PRENATAL CLASSES, continued . . .

Materials regarding these topics are available or can be obtained for your review; do not hesitate to ask.

Snacks will be served and a doorprize will be given away at the final class for those mothers-to-be with the best attendance record. All mothers-to-be are invited!

Please feel free to contact Debbie Danforth at ext. 243, or Lisa Bowman-Owen at ext. 254 for any questions or concerns regarding your pregnancy.

Oneida Community Health Center
869-2711

— Attention — from C.H.R.'s

Due to budgetary constraints, the C.H.R. Program has been forced to restrict some areas of transportation needs.

Patients who are without transportation of their own, will be brought in to the Oneida Community Health Center for Medical, Dental, or other ancillary health services provided by the Health Center.

The only time that we will be able to transport to other medical facilities or health support services, will be upon referral from the particular department within the Health Center.

We ask that you call twenty-four (24) hours in advance to request transportation assistance. Emergencies will be dealt with on an individual basis.

LoRayne Bargman
C.H.R. Supervisor

C.H.R. Transportation Policies

Effective January 1, 1981, the following transportation guidelines will govern the transportation services provided by the C.H.R. Program of the Oneida Community Health Center:

1) Transportation to and from the Health Center for those people who are without transportation of their own.
2) Transportation to Health providers in the Green Bay and Appleton area when a patient is being referred by an Oneida Health Center physician for care.
3) Referral to Social Services authorized by the Oneida Community Health Center, Family Services Department.

Transportation for the elderly is provided by:

Red Cross Dial-A-Bus 468-8535
(one day in advance notice is requested)

Medi-Vans of Green Bay 435-5055
(For Medicare eligibles)

Transportation will only be provided for above appointments for those who do not have private transportation.

LoRayne Bargman
C.H.R. Supervisor

What Can You Do to Reduce Your Chances of Developing High Blood Pressure

* Have your blood pressure checked regularly
* If you smoke, QUIT
* Exercise regularly
* Get early treatment of urinary tract infections since kidney damage is associated with the development of subsequent hypertension
* Reduce stress as much as possible in your daily life ... learn to relax

If you suspect that you may have high blood pressure, see your doctor immediately.

For additional blood pressure screening service, contact your local American Heart Association chapter, the American Red Cross, or your local public health department at the Oneida Health Center, 869-2711, ext. 248.

If you would like more information on hypertension, write to:

HIGH BLOOD PRESSURE INFORMATION CENTER
120/80 National Institutes of Health
Bethesda, MD 20205

KALIHWI-SAKS
The Official Publication of the Oneida Nation

This publication is distributed free to all enrolled Oneida Tribal members. If you know of someone who is not receiving the KALIHWI-SAKS, please have them send their name and address as they are listed on the Oneida rolls to:

KALIHWI-SAKS
Oneida Tribe of Indians
of Wisconsin
P. O. Box 365
Oneida, WI 54155

or call:

414 — 869-2083

KALIHWI-SAKS is distributed locally at the beginning of the month. Distribution nationwide is made at the end of each month.

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APRIL ISSUE — Volume 6 — 1985

Spa Information

Consideration has been given for the construction of a spa. There is some information that we should be aware of before we start the process.

First of all, there are some people who are not aware of what constitutes a spa. The equipment needed, costs and size, location, support, etc. An assessment has to be made to find out if it is feasible. Maybe a short concise questionnaire will give the information we need.

Spas in this area usually consists of your weight program with steam or sauna baths. Steam baths are hot water steam while the sauna is the dry heat. Either or both are used in spas in this area. A hot whirlpool is another attraction or benefit to its members. A small cold pool is usually installed, not for the purpose of swimming, but because of its size, for reflex action, hot to cold; cold to hot to stimulate body cells.

The cold pool is only meant for this purpose. A larger pool is recommended for recreation needs. I wanted to thoroughly explain this.

Weight programs are used for people of all ages for different reasons. Weight problems, mental and physical therapy is the general thought along with weight lifting competition. Karate, racquetball, a similar sport that are sometimes associated within the same building. There are many activities that can take place in the same area of a spa. Commercial spas usually don't have young people participating in their programs because it is not profitable. I don't believe we would exclude youngsters. There should be time allotted to young people to condition their bodies and to improve their health.

The cold pool seems to create a question when spa construction is brought to mind. An olympic size pool is of (50) yards long x (40) yards wide, while a regular size pool is (25) yards x (40) to (50) feet wide. The cold pool of a spa is very small. The consensus of many people is the need for a pool for our youngsters. The question is, "can we afford one"?

Clyde Truttman of the Green Bay YMCA is an expert who will tell you the cost for the upkeep of the YMCA pool facility and in Allouez. We would need a special allocation for its upkeep.

If the people gave an indication that we could support a spa and the spa could support our recreation, then we could possibly look forward to an addition of a regular size pool in due time.

With federal cutbacks, a program like recreation has to look to a business for their budget. If not a spa, maybe something else.

A questionnaire will follow.

Preparation for Childbirth

Until a century ago, birth was a life threatening event, killing many mothers and babies during or shortly after delivery. At best, giving birth was frightening and painful. Women learned from the Bible that they could expect to give birth in pain and from their mothers, that there was nothing they could do about it. In a time when pregnancy was regarded as an embarassment, improving the conditions of birth was considered unimportant.

In the early part of this century, as women became more visably and vocally involved in society, their unique needs during the childbearing cycle at last drew the attention of experts. Not everyone believed childbirth had to be synonymous with suffering. The modern childbirth class developed out of the need to reduce pain and to educate the expectant mother about health and hygiene.

Taking Medicine During Pregnancy

Most women know that taking drugs such as heroin or cocaine during pregnancy is not only bad for them, but also dangerous for their baby. However, many women take other drugs everyday, without thinking twice about it.

When a pregnant woman takes medication, it immediately enters her bloodstream, passes through the placenta and into the fetus. Whether or not there will be a harmful effect on the fetus depends on the type of drug, the amount, and when during the pregnancy it was taken.

For example, studies have shown that large amounts of aspirin taken in the last three months of pregnancy can cause excessive bleeding in both the fetus and the mother if the delivery occurs too soon after taking the large doses of aspirin.

Often women rely on "mild" tranquilizers such as Valium or Librium to help them through periods of anxiety. However, steady doses of these tranquilizers, when taken by the mother in early pregnancy, have been shown to be associated with an increased risk of such birth defects as a cleft lip or a cleft palate.

A recent study showed that women who smoked marijuana as little as five times a week during pregnancy, ran the risk of having babies who showed the same symptoms as babies whose mothers were addicted to heroin or alcohol.

Some cold tablets contain a substance called quinine which can cause deafness in the newborn. Scientists are not sure of what problems over-the-counter drugs may cause because many items have yet to be thoroughly tested.

Pregnant women should play it safe and avoid taking any kind of medication, including vitamins, unless their doctor has prescribed them.

Women who are on medication for any reason should let their doctor know that if they suspect they are pregnant, or are planning to become pregnant. If you took something before you knew you were pregnant, discuss it with your doctor.

For more information, contact:

Debbie Danforth, ext. 243
OR
Lisa Bowman-Owen, ext. 254
Oneida Health Center 869-2711

* * * PRENATAL CLASSES * * *

Whether you are expecting your first baby, or your fourth . . . Whether you are early in your pregnancy, or far along. We are concerned about the health of you and your baby. Your attendance will show your concern.

WHEN: Every other Wednesday, Now through April 17th, 10:00 A.M. to 11:00 A.M.
WHERE: Oneida Community Health Center
WHAT: Films, information, discussion, all about pregnancy and childbirth.

MARCH 20TH
Nutrition/Breastfeeding/Bottlefeeding

APRIL 3RD
Minor Discomforts/ Birthing Alternatives

APRIL 10TH
Tour of St. Mary's Hospital

APRIL 17TH
Labor and Delivery

A PROCLAMATION

WHEREAS, low birth weight represents the single greatest threat to the survival and good health of infants born in Wisconsin; and

WHEREAS, the second leading cause of death among infants in Wisconsin is birth defect; and

WHEREAS, adequate family support and health services during infancy are recognized as major factors which influence the quality of life; and

WHEREAS, the provision of early prenatal care and education increases the likelihood of a healthy pregnancy and a healthy birth; and

WHEREAS, the public and private sectors at both the state and local levels must be organized to work cooperatively toward the goal of healthy births; and

WHEREAS, maternal and child health services should be available to all citizens regardless of racial, ethnic, economic, age, social or geographic factors; and

WHEREAS, adequate information and support are critical in encouraging citizens to assume an active role in their own health promotion and that of children; and

WHEREAS, the theme of the Department of Health and Social Services' Healthy Birth Program is "Your Baby, Yourself . . . A Lifetime of Health";

NOW, THEREFORE, I, ANTHONY S. EARL, Governor of the State of Wisconsin, do hereby proclaim the month of March, 1985

HEALTHY BIRTH MONTH

In Wisconsin, and urge our citizens to commemorate this observance and to increase healthy awareness and advance the cause of healthy births.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this 21st day of February in the year one thousand nine hundred eighty-five.

Anthony S. Earl
ANTHONY S. EARL

Tribal Health Club

This survey is being circulated to get your input for the support of a Tribal Health Club otherwise called a spa. The Club could possibly include the following:

1. Spa
   a. Weight Room
   b. Sauna & Steam Room
   c. Whirlpool
   d. Cold Pool (Reg. Size)
2. Snack Bar
3. Gift Shop
4. Sport Supplies

Revenues from the operation of the club would be used to support the Oneida Recreation Program.

Would you support a Health Club? Yes______ No______

Would you buy a membership? Yes______ No______

What do you think a fair price would be yearly? Single________ Family________ Married________

Would you want to become involved in any type of business in the project? If so, please state ____________

____

____

Name ______________________________ Total Number in Family________

Name ______________________________ Single________ Age________

Please return Questionnaire to:

Cliff Webster, Civic Center
Yvonne Jourdan, Norbert Hill Ctr.
Don Denny, Oneida One Stop
Rosemary Gregor, Norbert Hill Ctr.
Barbara Hill-Hawkins, Health Center
Sandra Ninham, Oneida Bingo
Beverly King, Tobacco Enterprise
Harriet Reiter, Oneida Tribal Building
Grace Koehler, Kalihwi-saks

Oneida Indian Nation of Wisconsin v. Counties of Oneida, and Madison, New York United States Supreme Court Opinion

The United States Supreme Court on March 4, 1985 issued a ruling on behalf of the Oneida Tribe. The Supreme Court ruled in a 5-4 decision that Oneida Indian land consisting of Madison and Oneida Counties, New York, has been occupied illegally for approximately 190 years because the federal government did not take part in the original 1795 land conveyance.

You will find within, the full and complete United States Supreme Court opinion. Suffice to say, without a detailed analysis, that the Oneida Tribe prevailed over Oneida and Madison Counties as follows:

1. Oneidas have federal rights to the land at issue here.

2. Oneidas have common law remedies for the violation of their possessory right to the lands which was not pre-empted by the enactment of the 1793 Trade and Intercourse Act. (The Counties had argued that even though there was an unlawful conveyance the Oneidas had no remedy under the 1793 Trade and Intercourse Act.)

