

Native American Rights Fund

MEMORANDUM

To: Wisconsin Oneida negotiating committee
From: Arlinda Locklear
Re: Final preparation for September 23 meeting
Date: September 19, 1986

Monday is our last opportunity to cover all ground in preparation for the meeting on September 23. We should review our position on all issues that might arise at that meeting so that you won't get caught off-guard in the discussions. What follows is a list of items that are likely to arise. Some of these items are on the agenda. Other items are not, but for one reason or another might come up. Where appropriate, I've also noted the various options you have.

1. Opening statement - we should review the opening statement and try to guess what questions or concerns it might trigger.

2. New York representation - this refers to possible separate representation of the traditional New York Oneidas in negotiating meetings. Options:

- schedule second meeting after the completion of the pending B.I.A. election.

- inviting lawyer for traditional New York Oneidas to attend meetings (this is Howard Rowley's proposal and it apparently has the support of New York State as well).

- what happens if Ray and company just show up?

- table issue until end of meeting.

3. extinguishment language - Van Gestel may state as one of their conditions of settlement that all Oneida claims be extinguished. Points of inquiry on this include:

(-) what precisely he wants to accomplish by it?

- possible other means of accomplishing same thing.

4. involuntary evictions - Van Gestel and State have stated that they are opposed to this as a means of acquiring land for an Oneida settlement. Options include:

- agreeing to their principle against involuntary evictions.

- proposing that issue be tabled until we know whether enough land is available without resorting to involuntary evictions.

- simply inquiring why this is so important without stating a response.

5. administration policy on Indian land claim settlements - the Reagan Administration policy states that a settlement must be limited to the value of the land at the time of the dispossession, minus what the tribe received for it, plus simple interest at 6%. Using this formula for Oneida, the settlement would run 15-20 million dollars. David Etheridge from the Solicitor's Office may raise this point (I don't believe the State will support it because they're battling against Interior on it now in the Cayuga negotiations). Options:

- state bluntly that that framework is unacceptable.

- politely ignore it.

6. a stay on litigation - do we want one and, if so, when.

The lawyer for the Thames Band says they have some reservations about putting the litigation on hold. They'd like to discuss this with us. Also, you should know that Judge McCurn recently said that a decision in the large case is imminent.

check with Jake

7. land acquisition - the Oneidas will propose that this be the first issue discussed in the negotiations. The other parties will ask lots of questions about how much, where, who will get title to it, etc. They will want to know what "substantial" means to the Oneidas. You should be prepared to answer those questions.

8. how much and who pays - all the non-Oneida parties will want to know how much it will cost to settle Oneida. How will you answer those questions?

9. the aboriginal claim - the state or others may say that they won't give anything to settle the aboriginal claim since it is not firmly established in the litigation. Options:

- if there's not fair compensation for it, it violates the Oneidas' principles of settlement and Oneidas will not settle.

- suggest that we put off negotiations, then, until we firmly establish the large claim and, of course, continue to push the reservation claim in court at the same time.