

# Recovering Hiram Chase

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*In Memory of Tadeusz Lewandowski (1973–2023)*

In 1971, Hazel Hertzberg coined the term “Red Progressives” to describe the Native intellectuals and activists educated in the American schools, most of whom participated in varying degree in the work of the Society of American Indians (1911–23), an organization committed to the rights of Indian people in the United States by means of a program of individual land ownership and American citizenship.<sup>1</sup> Some of them, such as Charles Alexander Eastman and Gertrude Simmons Bonnin (Zitkala-Ša), had been studied well before Hertzberg’s book appeared, and others—Carlos Montezuma, Arthur Parker, and Henry Roe Cloud, for example—received scholarly attention not long after. More recently, Father Philip Gordon, the Reverend Sherman Coolidge, and Henry Standing Bear, along with Laura Cornelius Kellogg and Marie Baldwin, both of whom had only brief and troubled relations with the society, began to be “recovered.”<sup>2</sup> Even the complicated career of Thomas Sloan, the Omaha lawyer elected president of the Society of American Indians (SAI) in 1919, has received some attention, as I’ll note further.<sup>3</sup>

But Hiram Chase III (1861–1928), an Omaha Indian, the first Native person to pass the bar in Nebraska (1889), and a member of several early SAI committees, has received almost none at all. This may be because he did not continue to be active in the society beyond its earliest days and was not, unlike Sloan—his law partner—elected to any of its major offices.<sup>4</sup> But Chase was the only Native intellectual of his time to oppose the policy of allotting tribal lands to individuals, and the theory of American citizenship as the strongest path to Native rights—again, both of these almost unanimously supported by the SAI—in favor of an insistence on

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Native sovereignty as the surest foundation of Indian rights in the United States. In view of the fact that he was the single Red Progressive of his time to articulate this position, it is both surprising and unfortunate that he has been left in near-obscurity to this time.

Chase stated his position in a speech at the SAI's first meeting in 1911, a meeting in which, as Hertzberg noted, he was the only speaker to attack "the policy of allotment"—individual land ownership, the official US government policy, codified by the Dawes Act of 1887—as "fundamentally wrong."<sup>5</sup> He thus took a position, she wrote, that "he knew would offend most of the Indians and all of the whites in his audience,"<sup>6</sup> committed, as they were, to the breakup of the communally held Native land base and to private property ownership. As an Omaha, Chase had had far greater experience with government allotment of tribal lands than most of the SAI's members. As early as 1854, for example, a land cession treaty between the Omahas and the United States contained the provision that the president, at his discretion, might allot tribal lands, a matter to which I will return. Three decades after the passage of the Dawes Act in 1887, the government's allotment policy had "eroded the total Indian land base by 90 million acres," and students of Native American history today are in universal agreement as to the disastrousness of the Dawes Act for Indian peoples.<sup>7</sup> But the SAI, again, was almost unanimously in support, and Chase's conviction that the path to Native American rights lay foremost in the assertion of tribal sovereignty based on nation-to-nation treaties with the federal government, rather than through individual ownership of property and American citizenship, was largely ignored by the Red Progressives.

In 1991, in an expanded edition of his 1978 book *Native American Testimony*, Peter Nabokov included a brief section on the SAI called "The Best and the Brightest." In it, he presented some of Chase's remarks at the society's first meeting on the subjects of Indian education, reservation administration, and legal conditions, making Nabokov probably the only scholar since Hertzberg twenty years earlier to recognize Hiram Chase.<sup>8</sup> On the last of these topics, legal conditions, Nabokov quoted Chase as referring to the "principle of international law that I have just stated in the paper," one that "will solve many of the questions that have been propounded."<sup>9</sup> But Nabokov provided no information as to who Chase was, what paper he had delivered, or which "principle of international law" he had invoked to offer a solution to "many of the questions" the SAI speakers had raised.

Chase's address at the SAI's first conference in 1911 was titled "The Law and the American Indian in America." Shortly after its delivery, it appeared in the *Ohio Law Reporter*, where it probably did not reach a great many readers. It was reprinted two years later as "The Law and the American Indian in the United States" in the *Quarterly Journal of the Society of American Indians*.<sup>10</sup> In his talk, Chase had said that "there is no clause in the Constitution which gives to Congress expressly or by necessary implication the power to legislate specially over Indians, or Indian reservations."<sup>11</sup> This means that the Dawes Act, although he does not name it, is unconstitutional. Chase stated that "each nation has a right to govern itself as it may think proper," and he references John Marshall and quotes James Kent to invoke "the principle of international law

that ‘nations great and small are equal in respect to each other, and entitled to claim equal consideration for their rights . . . however greatly they may differ . . . that each nation has a right to govern itself as it may think proper.’” Chase gives no source for his quotation from Kent, but it comes from the first volume of Kent’s *Commentaries on American Law* first published in 1826,<sup>12</sup> and the “prevailing theories of international law and practice” Kent had cited come from the work of the Swiss jurist Emmerich de Vattel.<sup>13</sup>

James Kent (1763–1847) became the first professor of law at Columbia University in New York City in 1793, and was appointed chief justice of the Supreme Court of the State of New York in 1804. John Marshall (1755–1835) served as chief justice of the United States Supreme Court from 1801 until his death. The “Marshall Trilogy” of Cherokee cases is well known: the first of them, *Johnson v. M’Intosh*, 21 U.S. 543 (1823), was a case about property—whether the Cherokee Nation could sell land to an individual or only to the federal government—and in his ruling, Marshall asserted the plenary power of the United States, essentially the complete and absolute power of the federal government over Indian nations. In *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), the Cherokee Nation sought a federal injunction against Georgia’s passage of laws abrogating Cherokee rights. It was in *Cherokee Nation* that Marshall offered the famous—or infamous—denomination of the Cherokees as a “domestic dependent nation,” an oxymoron, as some have said, but—beyond rhetoric—a troubling contradiction that once more asserted the plenary power of the United States government.<sup>14</sup> But *Worcester v. Georgia*, 31 U.S. 515 (1832), vacated Georgia’s conviction of the Reverend Samuel Worcester on the grounds that the Georgia statutes prohibiting non-Natives from presence on Cherokee lands were unconstitutional, an affirmation of the principle of Native sovereignty.