3. That the following defenses raised by the Counties to Oneida title had no merit:

   A. Statute of Limitations.

   B. Laches (Tribe delayed 175 years in bringing action).

   C. No remedies under 1793 Trade and Intercourse Act as mentioned above.

   D. Implied ratification of Oneida treaties.

   E. Political question to be answered by Congress, not the Supreme Court.

In addition, the Counties lost on the issue that the State of New York should indemnify the Counties for their liability to the Oneidas because they were not a party to the 1795 unlawful land conveyance, but only received the land from the State at a later date.

As a follow up, meetings will be scheduled to encourage community involvement and participation. If you have further questions, please contact the Oneida Business Committee.

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337.

Supreme Court of the United States

Syllabus

COUNTY OF ONEIDA, NEW YORK, ET AL. v. ONEIDA INDIAN NATION OF NEW YORK STATE ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 83-1065. Argued October 1, 1984 — Decided March 4, 1985*

Respondent Indian Tribes (hereafter respondents) brought an action in Federal District Court against petitioner counties (hereafter petitioners), alleging that respondents' ancestors conveyed tribal land to New York State under a 1795 agreement that violated the Nonintercourse Act of 1793 — which provided that no person or entity could purchase Indian land without the Federal Government's approval — and that thus the transaction was void. Respondents sought damages representing the fair rental value, for a specified 2-year period, of that part of the land presently occupied by petitioners. The District Court found petitioners liable for wrongful possession of the land in violation of the 1793 Act, awarded respondents damages, and held that New York, a third-party defendant brought into the case by petitioners' cross-claim, must indemnify petitioners for the damages owed to respondents. The Court of Appeals affirmed the liability and indemnification rulings, but remanded for further proceedings on the amount of damages.

Held:

1. Respondents have a federal common-law right of action for violation of their possessory rights. Pp. 5-12.

*Together with No. 83-1240, *New York v. Oneida Indian Nation of New York State et al.*, also on certiorari to the same court.

Poison Prevention Week

This year's National Poison Prevention Week is observed from March 17 through 23. "Protect Your Children and Grandchildren from Poisoning" is the theme. The official poster stresses five important points:

1. CHILDREN ARE CURIOUS — If storage areas for household cleaners and medicines cannot be locked, children should always be watched closely — especially in late afternoon when tots become hungry. An unusually large number of poisonings occur between 4 and 6 P.M.

2. KEEP THEM SAFE — Children should be taught not to **eat** or **play** with plants, medicines or household products.

3. PUT MEDICINES AWAY — Prescription and non-prescription medicines should be kept out of childrens reach — preferrably locked.

4. RECLOSE CAPS TIGHTLY — Safety closures are of no value in protecting children if not secured **each time** following medication use.

5. KNOW YOUR POISON CENTER NUMBER — Information obtained from the Center in your area can be lifesaving. Record the number by your telephone.

OUR NUMBER IS: **433-8100**

The Environmental Health Specialist, Mr. Spangberg; Community Health Director, Margaret Provost; and one of the pharmacists, Ronald Pytel; will be presenting programs to schools and community groups.

The pharmacist will speak on medicines, safety closures, and the best way to store medicines.

USEFUL TIPS:

* Keep hazardous substances in their original containers
* Use safety caps
* Never tell children their medicine tastes like candy
* Dispose of unused medicines and household poisons by emptying them down the toilet
* Get rid of old prescription medicines

POISON CONTROL IN YOUR HOME, IS UP TO YOU.

Pharmacy Departmental News:

The two pharmacists, Ron Pytel and Tom Stangel, have completed the Introductory Course in Computers.

Carolyn Skenandore and Kathy Danforth have successfully completed the Medical Terminology Course.

CONGRATULATIONS to Kathy and Carolyn!

Carolyn Skenandore will also be completing a Pharmacy Technician Training Program.

Tom Stangel was on an educational leave, attending the American Pharmaceutical Association Annual Meeting in San Antonio, Texas. Tom brought back many new ideas on improving pharmacy services.

Paul Fritschka from Egg Harbor, has been doing a great job as our relief pharmacist whenever Ron or Tom is on vacation.

The Department of Health and Social Services is pleased to announce that March, 1985 will be HEALTHY BIRTH MONTH. The efforts of Healthy Birth Month are to encourage widespread awareness of improving the outcome of pregnancy, and of ensuring the highest possible quality of life in the first year.

The following is a proclamation by Governor Anthony S. Earl, proclaiming March, 1985 —

HEALTHY BIRTH MONTH

DENTAL NEWS . . .
Your Gums

They're important for two reasons. First, they cover the roots of the teeth and the bones of your jaw, so you don't look like a Halloween skeleton.

Second, they hold the teeth to the jawbone. As the picture shows, tiny fibers cushion the teeth like little springs, so you can chew comfortably.

We hate to tell you this, but germs can infect the gums, too. When this happens, the gums don't ache the way teeth do. When gums are infected, they swell up, get red, and bleed.

Do YOUR gums ever bleed when you brush your teeth? If they do, that's an early warning sign of an infection that could get worse.

You know what? This can be prevented, just as decay can be prevented. The way to start preventing disease and having healthy teeth and gums is to . . .

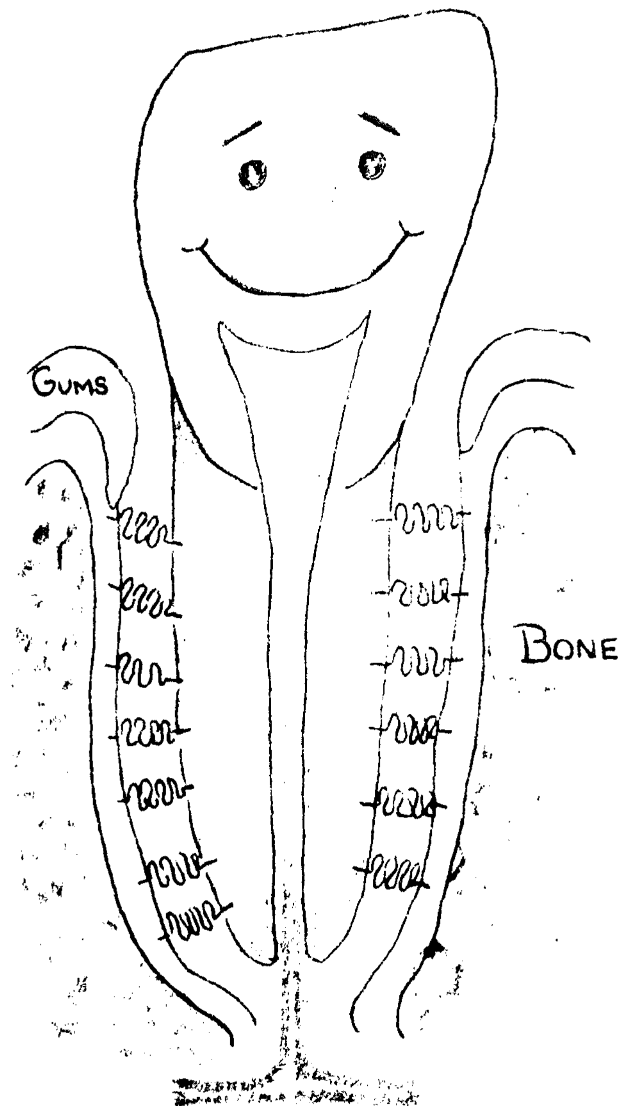
Floss Your Teeth

Probably half the people who read this won't know what floss is. (We hope you're in the half that does!) Dental floss is similar to thread. It comes in a small container and is used to remove food from between your teeth. It works much better than a toothpick!

The best reason for using dental floss is that plaque is camped on the sides of your teeth, where a toothbrush can't get at it, no matter how hard you try. If you don't remove that plaque, then it will go crazy, like a kid in a candy store.

You should floss once a day. Before going to bed is usually the best time. Your dentist and his staff can show you how to use dental floss. It takes a little practice, but it's not hard.

Brushing and flossing are the two best ways to keep your mouth clean and fresh, and to prevent cavities.



(a) The possessory rights claimed by respondents are federal rights to the lands at issue. *Oneida Indian Nation v. County of Oneida,* 414 U.S. 661, 671. It has been implicitly assumed that Indians have a federal common-law right to sue to enforce their aboriginal land rights, and their right of occupancy need not be based on a treaty, statute, or other Government action. Pp. 6-8.

(b) Respondents' federal common-law right of action was not pre-empted by the Nonintercourse Acts. In determining whether a federal statute pre-empts common-law causes of action, the relevant inquiry is whether the statute speaks directly to the question otherwise answered by federal common law. Here, the 1793 Act did not speak directly to the question of remedies for unlawful conveyances of Indian land, and there is no indication in the legislative history that Congress intended to pre-empt common-law remedies. *Milwaukee v. Illinois,* 451 U.S. 304, distinguished. And Congress' actions subsequent to the 1793 Act and later versions thereof demonstrate that the Acts did not pre-empt common-law remedies. Pp. 8-12.

2. There's no merit to any of petitioner's alleged defenses. Pp. 12-22.

(a) Where, as here, there is no controlling federal limitations period, the general rule is that a state limitations period for an analogous cause of action will be borrowed and applied to the federal action, provided that application of the state statute would not be inconsistent with underlying federal policies. In this litigation, the borrowing of a state limitations period would be inconsistent with the federal policy against the application of state statutes of limitations in the context of Indian claims. Pp. 12-16.

(b) This Court will not reach the issue of whether respondents' claims are barred by laches, where the defense was unsuccessfully asserted at trial but not reasserted on appeal and thus not ruled upon by the Court of Appeals. Pp. 16-17.

(c) Respondents' cause of action did not abate when the 1793 Act expired. That Act merely codified the principle that a sovereign act was required to extinguish aboriginal title and thus that a conveyance without the sovereign's consent was void *ab initio.* All subsequent versions of the Act contain substantially the same restraint on alienation of Indian lands. Pp. 17-18.

(d) In view of the principles that treaties with Indians should be construed liberally in favor of the Indians, and that congressional intent to extinguish Indian title must be plain and unambiguous and will not be lightly implied, the 1798 and 1802 Treaties in which respondents ceded additional land to New York are not sufficient to show that the United States ratified New York's unlawful purchase of the land in question. Pp. 18-20.

(e) Nor are respondents' claims barred by the political question doctrine. Congress' constitutional authority over Indian affairs does not render the claims non-justiciable, and, *a fortiori,* Congress' delegation of authority to the President does not do so either. Nor have petitioners shown any convincing reasons for thinking that there is a need for "unquestioning adherence" to the Commissioner of Indian Affairs' declining to bring an action on respondents' behalf with respect to the claims in question. Pp. 20-22.

3. The courts below erred in exercising ancillary jurisdiction over petitioners' cross-claim for indemnity by the State. The cross-claim raises a question of state law, and there is no evidence that the State has waived its constitutional immunity under the Eleventh Amendment to suit in federal court on this question. Pp. 22-25.

