



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

Oneida Tribe of Indians of Wisconsin, Inc.



UGHW GENDUH BATHE
Because of the help of this Oneida Chief in cementing a friendship between the Six Nations and the Colony of Pennsylvania, a new nation, the United States was made possible.

Oneida
ROUTE 1



Wisconsin
54155

MEMORANDUM

To: Oneida General Tribal Council and Oneida Business Committee
From: Oneida Law Office, Gerald L. Hill, John Powless, Jr.
Date: January 11, 1978

RE: Semi-Annual Report

The following report because of its length has not been distributed. However, 10 full copies are on reserve in the Oneida Library at the Oneida Memorial Building.

The Table of Contents shows the areas covered and their location within the report.

We respectfully submit this for the approval of the Oneida General Tribal Council.

Gerald L. Hill
Gerald L. Hill

John Powless, Jr.
John Powless, Jr.

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SEMI-ANNUAL REPORT
ONEIDA LAW DEPARTMENT

INTRODUCTION

The following report will attempt to concisely state what the Oneida Tribal Law Department is and has been doing.

At this point in the history of our people we are facing an onslaught against our remaining land and Tribal government. These are taking shape in the form of steadily increasing land developments that will swell the non-Oneida population on our reservation. The Tribal government's powers are being challenged by the State and local governments and continuously undermined by Federal laws and regulations.

Internally the Tribe must somehow resolve deeply complicated questions of land claims and the function of the Law Office is to provide useful information upon which wise decisions can be made by the people.

Research to support land claims is one of the basic purposes of the Law Office. The following report is divided into Personnel, Structure, Duties and Responsibilities, Tribal and Individual goals, and policies.

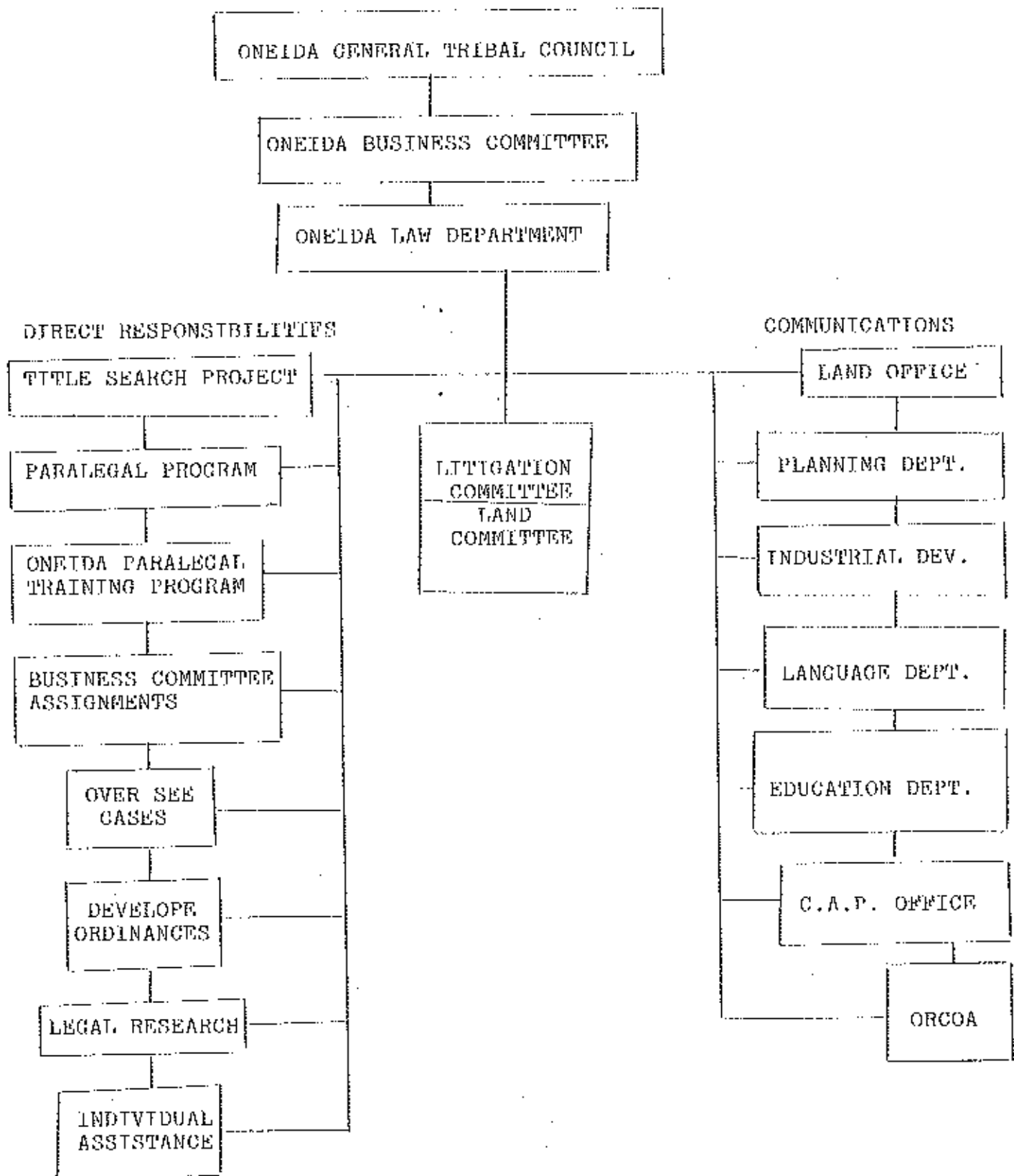
PERSONNEL

Gerald L. Hill, Oneida - Graduated University of CA Law School - 1976

John Powless, Jr. Oneida - Graduated Brigham Young Law School - 1977

STRUCTURE

The following chart represents the relationship of the Law Office to the projects for which it is responsible and the various Tribal Offices and Departments with which it must communicate.