In his 1911 talk to the SAI, Chase spoke approvingly of Marshall’s decision in *Worcester*, which, six years after the publication of Kent’s *Commentaries*, did indeed affirm the “principle of international law” that Marshall, like Kent, took from Vattel.<sup>15</sup> Although Chase did not cite it in his talk to the Society of American Indians, Marshall’s language in *Worcester* is worth quoting. The chief justice had written the following:

the settled doctrine of the law of nations is that a weaker power does not surrender its independence—its right to self-government—by associating with a stronger and taking protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful without stripping itself of the right of government, and ceasing to be a state.<sup>16</sup>

In line with this reasoning, Chase claimed that “an Indian tribe occupying its own territory . . . is a *state*—a distinct political society capable of managing its own affairs,”<sup>17</sup> and “although an Indian tribe resides on its reservation within the boundaries of one of the states of the Union, the right of sovereignty . . . is vested in such tribe and not in the state mentioned” (2). This means that—as for Georgia in 1832, so, too, in the twentieth century—“state laws can have no force upon Indians residing upon their reservations, and it is upon the same grounds that the validity of any law of Congress may be questioned” (3)—by implication, the Dawes Act as well. Consistent

with *Worcester* as he understood it, Chase concluded his talk with the assertion that “our people do not live by sufferance and at the bounties of the government but that all we own is derived from efforts of our own, and from our lands secured to us by solemn treaties with the government” (6).

Joanne Barker has made the important point that, Vattel and Kent notwithstanding, the “sovereignty” Marshall recognized for Native nations in *Worcester* was in fact “void of any of the associated rights to self-government, territorial integrity, and cultural autonomy that would have been affiliated with it in international law at the time,” so that it is more nearly consistent with the two earlier Marshall cases than distinct from them.<sup>18</sup> But she also affirms that “sovereignty is historically contingent. What it has meant and what it currently means belong to the political subjects who have deployed and are deploying it.”<sup>19</sup> For Hiram Chase in 1911, James Kent’s 1826 assertion that “nations are equal in respect to each other, and entitled to claim equal consideration of their rights,” and John Marshall’s 1832 assertion in *Worcester* that “a weak state, in order to provide for its safety, may place itself under the protection of one more powerful without stripping itself of the right of government, and ceasing to be a state” were articulations of Native sovereignty that might indeed be the strongest path to “self-government” and “territorial integrity” for Native nations.

As I have said, this line of reasoning was not taken up by Red Progressive intellectuals of the period who continued to work foremost toward the goal of American citizenship. And citizenship was indeed granted by the Indian Citizenship Act of 1924—but as Joanne Barker again has argued, it “did not dissolve the separation of federal and tribal governments, and it was not meant to imply a dissolution of tribal membership,”<sup>20</sup> thus allowing for what K. Tsianina Lomawaima has called “the mutuality of citizenship and sovereignty.”<sup>21</sup> Further analysis of Hiram Chase’s 1911 speech at the first meeting of the SAI emphasizing the primacy of sovereignty remains an important project for a scholar of federal Indian law. In addition, a comprehensive biography of the man is needed.

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To advance this latter project, I offer “Extracts from the biography of Hiram Chase III [1861–1928], by Hiram Chase IV [1894–1960],” along with the brief “Notes” appended to it “by Kenneth Chase [1906–1971]: Youngest Son of Subject.” These are dated May 10, 1940, and, to my knowledge, they have never before been published. The source for them is History Nebraska, Nebraska State Historical Society. RG0885. AM, and I thank the curator of manuscripts, Mr. Tom Mooney, for making them available to me. Mr. Mooney informed me that these extracts are an “orphan” text. Hiram Chase IV died in 1960; his son, Morris, died in 1995, and there is no known current copyright holder.<sup>22</sup> I reproduce the typescript exactly as composed by its author(s), with some corrections of minor errors in the text. I then supplement the fragmentary biographical sketch as fully as I can.

## EXTRACTS FROM THE BIOGRAPHY OF HIRAM CHASE III [1861–1928]

“In the course of his 67 years the lot of Hiram Chase was cast in many places. He was born to the marriage of Hiram Chase, a Scot, native of Vermont and Nuzianza, a full Omaha Indian woman at the Omaha Agency, Territory of Nebraska on September 9th, 1861. There he associated with traders, soldiers, missionaries and Indians. He received his elementary education at the Presbyterian Mission School. Upon the death of his parents in 1875 he was sent with his sister to the Masonic Orphans’ Home at Palmyra, [P]ennsylvania and remained there for five years. In 1880 he entered the Teachers’ College at Peru, Nebraska and pursued his studies there until 1882 when he wooed and wed my mother; a woman of pure English stock and a lady [of] dignity and force of character. They lived upon the farm at the Agency for two years. Seeing that he was not suited for agricultural pursuits he began the study of law on the farm. With an intense desire for higher developed intellect he moved with his family to Cincinnati, Ohio and in 1887 was graduated from the College of Law. In 1891 he began the practice of law at Pender, Nebraska and met with success from the very beginning. Seeing that he needed help to carry on his practice he prevailed upon Thomas L. Sloan a half blood Omaha to leave his clerk-ship at the Agency and begin the study of law with him. He took a brotherly interest in his pupil and Sloan became a fine lawyer. Thus Chase & Sloan became the first Indian law firm in the United States. Few American Indians, men in public life, have had so multitudinous an experience and few illustrate so [many] types of national character. He was endowed with a New England tradition for learning, a Western knowledge of organization and an unusual insight into the American system of government. His ability, courage and good fortune gave him many opportunities to show his powers of leadership. Throughout his life he was a great reader—practicing voice and annunciation [sic] hours at a time. He became a recognized public pleader before the courts because of [sic] his knowledge of the court was unsurpassed, but he would rather argue on the principle than the law. His speeches showed that they were controlled by pre-meditated thoughts and were delivered with force and direction. His dignified bearing added impetus to his speech and though his grammar was sometimes incorrect when warmed up to his subject there were flashes of the eloquent. He had a genuine love for his people and because of his education and knowledge he felt entitled to and did layout for them an economic program which could contribute to their advancement. In exchange for his services he naturally expected support from them to help him in his political endeavors—but some of them felt a pressure put upon them to subordinate their plans to his judgment and broke away from him to turn up on the opposing side. In his political life he served two terms as County Attorney of Thurston County, Nebraska. He was a man of great strength of character; he was kind, considerate and just and to him my mother showed a beautiful tenderness and love. She was counselor and advisor to him—and in the dark days her love and devotion never waned. Upon the death of my mother in 1915 his public reputation came to an end and he spent the rest of his professional career in the interests of his people. He was a public spirited citizen—generous to a fault—giving of his time and funds when it should not have been so. When he passed

to his Maker on December 3rd, 1928 he died a poor man. Such was the lot of Hiram Chase, a fine fellow, a good citizen and a wonderful dad. My Dad!!!"

#### NOTES BY KENNETH CHASE [1906-1971]: YOUNGEST SON OF SUBJECT

"He appealed Law Cases to Nebraska supreme Courts. (On Record) Also to Supreme Court of United States when Charles Evans Hughes was Chief Justice. Hughes was Law Professor at Cincinnati Law School when Chase studied there and was appointed to Supreme Court Justice by Pres. Wm Howard Taft 1910. He appeal[ed] cases to Supreme Court while Hughes was Chief Justice in behalf of the writer of the above Biography—for an allotment of Indian Land, for Hiram Chase IV. This is on record in Supreme Court Library Washington D.C."

