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# Native American Rights Fund

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MAY 27 1986  
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ONEIDA TRIBE OF  
INDIANS OF WISCONSIN  
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May 21, 1986

Gordon McLester  
for Oneida negotiating  
committee members

Jack Campisi

Norman Dorsen

Dear Friends:

Enclosed is a memorandum that Campisi prepared for us on the populations and membership criteria of the three Oneida communities. This issue, i.e. division of the take among the three Oneida communities - should be the first topic of discussion at our May 29 meeting. In addition, we should address the following:

- locating and other details relating to a claim for the negotiations;
- instructions to guide lawyers in meetings on the process expected this summer;
- specific assignment and work plan for addressing substantive issues.

See you all on Thursday, 9:00 a.m.

Sincerely,

*Arlinda Locklear*  
Arlinda Locklear

AL/mb  
Enclosure

*Handwritten notes:*  
May 20, 1986  
Arlinda Locklear  
Dorsen

To: Arlinda

From: Jack *Jack*

Re: Award Distribution

Date: May 13, 1986

At our March meeting you asked me to prepare a report on the population of the three Oneida tribes now and in the 1840s.

In 1839 there were 654 Oneidas in Wisconsin (Campisi 1974: 161). The tribe was granted 100 acres for each member, accounting for its size of 65,436 acres. By 1845 the remainder of the Oneidas who intended to emigrate had left New York and established a reservation in Ontario. This land was purchased from the Baby (pronounced Bobby) family of Detroit with money provided by the emigrating Oneidas. Those entitled to land on the Oneida Reserve at Southwold totaled 410 in 1845 (Ibid: 324). The remaining Oneidas are a bit harder to determine, but based on the various treaties with New York State after 1838, they would not number more than 200 (Ibid: 404). Thus, by 1845 the Oneidas were distributed as follows:

Wisconsin	654	52%
Ontario	410	32%
New York	200 (est)	16%
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Total	1264	100%

The figures for the three tribes as of 1986 are as

follows:

Wisconsin	9102	73%	(Oneida Tribal Enrollment Office March, 1986).
Ontario	2774	22%	(Indian Affairs, Ottawa, April, 1986).
New York	678	5%	Includes an estimated 40 persons who are on the Marble Hill Roll. (Ray Butler BIA, April 11, 1986).
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Total	12514	100	

We discussed some formula by which the two sets of statistics (1840s and 1986) could be used to establish an equitable division of the funds. Looking at the population growth it can be seen that Wisconsin has gained while the others have lost as a percent of the total.

Percent	1845	1986
Wisconsin	52	73
Ontario	32	22
New York	16	5

A straight per capita would be most advantageous to Wisconsin, but would never be accepted by the other two. I doubt that the New York Congressional delegation or the state would agree. An even division is equally unacceptable. Perhaps a formula can be arranged whereby the funds are divided into two categories, and the above percentages applied to each. If, for example, the money were divided into two equal parts, the first to be

distributed to the tribes on the basis of the 1845 percentages, and the other on the basis of the 1986 percentages, Wisconsin would get 62.5%, Ontario 27%, and New York 11.5%. If these ratios were used, based on a \$100,000, Wisconsin would get \$6.87 per capita; Ontario \$9.73, and New York \$18.03. This is but an illustration, not a recommendation.

As we discussed in the meeting, there is some logic to using a formula that includes both the 1845 and 1986 (or later date) census figures. It combines a consideration of the relative populations of the three tribes at the time of the loss, with a comparable measure of those who are to benefit from the award.

There is likely to be opposition to using a bilateral descent system to figure the numbers. Ontario is unilineal based on the father's line, while New York (excepting Marble Hill) is unilineal based on the mother's line. It should be pointed out that the distribution of funds, and membership in the various tribes was based upon whether an individual had contributed to the purchase of land (in Wisconsin and Ontario), or whether the individual had received an equal share in the division of the payments (New York). Thus bilateral factors determined eligibility. From the best I can tell the same rule applied to the distribution of the Kansas Claims money. Every person on a tribal roll who was a descendant from the community at the time of the loss was eligible to share in the settlement.

The last point that deserves note is that the award will be treated as a settlement with the tribes, not the individuals, so that any per capita payment must be so arranged that it is a tribal option that does not reduce the tribe's amount of the award. It would have to come out of earnings from a designated portion. In this regard, the Oneidas should prepare a study of how they handled the distribution from Docket #75.