DUTIES AND RESPONSIBILITIES

The Law Office has the responsibility to oversee the land claims situation in New York and Wisconsin. Another primary responsibility is to advise the Business Committee and the General Tribal Council, both committees and individuals. The Law Office has direct supervisory responsibility of the Paralegal Program and the Title Search Program.

In the area of Tribal Government, the Law Office is compiling data to support Tribal assertions of jurisdiction by the development of Tribal law through ordinances, assessing personnel and training needs for Tribal police and courts as well as supportive facilities, preparation for retrocession of P.L. 280, and participating in various meetings on community legal education.

GOALS

The goals of the Law Office are individual and Tribal.

Tribal Goals for Law Office;

1. Land reacquisition. This will require inventory, planning, time frame development and litigation.
2. Establishment of Law Office Policies. These will be consistent with Tribal policies and for the purpose of promoting communications with other Tribal projects and programs and within the Law Office.
3. Providing a staff of competent trained attorneys to assist the Tribal government and individuals.

Individual Goals

1. Qualify Tribal attorneys for admission to the Federal Bar in order to maximize to potential legal representation.
2. Recruit interested and capable Oneidas into the legal profession as a career.

PARALEGAL TRAINING PROGRAM

The Tribe has been granted funds from the U.S. Dept. of Labor to implement a proposed Paralegal Training Program based at Oneida. The purpose of the program is to train 10 to 15 persons as paralegals to assist Tribal governments and individuals and complement existing legal services.

Approximately half of the persons chosen will be from Oneida. The others will be selected at a projected 2 each from the Moininee, Stockbridge and Winnegago Tribes.

The program duration will be 18 months commencing April 1, 1978. Each candidate will be paid \$4.00 p/hour with incentive raises after each 6 month training increments.

Because of the high cost of legal services it is projected that these paralegals will augment services of Tribal lawyers in addition to providing Tribal councils technical legal assistance.

ASSISTANCE TO INDIVIDUAL TRIBAL MEMBERS

Individuals are assisted as often as time permits. The paralegals perform the primary intake and are often able to resolve the problem. When it becomes necessary the Tribal attorneys can provide more detailed assistance. If the problem can only be resolved by litigation, or other formal means, the persons are referred to qualified attorneys through Legal Services or private attorneys.

The responsibilities of the Law Office with land claims and business of the Tribal government and understaffing of the Law Office regrettably reduces the time we are able to work with individuals. However, it is the intention of this office to spend as much time as possible with individual assistance.

NEW YORK REPRESENTATION

The currently exist a split in the leadership as to who the governing body is for the Oneida Tribe in the state of New York. There are three groups in New York; the elected group headed by Robert Burr, the traditional group headed by Ray Halbritter, and another group that supports Ray Halbritter which is located at Marble Hill, New York.

These groups of Oneida's cannot get together to work out their differences. There has been numerous attempts to get the federal government to recognize one of these groups, but the federal government has not done so. It is good that the federal government has not done anything, so that we're not in the position where we have to recognize one of the groups. Because the federal government has done nothing, we are in a position where we can use our influence to assist these factions in coming up with a plan where all the factions can be represented.

In the coming months many decisions will have to be made that will require input from the New York Oneidas. If they can't get together they might seriously jeopardize our position. So the Tribe needs to get with both groups to come up with a plan that will be agreeable to all the parties. The most important thing is for the Tribe to resolve this situation before the federal government does.

Land Developments

Presently within the original 65,000 acre reservation boundaries, land is being advertised for sale. For example, there is approximately 76 acres for sale between Oneida and Green Bay which is selling for \$430,000. In this area, subdivisions and shopping centers are being planned.

With subdivisions cropping up, it is important that the Tribe develop a strategy to prevent any more land from being subdivided. One possible plan of action might be for the Tribe to make a press release declaring that title to more of the 65,000 acres is going to be challenged by the Tribe. Another plan of action might be for the Tribe to approach the Federal government about making funds available through Farmers Home Administration for the Tribe to buy back lands that were apart of the original reservation. Such a plan should be discussed with representatives on a national level, and not at the local level.

The research of the legal department thus far suggests that the Allotment Act of 1887 was applied against the wishes of a majority of the Oneida people, in that the federal government never obtained the consent of the Oneida Tribe. It can also be documented that the U.S. government illegally dissolved the governing body of the Oneida Tribe and established a committee to handle the administration of the allotment of Indian land. This committee was selected by the local superintendant of the Bureau of Indian Affairs around 1889. The committee was not selected or voted on by the Oneida people. It can also be documented that the Oneida Tribe paid the Menoninee's for the 65,000 acres. Therefore title to the property was in the Oneida Tribe, and not in the United States, and the United States could not divide up the land against the wishes of a majority of the Oneida Tribe.

If the Oneida Tribe still has title to the 65,000 acres, then any land that is presently up for sale should be given back to the Tribe. The Tribe should not have to buy back land that it has title to.