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I have been able to learn almost nothing about Hiram Chase's father, Hiram Chase II, whom his grandson calls a Scot and a native of Vermont. He seems to have come to Nebraska Territory in 1854,<sup>23</sup> the year of the passage of the Kansas-Nebraska Act, which repealed the Missouri Compromise of 1820 and determined that the decision as to whether slavery would be permitted in the territories of Kansas and Nebraska would rest upon "popular sovereignty," a majority vote in each of those territories in favor or opposed. Hiram Chase II, a very young man from Vermont, may have been among those who came to Nebraska in the hope of augmenting the anti-slavery vote. Or he may primarily have been motivated, like many whites entering the territory, by the prospect of obtaining cheap land in what David Wishart has called a "frenzied frontier atmosphere."<sup>24</sup>

This "frontier atmosphere" was most unfortunate for the territory's Indigenous population, for it was also in 1854 that the Omaha people signed a treaty ceding much of their land to the United States, and agreed to settle on a reservation.<sup>25</sup> Various online sources refer to Hiram II as a post trader, a government inspector, and an interpreter, the latter of which indicates that from the time of his arrival among the Omahas he had developed Omaha language skills.<sup>26</sup> His name does indeed appear as the first of two interpreters party to the 1865 treaty between the Omahas and the United States granting a strip of Omaha land to needy Winnebago people.<sup>27</sup> In view of his father's competence in the Omaha language, and the fact that his mother was "Nuzianza, a full Omaha Indian woman," Hiram Chase III surely grew up in an Omaha-speaking household, and, as I'll develop the matter further, in strong relation to a prominent Omaha family.

That Chase's first language was not English is attested to by his son's observation that, for all his father's education and professional experience, his "grammar was sometimes incorrect."<sup>28</sup> Chase not only spoke Omaha but he was sufficiently interested in its preservation to publish *O MU HU W B GRa ZA or The Chase System of Reading and Recording the Omaha and Other Indian Languages* in 1897.<sup>29</sup> An Omaha speaker whose mother was Omaha, Chase considered himself to be an Omaha. But Omaha descent was patrilineal; a child inherited the gens or clan affiliation of the father, and Hiram

Chase's father was a white man. If, as seems to be the case, Chase was indeed recognized as an Omaha by Omaha people, we may wonder whether he had been adopted by an Omaha "father." This is to note that the last of the traditional Omaha chiefs, Joseph La Flesche (Estamaza [various spellings] or Iron Eye), although his father was French, achieved his position because he had been adopted by the son of chief Big Elk, usually referred to as Big Elk Jr., or Big Elk II. It was Big Elk II's sponsorship of La Flesche that led to his becoming principal chief of the Omahas about 1853.

In much the same way, another important Omaha of mixed blood, the part-French Logan Fontenelle (Shon-ga-ska, Thugina, or White Horse, c. 1825–55), was a signatory to the 1854 treaty of cession, making an X mark, despite the fact that he was probably literate. John O'Shea and John Ludwickson made the point that it was the Omahas themselves who generally determined the order in which leading men or chiefs would sign treaties, and in 1854, Logan Fontenelle signed first as "Shon-ga-ska." This leads them to conclude that he "was certainly considered a chief; we simply do not have the detailed story of how he gained the position."<sup>30</sup>

Hiram Chase III's mother, Nuzianza, also called Clarissa Chase, was the granddaughter of Wah-no-ke-ga (various spellings) or "Roar of Approaching Thunder," otherwise known as "The Noise" or "Old Noise."<sup>31</sup> Omaha people traditionally divided themselves into two moieties, Earth and Sky people, each moiety made up of five clans, and Wah-no-ke-ga was of the Sky moiety, and chief of the Flashing Eyes clan. Although he was not a principal chief of the Omaha, he was a member of the Council of Seven Chiefs and a prominent signatory to the 1854 cession treaty, to which he, too, affixed his X mark.<sup>32</sup>

When the Omahas settled on their reservation in 1854, they founded three villages. The first, known as Big Village or Middle Village, was indeed the largest, composed mainly of traditional Omaha earth lodges.<sup>33</sup> The second, called derisively by some Omahas the "Make-Believe White Man's Village," was under the leadership of Iron Eyes, chief Joseph La Flesche, a staunch "progressive" who "tried to encourage and lead the Omahas to make use of the tools and take over the manner of white living."<sup>34</sup> The third and most "traditional" or "conservative" village was headed by "Wa-non-ku-ge, Old Noise," Hiram Chase's great-grandfather.<sup>35</sup> Having been a signatory to the 1854 treaty and, years later, the 1865 treaty granting Omaha land to the Winnebago people, Wah-no-ke-ga is pictured in a photograph taken that year in Washington, DC.<sup>36</sup> This is evidence that whatever the exact year of Wah-no-ke-ga's death, he was alive in 1865 and so would surely have known his great-grandson, Hiram Chase III, born in 1861. I believe Wah-no-ke-ga might have formally adopted Chase, thereby becoming his "father" and securing Chase's identity as an Omaha person, a member of the Sky moiety and the Flashing Eyes clan. But as with Logan Fontenelle, evidence is insufficient for any certainty on this matter.<sup>37</sup> It is nonetheless worth observing that Chase's relationship to a prominent, conservative-traditional Omaha family contributed substantially to his belief that Indian people, although presently residing (as he would state at the 1911 meeting of the Society of American Indians) "within the boundaries of one of the states of the Union," still retained "the right of sovereignty . . . vested in such tribe and not in the state."<sup>38</sup>

Writing in 1940, the son claims that his father, Hiram Chase III, was first educated at the Presbyterian Mission School, established about 1857 by the Reverend William Henry Hamilton.<sup>39</sup> He notes that “upon the death of his parents in 1875”—so far as I have been able to discover, Hiram Chase II and his wife did both die in 1875<sup>40</sup>—he “was sent with his sister to the Masonic Orphans’ Home at Palmyra, [P]ennsylvania,” where he remained for five years.” Palmyra, Pennsylvania, is 1,200 miles east of the Omaha Agency in Macy, Nebraska;<sup>41</sup> the Wikipedia entry on Chase, however, states that at the of age fifteen, in 1876, he was sent to St. Stephen’s Lutheran Academy in Zelienople, Pennsylvania.<sup>42</sup> Whichever institution Chase and his sister were sent to, it was, apparently, one in Pennsylvania—again, a long way from their Nebraska home. Had Hiram Chase II been a Mason? I do not know: but there are Masonic orphan homes much closer to Omaha than Pennsylvania, as there were nearer Lutheran schools as well, so that it remains an open question why they were sent so far from home.

