

THE EXECUTIVE COMMITTEE OF
THE ONEIDA INDIAN NATION OF NEW YORK

AUGUST 4, 1979

Gentlemen:

We, the elected delegates who represent the majority of the enrolled members of the Oneida Indian Nation of New York, make this statement of policy:

RECOGNITION OF A GOVERNING BODY FOR THE ONEIDA INDIAN NATION OF NEW YORK IS THE MOST IMPORTANT ISSUE FACING OUR NATION AT THIS TIME. Since 1975, the Bureau of Indian Affairs has managed to keep our Nation in a state of governmental limbo, as regards the Oneida relationship with the United States government. In 1975, the Bureau of Indian Affairs, through its Eastern Area Director Harry Rainbolt, arbitrarily, and without any notice or hearing, withdrew recognition of the Constitutional Government as the constituted governing body of the Oneida Indian Nation of New York. The resulting confusion has been termed an internal problem of the New York Oneidas, and, indeed, it is. However, it was created and has been prolonged by the Bureau of Indian Affairs. This kind of action threatens the very bullwork of any government and serves to undermine the Congressional policy of the self-government of the Indian Nations.

We hold the Bureau of Indian Affairs directly responsible for the stalemate on our land claims, as well as for undermining the government recognized by the majority members of the Oneida Indian Nation of New York as their government. There is no reason whatsoever why the government of a sovereign Indian Nation, should suffer the abrupt non-recognition by a mere branch, or any other segment of, the United States government. This issue must be resolved. No other form of business can or will be done by or with the Oneida Indian Nation of New York until the re-instatement of our Tribal government is accomplished.

Under Judicial Enforcement of the Federal Trust Responsibilities to Indians, the United States is obligated to provide services related to the specific, individual treaty responsibilities, as well as to take any appropriate actions which are necessary to protect tribal self-government. By their actions, we feel that Mr. Gerard and Mr. Rainbolt have overstepped their administrative bounds and stand in violation of the Trust Responsibility Policy as set forth by Congress. Basic administrative law principles dictate that administrative officials are subject to judicial review for situations in which they exceed their delegated authority, as well as a most recent U.S. Supreme Court decision that states "Government officials can be held responsible for any and all actions taken by them in their respective positions." For example, a letter from Mr. Forrest J. Gerard, dated June 22, 1979, addressed to members of the Oneida Indian Nation of New York. quote: " It may become necessary for me, in order to properly discharge my Trust Responsibilities, to speak for the Oneida Indian Nation of New York on certain matters which would normally require Tribal government action. further, as to Oneida Land Claims the Solicitor for the Department proposed a Land Claim negotiating committee on May 1, 1979. Although he has received one favorable acknowledgement, he has yet to receive any positive acceptance of his proposal. In the absence of positive acceptance, we are exploring with him other possible alternatives." End quote.

THEREFORE, THE FOLLOWING IS OUR STATEMENT OF POLICY;

WE WILL NOT NEGOTIATE, TRANSACT, DISCUSS, OR ACT IN ANY WAY OR MANNER WITH UNITED STATES, STATE, COUNTY OR LOCAL GOVERNMENTS, OR CITIZENS THEREOF, ON OUR LAND CLAIMS IN NEW YORK STATE UNTILL MR. GERARD AND MR. RAINBOLT'S ARBITRARY DECISION IS REVERSED AND RECOGNITION IS RE-INSTATED TO OUR GOVERNING BODY IN NEW YORK STATE.

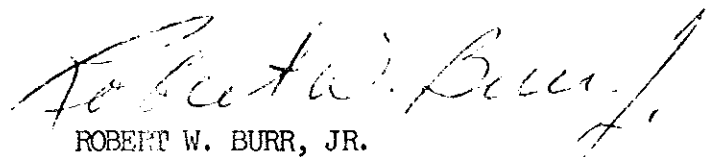
WE WILL NOT ATTEND ANY MEETING FOR THE PURPOSE OF DEVISING A NEGOTIATING COMMITTEE FOR OUR LAND CLAIMS.

WE, THE ELECTED LEADERS OF THE ONEIDA INDIAN NATION OF NEW YORK, REFUSE TO SIT AT A TABLE FOR ANY REASON OR CAUSE FROM THIS DAY FORTH WITH ANY SO-CALLED ONEIDA TRADITIONAL GROUP TO GIVE THEM BARGAINING STATUS. THE ELECTED LEADERS OF OUR NATION WERE ELECTED TO DEAL WITH ALL MATTERS CONCERNING THE ONEIDA INDIAN NATION OF NEW YORK. To give them bargaining status as some of you have been attempting to do serves only to frustrate the Constitutional Government which the Oneida Indian Nation of New York has for many years fostered and recognized.

ANY ACTS, DECISIONS, NEGOTIATIONS MADE BY ANY SO-CALLED TRADITIONAL ONEIDA GROUP OR INDIVIDUALS PROCLAIMING TO REPRESENT THE ONEIDA INDIAN NATION OF NEW YORK AND ITS MEMBERS IS NULL AND VOID.

ANY ACTS, DECISIONS, NEGOTIATIONS MADE BY THE BUREAU OF INDIAN AFFAIRS OR ANY OF ITS OFFICIALS PROCLAIMING TO REPRESENT THE ONEIDA INDIAN NATION OF NEW YORK AND ITS MEMBERS IS NULL AND VOID.

HOWEVER, THE ONEIDA INDIAN NATION EXECUTIVE COMMITTEE AND ITS MEMBERS WILL PURSUE THE ONGOING RESOLUTION OF OUR LAND CLAIMS THROUGH THE COURTS, LETTING THE JUSTICE SYSTEM TAKE ITS NATURAL COURSE.



ROBERT W. BURR, JR.
PRESIDENT
ONEIDA INDIAN NATION OF NEW YORK