The Oneida Tribe needs to seriously consider how it is going to approach this problem before more land is developed. More research needs to be done to establish the Tribe's position more firmly, and there needs to be input from the Business Committee and the community on how the Tribe should face this problem.

Seminary Property

The legal department, at the request of the Business Committee, has drafted a rough draft complaint against the Seminary, the United States government, State of Wisconsin, Father Kiefer, and Bishop Wycislo. The parties would all be defendants in the event the Tribe should file suit in federal district court. We have circulated copies of the complaint to various attorneys familiar with Indian law, to get their opinion on the complaint. A copy of the complaint has not been given to the attorneys of the Catholic church, however, the legal department did allow Father Kiefer to read the complaint, but we did not give him a copy. We let him read it so the Catholics would know that we are moving along on the legal aspects of this matter.

The legal department has asked the Catholics to allow our department to inspect their financial records. The Catholics have not notified us as to whether or not they will make those records available to us. The legal department requested this information back in September.

The Catholics did want to talk about the matter back in November and gave us some dates, but we could not meet at that time because of other conflicts.

The legal department has given a number of documents to the Catholics, but they have given us nothing in return. Their good faith in this matter is very much in doubt. The legal department indicated to the Catholics that we would get back with them and give them dates on when we could get together. They also requested that we limit the number of Tribal participants when we meet, so that when we get together there won't be a large group asking all kinds of questions.

This report constitutes the present status of this matter.

Summary of Title Search

July 1, 1977
Joe Stevens, Coordinator

With the Priorities and Special Interests Completed:

Reformatory - Seminary - Catholic Diocese of Green Bay - Airport -
Brown County Golf Course - Oneshu Golf and Ritzing Club - U.W.P.F. -
Pulaski School District - R.R. - Lady of Refuge - Catholic Diocese of
Fond Du Lac - Portler School District - Hobart Town Hall - Landfill -
3 1/2 months of projects, over 5,200 acres. About 1/10 of the reservation was
researched.

2 research trips to Bureau of Indian Affairs Office in Ashland was not enough.

Outagamie and Brown County Courthouse material isn't sufficient enough to
complete packet. Each has a track index, limited copy of trust patents.
All records for deeds and mortgages, but lack what is needed for field
collector - copy attached.

With the establishment of a track index for each allottee, the irregularity
of the present boundaries of the reservation should be researched.

Also as the sheets show eventually the project will have to have
complete records of GC's - Applications - Trust Patents or Restricted
and copy Fee Patent - Rental Value.

Semi Annual Report:
July '77 through December '77

- July: Brought about a new location for the Title Search Program, it moved from the Tribal Building to the Seminary the 1st week of the month. After initial contact with U.W.G.B. Library Special Collection, several trips were necessary to accumulate information on material available to our program. Title Search and Para Legals were involved in research and abstracts for sales of land, personal damage claims and for the B.I.A. field solicitor with Smith Abstract. The majority of the month was researching and up dating all material started up to this date which included the tract index, filing and all special re-search requested by the legal department. The present Title Search Program Director was the only researcher during this period. Prior to July, summary is included.
- August: Was eventful in the aspect of meetings with Brown County Highway Commission and the Airport personnel, representatives from several other agencies regarding the Dextator Land. Also hotel and motel representatives for the possibilities of future accommodation near the airport. Monthly meetings with the Land Committee is essential. Title Search and research is an ongoing process. A project program was set up for future title searchers, which will be in operation in October.
- September: Para legals were trained in all aspects of Title Search, to become familiar with problems and operation, from orientation to tract index to abstract and legal research that will be used in program. Para legal training lasted a week. Also attended a Saturday land ordinance meeting, Business Committee meeting, a Community meeting and interviews for C.E.T.A. Title Searchers. Majority of month was compiling a draft for a funding proposal to B.I.A.
- October: Sent the coordinator and a para legal on 2 research trips to Ashland, B.I.A. Office. Also several G38 committee meetings. A law department flow chart meeting, Wage Scale at the Seminary. A week training program for the C.E.T.A. Title Searchers with Hilt Rosenberg from Wisconsin Indian Law Center, University of Madison. G38 funding proposal nearly completed. Title Searchers starting on individual claims, legal claims, and completing packets on claims already started, all part of a complete training program. Assumed duties as program director (10/10/77).
- November: The usual monthly meetings, Land Committee, Legal Department, Community meeting, Elderly (informational), I.C.A.P., C.E.T.A. Manpower Selection Committee. Funding proposal, final stages. Program Director responsibilities very demanding; following program objectives and final stages of training C.E.T.A. Searchers. Set up Oneida Title search copy expenses agreement with the Register of Deeds in Brown and Outagamie Counties.
- December: Regular monthly meetings, monthly reports and training of another title searcher filled this month. Director was on a weeks vacation. Travel allowance for Oneida Title Search Project and administrative funds for project was acquired through C.E.T.A. Funding proposal sent to the B.I.A.

Material to be researched is included in summary. Report includes total acreage to be researched of 61,213 ± of original 65,200 ± acres. 3 searchers worked for 3 months; 2 searchers worked for 1 month. Up to July '77 total researched 5,200; July '77 through December '77 total researched 2,250, grand total researched, 7,450. Program objectives are right on schedule. Program has full compliment of 4 searchers and 1 coordinator.

InCount Realty: 5 acre plots - \$12,525. - \$16,002. Total acreage 115 acres.
Overland Road, going towards 29, beyond steep hill.
Partially wooded.