After five years in Pennsylvania, Chase returned west to enter “the Teachers’ College at Peru, Nebraska,” in 1880. This is the Peru State College founded by Methodist Episcopal ministers in 1865. Also known as the Nebraska State Normal School, the oldest such institution in the state, its classes had commenced in 1867. Chase left Peru in 1882; a year later he married Cynthia Snyder, whom her son describes as “a woman of pure English stock and a lady of dignity and force of character.” Cynthia Snyder was born in New York State in 1863. She had come to Nebraska to live with her aunt, and she was employed at the Omaha Mission School until her marriage. The couple’s first child, Isabelle, was born in 1884, and they would have eight more children, one of whom, Margaret, died in infancy.

Chase’s son, Hiram IV, said that his father graduated from the University of Cincinnati College of Law in 1887, and Kenneth Chase, in his notes to his older brother’s account, wrote that Charles Evans Hughes “was Law Professor at Cincinnati Law School when Chase studied there.” That is mistaken. Hughes was born in New York in 1862, just a year later than Chase. He was admitted to the New York State Bar Association in 1884, and practiced law in New York for seven years before taking a position at Cornell University’s law school from 1891 to 1893. But there is no record of his having taught at the Cincinnati law school. Hughes later served as the thirty-sixth governor of New York State from 1907 to 1910 when, as Kenneth Chase noted, he was appointed to the Supreme Court by President William Howard Taft, where he served as an associate justice until 1916.

About the time Hiram Chase III was graduating from the Cincinnati law school, the Ghost Dance movement was attracting attention not only from the Omahas’ traditional enemy, the Dakotas—their participation in the Ghost Dance movement has been abundantly documented—but from some Omaha people as well.<sup>43</sup> Whether Chase was a Presbyterian, a Methodist, or a Lutheran, he was surely a Christian—and, as someone with considerable experience in the American schools and a recent law degree, and despite his connection to conservative Omaha people, he was not likely to have had sympathy for the Ghost Dancers. Gail Landsman long ago included the Omaha in the “low acceptance category” of the Ghost Dance, and observed that “there

... appears a high correlation between the allotment of lands in severalty and low acceptance of the Ghost Dance.”<sup>44</sup> Later in this essay, I consider the Omahas’ extensive experience with allotment further. But what Hiram Chase may have thought about the Ghost Dance is another subject in need of further study.

Sometime around 1891, Chase did indeed mentor Thomas Sloan, perhaps one-sixteenth Omaha—not, as Hiram IV states, “a half-blood Omaha”<sup>45</sup>—and only two years younger than Chase, to “begin the study of law with him.” Chase had been the first Native American to be admitted to the Nebraska State Bar Association in 1889, and Thomas Sloan passed the Nebraska Bar in 1892. Chase and Sloan would indeed become “the first Indian law firm in the United States.” Sloan would go on to be the first Native American lawyer to argue before the Supreme Court in 1894, and to hold important positions in the Society of American Indians from its beginnings in 1911 until its demise in 1923, serving as the SAI’s president in 1919. This may be the reason that Sloan has received a bit more scholarly consideration than his mentor, although the most recent attention is unfortunately flawed. In view of his lifelong connection to Chase, it’s worth a moment to correct what little record there is concerning Sloan.

In 2012, the eminent historian Frederick Hoxie wrote in praise of Sloan’s commitment to the attainment of Native citizenship, and then, in a popular recycling of that essay the following year, he termed him one of “four American Indian heroes you’ve never heard of.”<sup>46</sup> Hoxie wrote that Sloan was admitted to the Nebraska Bar after he had apprenticed himself “to a childhood friend,” a “friend” he does not identify as Sloan’s mentor and senior partner, Hiram Chase. He also ignores a number of observations by several scholars and makes a number of uncharacteristic misstatements.<sup>47</sup>

Hoxie makes no mention, for example, of Hazel Hertzberg’s early observation that “considerable hostility to Sloan arose . . . from the suspicion that, in his activities as a lawyer, he exploited the ignorance of less-educated Indians,” and Gwin Gover’s later notation of Sloan’s “clouded reputation.”<sup>48</sup> There is no reference to Benson Tong’s account of Louis Levering, an Omaha man “who lost his land after he signed away the title to Thomas Sloan, a mixed blood of dubious affiliation . . . working in collusion with an Anglo-American real estate company interested in taking control of reservation land.”<sup>49</sup> Nor is there any notice of Dr. Carlos Montezuma’s statement that “Sloan had admitted to him that he was sacrificing the SAI” for his own interests, a charge that, if true, would surely complicate any notions of Sloan’s “heroism.”<sup>50</sup> Also omitted is Sloan’s affiliation late in his life with the American Indian Federation (AIF), founded in 1934 and active into the mid-1940s. This was, as Hertzberg had written, “the only national Indian organization which opposed the Collier New Deal Indian administration, and one with ties to a number of pro-Nazi and antisemitic groups.”<sup>51</sup> In addition, the AIF, as Laurence Hauptman later observed, had elements of “superpatriotism, fundamentalist Christianity, and Ku Klux Klan attitudes.”<sup>52</sup>

Hoxie also avoids any mention of the fact that Sloan, like his mentor Hiram Chase and many other prominent Omaha people, was a strong supporter of the religious use of peyote in the services of what would become the Native American Church. The Omahas had learned of the curative and religious powers of peyote from the neighboring Winnebago or Otoe people about 1906–7,<sup>53</sup> and the use of peyote among them

“attracted the younger, better-educated, and more acculturated members” of many tribes.<sup>54</sup> Indeed, upon Sloan’s election to the presidency of the SAI in 1919, Gertrude Bonnin, a fierce opponent of peyotism, resigned from the society, although by 1921 the Native American Church would be legally incorporated in Nebraska.<sup>55</sup> These were matters that Chase’s son also chose to avoid, despite the fact that his father, along with other important Omaha people such as chief Joseph La Flesche’s son, Francis, was a strong supporter of peyotism for its religious value and its efficacy in preventing alcohol abuse. Both Chase and Sloan served as “witnesses or attorneys in court cases defending the Peyote faith.”<sup>56</sup> It is curious that Hiram Chase IV’s biographical fragment also makes no mention of his father’s early involvement with the SAI, or, for that matter, of his partnership with Sloan.

The son’s claims that his father was a man who illustrated “so many types of national character,” such as, for example, “a New England tradition for learning, a Western knowledge of organization and an unusual insight into the American system of government,” are impossible to assess. I will speculate that Chase’s “insight into the American system of government” may not have been so much an aspect of American “national character” as that of an educated Omaha who had had a good deal of experience dealing with the federal government’s allotment of Omaha land.

