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\* ALSO ADMITTED TO FLA. BAR

February 1, 1979

Lawrence A. Aschenbrenner, Esq.  
Native American Rights Fund  
1712 N Street, N.W.  
Washington, D. C. 20036

Re: Oneida Indians

Dear Larry:

Enclosed is a memorandum from Jack Freyer on the proceedings at the January 26th meeting of the State Bar Association. He succeeded in having the original proposed motion "watered down" to a great extent but was not able to eliminate it entirely.

It is interesting that the resolution as finally passed appears to confirm our contention that the State violated federal law in respect of the treaties.

Very truly yours,

BOND, SCHOENECK & KING

By

  
George C. Shattuck

GCS/b  
Enc.

cc: Bertram Hirsch, Esq.  
Mr. Jacob Thompson  
Mr. Robert W. Burr, Jr.  
Mr. Irvin Chrisjohn  
Mr. Purcell Powless  
Mr. Gordon McLester

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MEMO TO: G. C. SHATTUCK

January 30, 1979

FROM: J. M. FREYER

RE: NEW YORK STATE BAR ASSOCIATION - HOUSE OF DELEGATES MEETING  
Friday, January 26, 1979

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As a member of the House of Delegates of the NYSBA, I attended its regularly scheduled meeting on Friday, January 26, 1979. The meeting convened at 10:15 a.m.

The eighth item on the agenda pertained to the Report and Resolution of the Real Property Law Section regarding Indian claims.

Mr. Connolly, the Chairman of the Real Property Section, took the floor, summarized the background report prepared by his Section and then read the proposed resolution to the House. The resolution had been slightly amended from the resolution that we previously had. The amended resolution is attached to this memorandum.

After Mr. Connolly moved adoption of the resolution and there was a second from the floor, the Chairman asked whether there was any discussion. I was acknowledged at this time and took the floor.

Briefly stated, I informed the House that our firm had been retained by the Oneida Indian Nation approximately 15 years ago, that we had commenced an action in the U. S. District Court for the Northern District of New York, that the action had been dismissed at the District Court level, the dismissal affirmed by the Second Circuit and eventually reversed by the unanimous Supreme Court.

I informed the House that we had tried the issue of liability to a successful conclusion a couple of years ago and that the issue of damages as against the Counties of Madison and Oneida was pending for trial. I informed the House that the issue of liability had been certified by the District Court Judge for appeal to the Second Circuit but that the Counties had withdrawn their appeal.

I stated that to my knowledge no legal or tribal representative of the Oneidas had been contacted with respect to this resolution. I urged to the House that it was "inappropriate" for the New York State Bar Association at this time, without having contacted any representatives of the Oneidas, and while litigation was pending, to issue a resolution calling for legislation to cut off anyone's legal rights. At the conclusion of my statement, I made a motion to indefinitely table the resolution.

The Chairman ruled that a motion to table indefinitely was not debatable and called for a voice vote. By a fairly close voice vote, our motion to table was defeated.

Thereafter, a debate commenced with several speakers rising to elaborate on the plight of land owners faced with the threat of Indian claims. There were several allusions to the Mashpee case on Cape Cod and the effect that litigation had on land values and the ability to convey and mortgage real estate.

Mr. Connolly then proposed an amendment to his resolution. Basically, his amendment urged the Congress to hold hearings and to consider legislation that would alleviate the problem but left out

any specifics, as to "confirming title", "rectifying any injustice" or "authorizing payment." In other words, the resolution as amended called for Congress to do "something."

Debate then followed on Mr. Connolly's watered down resolution. I again asked for the floor and moved that the resolution be tabled to the next meeting of the House in April, 1979. This motion to table to a definite date was debatable. Following debate, our motion to table to a definite date was defeated by a large voice margin.

After some further debate, the amended resolution was put to a voice vote of the floor. The amended resolution carried overwhelmingly.

Messrs. Fitzpatrick, Dee and I, all of whom are members of the House of Delegates, recorded ourselves with the Secretary of the House of Delegates as abstaining on the vote due to a conflict of interest.

J. M. Freyer

Feb 14, 1979

Dear Sir,

Pack 7 is very happy that you will be performing for this Blue and Gold Banquet.

At this time I would like to thank you all very much for coming.

I know that everyone will enjoy your performance.

Thank you again

Sincerely

Jean Hoeyen  
Treasurer Secretary  
For Pack 7

737 S. Reid

C.P. 301

PROPOSED RESOLUTION  
Amended January 26th 1979

RESOLVED, that the New York State Bar Association does hereby respectfully urge the Congress of the United States to pass legislation that (1) will have the effect of confirming the titles to public and private properties in New York State notwithstanding claims made by Indian Nations, Indian Tribes and Indians because it appears that the State of New York failed to comply with the law of the United States of restricting agreements with Indian Nations, Indian Tribes or Indians (2) rectify any injustice or unfairness that was done to Indian Nations, Indian Tribes or Indians, thereby, and (3) to authorize the payment of such monies as may be appropriate to compromise and pay such claims.

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Mr. Connolly