Dixon Realty: 49 acres, \$25,000
Corner of Pearl and Cooper Roads. Mr. Hoeker
No pcre, Partially wooded

Brice Realty 72 acres, \$159,000.
437-8105 Access from Parkway Park, between J and 29.

Waffle Realty 24 acres, \$100,000.
Incorporated 5/4 to 11 and right Smith, some place around Pear st.
499-6811

James A. White 2 acres \$43,009.
Realty House & chicken shed; on E going towards Freedom

2 1/2 acres, \$89,009
54-11/2 right

James Fisher 3 acres and home and barn, \$41,500.
Realty County II and Fernando
494-2281

Owner 5.39 acres (2 lots)
869-2143 1 lot is \$1,500. and the other is \$7,500/septic system
Hwy. 54 and Van Dextel Rd.

Larson Realty 1-1/3 acres plus 2 bdrm. house
869-2930 Pete Busch Place (\$9000.)
Yellow house and 2 little one (\$8000.) on about 1/2 acre

Lindstrom 3 1/2 acres, \$41,900, before the yellow house on GE
Realty

Montgomery 3-1/3 acres and 2 bdrm. house, 2/basement, \$49,900 on G.E.
Realty (Blue Bar)

Jet Realty 2 1/2 acres (275 x 500), \$5000. No pcre
5 acres - \$6,500.

M E M O R A N D U M

To: General Tribal Council
From: George Webster, Shirley Long, Oneida Tribal Paralegals
Date: January 9, 1978

RE: Semi-Annual Report

The Oneida Tribal Paralegal Program originated in May, 1977 and is funded by the C.E.T.A. Program until April, 1978.

Two paralegals were trained by the Tribal Attorneys to assist Tribal members in identifying and obtaining qualified legal counsel when and if necessary. The paralegals were also sent on a (2) week training period to the Menominee Court of Indian Offenses in Keshena, Wisconsin, where they had the opportunity to learn and participate in the court procedures.

The paralegals are becoming more and more experienced in dealing with law-related matters such as, social security benefits, drafting of wills, unemployment compensation claims, child custody problems, family rights, etc. As of December 30, 1977 a total of 84 Tribal members received legal help. The total of 84 represents 16 traffic related offenses, 9 insurance claims, 6 child custody cases, 4 product liability claims, 7 tax problems, 8 probate problems, 3 V.A. Benefit cases, 6 public service problems, 4 services to inmates, 4 landlord-tenant problems, 4 unemployment cases and 13 miscellaneous problems.

It is forecast that the legal needs of Tribal members will continue to increase in 1978.

SUMMARY OF ONEIDA LITIGATION

NEW YORK

The cases on Oneida Land Claims in New York are pending and proposed;

1. Docket 301. This case has been pending since 1951 in the Indian Claims Commission. The Oneida Tribe is represented by Marvin Chapman of Aaron, Aaron, Schimberg & Hess of Chicago. The Indian Claims Commission was established as part of the U.S. Court of Claims to hear all claims of all Indian Tribes against the United States. Judgment in the I.C.C. is appealable to the U.S. Court of Claims then to the U.S. Supreme Court.

In March, 1977, the Oneida General Tribal Council voted to table a vote on accepting the settlement offered because of insufficient information. A faction of the N.Y. Oneidas voted to accept but our vote stopped all further action on the settlement offer. The offer was \$1.3 million in exchange for the Oneidas to give up all claims forever against the United States.

Other claims settled in the I.C.C. on behalf of the Oneidas and their respective dates are: Docket 75, settled in 1957 with 4 subsequent findings of valuation and which is being distributed according to a plan developed by the Oneida Trust Committee, and Docket 84 settled in 1976 and which was disputed by the Grand Council of the 6 Nations.

2. Oneida Nation vs. Oneida and Madison Counties. We are represented by N.A.R.F. and Larry Aschenbrenner. This case was tried by George Shattuck of Bond, Schockneck & King of Syracuse. This case was recently decided in our favor in the Federal District Court for N.Y. It must now be tried to determine evaluation of damages. The case is far from over but the theory of the case is the same with our other case for the 5-6 million acre claim and shows the strength of our position legally. The theory is that land lost by the Oneidas based upon treaties with the state which were never ratified by the U.S. Congress was in violation of the 1790 Indian Non-Intercourse Act and therefore the land is still ours.

3. Other Cases. There are 27 Treaties between our Tribe and New York State. These treaties were never ratified as explained above. A case based upon these treaties has been proposed by our N.A.R.P. attorneys to the B.I.A. solicitors and we are awaiting their reply.