Mark Swetland observed that the federal government’s efforts to allot Omaha land “predated the 1887 Dawes General Allotment Act by five to sixteen years, placing them in uncharted waters of federal Indian policy.”<sup>57</sup> But, as I have said, a full thirty-three years before the Dawes Act, Article 6 of the Treaty of 1854 establishing the Omaha reservation had already stated that “the President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved . . . to be surveyed into lots, and to assign such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home.”<sup>58</sup> Omaha land loss not only by cession but by allotment had been ongoing since well before Hiram Chase III was born.

This means that whatever Chase’s particular beliefs about tribal sovereignty and reservation land ownership might have been, he had no choice but to work in the context of the government’s complicated and often contradictory policies of land allotment. On occasion—like his partner, Thomas Sloan—Chase seems to have engaged in activities that also “clouded” his reputation. Judith Boughter reports that he was signatory to a petition to extend the trust period for the allotments assigned by Alice Fletcher to Omaha people in 1882 beyond their scheduled expiration date in 1909, in order to avoid paying taxes on them—Chase already having “owned and received revenue from some six hundred acres of land,” for which, “in ten years [he] had been billed for only \$84.50 in taxes, some of which remained unpaid.”<sup>59</sup> Chase signed the petition of those Omahas who urged extension of the trust period because “their lack of business acumen” warranted further government protection.<sup>60</sup> But, as Boughter observed, in that “Chase had held public office in Thurston County for ten years as county attorney and judge and was currently campaigning for reelection to the bench,” one can well understand the local paper asking “its readers if they were willing to pay an ‘admittedly incompetent’ Indian a salary for two more years.”<sup>61</sup>

Hiram Chase IV reports that his father “served two terms as County Judge and two terms as County Attorney of Thurston County, Nebraska,” so it would appear that Chase’s actions did not immediately cost him political support. Just what “economic program” Chase laid out to “contribute to [his People’s] advancement” I cannot say, nor can I specify just what it was that caused some of the Omahas, as his son writes, to break “away from him to turn up on the opposing side.” Whatever its nature, this opposition may well have led to what Hiram IV calls “the dark days,” during which his mother’s “love and devotion never waned.”

Hiram IV’s mother, Cynthia, died in 1915, at which time, he writes, his father’s “public reputation came to an end and he spent the rest of his professional career in the interests of his people.” I suspect that means that after 1915, Chase did not run for any further offices such as county attorney and county judge, while the “professional” work he continued to do “in the interests of his people” was as an attorney. As Kenneth Chase, “youngest son of subject,” reports, his father “appealed Law Cases to Nebraska supreme Court,” and “also to Supreme Court of United States.” But the younger son is in error in stating that his father pled before the Supreme Court when Charles Evans “Hughes was Chief Justice,” because Hughes, who had been an associate justice until 1916 when he left the court, did not return as chief justice until 1930, two years after Hiram Chase III’s death in 1928.

Along with Thomas Sloan, Chase did argue before the Supreme Court. In 1917, the two brought a case before the court in which they claimed title to lands that had been allotted to Chase’s mother, Clarissa Chase.<sup>62</sup> The claim was denied. And in 1921, Chase was again before the United States Supreme Court, this time seeking to permit his son, “the writer of the above Biography,” to select an eighty-acre allotment of land.<sup>63</sup> The claim was again denied. Hughes was not on the court for either case, but Hiram Chase did make other appearances in state and federal court.

After his wife’s death in 1915, Chase married Nellie Sheridan Springer (1866–1929), perhaps in 1918. She is listed as Nellie Morris MaGraTaE (1867–1929) on Hiram Chase’s Find-a-Grave website, a name that once more uses the “Chase System.”<sup>64</sup> Nellie Sheridan was the daughter of Ne Da We Morris (1820?–1915), an Omaha woman who left to her daughter a beaded bag and a pair of beaded moccasins which Mrs. Springer Chase sold to the anthropologist and museum director, Melvin Gilmore, around 1926.<sup>65</sup> In 1917 or 1918, two of Nellie Springer’s daughters, Rose and Ida Springer—her former husband and their father was John Springer, about whom I have learned nothing—were enrolled at the Genoa Indian School in Nebraska, and there is some correspondence available between Nellie Springer Chase and the school concerning the girls’ return home.<sup>66</sup> None of this is mentioned in the brief biography by Hiram Chase IV, and there remains much to discover about Hiram Chase’s second wife, her family, and her life with Chase. Chase may well have been, as his son wrote, “a fine fellow, a good citizen and a wonderful dad,” and he may or may not have died “a poor man” in 1928. But a great many things about this Omaha Indian lawyer will require further research to determine.

## NOTES

1. Hazel Hertzberg's second chapter in *The Search for an American Indian Identity: Modern Pan-Indian Movements* (Syracuse, New York: Syracuse University Press, 1971), 31–58, is called “The Red Progressives,” although the term does not appear even once in the chapter. But the phrase has since been commonly used—usually with no reference to Hertzberg—and I will use it, from this point forward, without quotation marks. It is worth noting that the Society of American Indians was initially called the “Progressive Indian Association,” Lucy Maddox, *Citizen Indians: Native American Intellectuals, Race, and Reform* (Ithaca, New York: Cornell University Press, 2005), 9.

2. For Father Gordon, see Tadeusz Lewandowski, *Ojibwe, Activist, Priest: The Life of Father Philip Bergin Gordon, Tibishkogijik* (Madison: University of Wisconsin Press, 2019), and for Reverend Coolidge, Lewandowski, *Life of Sherman Coolidge, Arapaho Activist* (Lincoln: University of Nebraska Press, 2022). For Standing Bear, see Kiara Vigil, “Who Was Henry Standing Bear? Remembering Lakota Activism from the Early Twentieth Century,” *Great Plains Quarterly* 37 (2017): 157–82. For Kellogg, see the early essay by Laurence Hauptman, “Designing Woman: Minnie Kellogg, Iroquois Leader,” in *Indian Lives: Essays on Nineteenth- and Twentieth-Century Native American Leaders*, ed. L.G. Moses and Raymond Wilson (Albuquerque: University of New Mexico Press, 1985), 158–79. See also Kristina Ackley, “Laura Cornelius Kellogg, Lolomi, and Modern Oneida Placemaking,” and Christina Stanciu, “An Indian Woman of Many Hats: Laura Cornelius Kellogg’s Embattled Search for an Indigenous Voice,” both in *American Indian Quarterly: The Society of American Indians and Its Legacies: A Special Combined Issue of Studies in American Indian Literatures* 25 (Summer 2013) and *AIQ*: (2013), 37. The most recent study of Kellogg is David Temin, “Our Democracy: Laura Cornelius Kellogg’s Decolonial-Democracy,” *Perspectives on Politics* (Cambridge University Press Online, 3 June 2020), 1–16.