719 F. 2d 525, affirmed in part, reversed in part, and remanded.

POWELL, J., delivered opinion of the Court, in which BLACKMUN and O'CONNOR, JJ., joined, in all but Part V of which BRENNAN and MARSHALL, JJ., joined, and in Part V of which BURGER, C.J., and WHITE and REHNQUIST, JJ., joined. BRENNAN, J., filed an opinion concurring in part and dissenting in part, in which MARSHALL, J., joined. STEVENS, J., filed a separate statement concurring in the judgment in part, and an opinion dissenting in part, in which BURGER, C.J., and WHITE and REHNQUIST, JJ., joined.

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

Supreme Court of the United States

Nos. 83-1065 and 83-1240

COUNTY OF ONEIDA, NEW YORK, ET AL., PETITIONERS
83-1065 v.
ONEIDA INDIAN NATION OF NEW YORK STATE, ETC., ET AL.

NEW YORK, PETITIONER
83-1240 v.
ONEIDA INDIAN NATION OF NEW YORK STATE, ETC., ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

(March 4, 1985)

JUSTICE POWELL delivered the opinion of the Court.*

These cases present the question whether three Tribes of the Oneida Indians may bring a suit for damages for the occupation and use of tribal land allegedly conveyed unlawfully in 1795.

I

The Oneida Indian Nation of New York, the Oneida Indian Nation of Wisconsin, and the Oneida of the Thames Band Council (the Oneidas) instituted this suit in 1970 against the Counties of Oneida and Madison, New York. The Oneidas alleged that their ancestors conveyed 100,000 acres to the State of New York under a 1795 agreement that violated the Trade and Intercourse Act of 1793, 1 Stat. 329, and thus that the transaction was void. The Oneidas' complaint sought damages representing the fair rental value of that part of the land presently owned and occupied by the Counties of Oneida and Madison, for the period January 1, 1968, through December 31, 1969.

The United States District Court for the Northern District of New York initially dismissed the action on the ground that the complaint failed to state a claim arising under the laws of the United States. The United States Court of Appeals for the Second Circuit affirmed. *Oneida Indian Nation v. County of Oneida,* 464 F. 2d 916 (1972). We then granted certiorari and reversed. *Oneida Indian Nation v. County of Oneida,* 414 U.S. 661 (1974) *(Oneida I).* We held unanimously that, at least for jurisdictional purposes, the Oneidas stated a claim for possession under federal law. *Id.,* at 675. The case was remanded for trial.

On remand, the District Court trifurcated trial of the issues. In the first phase, the court found the counties liable to the Oneidas for wrongful possession of their lands. 434 F. Supp. 527 (1977). In the second phase, it awarded respondents damages in the amount of $16,694, plus interest, representing the fair rental value of the land in question for the 2-year period specified in the complaint. Finally, the District Court held that the State of New York, a third-party defendant brought into the case by the counties, must indemnify the counties for the damages owed to the Oneidas. The Court of Appeals affirmed the trial court's rulings with respect to liability and indemnification. 719 F. 2d 525 (CA2 1983). It remanded, however, for further proceedings on the amount of damages. *Id.,* at 542. The counties and the State petitioned for review of these rulings. Recognizing the importance of the Court of Appeals' decision not only for the Oneidas, but potentially for many Eastern Indian land claims, we granted certiorari, 465 U.S. — (1984), to determine whether an Indian tribe may have a live cause of action for a violation of its possessory rights that occurred 175 years ago. We hold that the Court of Appeals correctly so ruled.

II

The respondents in these cases are the direct descendants of members of the Oneida Indian Nation, one of the six nations of the Iroquois, the most powerful Indian Tribe in the Northeast at the time of the American Revolution. See B. Graymont, The Iroquois in the American Revolution (1972) (hereinafter Graymont). From time immemorial to shortly after the Revolution, the Oneidas inhabited what is now central New York State. Their aboriginal land was approximately six million acres, extending from the Pennsylvania border to the St. Lawrence River, from the shores of Lake Ontario to the western foothills of the Adirondack Mountains. See 434 F. Supp., at 533.

Although most of the Iroquois sided with the British, the Oneidas actively supported the colonists in the Revolution. *Ibid.;* see also Graymont, *supra.* This assistance prevented the Iroquois from asserting a united effort against the colonists, and thus the Oneidas' support was of considerable aid. After the War, the United States recognized the importance of the Oneidas' role, and in the Treaty of Fort Stanwix, 7 Stat. 15 (Oct. 22, 1784), the National Government promised that the Oneidas would be secure "in the possession of the lands on which they are settled." Within a short period of time, the United States twice reaffirmed this promise, in the Treaties at Fort Harmar, 7 Stat. 33 (Jan. 9, 1789), and of Canandaigua, 7 Stat. 44 (Nov. 11, 1794).[1]

*THE CHIEF JUSTICE, JUSTICE WHITE, and JUSTICE REHNQUIST join only Part V of this opinion.

[1]The Treaty of Fort Harmar stated that the Oneidas and the Tuscaroras were "again secured and confirmed in the possession of their respective lands." 7 Stat. 34. The Treaty of Canandaigua of 1794 provided: "The United States acknowledge the lands reserved to the Oneida. Onondaga and Cayuga Nations, in their respective treaties with the state of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them ... in the free use and enjoyment thereof: but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase." 7 Stat. 45.

What to do for FROSTBITE victims. . .

Anyone who plays or works outdoors is susceptible to frostbite. Exposed parts of the body, especially the face, ears and extremities, may appear bluish or white with a grayish-yellow cast, and feel numb.

DO NOT RUB the frozen area with snow or anything else. Frozen tissue is fragile and is easily damaged.

DO NOT EXPOSE THE FROZEN AREA TO INTENSE DIRECT HEAT, such as that from a stove or radiator.

Indoors, place the frozen area in warm (not hot) water. Or cover the frozen area with warmed towels.

Be sure to see your doctor for further care (if the area is deeply frozen, consult your doctor immediately).

If outdoors, thaw the frozen part by using the victim's body. For example, place a frozen hand under an armpit or between thighs. Place a warm hand over a frozen ear.

Menopause Can Mean the Beginning of Serious Problems for 1 in 4 Women

Fortunately, I know something my mother didn't. The reason so many women become stooped and frail after menopause is a bone disorder called **osteoporosis.**

Osteoporosis is a gradual, abnormal loss of bone tissue that can begin during menopause. In its early stages, osteoporosis may have no symptoms at all. But eventually it causes bones to become so weak and fragile that they can no longer support weight ... and a movement as simple as standing up can cause a bone to fracture.

Left untreated, osteoporosis can cause painful collapse of the spinal column. Osteoporosis results in progressively more stooped posture, or "dowager's hump", and loss of height. And osteoporosis is the major reason why so many older women suffer broken hips.

I wish I could tell you osteoporosis is rare. It isn't. It affects **one out of every four women** over the age of 45. And each year approximately 200,000 women break a hip because of osteoporosis. I wish I could tell you osteoporosis is non-life-threatening. I can't. Complications resulting from osteoporosis—related hip fractures now constitute the 12th leading cause of death in the United States.

What can be done to help prevent osteoporosis?

A lot. If you start early ... and see your doctor. Proper diet, calcium supplementation, regular exercise, and cutting down on smoking and alcohol are important preventive measures. But these measures may not be enough. Only your doctor can give you an individualized program to prevent osteoporosis.

To receive a free booklet about osteoporosis, send a stamped, self-addressed envelope to:

Osteoporosis
Campus Road
Totowa, NJ 07512

And see your doctor now. You owe it to the woman you're going to be in 20 years.

Oneida Community Health Center Weight Management Program for Adolescents

A new weight management program for Oneida community adolescents is starting soon! SHAPEDOWN is designed to help you lose weight, feel better about yourself and improve your health habits.

It doesn't matter if you are 10 or 200 pounds overweight. If you are interested in learning ways to control your eating and weight, this program is for you ... March 13, 4 P.M. at ONEIDA COMMUNITY HEALTH CENTER.

SHAPEDOWN includes weekly exercise, discussions and nutrition activities directed by a Registered Dietitian. SHAPEDOWN was developed at the University of California, San Francisco School of Medicine. This program has shown to be effective in producing significant long term results.

Enrollment in SHAPEDOWN is limited. The 10 week program costs $10.00 and financial assistance is available.

For registration information, call:

Helen Brown, Nutritionist
869-2711

Accidental Hypothermia:
A Winter Hazard for the Elderly

Winter is the time of many illnesses and injuries. Cold, icy weather can bring about heart attacks, frostbite and asthma, as well as broken bones due to falls.

While staying in a cold place can harm anyone, it is particularly risky for older people. Even mildly cool temperatures (60°), can trigger accidental hypothermia, a drop in deep body temperature that can be deadly if not detected promptly and treated properly. It has been determined that certain diseases, as well as some types of drugs, can make a person more susceptible to this condition.

Hypothermia is a condition marked by an abnormally low internal body temperature, typically 95° or under. While hypothermia can sometimes develop slowly, it usually occurs quickly — over a period of a few days. Normally, the body responds to cold by narrowing the blood vessels near the surface of the skin to reduce heat loss. Muscles also tighten to make heat. The result is pale skin and shivering.

The elderly probably account for nearly half of all accidental hypothermia victims. Infants are also at risk, as are a few adults between the ages of 35 and 64. Immature temperature control is thought to be the reason that infants are at risk. The cause in middle-aged and elderly adults is still not fully understood.

The following factors can make a person prone to accidental hypothermia:

* Medications, including chlorpromazine and other phenothiazines used to treat anxiety, depression and nausea.
* Medical conditions, including hypothyroidism, stroke, severe arthritis, Parkinson's disease and alcoholism
* Living alone and receiving a few visitors creates a greater chance of lengthy exposure to the cold in the event of an accident or illness.
* Housing without proper insulation and/or enough heat.

The symptoms of accidental hypothermia include:

* A body temperature below 95 degrees
* Uncontrollable shivering, lack of shivering, or stiff muscles
* Slow and sometimes irregular heartbeat
* Shallow, very slow breathing
* Slurred speech
* Weak pulse, low blood pressure
* Confusion, disorientation, lack of coordination
* Sluggishness, drowsiness

Under extreme circumstances, an accidental hypothermia victim may lapse into a coma. The lower the body temperature, the more likely that the victim will be unconscious. Coma is very probable if the body temperature is 90°or lower.

Unfortunately, these symptoms (other than the drop in body temperature) can be the same as those of a stroke, diabetic coma, heart disease and other conditions, so hypothermia is not always recognized immediately.

To treat a hypothermia victim, follow these steps:

1. Take their rectal temperature (if it's below 95°, call a doctor or ambulance immediately)
2. Wrap the victim in a thermal or electric blanket
3. Place hot water bottles or heating pads on the victims abdomen (never on a high setting, however)
4. If alert, give the victim small quantities of warm food and drink, but NO ALCOHOL.
5. If these methods are not available, you can use your own body heat to help warm the victim
6. If the victim is unconscious, lower the head and raise the feet to prevent shock

Do not rub the victim's limbs — this can worsen the condition.

Recovery depends on severity and length of exposure, as well as general health. If the body temperature drops to between 80° and 90°, most victims will recover, but there will probably be some lasting damage, especially to vital organs. If the body temperature drops below 80°, most victims will not survive.