WISCONSIN

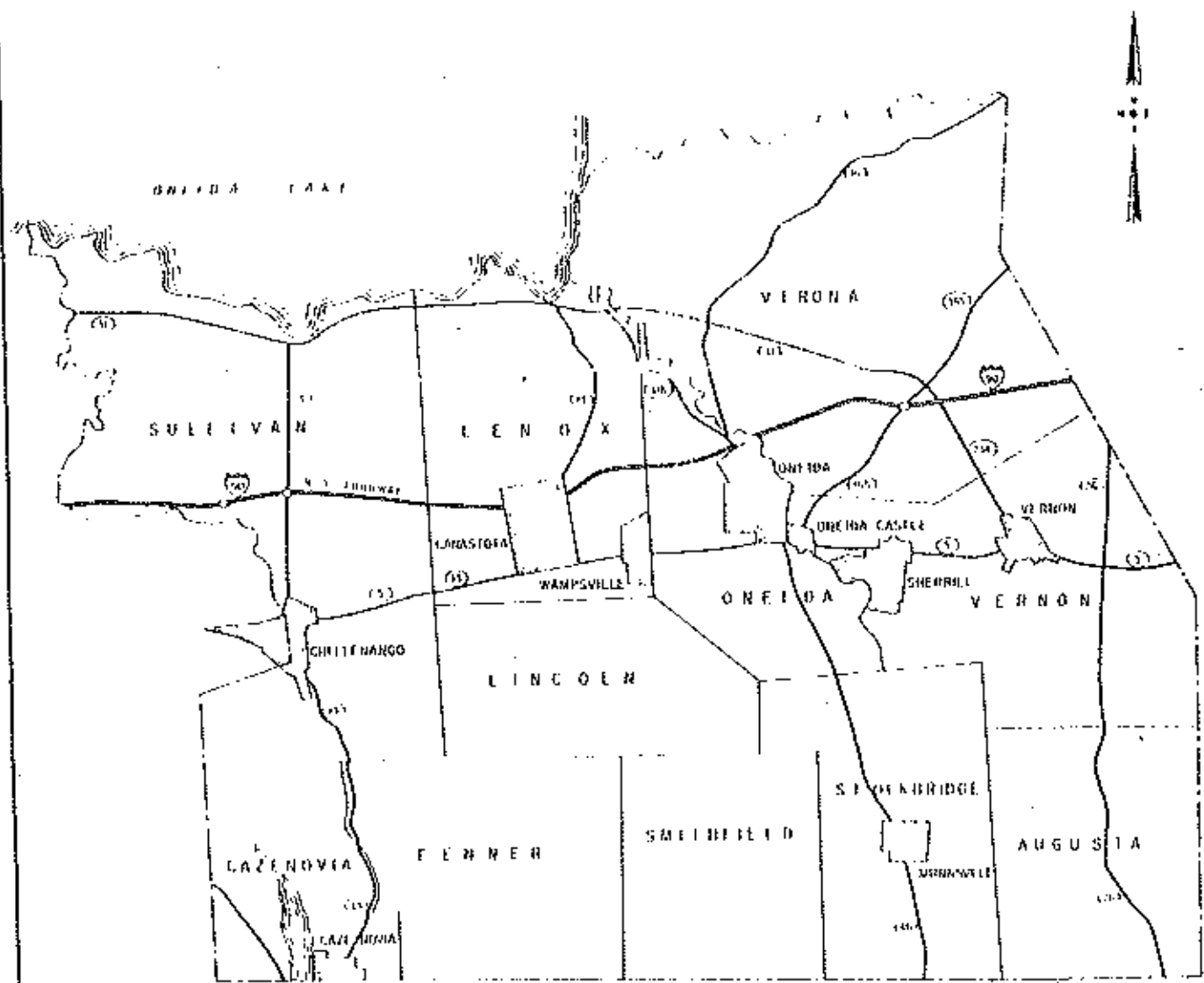
There is no pending litigation regarding Wisconsin land at this time. There are a number of potential cases which would amount to re-acquisition of almost the whole 65,000 acres reserved forever by the second 1938 Treaty of Buffalo Creek. The most powerful case here appears to be the land upon which the Sacred Heart Seminary is situated.

A draft complaint has been sent with a resolution to the B.I.A. solicitors for their opinion. We are currently discussing negotiations with church officials, however, they have been unresponsive and decisions will soon have to be made with regard to strategy in the matter. There are many ramifications to be considered which is one of the purposes of this meeting.

Other cases considered are: the Reformatory, the Oneida Golf and Riding Club, among others and the applicability of the 1887 General Allotment Act to the Oneida Reservation. Our Title Searchers have been working diligently for more than 9 months and yet have much more work before these cases are ready. Although we have begun it must be remembered that this is too serious to proceed recklessly.

JURISDICTION

Tribal jurisdiction includes the exercise of the following sovereign powers each of which will present complicated problems and possible confrontations both with local and state government officials and private citizens groups: Taxation, Law and Order, Regulation of Business on the Reservation, Zoning and Land Use Planning, Water Rights, Environmental and Wild Life Preservation, and others.