3. Other Native people educated in the American schools—e.g., Cleaver Warden, Carl Sweezy, Paul Boynton, and Oliver LaMere—worked apart from the SAI largely because their support for the use of peyote in the services of what would become the Native American Church was strongly opposed by it. David Maroukis writes that by 1916, the SAI was “on record officially supporting federal legislation to criminalize peyote,” “The Peyote Controversy and the Demise of the SAI,” *American Indian Quarterly* 25 (2013), 168.

4. Chase served on a committee that had planned the first meeting of the SAI in 1911, which he attended, and at which he spoke. He did not attend the following year’s meeting, although he was later, as David Maroukis noted, a member of the SAI’s 1914 committee seeking an audience with President Woodrow Wilson, Maroukis, *We Are Not a Vanishing People* (Tucson: University of Arizona Press, 2021), 98. So far as I am aware, Chase had no further involvement with the Society in any official capacity.

5. That first meeting was held in Columbus, Ohio, on Columbus Day, with both the place and the date ironically intended. Hertzberg, *The Search for an American Indian Identity*, 75.

6. *Ibid.*, 71.

7. Gwin Gover, “The Society of American Indians: Too Many Chiefs and Not Enough Indians” (Master’s Thesis, University of Nebraska, Omaha, 1989), vii.

8. Peter Nabokov, “The Best and the Brightest,” in *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present*, (New York: Penguin, 1991), 282–88.

9. *Ibid.*, 288.

10. Hiram Chase, “The Law and the American Indian in America,” in the *Ohio Law Reporter*, October 30, 1911, 345–49, and in the *Quarterly Journal of the Society of American Indians* 1 (1913), 1–6, from which I will quote.

11. Chase, 3. Further citations are given in parentheses in the text.

12. I have not been able to see the first edition of the *Commentaries*, but Chase's quotation from James Kent may be found in his *Commentaries on American Law*, ed. William Hardcastle Browne (St. Paul, Minnesota: West Publishing Co., 1894), 603.

13. Emmerich de Vattel's *The Law of Nations* (1758) was originally published in French as *Les Droits des Gens* (The Rights of Peoples).

14. Because the Cherokees were adjudged to be "a domestic dependent nation" and not a "foreign state," the court found that they lacked standing to sue, and so it did not rule on the case. On the subject of "plenary power," see Natsu Taylor Saito, "Asserting Plenary Power Over the 'Other': Indians, Immigrants, Colonial Subjects, and Why U.S. Jurisprudence Needs to Incorporate International Law," *Yale Law and Policy Review* 20 (2002): 427–80, and Michalyn Steele, "Plenary Power, Political Questions, and Sovereignty in Indian Affairs." *UCLA Law Review* 63 (2016): 668–710.

15. But just as John Marshall's ruling in *Worcester* was not strictly consistent with his prior rulings in *Johnson v. McIntosh* and *Cherokee Nation v. Georgia*, so, too, could Vattel be inconsistent. Although Kent referenced his affirmation that "Nations are equal in respect to one another . . . whatever may be their relative dimensions or strength," he also observed that "Vattel placed little value on the territorial rights of erratic races of people," *Commentaries on American Law*, 609.

16. *Worcester v. Georgia*, 31 U.S. 515 (1832).

17. How to speak of tribal peoples as integral, cohesive, political entities without referencing Western colonial categories—state, nation-state—continues to be a matter of concern. *Peoplehood* in a variety of iterations has been proposed as undergirding a number of alternative formulations, and Gerald Taiaiake Alfred's works (*Heeding the Voices of Our Ancestors* (Toronto: Oxford University Press, 1995) and *Peace, Power, Righteousness: An Indigenous Manifesto*, second edition (Toronto: Oxford University Press, 1999) have been important interventions in this debate, for all that the deconstructive predicament—how to contest the premises of a discourse one cannot help but inhabit—persists. For recent considerations of these matters, see the essays in *Native American Nationalism and Nation Re-Building*, ed. Simone Poliandri (Albany: State University of New York Press, 2016).

18. "For Whom Sovereignty Matters," the introduction to Joanne Barker's edited volume, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005), 14.

19. *Ibid.*, 26.

20. Joanne Barker, "Recognition," *Indigenous Studies Today* 1 (2005-6)/ *American Studies* 46 (2005-6), 155n5.

21. K. Tsianina Lomawaima, "The Mutuality of Citizenship and Sovereignty: The Society of American Indians and the Battle to Inherit America," *American Indian Quarterly: The Society of American Indians and Its Legacies: A Special Combined Issue of Studies in American Indian Literatures* 25 (Summer 2013) and *AIQ* 2 (2013), 333-351.

22. Personal communication 3/15/2022.

23. The Find-a-Grave website, [https://www.findagrave.com/memorial/81019804/hiram-john-hatu\\_mi-chase](https://www.findagrave.com/memorial/81019804/hiram-john-hatu_mi-chase) (accessed July 13, 2022), gives his date of birth as 1840. That would mean that Hiram II came west at the age of 14, not a thing unheard of then or since, but worth noting.

24. David Wishart, *An Unspeakable Sadness: The Dispossession of the Nebraska Indians*. (Lincoln: University of Nebraska Press, 1994), 101.

25. Joan Mark writes that "the Omahas ceded almost six million acres of land in return for a reservation of a mere three hundred thousand acres.... For the ceded land the Omahas were paid \$25,000, less than half a cent an acre," *A Stranger in Her Native Land: Alice Fletcher and the American Indians* (Lincoln: University of Nebraska Press, 1988), 67.

26. Omaha belongs to the Dhegiha branch of the Siouan language group with similarities to Ponca, Osage, and Pottawatomie.

27. [https://treaties.okstate.edu/treaties/treaty-with-the-omaha-1865-\(0872\)](https://treaties.okstate.edu/treaties/treaty-with-the-omaha-1865-(0872)) (accessed July 12, 2022).

28. The written and spoken English of Native people educated in the American schools varied enormously. *My Boarding School Voices: Carlisle Indian Students Speak* (Lincoln: University of Nebraska Press, 2021) reproduces a range of texts representing the different English language usage of a great many students at Carlisle, the federal government's flagship boarding school—which Hiram Chase IV entered as a student in 1911.

29. *O MU HU W B GRa Za, or The Chase System of Reading and Recording the Omaha and Other Indian Languages* (Pender, Nebraska: The Republic Press, 1897). James Owen Dorsey, a minister and self-trained anthropological linguist, had earlier published *The Cegiha Language: The Speech of the Omaha and Ponka Tribes of the Siouan Linguistic Family of North American Indians* (Washington, DC: Government Printing Office, 1890), and in his *Omaha and Ponka Letters* (Washington, DC: Government Printing Office, 1891) he had given his own system of representing “characters occurring in the texts,” 1.

