

Native American Rights Fund

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September 28, 1978

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Gentlemen:

This is to advise you that the Native American Rights Fund has retained Norman Dorsen, a nationally known and distinguished constitutional law professor at New York University, to assist in the prosecution of the Oneida land claims. Professor Dorsen, in addition to authoring many books and arguing and winning a number of landmark decisions in the United States Supreme Court, is the National Chairman of the American Civil Liberties Union. He also happens to be personally acquainted with the top New York State officials from the Governor down, plus United States Senators Javits and Moynihan, as well as Attorney General Griffin Bell and the President's counsel, Lipshutz, etc. In short, Professor Dorsen should be of great help, not only on the substantive questions of law, but also in the area of negotiations.

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Enclosed is a brief biographical statement on Professor Dorsen which speaks for itself. Suffice it to say, we are indeed fortunate to secure the invaluable aid of someone of Professor Dorsen's caliber.

In the meantime, it is essential that your two councils reach agreement with respect to whether the Native American Rights Fund will represent you both or only the Thames Band. Once this question is resolved, we will with your consent, accordingly enter Mr. Dorsen's appearance as our local counsel for either one or both tribes in the pending cases in the Federal District Court in New York.

Our answers to the Interrogatories of Madison County in Judge Port's case are overdue. We have delayed about as long as we can and some decisions must be made. If your councils are unable to reach a final agreement within the next 10 days, we suggest that the Thames Band Council give us limited authorization to answer the interrogatories on behalf of both tribes. This will remove the immediate problem of the deadline and afford your respective litigation committees additional time to meet with each other to reach an agreement, or failing this, for the Wisconsin Tribe to seek other counsel. If, however, we are not advised of either a temporary or final resolution of the representation problem within the next 10 days, we will have no alternative but to advise the court of this dilemma and take the necessary steps to formally correct the status of the Native American Rights Fund's representation on the record.

We have just been advised that the Wisconsin Tribe has in fact, unbeknown to us, made overtures to other counsel with respect to their land claims. Naturally, if the Wisconsin Tribe chooses other counsel, it may rest assured that he will have our full cooperation. As I have said before, regardless of whether the Wisconsin and Thames Band Oneidas are represented by the same law firm, it is in both your interests to present a united front whenever possible.

Also enclosed are some additional copies of our supplemental litigation request in order that each member of both litigation committees can become familiar with it. I've yet to hear any feed back from you and would welcome your comments and questions.

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Associate Solicitor Thomas W. Fredericks called yesterday to tell me his subordinates have completed their review of our pre-1790 litigation request and submitted a recommendation to him thereon which I have orally been told is in part favorable and in part unfavorable. Tom said he would give us an opportunity to further supplement and rebut the adverse arguments of his subordinates before he makes his final recommendation to the Solicitor, Leo Krulitz. Arlinda and I, along with Professor Dorsen, will be submitting additional arguments on those issues which Mr. Fredericks indicates he has trouble with in the near future.

Very truly yours,

LSI

Lawrence A. Aschenbrenner

LSI

Arlinda F. Locklear

LAA/AFL/tmws

Enclosures

cc: Norman Dorsen
Wisconsin Business Committee
John Echohawk



PROFESSOR NORMAN DORSEN

Biographical Summary

Norman Dorsen is a Phi Beta Kappa graduate of Columbia College (1950) and a graduate of the Harvard Law School (1953), where he was an editor of the Harvard Law Review. He served after graduation as law clerk to Chief Judge Calvert Magruder of the United States Court of Appeals for the First Circuit and to Justice John Marshall Harlan of the United States Supreme Court. He also worked as an assistant to Joseph Welch during the Army-McCarthy Hearings and studied on a Fulbright Grant at the London School of Economics.

In 1961 Professor Dorsen joined the faculty of New York University School of Law, where he teaches Constitutional Law and Legal Process. He has also taught courses in Antitrust Law and Criminal Law. He was a Visiting Professor of Law at the London School of Economics in 1968 and at the University of California (Berkeley) in 1974-75.

Professor Dorsen is the author or editor of many books (sometimes with collaborators), including the two volume work, Political and Civil Rights in the United States (1967 and 1976), Frontiers of Civil Liberties (1968), The Rights of Americans (1971), Disorder in the Court (1973), and None of Your Business: Government Secrecy in America (1974). In addition, he has published many articles on constitutional law for scholarly and popular journals.

Professor Dorsen has participated in important cases in the United States Supreme Court. For example, he successfully argued the Gault case, which first established the right of juveniles to due process in delinquency hearings; Levy v. Louisiana, which first upheld the constitutional rights of illegitimate children, and Tate v. Short, which invalidated certain forms of discrimination against poor persons in the criminal law process. He has argued several other cases and filed briefs in dozens of others, including the Gideon case, the Pentagon Papers case, and United States v. Nixon.

Professor Dorsen was the draftsman of the Model Anti-Discrimination Act for the National Conference of Commissioners on Uniform State Laws (approved in 1966) and he was the Executive Director of the Special Committee on Courtroom Conduct of the Bar Association of the City of New York from 1970-73. And in 1975-77 he served as chairman of the Secretary of Health, Education and Welfare's Review Panel on New Drug Regulation in the United States.

Among organizational affiliations, he is a member of the

American Law Institute, Chairman of the Board of Directors of the American Civil Liberties Union, and a past President of the Society of American Law Teachers. He has also served as a consultant to the U.S. Violence Commission, Random House publishers, National Educational Television, and the British Broadcasting Corporation. He has been a trustee of the American Friends of the London School of Economics.

Professor Dorsen is 47 years of age and resides in New York City with his wife and their three daughters.

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