RECONNAISSANCE AREA
MADISON / ONEIDA COUNTIES, NEW YORK

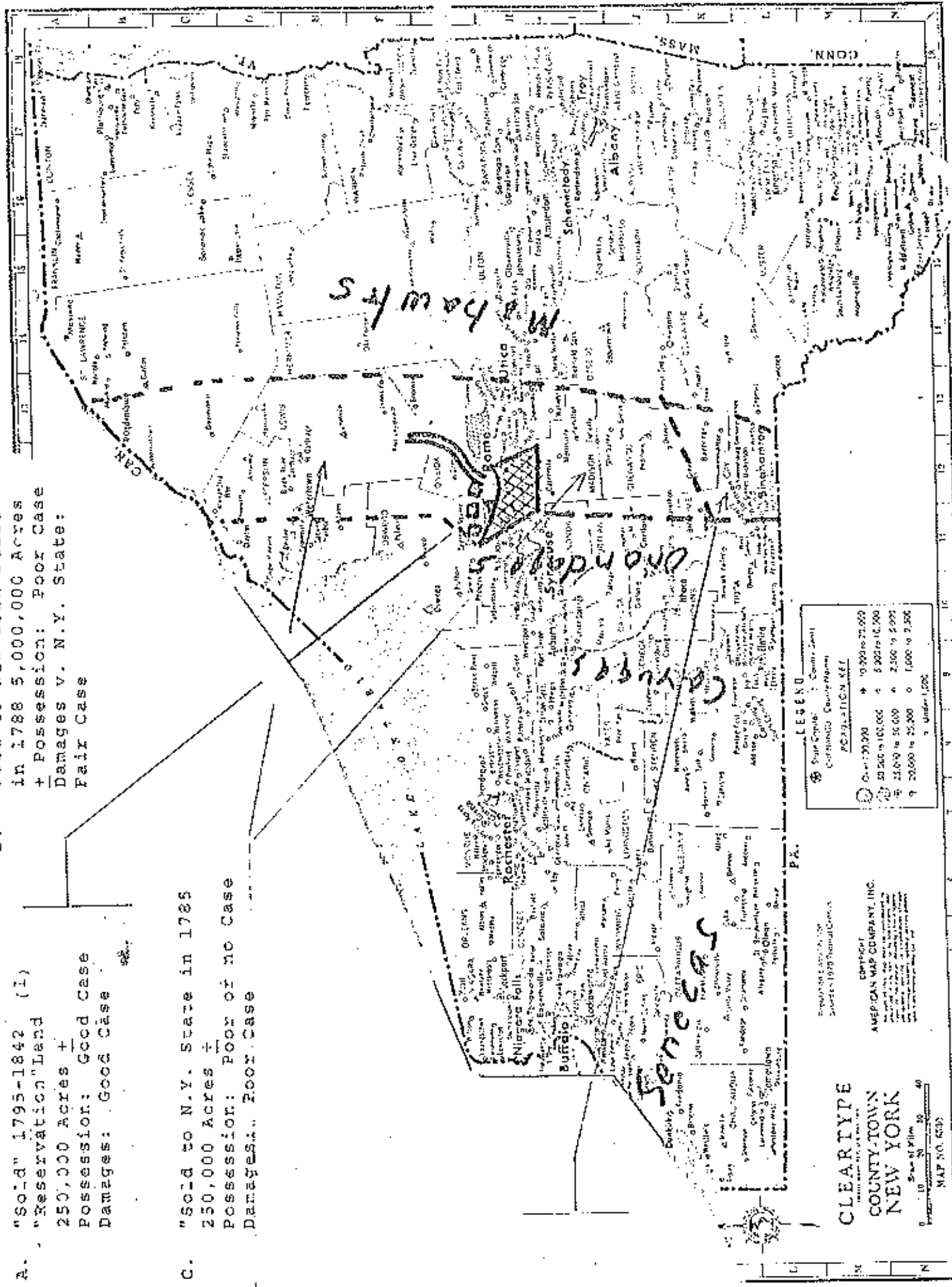
Walter Smith and Associates

MAP

B. "Sold to New York State
in 1788 5,000,000 Acres
+ Possession: Poor Case
Damages v. N.Y. State:
Fair Case

A. "Sold" 1795-1842 (1)
"Reservation" Land
250,000 Acres +
Possession: Good Case
Damages: Good Case

C. "Sold to N.Y. State in 1785
250,000 Acres +
Possession: Poor or no Case
Damages: Poor Case

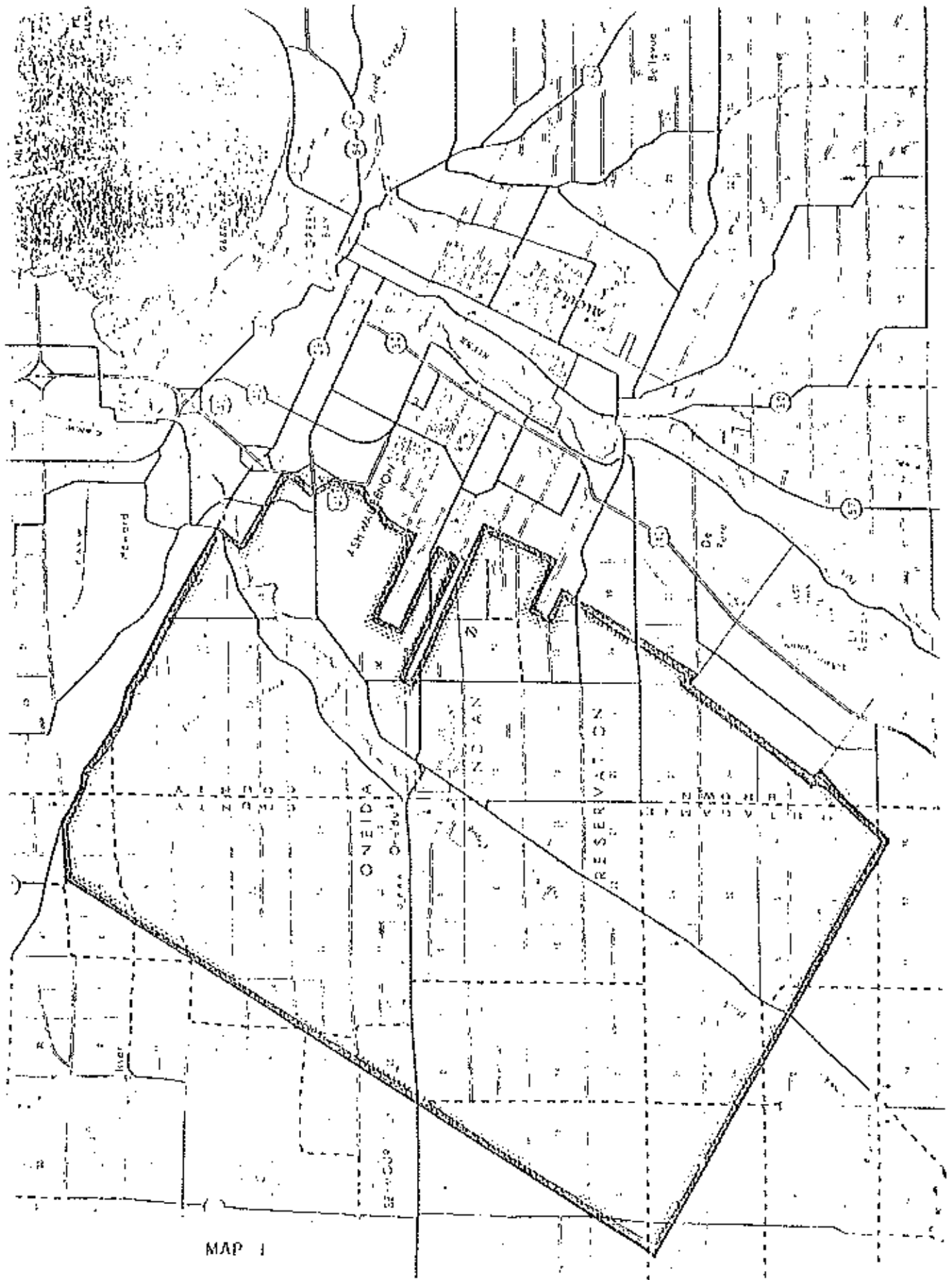


LEGEND

⊙	State Capital	⊙	County Seat
⊙	City	⊙	Township Seat