During this period, the State of New York came under increasingly heavy pressure to open the Oneidas' land for settlement. Consequently, in 1788; the State entered into a "treaty" with the Indians, in which it purchased the vast majority of the Oneidas' land. The Oneidas retained a reservation of about 300,000 acres, an area that, the parties stipulated below, included the land involved in this suit.

In 1790, at the urging of President Washington and Secretary of War Knox, Congress passed the first Indian Trade and Nonintercourse Act, ch. 33, 1 Stat. 137. See American State Papers, 1 Indian Affairs 53 (1832); F. Prucha, American Indian Policy in the Formative Years 43-44 (1962). The Act prohibited the conveyance of Indian land except where such conveyances were entered pursuant to the treaty power of the United States.[2] In 1793, Congress passed a stronger, more detailed version of the Act, providing that "no purchase of grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by a treaty or convention entered into pursuant to the constitution ... (and) in the presence, and with the approbation of the commissioner or commissioners of the United States" appointed to supervise such transactions. 1 Stat. 330, §8. Unlike the 1790 version, the new statute included criminal penalties for violation of its terms. *Ibid.*

Despite Congress' clear policy that no person or entity should purchase Indian land without the acquiescence of the Federal Government, in 1795 the State of New York began negotiations to buy the remainder of the Oneidas' land. When this fact came to the attention of Secretary of War Pickering, he warned Governor Clinton and later Governor Jay, that New York was required by the Nonintercourse Act to request the appointment of federal commissioners to supervise any land transaction with the Oneidas. See 434 F. Supp., at 534-535. The State ignored these warnings, and in the summer of 1795 entered into an agreement with the Oneidas whereby they conveyed virtually all of their remaining land to the State for annual cash payments. *Ibid.* It is this transaction that is the basis of the Oneidas' complaint in this case.

The District Court found that the 1795 conveyance did not comply with the requirements of the Nonintercourse Act. *Id.,* at 538-541. In particular, the court state that "[t]he only finding permitted by the record ... is that no United States Commissioner or other official of the federal government was present at the ... transaction." *Id.,* at 535. The petitioners did not dispute this finding on appeal. Rather, they argued that the Oneidas did not have a federal common-law cause of action for this violation. Even if such an action once existed, they contended that the Nonintercourse Act pre-empted it, and that the Oneidas could not maintain a private cause of action for violations of the Act. Additionally, they maintained that any such cause of action was time-barred or nonjusticiable, that any cause of action under the 1793 Act had abated, and that the United States had ratified the conveyance. The Court of Appeals, with one judge dissenting, rejected these arguments. Petitioners renew these claims here; we also reject them and affirm the court's finding of liability.

III

At the outset, we are faced with petitioners' contention that the Oneidas have no right of action for the violation of the 1793 Act. Both the District Court and the Court of Appeals rejected this claim, finding that the Oneidas had the right to sue on two theories: first, a common-law right of action for unlawful possession; and second, an implied statutory cause of action under the Nonintercourse Act of 1793. We need not reach the latter question as we think the Indians' common-law right to sue is firmly established.

A

Federal Common Law

By the time of the Revolutionary War, several well-defined principles had been established governing the nature of a tribe's interest in its property and how those interests could be conveyed. It was accepted that Indian nations held "aboriginal title" to lands they had inhabited from time immemorial. See Cohen, Original Indian Title, 32 Minn. L. Rev. 28 (1947). The "doctrine of discovery" provided, however, that discovering nations held fee title to these lands, subject to the Indians' right of occupancy and use. As a consequence, no one could purchase Indian land or otherwise terminate aboriginal title without the consent of the sovereign.[3] *Oneida I,* 414 U.S., at 667. See Clinton & Hotopp, Judicial Enforcement of the Federal Restraints on Alienation of Indian Land: The Origins of the Eastern Land Claims, 31 Me. L. Rev. 17, 19-49 (1979).

[2]Section four of the 1790 Act declared that "no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." 1 Stat. 138.

[3]This Court explained the doctrine of discovery as follows: "[D]iscovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession.

"The exclusion of all other Europeans, necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives, and establishing settlements upon it...

"The rights thus acquired being exclusive, no other power could interpose between [the discoverer and the natives].

"In the establishment of these relations, the rights of the original inhabitants were, in no instance, entirely disregarded; but were necessarily, to a considerable extent, impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it." *Johnson v M'Intosh,* 8 Wheat. 543, 573-574 (1823).

With the adoption of the Constitution, Indian relations became the exclusive province of federal law. *Oneida I, supra,* at 670 (citing *Worcester v. Georgia,* 6 Pet. 515, 561 (1832)).[4] From the first Indian claims presented, this Court recognized the aboriginal rights of the Indians to their lands. The Court spoke of the "unquestioned right" of the Indians to the exclusive possession of their lands, *Cherokee Nation v. Georgia,* 5 Pet. 1, 17 (1831), and stated that the Indians' right of occupancy is "as sacred as the fee simple of the whites." *Mitchel v. United States,* 9 Pet. 711, 746 (1835). This principle has been reaffirmed consistently. See also *Fletcher v. Peck,* 6 Cranch 87, 142-143 (1810); *Johnson v. M'Intosh,* 8 Wheat. 543 (1823); *Clark v. Smith,* 13 Pet. 195, 201 (1839); *Lattimer v. Poteet,* 14 Pet. 4 (1840); *Chouteau v. Molony,* 16 How. 203 (1854); *Holden v. Joy,* 17 Wall. 211 (1872). Thus, as we concluded in *Oneida I,* "the possessory right claimed [by the Oneidas] is a *federal* right to the lands at issue in this case." 414 U.S., at 671 (emphasis in original).

Numerous decisions of this Court prior to *Oneida I* recognized at least implicitly that Indians have a federal common-law right to sue to enforce their aboriginal land rights.[5] In *Johnson v. M'Intosh, supra,* the Court declared invalid two private purchases of Indian land that occurred in 1773 and 1775 without the Crown's consent. Subsequently in *Marsh v. Brooks,* 8 How. 223, 232 (1850), it was held: "That an action of ejectment could be maintained on an Indian right to occupancy and use, is not open to question. This is the result of the decision in *Johnson v. McIntosh."* More recently, the Court held that Indians have a common-law right of action for an accounting of "all rents, issues and profits" against trespassers on their land. *United States v. Santa Fe Pacific R. Co.,* 314 U.S. 339 (1941).[6] Finally, the Court's opinion in *Oneida I* implicitly assumed that the Oneidas could bring a common-law action to vindicate their aboriginal rights. Citing *United States v. Santa Fe Pacific R. Co., supra,* at 347, we noted that the Indians' right of occupancy need not be based on treaty, statute, or other formal Government action. 414 U.S., at 668-669. We stated that "absent federal statutory guidance, the governing rule of decision would be fashioned by the federal court in the mode of the common law." *Id.,* at 674 (citing *United States v. Forness,* 125 F. 2d 928 (CA2), cert. denied *sub nom. City of Salamanca v. United States,* 316 U.S. 694 (1942)).

In keeping with these well-established principles, we hold that the Oneidas can maintain this action for violation of their possessory rights based on federal common law.

B

Pre-emption

Petitioners argue that the Nonintercourse Acts pre-empted whatever right of action the Oneidas may have had at common law, relying on our decisions in *Milwaukee v. Illinois,* 451 U.S. 304 (1981) *(Milwaukee II),* and *Middlesex County Sewerage Authority v. National Sea Clammers Assn.,* 453 U.S. 1 (1981). We find this view to be unpersuasive. In determining whether a federal statute pre-empts common-law causes of action, the relevant inquiry is whether the statute "[speaks] *directly* to [the] question" otherwise answered by federal common law. *Milwaukee II, supra,* at 315 (emphasis added). As we stated in *Milwaukee II,* federal common law is used as a "necessary expedient" when Congress has not "spoken to a *particular* issue." *Id.,* at 313-314 (emphasis added). The Nonintercourse Act of 1793 does not speak directly to the question of remedies for unlawful conveyances of Indian land. A comparison of the 1793 Act and the statute at issue in *Milwaukee II* is instructive.

Milwaukee II raised the question whether a common-law action for the abatement of a nuisance caused by the pollution of interstate waterways survived the passage of the 1972 amendments to the Federal Water Pollution Control Act, Pub. L. 92-500, 86 Stat. 816 (FWPCA).[7] FWPCA established an elaborate system for dealing with the problem of interstate water pollution, providing for enforcement of its terms by agency action and citizens suits. See *Milwaukee II, supra,* at 325-327. It also made available civil penalties for parties injured by violations of the Act. 33 U.S.C. §§ 1319(d), 1365. The legislative history indicated that Congress intended FWPCA to provide a comprehensive solution to the problem of interstate water pollution, as we noted in *Milwaukee II, supra,* at 317-319.

[4]Madison cited the National Government's inability to control trade with the Indians as one of the key deficiencies of the Articles of Confederation, and urged adoption of the Indian Commerce Clause, Art. 1, §8, cl. 3, that granted Congress the power to regulate trade with the Indians. The Federalist No. 42, p. 284 (J. Cooke, ed. 1961). See also Clinton & Hotopp, Judicial Enforcement of the Federal Restraints on Alienation of Indian Land: The Origins of the Eastern Land Claims, 31 Me. L. Rev. 17, 23-29 (1979).

[5]Petitioners argue that *Jaeger v. United States,* 27 Ct. Cl. 278 (1892) holds that tribes can sue only when specifically authorized to do so by Congress. *Jaeger* is clearly inapposite to this case. It applied only to the special jurisdiction of the Court of Claims and to claims against the United States.

[6]See also *Fellows v. Blacksmith,* 19 How. 366 (1857) (upholding trespass action on Indian land); *Inupiat Community of the Arctic Slope v. United States,* 230 Ct. Cl. 647, 656-657, 680 F. 2d 122, 128-129, cert. denied, 459 U.S. 969 (1982) (right to sue for trespass is one of rights of Indian title); *United States v. Southern Pacific Transportation Co.,* 543 F. 2d 676 (CA9 1976) (damages available against railroad that failed to acquire lawful easement or right-of-way over Indian reservation); *Edwardsen v. Morton, 369 F. Supp. 1359, 1371 (DC 1973) (upholding trespass action based on aboriginal title).*

[7]*Previously, in Illinois v. City of Milwaukee,* 406 U.S. 91 (1972), the Court had held that federal common law provided a cause of action for the abatement of interstate water pollution.

Child Passenger Safety Seat Program

The Health Center is currently in the process of establishing a child passenger safety seat program which will allow parents or grandparents to purchase or lease safety seats for children under 4 years old. State law currently requires that all children under 4 years old must be in an approved safety seat when transported in your car.

The purpose of the Health Center program, is to allow you to safely transport your child and meet the State requirements as easily as possible.

The seats will sell for $36.00. Of the $36.00 selling price, $10.00 will be required as a down payment when purchasing the seats.

The Program guidelines are listed below. If you have any questions, please call John Spangberg at the Health Center (869-2711).

The Oneida Program is divided into two parts. Part I is the **Infant Safety Seat Rental/Purchase Program,** and Part II is the **Child Safety Seat Purchasing Program.**

PART I — INFANT SAFETY SEAT RENTAL PROGRAM

A. The Program will be coordinated by the Environmental Health Department, with the WIC, Clinic and CHR Departments providing Program assistance.

