

July 22, 1977

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The Wisconsin Business Committee
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Dear Gentlepeople:

Enclosed for your information are copies of Judge Port's opinion, Judge Gunter's recommendation to the President with respect to the Maine claims, a letter to President Carter from Senator Abourezk and Congressman Udall recommending procedures for negotiating Eastern Indian claims, a press release and letter from Congressman Hanley recommending the start of negotiations 1/ and two recent letters from George Shattuck.

1/ I've given Hanley's office the names and addresses of Purcell Powless, Gordon McLester, Robert Burr, Ray George, Irvin Chrisjohn, Ray Halbritter, and Tim Coulter in order that he might write all of us directly in the future.

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Obviously, our efforts to convince Congressman Hanley to refrain from condemning Judge Port's decision and to cool his anti-Indian rhetoric were not entirely successful.

Although Hanley's press release is somewhat discouraging, his letter is more to the point -- he wants to get negotiations started. It should now be obvious to all of us that there are conflicting views in the Congress as to how Indian land claims should be resolved. The position of one faction favors the unilateral extinguishment of Indian claims with little or no compensation as exemplified by Judge Gunter's recommendation. The contrasting view supports a fair and just negotiated settlement agreed to by all parties including the respective Tribes or Nations. It is, therefore, essential that the Oneida Nations of Wisconsin and Ontario, as well as all factions of the New York Oneida Nation, give immediate and serious attention to the terms of an acceptable Oneida Settlement Act if we are to successfully combat the unilateral extinguishment forces and be prepared to intelligently discuss acceptable settlement terms with those Senators and Congressmen who favor a fair and negotiated settlement.

On June 16, and again on June 24, 1977, I sent to representatives of all Oneida groups drafts of a proposed letter to Congressmen Hanley and Mitchell, along with draft summaries of the elements of a proposed Oneida Settlement Act, plus a list of suggested actions for the Oneida Nations to start working on. Enclosed is a slightly revised version of this draft letter and enclosures for your convenience. I have received oral comments on these drafts from some of you, and made the amendments suggested. I have not, however, received anything in writing from any of you officially approving or rejecting these drafts. What I need are your criticisms, and suggested changes, if any, along with your authorization to send this letter to the Congressmen, once it is amended to your satisfaction.

As I told you in my letter of June 16, 1977, the summary of the elements of a proposed Oneida Settlement Act is designed primarily to stimulate your thinking and secure your ideas as to the basic requirements of a Settlement Act. My

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thought is that we should keep our positions as general as possible to start with, and then gradually refine them and become more specific as our thinking develops and we reach agreement as to the details.

I think we all recognize that it will not be possible to arrive at the exact amount of money and land we should demand, or be willing to settle for, until we receive (1) Dr. Campisi's report on our six million-acre claim; (2) a report from the tax assessor of Madison County as to the present market value of the land and improvements in the claim area; and (3) an estimate from an expert land appraiser/economist as to the maximum trespass damages we could conceivably recover if we were successful in obtaining a judgment in court. But, there are a myriad of other questions and procedures which we can and should be considering without delay as indicated in my earlier letters to you.

I would appreciate hearing from you at your earliest convenience in order that we can respond to Congressman Hanley's letter without unnecessary delay.

Very truly yours,



Lawrence A. Aschenbrenner

LAA/tmws

Enclosures

P.S. Senator Moynihan's office recently contacted us regarding the Oneida claims and at this point sounds favorably disposed toward our claims.

cc: George Shattuck

Summary of the Elements of an Oneida Claims Settlement Act

The Oneida Claims Settlement Act should include the following:

a. Establishment of a new Oneida Reservation or enlargement of the present Oneida Reservation in Oneida and Madison Counties, New York, to be held in perpetuity by the Oneida Nation and its members. *in favor of*

b. Establishment of a new Oneida Reservation or enlargement of the present Oneida Reservation in Brown County, Wisconsin, to be held in perpetuity by the Oneida Nation and its members. *in favor of*

c. Establishment of an Oneida Development Fund or Funds to provide the Oneida Nations of New York, Wisconsin, and Canada with a perpetual income to support economic development and promote the health, education, and welfare of their members; as a part of or supplement to the income from the Development Funds, a commitment by the United States to provide a perpetual annuity or guarantee a yearly rental income (with cost of living increases) for designated lands within the claim area which remain in the possession of non-Indians. *in favor of*

d. Utilization of a five-year transition period to establish or enlarge the Oneida Indian Reservations in New York and Wisconsin. *question? more information about utilization of 5 yr plan*

e. Determine the extent of extinguishment or partial extinguishment of the Oneida Nations' ejectment and historical trespass damage claims. *do not understand, need more information*

Questions to be Addressed and Information to be Secured in
Order to make Knowledgeable Decisions in Reaching Agreements
Upon the Specifics of Settlement Act.