⊙	College	⊙	Church
⊙	Mill	⊙	Bridge
⊙	Station	⊙	Post Office
⊙	Public House	⊙	Fort
⊙	Prison	⊙	Quarry
⊙	Asylum	⊙	Bank
⊙	Hotel	⊙	Store
⊙	Saloon	⊙	Bar
⊙	Restaurant	⊙	Cafe
⊙	Club	⊙	Hotel
⊙	Office	⊙	Shop
⊙	Warehouse	⊙	Factory
⊙	Mill	⊙	Quarry
⊙	Station	⊙	Post Office
⊙	Public House	⊙	Fort
⊙	Prison	⊙	Quarry
⊙	Asylum	⊙	Bank
⊙	Hotel	⊙	Store
⊙	Saloon	⊙	Bar
⊙	Restaurant	⊙	Cafe
⊙	Club	⊙	Hotel
⊙	Office	⊙	Shop
⊙	Warehouse	⊙	Factory

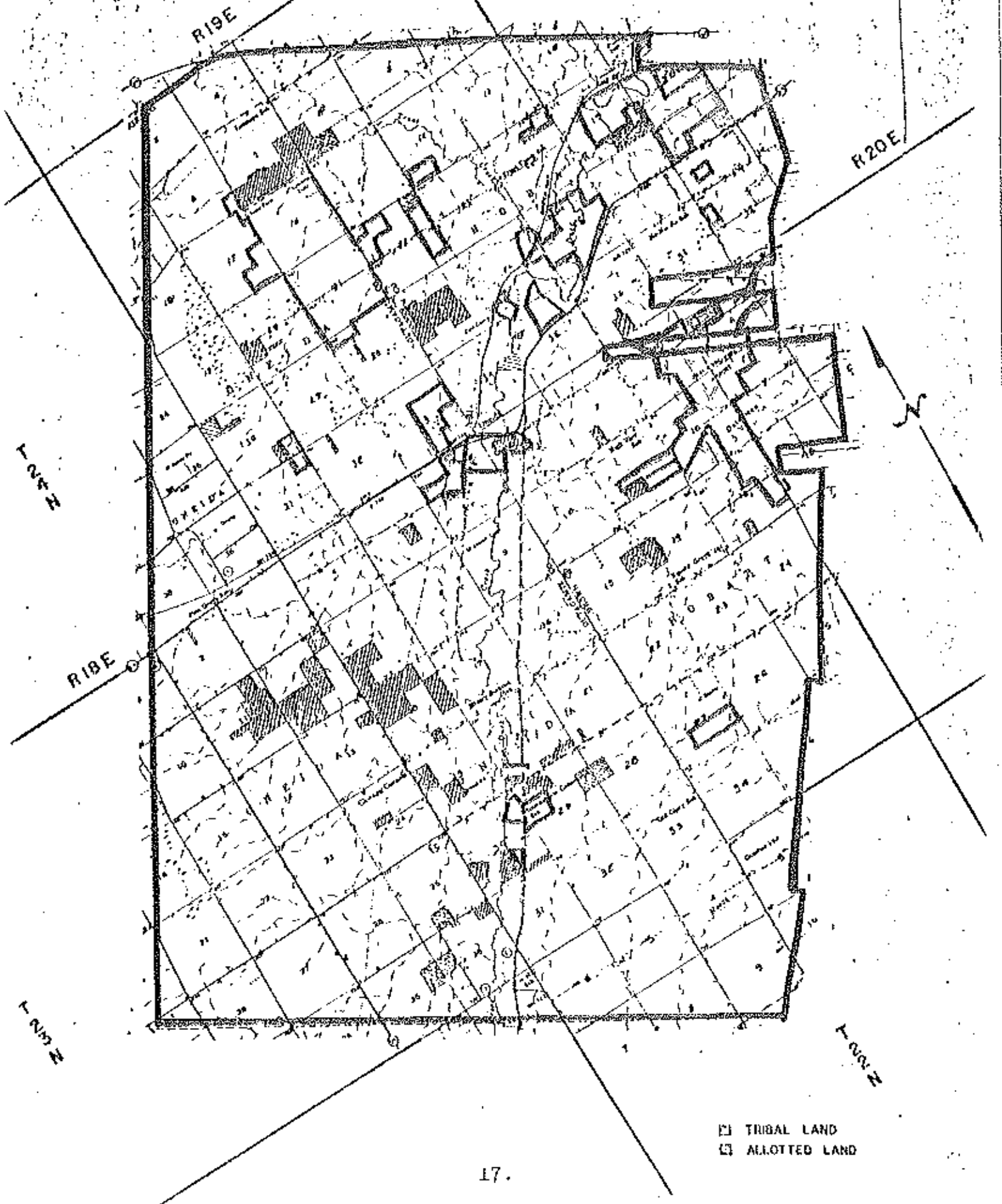
CLEAR TYPE
COUNTY-TOWN
NEW YORK
Scale of Film
MAP NO. 6540