B. Infant seats will be available to expectant parents prior to the birth of child and to parents with children up to six (6) months old.

C. Information regarding the Program will be distributed by the Oneida Health Center clinic and WIC Programs to expectant mothers seen by them.

D. Prior to signing the lease agreement for the infant safety seat, the expectant mother will be provided with education in the following areas:

1. Reasons for using infant & child safety seats.
2. Proper use and installation of the infant safety seat.
3. Other programs available to them.

E. The information noted in part D above, will be provided by either of the following departments:

1. Environmental Health Department
2. CHR Department

F. Participants in the Program must receive training outlined in Part D above, and must meet all other Program requirements before receiving the infant safety seat.

G. Parents receiving the infant safety seats must comply with all lease requirements.

H. Follow-up calls or visits to the lessee may be made after three (3) months, to determine if the seat is being used and to encourage the purchase of a child safety seat.

I. This Program is available to any enrolled Tribal member, or the spouse of any enrolled Tribal member.

PART II — CHILD SAFETY SEAT PURCHASE PROGRAM

A. The Program will be coordinated by the Environmental Health Dept. with the Clinic, WIC, and CHR Departments providing assistance.

B. Child safety seats will be available to expectant mothers prior to the birth of the child, when a seat is leased under Part I of this Program is returned, when a hospital loaner seat is returned or at any other time a parent requires a seat.

C. Information regarding the Program will be made available to eligible individuals by Oneida Health Center Clinic and WIC programs.

D. Prior to the purchase of a child safety seat, at least one parent will be provided with education in the following areas:
1. Reasons for using a child safety seat
2. Proper use of child safety seat
3. Other programs available

E. The information noted in Part D above, will be provided by one of the following departments:
1. Environmental Health Department
2. CHR Department

F. Parents must receive training outlined in Part D above and meet all other program requirements BEFORE receiving the child safety seat.

G. Parents must comply with all purchase agreement requirements.

H. Follow-up calls or visits may be made after three (3) months to one (1) year to detemine if the seat is being used, and if it is being used properly.

I. This program is available to enrolled Tribal members or their spouse.

Oneida Community Health Center

County Rescue is the **only** authorized emergency rescue service contracted to provide coverage to the Oneida Reservation. Their phone number is:
469-9777

Clip and post near telephone!

A. A. Meetings

Every Wednesday evening at 7:00 P.M. in the kitchen of the Oneida Health Center. Every Thursday evening at 8:00 P.M. at the United Amerindian Center Outpost, 403 Kellogg St., Green Bay.

ALAnon & ALAteen Meetings

Every Wednesday evening at 7:00 P.M. in the Conference Room (downstairs) at the Oneida Health Center.

A. A., ALAnon, ALAteen, Combined Meetings

Every Friday evening at 7:00 P.M. in the Conference Room of the Oneida Health Center. Open meetings on the last Friday of every month.

EVERYONE WELCOME!

—ANNOUNCING—

Oneida Community Alcohol and Other Drug Abuse Out-Patient Program

The Oneida Community Health Center treats chemical dependence as a disease, an illness requiring a multidisciplinary approach to physical, emotional, spiritual, cultural, and social recovery. We accept that chemical dependence is primary (not a symptom of another illness), progressive (if left untreated, the illness worsens), chronic (the effects exist for a prolonged period of time), and fatal (without change, death will occur). We recognize, through our experience, that chemical dependence does not exist in isolation. Consequently, we believe that chemical dependence is a family illness, and that those individuals involved with the chemically-dependent person (whether adult or adolescent), experience varying degrees of pain and grief. We believe that this pain deserves attention and care.

Adhering to the philosophy of Alcoholics Anonymous, we translate our beliefs into action, by using education, individual counseling, and group therapy to initiate the process or acceptance of oneself and the illness. Through this acceptance, the denial of the problem is dissolved and the family and chemically-dependent person begin an effective recovery.

The new OUTPATIENT PROGRAM will consist of three (3) days per week: Monday, Wednesday, and Friday, for a four-week period. Wednesdays will be family day, spouse or significant other person will be encouraged to attend on this day. Our location is in the lower level of the new Health Center addition, at the corner of 824 Double E Rd., and Freedom Road. The program will begin March 4, 1985, 9:00 A.M. through 12:00 Noon.

1. The program's goals are to provide a continuum of chemical dependency treatment for families of the Oneida community.
2. To provide a less restrictive, yet most beneficial form of treatment to people of the community desiring chemical dependency treatment on an outpatient basis.
3. To offer the family or significant other person of the chemically-dependent individual, an opportunity for both education and personalized treatment through a family program and option of family therapy.
4. To provide the community, schools, and Tribal programs a comprehensive educational service to aid in prevention, early intervention, and treatment of the chemically-dependent adult, adolescent, and family members.

We are proud that we are able to provide this service to our community.

For more information, contact the Oneida Community Health Center Chemical Dependency Office at 869-2711.

Available staff members are:

MARJ ANITA MARLENE VIC

In contrast, the Nonintercourse Act of 1793 did not establish a comprehensive remedial plan for dealing with violations of Indian property rights. There is no indication in the legislative history that Congress intended to pre-empt common-law remedies.[8] Only two sections of the Act, §§5 and 8, involve Indian lands at all.[9] The relevant clause of §8 provides simply that "no purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by a treaty or convention entered into pursuant to the constitution..." 1 Stat. 330, §8. It contains no remedial provision.[10]

Section 5 subjects individuals who settle on Indian lands to a fine and imprisonment, and gives the President discretionary authority to remove illegal settlers from the Indians' land.[11] Thus, the Nonintercourse Act does not address directly the problem of restoring unlawfully conveyed land to the Indians, in contrast to the specific remedial provisions contained in FWPCA. See *Milwaukee II, supra,* at 313-315.

Significantly, Congress' action subsequent to the enactment of the 1793 statute and later versions of the Nonintercourse Act demonstrate that the Acts did not pre-empt common-law remedies. In 1822 Congress amended the 1802 version of the Act to provide that "in all trials about the right of property, in which Indians shall be party on one side and white persons on the other, the burden of proof shall rest upon the white person, in every case in which the Indian shall make out a presumption of title in himself from the fact of previous possession and ownership." §4, 3 Stat. 683; see 25 U.S.C. §194. Thus, Congress apparently contemplated suits by Indians asserting their property rights.

Decisions of this Court also contradict petitioners' argument for pre-emption. Most recently, in *Wilson v. Omaha Indian Tribe,* 442 U.S. 653 (1979), the Omaha Indian Tribe sued to quiet title on land that had surfaced over the years as the Missouri River changed its course. The Omahas based their claim for possession on aboriginal title. The Court construed the 1822 amendment to apply to suits brought by Indian tribes as well as individual Indians. Citing the very sections of the Act that petitioners contend pre-empt a common-law action by the Indians, the Court interpreted the amendment to be part of the overall "design" of the Nonintercourse Acts "to protect the rights of Indians to their properties." *Id.,* at 664. See also *Fellows v. Blacksmith,* 19 How. 366 (1857).[12]

We recognized in *Oneida I* that the Nonintercourse Acts simply "put in statutory form what was or came to be the accepted rule—that the extinguishment of Indian title required the consent of the United States." 414 U.S., at 678. Nothing in the statutory formulation of this rule suggests that the Indians' right to pursue common-law remedies was thereby pre-empted. Accordingly, we hold that the Oneidas' right of action under federal common-law was not pre-empted by the passage of the Nonintercourse Acts.

IV

Having determined that the Oneidas have a cause of action under federal commonlaw, we address the question whether there are defenses available to the counties. We conclude that none has merit.

[8] There is some contemporaneous evidence to the contrary. President Washington, at whose urging the first Acts were passed, met with Cornplanter, Chief of the Seneca Nation, shortly after the enactment of the 1790 Act. They discussed the Senecas' complaints about land transactions, and Washington assured them that the new statute would protect their interests. Washington told Cornplanter:

"Here, then, is the security for the remainder of your lands. No State, nor person, can purchase your lands, unless at some public treaty, held under the authority of the United States...

"If ... you have any just cause of complaint against [a purchaser] and can make satisfactory proof thereof, the federal courts will be open to you for redress, as to all other persons." 4 American State Papers, Indian Affairs, Vol. 1, p. 142 (1832).

[9] The Act contained 15 sections. A number of these set out licensing requirements for those who wished to trade with the Indians. (§§1,2,3). Several others established special requirements for purchasing horses from Indians. (§§6,7). Others gave the United States courts jurisdiction over offenses under the Act (§§10,11) and provided for the division of fines and forfeitures (§12). 1 Stat. 329-333.

[10] The second clause of §8 makes it a criminal offense to negotiate a treaty or convention for the conveyance of Indian land, except under the authority and in the presence of United States commissioners. 1 Stat. 330. It likewise makes no provision to restore illegally purchased land to the Indians.

Petitioners make much of the fact that the 1793 Act contained criminal penalties in arguing that the Act pre-empted common-law actions. In property law, however, it is common to have criminal and civil sanctions available for infringement of property rights, and for government officials to use the police power to remove trespassers from privately owned land. See 5 R. Powell, Real Property §758 (1984).

[11] The Act authorizes the President "to take such measures, as he may judge necessary, to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States, who have made, or shall hereafter make, or attempt to make a settlement thereon." 1 Stat. 330. It imposes no obligation on the Executive to take remedial action, and apparently was intended only to give the President discretionary authority to preserve the peace.

[12] Similarly, we find no support for petitioners' contention that the availability of suits by the United States on behalf of Indian tribes precludes common-law actions by the tribes themselves. See *Poafpybitty v. Skelly Oil Co.,* 390 U.S. 365, 369 (1968); *Creek Nation v. United States,* 318 U.S. 629, 640 (1943) (citing *Cherokee Nation v. Southern Kansas R. Co.,* 135 U.S. 641 (1890), *Cherokee Nation v. Hitchcock,* 187 U.S. 294 (1902), and *Lone Wolf v. Hitchcock,* 187 U.S. 553 (1903)). See also *Moe v. Confederated Salish & Kootenai Tribes,* 425 U.S. 463, 473 (1976) ("[I]t would appear that Congress contemplated that a tribe's access to federal court to litigate a matter arising 'under the Constitution, laws, or treaties' would be at least in some respects as broad as that of the United States suing as the tribe's trustee").

A

Statute of Limitations

There is no federal statute of limitations governing federal common-law actions by Indians to enforce property rights. In the absence of a controlling federal limitations period, the general rule is that a state limitations period for an analogous cause of action is borrowed and applied to the federal claim, provided that the application of the state statute would not be inconsistent with underlying federal policies.[13] See *Johnson v. Railway Express Agency, Inc.,* 421 U.S. 454, 465 (1975). See also *Occidental Life Ins. Co. v. EEOC,* 432 U.S. 355, 367 (1977). We think the borrowing of a state limitations period in these cases would be inconsistent with federal policy. Indeed, on a number of occasions Congress has made this clear with respect to Indian land claims.