30. John O’Shea and John Ludwickson, “Omaha Chieftainship in the Nineteenth Century,” 347 no.6. Wishart later stated unequivocally that Fontenelle “subsequently became a chief of the Omaha,” *An Unspeakable Sadness*, 44.

31. James Owen Dorsey, *Omaha Sociology*, U.S. Bureau of Ethnology: Third Annual Report, 1881–2, Smithsonian Institution Bureau of American Ethnology, vol. 3. Washington, DC: Government Printing Office, 1884, 358. The History of Nebraska website refers to her as the “granddaughter of Wahnookega, chief of the Omaha Indians,” <https://www.history.nebraska.gov/collections/hiram-chase-1861-1928-rg0885am> (accessed June 25, 2022), while the Find-a-Grave website, [https://www.findagrave.com/memorial/81019804/hiram-john-hatu\\_mi-chase](https://www.findagrave.com/memorial/81019804/hiram-john-hatu_mi-chase) (accessed June 25, 2022) calls her “Clarissa NonZElN Noise,” using her English name and “The Chase System of Reading and Recording the Omaha and Other Indian Languages” to relate her name to her grandfather. The website seems once more to be using “The Chase System” when it refers to its author as “Hiram John Hatu Mi Chase.” Otherwise, I have found no Indian name for Hiram Chase III.

Wahnookega appears as “Wano’kuge” in Alice Fletcher and Joseph La Flesche, *The Omaha Tribe* (Lincoln: University of Nebraska Press, 1992 [1911]), where they refer to a battle with the Sioux in which he was involved in 1859, 101. He is pictured on page 192, and subsequently mentioned by many writers on the Omaha.

32. Noise signed sixth of seven signatories on the March 1854 treaty the Omahas made with the United States. His name appears in fifth place on the 1865 treaty. O’Shea and Ludwickson, “Omaha Chieftainship in the Nineteenth Century,” 348.

33. Wishart, *An Unspeakable Sadness*, 120–1; Mark, *A Stranger in Her Native Land*, 67. Omaha people had traditionally constructed earth lodges for their dwellings and they also used tipis similar to those of the Dakotas, their enemies.

34. Norma Kidd Green, “The Make-Believe White Man’s Village,” *Nebraska History* 56 (1975), 243. Alice Fletcher’s *Historical Sketch of the Omaha Tribe of Indians in Nebraska* notes its name as disparagement on the part of the “conservatives,” Wah-no-ke-ga surely among them (Washington, DC, Judd and Detweiler, 1885), 7. See also the essay by Mark Swetland, “‘Make-Believe White-Men’ and the Omaha Land Allotments of 1871–1900,” *Great Plains Research* 4 (1994): 201–36. David Rich Lewis makes the important point that the “Progressive-Traditional Dichotomy” does not always accurately convey the specific understandings and actions of various tribal factions or individual tribal members, “Reservation Leadership and the Progressive-Traditional Dichotomy: William Wash and the Northern Utes, 1865–1928.” *Ethnohistory* 38 (1991): 124–48. He also acknowledges that the distinction may nonetheless be generally useful, and I have invoked it here.

35. Green, "The Make-Believe White Man's Village," 243. It was abandoned in 1867, perhaps upon Wah-non-ke-ga's death. See Wishart, *An Unspeakable Sadness*, 154.

36. At the bottom of the photo are the words "Uneducated Omaha Chiefs," meaning that none of these men had attended the American schools, although they surely had had a traditional Omaha "education." R. H. Barnes reproduced that photograph in 1984, along with another photograph of Omaha chiefs he identifies as Louis Sanssouci, No Knife, Frederick Tyndall, and Iron Eye (Joseph La Flesche); he dates both photographs 1866, *Two Crows Denies It: A History of Controversy in Omaha Sociology* (Lincoln: University of Nebraska Press, 1984), following page 114. David Wishart later reproduced both photographs, and, at the bottom of the second, his reproduction includes the words "Educated Omaha Indian Chiefs," words not present in Barnes' publication. Wishart also makes clear that the date of both photographs is 1865, not 1866, *An Unspeakable Sadness*, 162–3.

37. O'Shea and Ludwickson report that a son of Old Noise called He Is Known "replaced him" in 1869, "appointed by the U.S. Agent for the Omahas," "Omaha Chieftainship in the Nineteenth Century," 336. This means that Old Noise had surely died by that date, and it also means that if Hiram Chase III had been adopted by an Omaha father, that "father" could possibly have been He Is Known.

38. Chase, "The Law and the American Indian in America," 2.

39. Green, "The Presbyterian Mission to the Omaha Indian Tribe," *Nebraska History* 48, 1967, 276–7. Although his father may have sometimes spoken English to him, it was at the Mission School that Hiram III would have had his first formal training in English.

40. The Find-a-Grave website [www.findagrave.com/memorial/81019804/hiram-john\\_hatu\\_mi-chase](http://www.findagrave.com/memorial/81019804/hiram-john_hatu_mi-chase) (accessed June 25, 2022) gives 1840 as the birthdate for both Hiram II and his wife, Nuzianza, and it gives 1875 as the date of both their deaths. The two would then have only been in their mid-thirties, but average life expectancy in the US in 1875 was about forty years.

41. Around 1880, Macy, Nebraska, where the Omaha Agency was located, got its name from the *ma* in Omaha and the *cy* of Agency.

42. [https://en.wikipedia.org/wiki/Hiram\\_Chase](https://en.wikipedia.org/wiki/Hiram_Chase) (accessed June 25, 2022).

43. Dakota hostility toward the Omahas was such that, according to David Wishart, during the 1840s and 1850s, "in an avowed war of extermination," the Dakotas "took every opportunity to kill the Omahas and destroy their lodges and corn fields," *An Unspeakable Sadness*, 86.

44. Gail Landsman, "The Ghost Dance and the Policy of Land Allotment," *American Sociological Review* 44 (1979), 162, 164. Landsman's description of the way in which allotment "served as a mechanism for social control, and discouraged acceptance of a social movement" like the Ghost Dance has been insufficiently recognized, 165.

45. Hertzberg wrote that Sloan was "one-sixteenth Omaha, from Thurston County, Nebraska . . . and brought up on the reservation by his grandmother," Hertzberg, *The Search for an American Indian Identity*, 46. Gover also cited the one-sixteenth figure, *The Society of American Indians*, 45. Both provide little biographical material. So far as I can determine, Sloan was born in Saint Louis to a mixed-race father, and a non-Indian mother. But his great-grandmother was a full-blood Omaha woman, and, after the death of his parents, he lived with his part-Omaha grandparents on the Nebraska reservation. Joan Mark observed that in 1886 "there were 140 signers on a request to Washington . . . that an allotment of land be given, contrary to [Alice] Fletcher's decision, to a part-Omaha woman, Margaret Sloan, and her grandson, Thomas." *A Stranger in Her Native Land*, 368, n. 19.

