



Onondas 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.



UGWA BEMOLUH TALL
Because of the efforts of this Oneida Chief in cementing a friendship between the nation and the Col of Pennsylvania, a nation, the United States was made possible.

P.O. BOX 129
ONEIDA



WISCONSIN
54155

July 11, 1979

Les Krulitz, Chief Solicitor
U.S. Department of the Interior
Bureau of Indian Affairs
Room 1616
1801 "C" Street, N.W.
Washington, D.C. 20240

Dear Sir:

We acknowledge receipt of your letter of May 1, 1979, and have since met with some of the New York Oneidas regarding the issues.

We thank you for your comments and recommendations on the matter of Oneida land claims settlements and we particularly appreciate your reaffirmation of the Department's support in litigation involving Oneida and Madison Counties in New York.

The Oneida Nation of Wisconsin position on the matter under discussion, as well as the equally relevant issues at stake in our remaining five million acres, has been adequately discussed in our communication to the President of the United States on April 25, 1979. (A copy is enclosed for your reference.) We suggest that the Interior Department seriously review that communication.

Your letter is a fair representation of the attitudes of the Government in this entire litigation process. It is somewhat irregular, however, after liability has been established against Oneida and Madison Counties, that the Trustee for the Plaintiff seeks an out-of-court settlement. This, it seems, is the responsibility of the Counsel for the defendants.

In reference to all previously proposed and completed settlements, and with no prejudice against them, we respectfully submit that there are two distinct and important differences between our cases and all those that have gone before or that will follow:

1. The Oneida Nation has established a liability through a Federal Court decision.

2. The Onidas hold recognized title to these lands.

Further, we respectfully submit that we have not been afforded the dignity and respect that should be ours as a major interest in the issues.

We have proposed to the President in our letter of 4/25/79 that a proper format for an equitable discussion be established. A negotiating committee operating with the backdrop of a Congressional act authored by the Interior Department, the Justice Department and the New York Congressional delegation is NOT what is requested; what is proposed is an Onida Treaty Commission (or Council) to talk with a Presidential appointed Treaty Commission. Our request needs to be answered and should provide real agreement. Lacking this, we are better off in court.

In reference to your hearing "calls for an unilateral Congressional action", what we hear among our own members is that:

- We deny the existence of absolute plenary power.

- We will deny consent to any taking.

- We will pursue a judicial review of any congressional taking.

- Lacking that, we will finally seek remedies available under the Fifth Amendment of the Constitution.

We also prefer to avoid disruptive litigation and legislative confrontations. But, we will not negotiate except under the conditions outlined in our letter to the President. Conditions for discussion must be ideal or we are better off in court.

The Congress and the Executive Branch seem determined to have a negotiation. We are determined that these negotiations bear the dignity of a treaty renegotiation. A Congressional Act may not be the proper format; and, if our title is legislated out by a Congressional Act, we are prepared to bring it into judicial review.

The Onida Nation of Wisconsin has no problem with the spirit of your proposal and we are interested. We have supported the idea of discussing these matters with other Onida groups. Any reasonable offer will be discussed, but not under duress. We will think about it, and you will wait.

Without regard to an Indian Claims Negotiating Committee as you see it or to an Onida Treaty Commission (or Council) as we see it, perhaps it is best for us to meet and fully discuss our position with you so that you understand without reasonable doubt just what our stand is.

Respectfully,

ONEIDA NATION OF WISCONSIN

Edwin D. King Jr.
Edwin King, Jr., Member

Purcell Powless
Purcell Powless, Chairman

Mark Powless
Mark Powless, Member

Robert Hill, Sr.
Robert Hill, Sr., Vice-Chairman

Margaret Doxtater
Margaret Doxtater, Member

Patricia Misikin
Patricia Misikin, Secretary

Loretta V. Metoxen
Loretta V. Metoxen, Member

Myron Smith
Myron Smith, Member

PP:pm

- cc: — President of the United States
 — Martin Seneca, Bureau of Indian Affairs
 — Alan Parker, Senate Select Committee
 — Les Krulitz, Chief solicitor, BIA
 — Larry Ashenbrenner, Atty. of record, Oneida Vs. Oneida, NARF
 — Arlenda Locklear, Council for Oneida Tribe of Indians of Wis., NARF
 — George Shattuck, Atty. of Record, Oneida Vs. Oneida, Bond, Schoeneck & King
 — Professor Norman Dorsen, Consultant to NARF on Constitutional Law
 — Robert Burr, President, Oneida Nation of New York
 — Ray Halbritter, Spokesman, Traditional Oneidas of New York
 — Lyman John, Representative of Marble Hill Oneidas
 — Ella May Horse, Executive Director, National Congress of American Indians
 — Senator Gaylord Nelson
 — Senator William Proxmire
 — Irvin Chrisjohn, Representative, Oneidas of the Thames
 — Bruce Elijah
 — Bob Antone
 — Gerald Hill, Esq. Indian Law Resource Center

Enc: Letter to President of the U.S. dated April 25, 1979.