In adopting the statute that gave jurisdiction over civil actions involving Indians to the New York courts, Congress included this proviso: "[N]othing herein contained shall be construed as conferring jurisdiction on the courts of the State of New York or making applicable the laws of the State of New York in civil actions involving Indian lands or claims with respect thereto which relate to transactions or events transpiring prior to September 13, 1952." 25 U.S.C. §233. This proviso was added specifically to ensure that the New York statute of limitations would not apply to pre-1952 land claims.[14] In *Oneida I,* we relied on the legislative history of 25 U.S.C. §233 in concluding that Indian land claims were exclusively a matter of federal law. 414 U.S. at 680-682. This history also reflects congressional policy against the application of state statutes of limitations in the context of Indian land claims.

Congress recently reaffirmed this policy in addressing the question of the appropriate statute of limitations for certain claims brought by the United States on behalf of Indians. Originally enacted in 1966, this statute provided a special limitations period of 6 years and 90 days for contract and tort suits for damages brought by the United States on behalf of Indians. 28 U.S.C. §§2415(a), (b). The statute stipulated that claims that accrued prior to its date of enactment, July 18, 1966, were deemed to have accrued on that date. §2415(g). Section 2415(c) excluded from the limitations period all actions "to establish the title to, or right of possession of, real or personal property."

In 1972 and again in 1977, 1980, and 1982, as the statute of limitations was about to expire for pre-1966 claims, Congress extended the time within which the United States could bring suits on behalf of the Indians. The legislative history of the 1972, 1977, and 1980 amendments demonstrates that Congress did not intend §2415 to apply to suits brought by the Indians themselves, and that it assumed that the Indians' right to sue was not otherwise subject to any statute of limitations. Both proponents and opponents of the amendments shared these views. See 123 Cong. Rec. 22167-22168 (1977) (remarks of Rep. Dicks, arguing that extension is unnecessary because the Indians can bring suit even if the statute of limitations expires for the United States); *id.,* at 22166 and 22499 (remarks of Rep. Cohen, arguing that the basic problem with the bill is its failure to limit suits brought by Indians); 126 Cong. Rec. 3289 (1980) (remarks of Sen. Melcher, reiterating with respect to the 1980 extension Rep. Dicks' argument against the 1977 extension); *id.,* at 3290 (remarks of Sen. Cohen, same); Statute of Limitations Extension: Hearing before the Senate Select Committee on Indian Affairs, 96th Cong., 1st Sess., 312-314 (1979); Statute of Limitations Extension for Indian Claims: Hearings on S. 1377 before the Senate Select Committee on Indian Affairs, 95th Cong., 1st Sess., 76-77 (1977); Time Extension for Commencing Actions on Behalf of Indians: Hearing on S. 3377 and H.R. 13825 before the Subcommittee on Indian Affairs of the Senate Committee on Interior and Insular Affairs, 92d Cong., 2d Sess., 23 (1972).

With the enactment of the 1982 amendments, Congress for the first time imposed a statute of limitations on certain tort and contract claims for damages brought by individual Indians and Indian tribes. These amendments, enacted as the Indian Claims Limitation Act of 1982, Pub. L. 97-394, 96 Stat. 1976, note following 28 U.S.C. §2415, established a system for the final resolution pre-1966 claims cognizable under §§2415(a) and (b). The Act directed the Secretary of the Interior to compile and publish in the Federal Register a list of all Indian claims to which the statute of limitations provided in 28 U.S.C. §2415 applied. The Act also directed that the Secretary notify those Indians who may have an interest in any such claims. The Indians were then given an opportunity to submit additional claims; these were to be compiled and published on a second list. Actions for claims subject to the limitations periods of §2415 that appeared on neither list were barred unless commenced within 60 days of the publication of the second list. If at any time the Secretary decides not to pursue a claim on one of the lists, "*any* right of action shall be barred unless the complaint is filed within one year after the date of publication [of the notice of the Secretary's decision] in the Federal Register." Pub. L. 97-394, §5(c) (emphasis added). Thus, §5(c) implicitly

[13]Under the Supremacy Clause, State law time bars, *e.g.,* adverse possession and laches, do not apply of their own force to Indian land title claims. See *Ewert v. Bluejacket,* 259 U.S. 129, 137-138 (1922); *United States v. Ahtanum Irrigation District,* 236 F. 2d 321, 334 (CA9 1956), cert. denied, 352 U.S. 988 (1957).

[14]Representative Morris, the sponsor of the proviso, stated: "As it is now, the Indians, as we know, are wards of the Government and, therefore, the statute of limitations does not run against them as it does in the ordinary case. This [proviso] will preserve their rights so that the statute will not be running against them concerning those claims that might have arisen before the passage of this act." 96 Cong. Rec. 12460 (1950).

Oneida Head Start 20th Anniversary Reunion Celebration

Please Return To: Oneida Head Start, P.O. Box 365, Oneida, WI 54155

QUESTIONNAIRE

1. Name ________ Maiden ________
2. Present address ________
3. Phone ________ Age ________
4. Parent's name ________
5. Parent's address ________
6. Last grade completed in school ________
7. Do you currently have children attending Head Start now? Yes ☐ No ☐
8. What are their names? (see question #7 ________
9. What are you doing now, school, job, etc.? ________
10. As an alumni from Head Start what do you remember as the most eventful moment? ________
11. Head Start has changed in many ways over the years. What do you feel are the best changes? ________
12. If you are planning to attend the 1985 Head Start Reunion, how far will you have to travel? ________
13. Who were your teachers in Head Start? ________
14. Where did you attend Head Start, What year? Tribal Building ________ Episcopal Church Mission ________ Sacred Heart/Norbert Hill Center ________
15. Have you had the opportunity to visit Head Start since you graduated, if so, when and what are your opinions? ________
16. How do you feel Head Start has effected your education? ________
17. Who is Arletta Kurowski? ________
18. What age were you when you had your first child? ________
19. How many brothers/sisters from your family attended Head Start? Name ________ Address ________
20. Do you have newspaper clippings, pictures, or art work saved since you attended Head Start? Yes ☐ No ☐ If so, would you be willing to share the material with us for the Reunion Book? **NOTE:** *I would need the material by March 31, 1985.*
21. Are you aware of anyone who attended Head Start in the past 20 years who are now deceased, if yes, please state name ________
22. Is there anything else you would like to share with us? ________
23. Will you and your parents plan to attend the 20th Anniversary Reunion of Head Start on Saturday, April 27 at the NORBERT HILL CENTER, in Oneida? Yes ☐ No ☐ If Yes, How many persons from your family will be attending? Name ________ Address ________

HEAD START

20 Years of Head Start (1965-1985)

Reunion Celebration WHERE ARE YOU??

Plans are underway for the celebration of twenty years of Head Start!

"Celebrate The Oneida Tribe Commitment To The Children"

Where: Oneida Head Start Center
Located under the gym at
The Norbert Hill Center
300 Seminary Road
Oneida, WI 54155

When: April 27, 1985
12:00 p.m. - 8:00 p.m.

Who: All Head Start Children
from 3 years to 24 years

What: Art exhibit, Awards, Food,
Social Indian Dancing,
Language Art Award (Write a
story about when you were
in Head Start), Picture/
Slide Display

Please detach and mail or drop off at:

Oneida Head Start
P.O. Box 365
Oneida, WI 54155

Phone: 414-869-2792
Hours: 8:00 a.m. - 4:30 p.m.
Monday - Friday

- -

Registration Form

Name ______________________ Maiden Name ______________________

Address ______________________________ City __________ Zip ______

Telephone ____________________________ Year Attended Head Start ____

PLEASE ATTACH THE HEAD START QUESTIONNAIRE. THANKS.

imposed a 1-year statute of limitations within which the Indians must bring contract and tort claims that are covered by §§2415(a) and (b) and not listed by the Secretary. So long as a listed claim is neither acted upon nor formally rejected by the Secretary, it remains live.[15]

The legislative history of the successive amendments to §2415 is replete with evidence of Congress' concern that the United States had failed to live up to its reponsibilities as trustee for the Indians, and that the Department of the Interior had not acted with appropriate dispatch in meeting the deadlines provided by §2415. *E.g.,* Authorizing Indian Tribes to Bring Certain Actions on Behalf of their Members with Respect to Certain Legal Claims, and for Other Purposes, H.R. Rep. No. 97-954, p. 5 (1982). By providing a 1-year limitations period for claims that the Secretary decides not to pursue, Congress intended to give the Indians one last opportunity to file suits covered by §2415(a) and (b) on their own behalf. Thus, we think the statutory framework adopted in 1982 presumes the existence of an Indian right of action not otherwise subject to any statute of limitations. It would be a violation of Congress' will were we to hold that a state statute of limitations period should be borrowed in these circumstances.

B

Laches

The dissent argues that we should apply the equitable doctrine of laches to hold that the Oneidas' claim is barred. Although it is far from clear that this defense is available in suits such as this one[16], we do not reach this issue today. While petitioners argued at trial that the Oneidas were guilty of laches, the District Court ruled against them and they did not reassert this defense on appeal. As a result, the Court of Appeals did not rule on this claim and we likewise decline to do so.

C

Abatement

Petitioners argue that any cause of action for violation of the Nonintercourse Act of 1793 abated when the statute expired. They note that Congress specifically provided that the 1793 Act would be in force "for the term of two years, and from thence to the end of the then next session of Congress, and no longer." 1 Stat. 332, §15. They contend that the 1796 version of the Nonintercourse Act repealed the 1793 version and enacted an entirely new statute, and that under the common-law abatement doctrine in effect at the time, any cause of action for violation of the statute finally abated on the expiration of the statute.[17] We disagree.

The pertinent provision of the 1793 Act, §8, like its predecessor, §4 of the 1790 Act, 1 Stat. 138, merely codified the principle that a sovereign act was required to extinguish aboriginal title and thus that a conveyance without the sovereign's consent was void *ab initio.* See *supra,* at 6, and n. 3. All of the subsequent versions of the Nonintercourse Act, including that now in force, 25 U.S.C. §177, contain substantially the same restraint on the alienation of Indian lands. In these circumstances, the precedents of this Court compel the conclusion that the Oneidas' cause of action has not abated.[18]

D

Ratification

We are similarly unpersuaded by petitioners' contention that the United States has ratified the unlawful 1795 conveyances. Petitioners base this argument on federally approved treaties in 1798 and 1802 in which the

[15]The two lists were published in the Federal Register on March 31, 1983, and November 7, 1983, respectively. 48 Fed. Reg. 13698, 51204. The Oneidas' claims are on the first list compiled by the Secretary. *Id.,* at 13920. These claims would not be barred, however, even if they were not listed. The Oneidas commenced this suit in 1970 when no statute of limitations applied to claims brought by the Indians themselves. Additionally, if claims like the Oneidas', *i.e.,* damages actions that involve litigating the continued vitality of aboriginal title, are construed to be suits "to establish the title to, or right of possession of, real or personal property," they would be exempt from the statute of limitations of the Indian Claims Limitations Act of 1982. The Solicitor General agrees with this view. Brief for United States as *Amicus Curiae* 24-25.