1. The amount and location of the lands to be included within the reservations in New York and Wisconsin.
Wis. - Question 650,000 ? 500,000 ? 4 million
2. The number of non-Indians, if any, residing on such lands.
are you talking about land owners or total people
3. Whether those non-Indian residents will voluntarily agree to sell their lands for a fair price, or refuse to sell which may result in the institution of condemnation and eviction procedures; and in this connection, the advisability of granting them leases or life estates and the right to remain thus obviating the necessity of involuntary removal.
4. The extent of the adverse impact on the counties' tax base caused by the removal of lands from their tax rolls and subsequent inclusion in a non-taxable Indian reservation.
5. The extent to which it may be estimated that settlement funds will be expended within Oneida and Madison Counties thereby reducing or eliminating the adverse impact to the counties' tax base caused by removal of the reservation lands from the tax rolls. *Can this be answered by the Research being done by NARF*
6. The extent of tribal, state and federal jurisdiction, (both civil and criminal), over the new or enlarged reservations.
what is the extent of services also

7. The extent, if any, of federal, and particularly Bureau of Indian Affairs, authority and supervision over the new or enlarged reservations.

Can any land we get not be under the BIA authority or supervision

8. The total sum of money to be appropriated to the Oneida Nations by the Settlement Act and the amounts and dates of payments.

Can only be answered later

9. Whether, during the five-year transitional period in which reservation lands are acquired, provision should be made for financial assistance to the affected counties in New York and Wisconsin in order to minimize the adverse consequences of removing reservation lands from the tax rolls, and if so, the amount thereof.

The state or US govt. are responsible not the Oneida's

ACTIONS WHICH THE ONEIDAS SHOULD BE TAKING

1. Should review maps and aerial photographs of the present reservation and also drive around it and become familiar on the ground with it and also with the non-Indian owned land within and adjacent to the reservation. *agree*

2. Select the lands which you want added to the reservation in order of priority, from the most to the least desirable. In this connection, you will want to ascertain the number of non-Indian residents or businesses on each tract you consider acquiring, and remember that the most sellable political settlement will involve the forced removal of the smallest number of non-Indians. *How much land are we talking about*

3. Assuming there is a congressional settlement of the Oneida claims in New York which results in the Wisconsin, New York and Canadian Oneidas receiving a substantial sum of money, attempt to ascertain the views of a majority of the Tribe as to the following questions: *agree - again question land size*

a. What percentage of this money, if any, should be distributed to the members in per-capita payments?

75% per capita

tribal lands?

b. What percentage should be used to purchase

25% purchase land and other things

c. What percentage should be put into a Tribal Development Fund?

d. Should the Assets of the Tribal Development Fund be available for use by the Tribe or should the Tribe limit itself to using only the income from the Development Fund and leave the assets or corpus of the Fund intact in perpetuity; or should the Tribe go ahead and spend a certain percentage of the Fund plus the income -- and, if so, what percentage of the Fund should be protected from invasion (absent, I would assume, emergency circumstances) and what percentage would the Tribe plan on spending?

Attempt to secure the view of the majority of the members of the Tribe as to the programs or items upon which they believe the settlement money (or the income from it) should be spent either in order of their priority or in terms of the percentage of funds to be spent on each. (I recognize that it will be impossible to answer all these questions with precision at this time, if ever, but we should at least attempt to ascertain whether there is a broad concensus as to the most pressing needs of the Tribe -- because the Congress will insist on having at least a general idea of what the Tribe intends to use the money for).

It none of these business

we will not accept off-sets

4. Gather together all the studies, surveys, reports, grant applications, etc., relating to the present circumstances of the Tribe with respect to unemployment, health, education, welfare, housing, senior citizens, etc., and have someone summarize this information and forward it to Suzan Harjo to be used for lobbying in the Congress.

*What does this have to do
with our land claims?*