



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

OCT 23 1979

Mr. Purcell Powless, Chairman
Oneida Tribe of Indians of
Wisconsin, Inc.
Post Office Box 129
Oneida, Wisconsin 54155

Mr. Robert W. Burr, Jr.
Post Office Box 60
Nedrow, New York 13120

Mr. Ray Halbritter
Route 46 West Road
Oneida, New York 13421

Mr. Lyman Johns
R.F.D. #2, Marble Hill Road
Oneida, New York 13421

Re: Recent attempts to initiate negotiations
toward settlement of the land claims of
the Oneida Indian Nation

Gentlemen:

On May 1, 1979, you were sent a letter from Solicitor Krulitz proposing formation of a Land Claim Negotiating Committee. Responses to this proposal were slow, but we did receive a July 11, 1979, letter from the Tribal Business Committee of the Oneida Tribe of Indians of Wisconsin, and an August 14, 1979, letter from Mr. Halbritter, both of which requested a meeting to discuss the matter. In response, we sent you a September 4, 1979, letter scheduling such a meeting for Monday, September 17, 1979, here at the main Interior Department building.

Ironically, the two parties requesting the meeting did not attend. After sending the September 4 letter and having made telephone arrangements with various attorneys and other representatives of the Oneida people, we received letters dated August 31, 1979, from Mr. Howard Cannon on behalf of the Wisconsin Oneida Litigation Committee, and September 12, 1979, from Mr. Gerald L. Hill on behalf of Messrs. Halbritter and Johns, both requesting that any such meeting be scheduled for no earlier than mid-October. Mr. Burr and associates, and also representatives of the Oneida of the Thames (Ontario) Band Council, did come to Washington to meet on September 17.

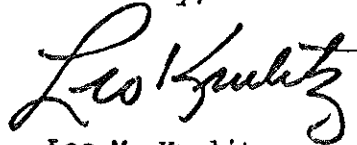
We are certain that those Oneida spokesmen who chose not to attend did so for reasons which were considered important, and we understand that they are still serious about initiating settlement negotiations. Indeed, Mr. Cannon recently telephoned to suggest scheduling a meeting for early November. Please let us assure you that we continue to be willing and anxious to meet with representatives of the Oneida Nation to discuss efforts toward an amicable settlement of the land claim.

Unfortunately, at this time two facts make such a settlement extremely difficult. First, the constant delay marked by deliberate decision-making and postponed meetings means that there is now less than six months before the running of the statute of limitations applicable to the monetary damage portion of the Oneida claims. It is now highly unlikely that a negotiating committee can be formed, a settlement proposal agreed upon, and settlement legislation enacted before April 1, 1980.

Secondly, and more importantly, our latest conversations with Oneida representatives indicate that the Oneida Nation is little closer to a unified position with respect to negotiation of a land claim settlement than it was a year ago. As we pointed out in our September 4 letter, effective negotiations will not be possible until the Oneida Nation presents itself as a united front on issues of both procedure and substance.

For these reasons this Department, as trustee of the Oneida Nation with respect to its land claims, must begin to develop a legislative proposal to resolve the Oneida land claims as soon as possible. We expect that this will mean that officials of this Department will be meeting with New York State officials and representatives of the New York Congressional delegation to discuss the possible parameters of such legislation. This does not mean that we intend to leave the Oneida people out of this process. Indeed, we wish to seek your advice on how a satisfactory settlement can be formulated. However, unless the Oneida Nation can function as one entity for purposes of settlement negotiations, in the final analysis we can only rely on our own judgment as trustee to determine what type of legislation benefiting the Oneida people should be proposed.

Sincerely,



Leo M. Krulitz
Solicitor



Forrest J. Gerard
Assistant Secretary—Indian Affairs