

Oneida Land, Litigation and Law
Open Meeting, Saturday, March 14, 1978

A Report

Present: Loretta, Stanley Webster; Wendell, Gordy McLester;
Jerry L., Jerry M. Hill, Lois, Mark Powless; Art
Skenandore, Myron Smith, Shirley Long

Resolution intro. to GTC concerning hiring of tribal lawyer(s):
what exactly was wording?

Land claims in N.Y.: mid-March ruling on our recommendation
to postpone Docket 301 will still go back to Claims because
it's still on trial. (When judged, losing side will prob.
go to Supreme Court)

Q.: Is it feasible now to hold off on D. 301?

A.: Best to suspend indef. until other claims are settled

Efforts are being made to get a Claims Counsel to see
it through Dept. of Interior to approve our situation.
(D. of I. supposed to be our trustees, looking after our
welfare) Court hasn't ruled yet if we are without counsel.
When an attorney and party he represents have difficulties,
court delays making decisions. As guardian, U.S. has res-
ponsibility for approving our counsel, also has duty to
investigate to see if he's not representing us. (Becuse
we're wards, U.S. has responsibility to investigate, to
see we don't act rashly.)

<u>Docket 301</u>	<u>Oneida vs. Oneida</u>
Wis. Oneidas - Suspended Chapman	Shattuck Tried
N.Y.O. - Elected - Chapman	NARF - Aschenbrenner fired
- Marble Hill } 6 Nats	All Oneida parties
- Oneida Terr. }	N.Y. elected - Bert Hirsch?
Canadian O - not particip.	Canadians - NARF (Ashenbrenner?)

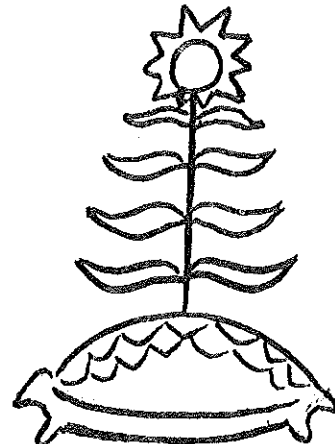
5 Million acres
(pre-1790 case)

N.Y. elected - Jake T. Robt. B.
Filed Fri. 3/3/78

Marble Hill } No attorney
Oneida T. }

Canadian O - NARF Aschenb.

Wis. O.?



Attorney

- #1 Land Claims 1-type attor.
external need Are 5 parties only 3
represented by Chap-
man. We suspended
him so now only 1
party rep. by Chapman.
- #2 Local-civil - 1 local attor.
- N.E. Legal Servs. In case Tribe gets
sued or if we want
to bring something
into state court.
Local attor. would
review program con-
tracts - same attorney
- (Working for
Tribe B.C.,
administration
not indiv.'s
cases)
- #3 Paralegal 1 attor. to
Training work with
Program P.T.P.

Docket 301: Basically in agreement: stop.
Five-million acres: Who (which group) is going
to file it? Party who does in going to benefit
from it.

Local attorney

- Represent Tribal Gov't. - internally working with committees
- functions in state court
- Review contracts
- Would not handle individual cases
- Work closely with administrator, program dires., B.C. re: contracts
- Pay \$500 initial retainer per \$35.00 hr.

Land Claims-attorney(s)

- Chapman: suspended-reps. one party
- Would not handle indiv. cases
- J. & J. in Oneida, Wis.
- Research?
- Five participants, one federally recognized
- Docket 301, O. vs. O, 5 mill. acres
- Do we file as nation or tribe? (on claims, as a nation)

Individual cases

- Wisconsin Indian Legal Services
 - criminal
- N.E. Wis. Legal Services; Judicare
 - civil

Discussion: Once procedure is established, paralegals could
continue, so freeing others. Q: Couldn't one paralegal now
be assigned to handle administrative work, attend every B.C.
meeting, record material needing to be researched?

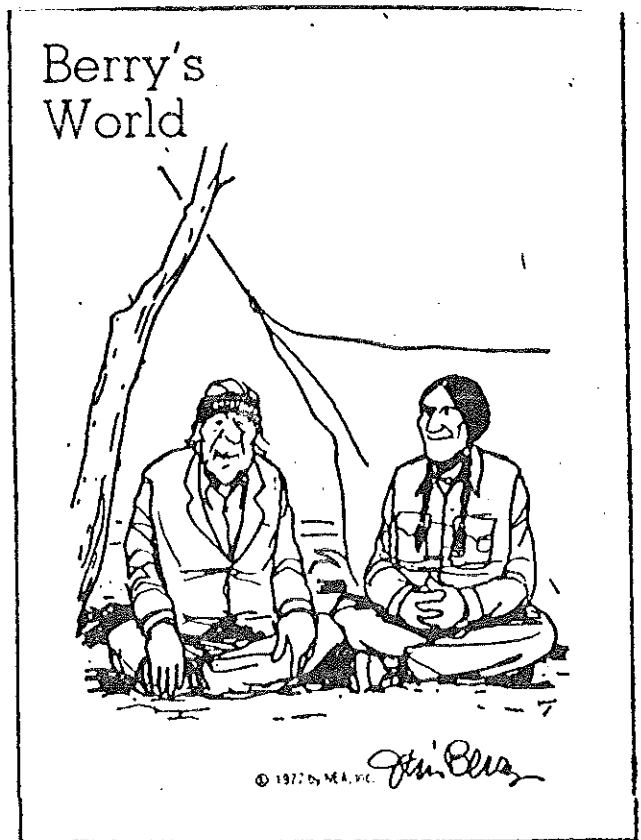
Q: who is to do all land research, just J.H., J.P.?

Local government:

weakness of IRA government: keeps us hassling with each other, Suggested that the B.C. acts in legislative and community-type functions but that it cannot do both.

Constitutional Review Committee: perhaps we need one? -B.C. shouldn't decide what the government is going to do it should only implement, oversee that things are done that G.T.C. membership has indicated need to be done

Claims attorney: (Must be separate from local attorney) Need to recommend to B.C. how many contacted, are interested. We need to find out who's available, what we want them to do, assign responsibility for selection. Law office will draw up job description by Saturday, March 11.



"There is a beautiful old saying of the white man that I love -- 'As Maine goes, so goes the nation.'"