occasion. In 1878, it passed legislation providing for the sale of some unallotted Brothertown land. It authorized five trustees "members of the Brothertown tribe" to take "in trust for the Brothertown Indians" the land patents in question. But the trustees could not dispose of the land without tribal permission.

Provided, however, that said lands, or any part thereof, shall be sold by the said trustees whenever a majority of the said Brothertown Tribe shall petition for the same....And the said trustees shall distribute and pay over the proceeds arising from such sale or sales to the Brothertown Indians, according to the formers usages, customs, and regulations of said tribe.

It is clear that Congress recognized the continued existence of the Brothertown tribe, that it acknowledged its leadership and accepted as valid the tribe's rules and regulations. It is also clear that the tribe was functioning, since the law required a majority of its members to approve any sale.

With the passage of the Dawes Act in 1887 the living conditions of the Brothertown tribal members took a sharp turn for the worse. While not directly affected by the provisions of the act, tribal members felt its impact. By 1880 many Brothertowners were living with Oneidas and Stockbridgers. By 1910 both of these tribes had lost most of their land, and their members were added to the sizeable number of homeless Indians. The act caused social chaos which profoundly affected the Brothertown Indians. During the 1920's the Brothertown tribal members joined with other New York Indians to pursue a land claim in New York. This claim was eventually dismissed, but not before hundreds of Brothertowners had been defrauded out of their savings

and property. By the time the claim efforts ended, the Great Depression had begun, and more tribal members ended up landless. By 1940, the Brothertown Indians found themselves buried in poverty and scattered around the state of Wisconsin, an impoverished underclass, a condition they shared with tribes like the Oneida and Stockbridge. In the latter cases, however, the federal government made some effort to remediate the conditions by buying back some of the land the tribes had lost. No such effort was made on behalf of the Brothertown. Nonetheless, throughout the first four decades of the twentieth century the Brothertown continued to meet at family reunions and homecomings, keeping alive their traditions.

Much of this came to a halt with the advent of World War II. Many Brothertowners entered military service or moved to the cities to work in the defense plants. Following the war, many remained in the cities or moved to new locations as the defense industries shifted to peacetime production. A few returned to the Fond du Lac-Brothertown area, but the lack of jobs inhibited this. Despite their scattering, tribal members maintained contact with each other throughout the post-war period.

It took another claims case to bring tribalism back into focus for the Brothertowners. On August 17, 1950, lawyers representing the so-called Emigrant New York Indians filed an action against the United States with the Indian Claims Commission. This action alleged that lands in Wisconsin belonging to the petitioners were taken without compensation. After a lengthy series of hearings and appeals the Emigrant New York Indians were given a cash award. The tribes were given until July 1, 1968 to bring their membership lists up to date.

The Brothertown Indians were eligible to receive a per capita award, on the same basis as the other participating tribes. Robert Fowler, an attorney (retired Court Commissioner in the city of Fond du Lac) and tribal member, took the lead in drawing up the list of eligible members. After years of delay, the awards were made.

At the same time there developed a renewed interest among the tribal members in the history of the tribe and in reestablishing the tribe's relationship with the federal government. When the Department of the Interior established regulations in 1978 for the acknowledgement of tribes, the tribe began research to satisfy the criteria. Unfortunately, criterion (g) precluded its submission. That criterion reads, "The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship." The 1839 act presents a clear barrier to acknowledgement.

For 150 years the Brothertown Nation has maintained itself in spite of overwhelming economic, social, and political pressures. It has been forced to move repeatedly in order to preserve its way of life. It has received guarantees from the United States, only to find the same government, acting to strip it of its land. In its final effort to preserve its land base it accepted land in severalty and citizenship, but instead of keeping the tribe together, the act hastened its land loss. Despite the interference and failure of the federal government to protect the tribe, the Brothertown Nation has survived.

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