46. Frederick Hoxie, "The Good Citizenship Gun," in *This Indian Country: American Indian Political Activists and the Place They Made* (New York: Penguin, 2012), 225–76; Hoxie, "Four American Indian Heroes You've Never Heard Of," *American Indian Magazine* 14 (2013): n.p.

47. Writing that Sloan had attended the Hampton Institute, Hoxie calls Hampton "one of the Indian Office's first off-reservation boarding schools." But Hampton was not opened as an Indian

boarding school. Rather, it was established in 1868 by General Samuel Armstrong to educate Black freedmen and -women. Its Indian program was inaugurated ten years later by Colonel Richard Henry Pratt, who would go on, in 1879, to open the Carlisle Indian Industrial School; Native students were always a minority at Hampton. Although Sloan was valedictorian at his Hampton graduation—he graduated in 1889 after only three years at the school—he claimed on occasion to have attended Carlisle, and he was an admirer of Pratt. In “The Good Citizenship Gun,” Hoxie also says that Sloan “was named chairman” of the Society of American Indians in 1911, 235. He was chairman of its executive committee in 1911, but he did not head the society until 1919, a position achieved by his winning an election.

48. Hertzberg, *The Search for an American Indian Identity*, 46; Gover, *The Society of American Indians*, 110.

49. Benson Tong, “Allotment, Alcohol, and the Omahas.” *Great Plains Quarterly* 17 (1997), 23.

50. Montezuma’s remark is reported by Hertzberg in *The Search for an American Indian Identity*, 46, and by Gover in *The Society of American Indians*, 114.

51. Hertzberg, *The Search for an American Indian Identity*, 47.

52. But the group was also, Hauptman noted, “diverse” in its beliefs, and I do not know the degree to which Sloan supported or opposed the AIF’s more troubling positions, Hauptman, “The American Indian Federation and the Indian New Deal: A Reinterpretation.” *Pacific Historical Review* 52 (1983), 379. Nonetheless, his association with the organization potentially calls into question his status as a Native American “hero.”

53. Malcolm Arth, “A Functional View of Peyotism in Omaha Culture.” *Plains Anthropologist* 7 (1956), 26.

54. Hertzberg, *The Search for an American Indian Identity*, 46.

55. Gertrude Bonnin had testified in 1918 before the House Subcommittee on Indian Affairs in favor of a law prohibiting the use of peyote by Indians. She was joined in this by Charles Alexander Eastman and Richard Pratt, and opposed by the anthropologist and historian of the Ghost Dance, James Mooney. As I have noted, Bonnin left the Society of American Indians in 1919 after Thomas Sloan, a peyote supporter, was elected president. For a full account, see “The Peyote Clash,” in Tadeusz Lewandowski’s *Red Bird, Red Power: The Life and Legacy of Zitkala Sa* (Norman: University of Oklahoma Press, 2016), 132–49.

56. Maroukis, *We Are Not a Vanishing People*, 104.

57. Swetland, “‘Make-Believe White-Men’ and the Omaha Land Allotments of 1871–1900,” 229. Alice Fletcher, well known as an early anthropological researcher associated with Harvard’s Peabody Museum, was also a government allotment agent who had come to the Omaha reservation in 1881. A full account of her activities there appears in Joan Mark’s *A Stranger in Her Native Land*, in section 6, “Among the Omahas,” 64–78; section 8, “Allotting Land to the Omahas,” 88–100, and section 10, “The Omaha Aftermath—A House Divided,” 122–137. In 1882, President Chester Arthur approved the Omaha Severalty Act Fletcher had negotiated and it served as the model for the Dawes Severalty Act of 1887. As Joan Mark writes, “the form the [Dawes] act finally took was due more to Alice Fletcher than to any other single person,” *A Stranger in Her Native Land*, 119.

58. (<https://treaties.okstate.edu/treaties/treaty-with-the-omaha-1854-0611>) (accessed June 30, 2022).

59. It had been suggested to me that Chase’s failure to pay taxes might have been an act of resistance on his part to the federal government’s allotment policies. Perhaps—but having Indians pay taxes was an important project for Red Progressives, for both political and moral reasons. Article 1, Section 2, Clause 3 of the Constitution of the United States stated that for purposes of representation, the census count would exclude “Indians not taxed,” while the Fourteenth Amendment to the Constitution (1868) affirmed that “Indians not taxed” were not “subject to the jurisdiction of the

United States,” and so, as was determined in *Elk v. Wilkins*, 112 U.S. 94 (1884), they could not vote. The political importance of Indians being taxed—and actually paying their taxes—was at the time thought by most Native intellectuals and activists to be a step toward citizenship and Indian rights. As for the moral case for taxation, consider Henry Roe Cloud’s 1910 address to the Lake Mohonk Conference of the Friends of the Indian in which he urged the government to “put a tax on his [the Indian’s] inherited lands” as a way to making Native people more *responsible* members of their communities,” “The Indian’s Relation to the Community,” *Report of the Twenty-Eighth Annual Meeting of the Lake Mohonk Conference of Friends of the Indian and Other Dependent Peoples* (Lake Mohonk, New York: Friends of the Indian, 1910), 14 (my emphasis).

60. Boughter, *Betraying the Omaha Nation, 1790–1916* (Norman: University of Oklahoma Press, 1998), 180.

61. *Ibid.*, 179.

62. *U.S. v. Chase*, 245 U.S. 89 (1917).

63. *Chase, Jr. v. U.S.*, 256 U.S. 1 (1921).

64. [https://www.findagrave.com/memorial/81019804/hiram-john-hatu\\_mi-chase](https://www.findagrave.com/memorial/81019804/hiram-john-hatu_mi-chase) (accessed August 1, 2022).

65. The moccasins may be seen at [https://collections.si.edu/search/detail/edanmdm:NMAI\\_166839](https://collections.si.edu/search/detail/edanmdm:NMAI_166839) (accessed August 2, 2022).

66. The Genoa Indian School in Nance County, Nebraska, opened in 1884, the fourth of the federal government’s Indian boarding schools. It operated until 1934. A letter dated December 24, 1918, from an “unknown superintendent” at the Omaha Agency to Sam B. Davis, superintendent of the Genoa School, concerning travel for Rose Springer, refers to her mother as “Mrs. Nellie Springer, now Mrs. Hiram Chase,” so that Springer and Chase were married by that date (<https://genoaindianschool.org/digital-heritage/letter-unknown-superintendent-sam-b-davis-24-dec-1918>) (accessed August 2, 2022). The Omaha superintendent at the time was E. J. Bost.