[16]We note, as JUSTICE STEVENS properly recognizes, that application of the equitable defense of laches in an action at law would be novel indeed. Moreover, the logic of the Court's holding in *Ewert v. Bluejacket,* 259 U.S. 129 (1922), seems applicable here: "the equitable doctrine of laches, developed and designed to protect good faith transactions against those who have slept on their rights, with knowledge and ample opportunity to assert them, cannot properly have application to give vitality to a void deed and to bar the rights of Indian wards in lands subject to statutory restrictions." *Id.,* at 138. Additionally, this Court has indicated that extinguishment of Indian title requires a sovereign act. See, *e.g., Oneida I,* 414 U.S. 661, 670 (1974); *United States v. Candelaria,* 271 U.S. 432, 439 (1926), quoting *United States v. Sandoval,* 231 U.S. 28, 45-47, (1913). In these circumstances, it is questionable whether laches properly could be applied. Furthermore, the statutory restraint on alienation of Indian tribal land adopted by the Nonintercourse Act of 1793 is still the law. See 25 U.S.C. §177. This fact not only distinguishes the cases relied upon by the dissent, but suggests that, as with the borrowing of state statutes of limitations, the application of laches would appear to be inconsistent with established federal policy. Although the issue of laches is not before us, we add these observations in response to the dissent.

[17]It is questionable whether the common-law doctrine of abatement is even relevant to the statutory provision at issue in this case. The doctrine principally applies to criminal law, and provides that all prosecutions that have not proceeded to final judgment under a statute that has been repealed or has expired have abated, unless the repealing legislature provides otherwise. See *Warden v. Marrero,* 417 U.S. 653, 660 (1974).

[18]The reasoning of *Bear Lake and River Water Works and Irrigation Co. v. Garland,* 164 U.S. 1, 11-12 (1896), is directly on point:

"Although there is a formal repeal of the old by the new statute, still there never has been a moment of time since the passage of the [old] act ... when these similar provisions have not been in force. Notwithstanding, therefore, this formal repeal, it is ... entirely correct to say that the new act should be construed as a continuation of the old ..." Accord, *Steamship Co. v. Joliffe,* 2 Wall. 450, 458 (1865); *Great Northern R. Co. v. United States,* 155 F. 945, 948 (CA8 1907), aff'd, 208 U.S. 452 (1908).

Oneidas ceded additional land to the State of New York.[19] There is a question whether the 1802 treaty ever became effective.[20] Assuming it did, neither the 1798 nor the 1802 treaty qualifies as federal ratification of the 1795 conveyance.

The canons of construction applicable in Indian law are rooted in the unique trust relationship between the United States and the Indians. Thus, it is well-established that treaties should be construed liberally in favor of the Indians, *Choctaw Nation v. United States,* 318 U.S. 423, 431-432 (1943); *Choate v. Trapp,* 224 U.S. 665, 675 (1912), with ambiguous provisions interpreted to their benefit, *McClanahan v. Arizona State Tax Comm'n,* 411 U.S. 164, 174 (1973); *Carpenter v. Shaw,* 280 U.S. 363, 367 (1930); *Winters v. United States,* 207 U.S. 564, 576-577 (1908). "Absent explicit statutory language," *Washington v. Fishing Vessel Assn.,* 443 U.S. 658, 690 (1979), this Court accordingly has refused to find that Congress has abrogated Indian treaty rights. *Menominee Tribe v. United States,* 391 U.S. 404 (1968). See generally F. Cohen, Handbook of Federal Indian Law 221-225 (1982 ed.) (hereinafter F. Cohen).

The Court has applied similar canons of construction in nontreaty matters. Most importantly, the Court has held that congressional intent to extinguish Indian title must be "plain and umambiguous," *United States v. Santa Fe Pacific R. Co.,* 314 U.S., at 346, and will not be "lightly implied," *id.,* at 354. Relying on the strong policy of the United States "from the beginning to respect the Indian right of occupancy," *id.,* at 345 (citing *Cramer v. United States,* 261 U.S. 219, 227 (1923)), the Court concluded that it "[c]ertainly" would require "plain and unambiguous action to deprive the [Indians] of the benefits of that policy," *id.,* at 346. See F. Cohen.

In view of these principles, the treaties relied upon by petitioners are not sufficient to show that the United States ratified New York's unlawful purchase of the Oneidas' land. The language cited by petitioners, a reference in the 1798 treaty to "the last purchase" and one in the 1802 treaty to "land heretofore ceded," far from demonstrates a plain and unambiguous intent to extinguish Indian title. See n. 19, *supra.* There is no indication that either the Senate or the President intended by these references to ratify the 1795 conveyance. See 1 Journal of the Executive Proceedings of the Senate 273, 312, 408, 428 (1828).[21]

E

Nonjusticiability

The claim also is made that the issue presented by the Oneidas' action is a nonjusticiable political question. The counties contend first that Art. 1, §8, cl. 3 of the Constitution explicitly commits responsibility for Indian affairs to Congress.[22] Moreover, they argue that Congress has given exclusive civil remedial authority to the Executive for cases such as this one, citing the Nonintercourse Acts and the 1794 Treaty of Canandaigua.[23] Thus, they say this case falls within the political question doctrine because of "a textually demonstrable constitutional commitment of the issue to a co-ordinate political department." *Baker v. Carr,* 369 U.S. 186, 217 (1962). Additionally, the counties argue that the question is nonjusticiable because there is "an unusual need for unquestioning adherence to a political decision already made." *Ibid.* None of these claims is meritorious.

This Court has held specifically that Congress' plenary power in Indian affairs under Art. 1, §8, cl. 3, does not mean that litigation involving such matters necessarily entails nonjusticiable political questions.

[19]The 1798 Treaty provided:

"[T]he said Indians do cede release and quit claim to the people of the State of New York forever all the lands within their reservation to the westward and southwestward of a line from the northeastern corner of lot No. 54 in *the last purchase from them* running northerly to a Buttonwood tree ... standing on the bank of the Oneida lake. Treaty of June 1, 1798, reproduced in Ratified Indian Treaties 1722-1869, National Archives Microfilm Publications, Microcopy No. 668 (roll 2) (emphasis added).

The 1802 Treaty provided:

"All that certain tract of land beginning at the southwest corner of the land lying along the Gennesee Road, ... and running thence along the last mentioned tract easterly to the southeast corner thereof; thence southerly, in the direction of the continuation of the east bounds of said last mentioned tract, to *other lands heretofore ceded* by the said Oneida nation of Indians to the People of the State of New York." Treaty of June 4, 1802, reproduced in 4 American State Papers, Indian Affairs, Vol. 1, p. 664 (1832) (emphasis added).

[20]Although both treaties were approved by the Senate, see 1 Journal of the Executive Proceedings of the Senate of the United States 312 (1828); *id.,* at 428, neither is contained in the compilation of "all Treaties with ... Indian tribes" compiled at Congress' direction. See J. Res. 10, 5 Stat. 799 (1845). There is evidence that President Adams signed the 1798 Treaty in the February 23, 1799 entry in his Journal of executive actions, March 1797-March 1799 ("Signed a treaty with the Oneida nation"), reproduced in The Adams Family Papers, John Adams, *Misc.* (Lib. Cong. Reel No. 194). Moreover, the 1798 Treaty was included in an 1822 compilation of treaties with the Indians that extinguished Indian title in New York. H.R. Doc. 74, 17th Cong., 1st Sess., 8 (1822). There is no similar evidence that the 1802 Treaty was signed by the President.

[21]The cases relied upon by petitioners likewise do not support a finding of ratification here. *Rosebud Sioux Tribe v. Kneip,* 430 U.S. 584 (1977), expressly reaffirmed the principles of construction which we apply in this case. Petitioners' other cases, *e.g., FPC v. Tuscarora Indian Nation,* 362 U.S. 99 (1960), and *Shoshone Tribe v. United States,* 299 U.S. 476 (1937), do so implicitly.

[22]"The Congress shall have Power ... To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

[23]The counties rely on the language in the Treaty providing that "complaint shall be made by ... the Six Nations or any of them, to the President of the United States, or the Superintendent by him appointed ... and such prudent measures shall be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature ... of the United States shall make other equitable provision for the purpose." Article VII, Treaty of Canandaigua, Nov. 11, 1794, 7 Stat. 46.

Graduate Programs

The Consortium for Graduate Opportunities for American Indians plans to aid American Indian students at participating institutions in identifying graduate programs in the natural sciences, mathematics, social sciences, and humanities which are consistent with the students' own goals and ease their entry into those programs. The major purpose of this project is to educate teachers for community colleges on or near reservations and within Indian Country. These teachers will gain the knowledge to assist their own students into graduate study.

If you have tribal members who are now undergraduates in one of the participating institutions and would like to help or guide them toward graduate education, please notify them about our program. They can contact us for names of Consortium representatives on their campuses or you may copy the enclosed press release and give it to tribal college students. We also request that you place the press release in your tribal newspaper or newsletter.

The staff of the Consortium for Graduate Opportunities for American Indians can assist potential graduate students more easily with information you can provide. We are enclosing a questionnaire for that purpose. The Consortium and future graduate students from your tribe will appreciate your response.

Thank you for your consideration of this important project. If you have need of further information, please contact the Office of the Consortium: 3415 Dwinelle Hall, University of California, Berkeley, California, 94720.

Carol Hampton, Ph.D.
Project Coordinator

The Consortium for Graduate Opportunities for American Indians, based at the University of California, Berkeley, has received a grant from both the Ford Foundation and the Carnegie Foundation to recruit qualified American Indian undergraduates at participating institutions to academic graduate programs in humanities, social sciences, sciences, and mathematics. The following institutions have agreed to participate:

Navajo Community College, Tsalie Arizona, and Shiprock, New Mexico
Haskell Indian Junior College, Lawrence, Kansas
Northeastern Oklahoma State University, Tahlequah, Oklahoma
Southeastern Oklahoma State University, Durant, Oklahoma
Northern Arizona University, Flagstaff, Arizona
Fort Lewis College, Durango, Colorado
University of Arizona, Tucson, Arizona
University of California, Berkeley, California
University of California, Los Angeles, California
University of California, Santa Cruz, California
University of Utah, Salt Lake City, Utah

The Consortium will organize: faculty networks among participating institutions to aid transferring students as well as assist recommendations; workshops this Spring at each of the participating institutions on the mechanics of graduate applications; newsletters highlighting participating institutions, special programs, faculty members, financial aid, and important deadlines in the application process; travel for faculty and students to visit prospective graduate institutions and for interviews.

The Consortium office is located at 3415 Dwinelle Hall, University of California, Berkeley, California, 94720. The telephone number is (415) 642-8003. The Consortium staff are:

Clara Sue Kidwell, Ph.D., Project Director
Elaine Walbroek, M.P.H., Associate Director
Carol Hampton, Ph.D., Project Coordinator

Emergency Aid Scholarship

The Association on American Indian Affairs, Inc., this fall expanded its emergency aid scholarship program for American Indian and Alaska Native college students.

The scholarship program has tripled in size since 1979. The latest expansion will allow the Association to aid dozens of additional applications with grants averaging $150 for emergency educational needs.

Indian students in need may apply for emergency aid by writing to the Association at 95 Madison Avenue, New York, N.Y., 10016. Letters of application must specify the student's tribal affiliation, subject of study, year in school, social security number, outlined budget of expenditures, and grant amount requested. Applicants must also provide the name, address and telephone number of their college financial aid officer.

