

Attorneys
Richard Dauphinais
Arlinda F. Locklear
Henry J. Sockbeson

Native American Rights Fund

1712 N Street, N.W. • Washington, D.C. 20036-2976 • (202) 785-4166

Executive Director
John E. Echohawk

Deputy Director
Jeanette Wolley

Main Office
1506 Broadway
Boulder, Colorado 80302-6296
(303) 447-8760

August 11, 1986

Laurence M. Hauptman
Professor of History
State University of New York
New Paltz, New York 12561

Dear Larry,

I just completed your study of New York State Indian policy for the years 1970-1986. I daresay it will cause considerable heartburn for certain folks in state government. For my part, I'm delighted to have access to this information on the eve of Oneida land claim negotiations, although I am less than delighted with what you found.

In reading Chapter Five, some questions come to mind. I'd appreciate your thoughts on these as a further aid in preparing for Oneida land claim negotiations.

1. I gather that in the late 1970's the State's view of the seriousness of the Indian land claims began to change. How would you characterize that change, i.e. did the State come to realize then that serious negotiations were required? How did the 1985 Supreme Court's decision affect the State's attitude? In short, do you believe that the State is prepared now to negotiate on terms that will be meaningful?

2. Do you have any data on whether Governor Cuomo's attitude towards Indian claims has changed since Moss Lake? Does the Governor currently take a personal interest in Indian issues? Does the Governor view Crotty or Batson as his principal adviser on Indian issues? What is the nature of Governor Cuomo's relationship with Howard Rowley?

3. Did you perceive any tension or difference in goals respecting the land claims between the Legislature and the Executive? Has informal leadership on Indian issues developed in the Senate and Assembly in the absence of Indian sub-committees? If so, who are those people and will they defer to elected leaders from the claim areas? Do you have any data on the influence or inclination of Sue Hawkins and Lou Contigulia (spelling ?) on the land claims?

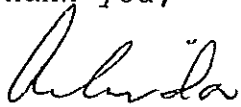
Native American Rights Fund

Laurence M. Hauptman
August 11, 1986
Page 2

4. What is your opinion of the State's likely position on our Oneida settlement? Will the State attempt to foist liability off on the federal government in contrast to its past position? Is the State serious about contributing land to a settlement? Does the State realize that the value of the claim escalated dramatically with the 1985 Supreme Court decision?

I realize these questions will require some thought on your part. I'd greatly appreciate it if you could apply some effort to these questions and give me as detailed a response as you can. Obviously, these issues are of great concern to the Oneidas and a full understanding of them will give the Oneidas a great advantage in the negotiations.

Thank you,

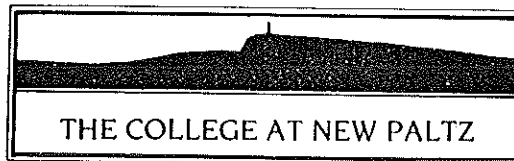


Arlinda Locklear

AL/mb

P.S. You and Gordie did an excellent job of organizing and running the Oneida history conference. My congratulations.

S U N Y



August 25, 1986

Ms. Arlinda Locklear, esq.
Native American Rights Fund
1712 N. Street, N.W.
Washington, D.C. 20036-2976

Dear Arlinda:

I have just received your letter of August 11 containing four sets of questions in response to your reading of my manuscript. Before I begin to answer the questions, I should emphasize that I was pained to write the analysis presented in the manuscript since I voted for Governor Cuomo in 1982 and consider myself a "Hubert H. Humphrey Democrat."

1. Before the mid to late 1970's, the State underestimated the Indians' ability to bring suit. Some in State government continued to underestimate the Indians even after the 1974 Oneida decision in the U.S. Supreme Court. I believe that no state official today underestimates the Indians after the 1985 decision. I do not believe that state officials are willing to set a precedent by settling any one of the outstanding Indian land claims. I believe the strategy is one of delay so that no one politician will get blamed. Gerald Crotty, according to a very good source, "only says what the Governor tells him to say." I stick to my potrait of Crotty (and Cuomo) presented in Chapter 2. They want to leave for Washington before anything comes down on the Indian claims situation.
2. I was told by a very reliable source that two Indians have direct telephone access to the Governor: Chiefs Oren Lyons and Irv. Powless, Jr. I know for a fact that Tim Coulter was the liaison to the Governor's Office from 1979-1981 during the Mohawk siege. The Indians represented on the Albany Bicentennial Commission (recommended by Bob Batson) include Oren Lyons and several allied Mohawks. The Governor directs everything. He is criticized in Albany for not delegating responsibilities and for getting himself involved in too many areas. Batson is Crotty's assistant and, I repeat, Crotty says what the Governor tells him to say. Since the Governor has direct communication

New Paltz, New York 12561

to Chiefs Lyons and Powless, you know where he gets his source of information and his views about the Iroquois, the Indian world, Arlinda Locklear, Jack Campisi and NARF. Howard Rowley is "tolerated" by the Governor. He serves the Governor but they had a falling out over Moss Lake. He's a "good ol' boy" who serves himself, Rochester Gas and Electric and the Governor in that order. He is part of the strategy of delay and placating certain Indian activists which I described in the manuscript. The word is that his real responsibility is to bring "coffee and donuts" to the negotiations, nothing more. He aspires to be Secretary of the Interior.

3. I do not know of Sue Hawkins and only heard Lou Contigulia's name mentioned once. There is no leadership in the New York State Legislature on Indian matters. Everyone defers to Daniel Walsh and Jess Present on the Salamanca issue. Zimmer (from Syracuse) appears to be the one most sensitive* to the implications of the claim (and the Oneidas). The Hudson Valley, Long Island, and New York City legislators have no interest in Indians (except Assemblyman Maurice Hinchey of Ulster County who has a few Mohawk constituents and many political activists in his constituency). The Governor's office (Crotty, Dullea, Cohen) tell me that the New York State Senate killed every proposal (budget) for a Division of Native American Affairs). I do not believe them. There is a concensus/alliance between the Governor and the Legislative leadership (Anderson, Walsh) on Indian claims matters. Senator Donovan, a conservative maverick a la Jesse Helms, is the only hard core critic of Cuomo's Indian policies, stemming from Moss Lake; unfortunately, he is not sympathetic to Indian causes, except in the educational realm.
4. The State is not likely to seriously negotiate with the Oneidas or any Indian nation. Major state agencies, not discussed in the letter, are opposed to any settlement. The Office of Parks, Recreation and Historic Preservation, nevertheless, has agreed to contribute over 500 acres to a Cayuga settlement. I was told by both Crotty and Dullea that the State was willing to contribute land as long as the federal government picked up the monetary tab. I do not believe them. I think they intentionally told me that in order to make New York State officials look good in what they realized was a critical study of the failings of the Carey-Cuomo administration. In the same breath they insisted they were concerned about Indian services in New York State and said

*"sensitive" does not mean here
pro-Indian.

August 26, 1986

they were willing to cough up [a meager] \$57,000 for an Indian office. What do you think? I do not know if state officials realize that the value of the claim escalated after the 1985 decision.

I am sorry for the pessimism. I hope to see you soon and I only wish that my friends from the Seneca Nation see the value of NARF's legal assistance.

Sincerely,

Laurence M. Hauptman
Professor of History

P.S. I was told by Oren Lyons (three weeks ago) that the Confederacy/Onondagas were about to file a land claims suit for the "Syracuse lease." (exact words) He said that the action would have tremendous implications on the Seneca-Salamanca leases.

LMH:jw

cc: G. McLester
J. Campisi