AMERICAN MAP COMPANY, INC.
120 N. 4th St., New York, N.Y.
Copyright © 1928



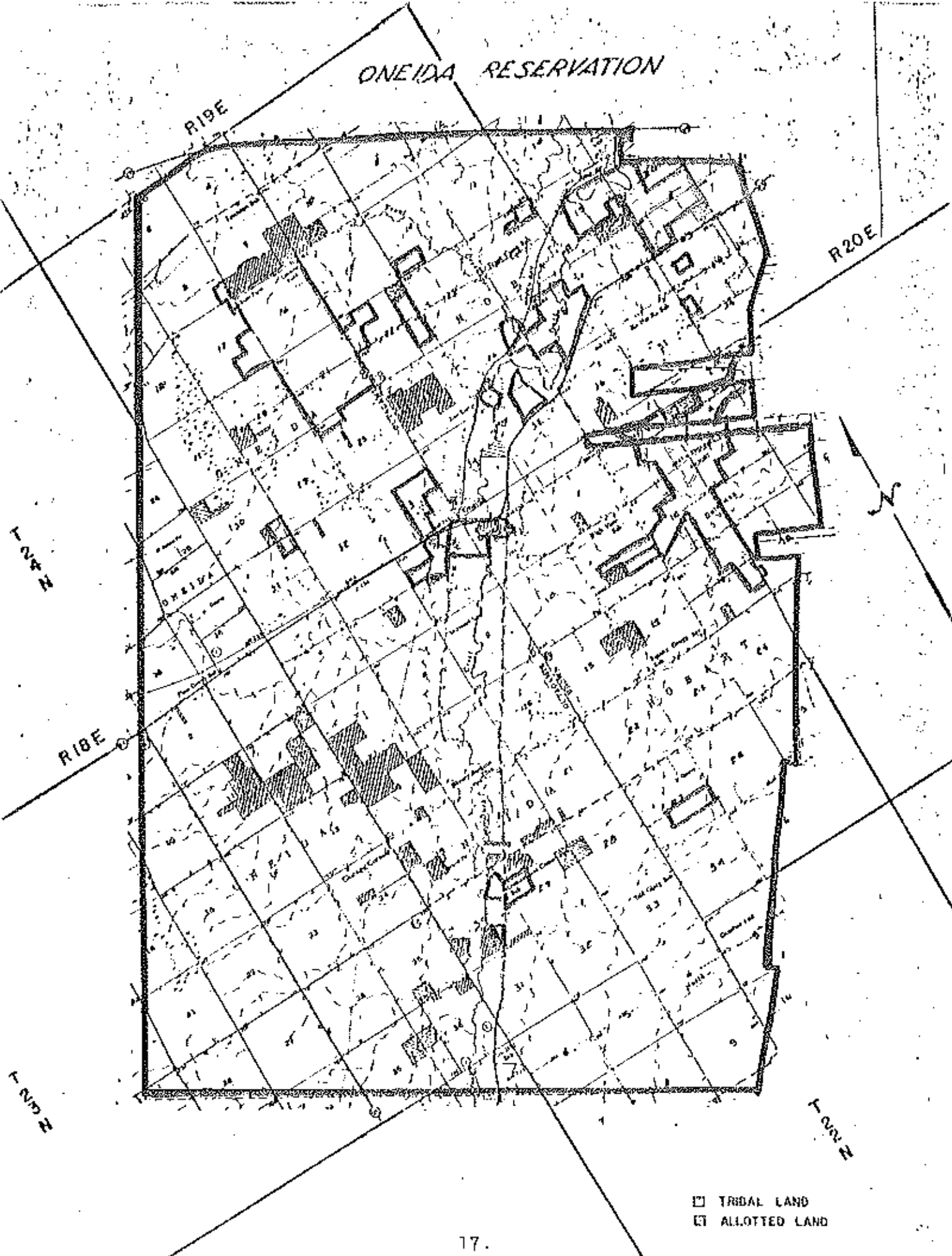
MAP 1

ONEIDA RESERVATION



- ▣ TRIBAL LAND
- ▭ ALLOTTED LAND

ONEIDA RESERVATION



▨ TRIBAL LAND
▭ ALLOTTED LAND