Submitted by: Oneida Education Office

Making Plans

This is the time of year when students should be making plans regarding their education for the next school year 1985-86.

Getting as much information as possible will help meet your individual needs. No one office, counselor, advisor, parent, friend or publication can have all this information concerning financial opportunities.

Many universities sponsor their own foundation scholarships for both graduate and undergraduate students, some are based on financial need and others are based on leadership and scholastics. But you have to apply early. Contact your prospective school as soon as possible.

All Higher Education & Adult Vocational Training students that intend to enroll in school during the fall of the 1985-86 school year should fill out the Oneida Indian Scholarship application and Financial Aid Form as soon as possible. Our priority date is April 1. Late applicants, in this day of reduced funding, may not be able to receive all campus based funding or be assured tribal grant assistance.

If you need assistance or applications feel free to call or stop by:

Oneida Education Office
P.O. Box 365
Oneida, WI 54155
(414) 869-2173
(Located at the Norbert Hill Center, Room #4350)

Delaware Tribal Business Committee v. Weeks, 430 U.S. 73, 83-84 (1977). Accord, *United States v. Sioux Nation,* 448 U.S. 371, 413 (1980). See also *Baker v. Carr, supra,* at 215-217. If Congress' constitutional authority over Indian affairs does not render the Oneidas' claim nonjusticiable, *a fortiori,* Congress' delegation of authority to the President does not do so either.[24]

We are also unpersuaded that petitioners have shown "an unusual need for unquestioning adherence to a political decision already made." *Baker v. Carr, supra,* at 217. The basis for their argument is the fact that in 1968, the Commissioner of Indian Affairs declined to bring an action on behalf of the Oneidas with respect to the claims asserted in these cases. The counties cite no cases in which analogous decisions provided the basis for nonjusticiability. *Cf. INS v. Chadha,* 462 U.S. 919 (1983); *United States v. Nixon,* 418 U.S. 683 (1974); *Powell v. McCormack,* 395 U.S. 486 (1969). Our cases suggest that such "unusual need" arises most of the time, if not always, in the area of foreign affairs. *Baker v. Carr, supra,* at 211-213; see also *Gilligan v. Morgan,* 413 U.S. 1 (1973). Nor do the counties offer convincing reasons for thinking that there is a need for "unquestioning adherence" to the Commissioner's decision. Indeed, the fact the Secretary of the Interior has listed the Oneidas' claims under the §2415 procedure suggests that the Commissioner's 1968 decision was not a decision on the merits of the Oneidas' claims. See n. 15, *supra.*[25]

We conclude, therefore, that the Oneidas' claim is not barred by the political question doctrine.

V

Finally, we face the question whether the Court of Appeals correctly held that the federal courts could exercise ancillary jurisdiction over the counties' cross-claim against the State of New York for indemnification. The counties assert that this claim arises under both state and federal law. The Court of Appeals did not decide whether it was based on state or federal law. See 719 F. 2d, at 542-544. It held, however, that the 1790 and 1793 Nonintercourse Acts "placed New York on notice that Congress had exercised its power to regulate commerce with the Indians. Thus, anything New York thereafter did with respect to Indian lands carried with it a waiver of the State's eleventh amendment immunity." *Id.,* at 543 (citing *Edelman v. Jordan,* 415 U.S. 651, 672 (1974), and *Employees v. Missouri Dept. of Public Health and Welfare,* 411 U.S. 279, 283-284 (1974)). In essence, the Court of Appeals held that by violating a federal statute, the State consented to suit in federal court by any party on any claim, state or federal, growing out of the same nucleus of operative facts as the statutory violation. This proposition has no basis in law.

The counties' cross-claim for indemnification raises a classic example of ancillary jurisdiction. See *Owen Equipment & Erection Co. v. Kroger,* 437 U.S. 365 (1978). The Eleventh Amendment forecloses, however, the application of normal principles of ancillary and pendent jurisdiction where claims are pressed against the State. *Pennhurst State School & Hospital v. Halderman,* 465 U.S. — (1984). As we held in *Pennhurst,* "neither pendent jurisdiction nor any other basis of jurisdiction may override the Eleventh Amendment. A federal court must examine each claim in a case to see if the court's jurisdiction over that claim is barred by the Eleventh Amendment." *Id.,* at —. The indemnification claim here, whether cast as a question of New York law or federal common law, is a claim against the State for retroactive monetary relief. In the absence of the State's consent, *id.,* at — (citing *Clark v. Barnard,* 108 U.S. 436, 447 (1883)), the suit is barred by the Eleventh Amendment. Thus, as the Court of Appeals recognized, whether the State has consented to waive its constitutional immunity is the critical factor in whether the federal courts properly exercised ancillary jurisdiction over the counties' claim for indemnification. *Pennhurst, supra.*

The only ground the Court of Appeals and the counties offer for believing that the State has consented to suit in federal court on this claim is the fact that if violated the 1793 Nonintercourse Act by purchasing the Oneidas' land. The counties assert that because the Constitution specifically authorizes Congress "[t]o regulate Commerce ... with the Indian Tribes," the States necessarily consented to suit in federal court with respect to enactments under this Clause. See *County of Monroe v. Florida,* 678 F. 2d 1124 (CA2 1982) (making an analogous argument with respect to Congress' extradition power); cert. denied, 459 U.S. 1104 (1983) *Mills Music, Inc. v. Arizona,* 591 F. 2d 1278, 1285 (CA9 1979) (making such an argument with respect to Congress' power over copyright and patents). Thus, they contend, Congress can abrogate the States' Eleventh Amendment immunity and has done so by enacting the Nonintercourse Acts. By violating the 1793 Act, the State thus waived its immunity to suit in federal court with respect to such violations.

[24]Moreover, Congress' delegation to the President is not a "textually demonstrable *constitutional* commitment," *Baker v. Carr,* 369 U.S., at 217 (emphasis added), but rather a statutory commitment of authority. We have held today that the Nonintercourse Acts do not pre-empt common-law causes of action by Indian tribes to enforce their property rights. The language in the Treaty of Canandaigua, see n. 23, *supra,* is likewise an insufficient basis on which to find that the Oneidas' federal common-law right of action has been pre-empted. Thus, the predicate of petitioners' argument, that Congress had delegated exclusive civil remedial authority to the President, must fail.

[25]We note that the Commissioner's decision was based on the fact that the same claims were then pending before the Indian Claims Commission. The Oneidas have since withdrawn their claims from the Indian Claims Commission.

Assuming, without deciding, that this reasoning is correct, it does not address the Eleventh Amendment problem here, for the counties' indemnification claim against the State does not arise under the 1793 Act. The counties cite no authority for their contrary view. They urge simply that the State would be unjustly enriched if the counties were forced to pay the Oneidas without indemnity from the State, and thus that the Court should "fashion a remedy" for the counties under the 1793 Act. This is an argument on the merits; it is not an argument that the indemnification claim arises under the Act. As we said in *Pennhurst,* "[a] State's constitutional interest in immunity encompasses not merely *whether* it may be sued, but *where* it may be sued." 465 U.S., at — (emphasis in original). The Eleventh Amendment bar does not vary with the merits of the claims pressed against the State.

We conclude, therefore, that the counties' cross-claim for indemnity by the State raises a question of state law. We are referred to no evidence that the State has waived its constitutional immunity to suit in federal court on this question.[26] Thus, under *Pennhurst,* we hold that the federal courts erred in exercising ancillary jurisdiction over this claim.

VI

The decisions of this Court emphasize "Congress' unique obligation toward the Indians." *Morton v. Mancari,* 417 U.S. 535, 555 (1974). The Solicitor General, in an *amicus curiae* brief for the United States, urged the Court to affirm the Court of Appeals. Brief for United States as *Amicus Curiae* 28. The Solicitor General recognized, as we do, the potential consequences of affirmance. He observed, however, that "Congress has enacted legislation to extinguish Indian title and claims related thereto in other eastern States, ... and it could be expected to do the same in New York should the occasion arise." *Id.,* at 29-30. See Rhode Island Indian Claims Settlement Act, 25 U.S.C. §1701 *et seq;* Maine Indian Claims Settlement Act, 25 U.S.C. §1721 *et seq.* We agree that this litigation makes abundantly clear the necessity for congressional action.

One would have thought that claims dating back for more than a century and a half would have been barred long ago. As our opinion indicates, however, neither petitioners nor we have found any applicable statute of limitations or other relevant legal basis for holding that the Oneidas' claims are barred or otherwise have been satisfied. The judgment of the Court of Appeals is affirmed with respect to the finding of liability under federal common law,[27] and reversed with respect to the exercise of ancillary jurisdiction over the counties' cross-claim for indemnification. The case is remanded to the Court of Appeals for further proceedings consistent with our decision.

It is so ordered.

JUSTICE STEVENS concurs in the judgment with respect to No. 83-1240.

[26]Three cases establish our approach to the test of waiver of Eleventh Amendment. *Edelman v. Jordan,* 415 U.S. 651 (1974); *Employees v. Missouri Dept. of Public Health and Welfare,* 411 U.S. 279 (1973); and *Parden v. Terminal R. Co.,* 377 U.S. 184 (1964). Although each of these involved waiver for purposes of suit under a federal statute, we indicated in *Pennhurst* that the same standards apply in the context of a state statute. 465 U.S., at —.

[27]The question whether equitable considerations should limit the relief available to the present day Oneida Indians was not addressed by the Court of Appeals or presented to this Court by petitioners. Accordingly, we express no opinion as to whether other considerations may be relevant to the final disposition of this case should Congress not exercise its authority to resolve these far reaching Indian claims.

Fact Sheet on How Student Grants and Loans Affect Your AFDC Grant

(1) CERTAIN LOANS AND GRANTS ARE DISREGARDED

By law, any student grants or loans made or insured by the U.S. Department of Education are disregarded for AFDC purposes. This means that Social Services does not take into account these grants and loans at all when calculating your AFDC grant.

These disregarded loans and grants include:

Supplemental Education Opportunity Grant (SEOG)
National Direct Student Loan (NDSL)
Guaranteed Student Loan (GSL)
Wisconsin Direct Student Loan (WDL)
Talent Incentive Program/State Student Incentive Grant (TIP/SSIG)
College Work Study Program (CWSP), and
Pell Grant (PELL)

(2) OTHER GRANTS AND LOANS ARE DISREGARDED IF YOU RECEIVE THEM UNDER CONDITIONS THAT PREVENT YOU FROM USING THEM FOR CURRENT LIVING EXPENSES

Grants and loans that are not made through the Department of Education are also disregarded if you cannot use them for current living expenses.

Student grants and loans that are not made directly by the Department of Education include:

Bureau of Indian Affairs Grant (BIAG)
Wisconsin Indian Grant (WIG)
Wisconsin Higher Education Grant (WHEG)
Wisconsin Tuition Grant (WIG)
Veterans Administration Educational Benefits (VAEB)

For several of the grants and loans in this group, you must sign a statement that says you will use these funds only for school-related purposes. An example is BIA grants, where you must certify on the Indian Scholarship Application that you will use these funds only for school-related expenses and purposes. If this is true in your case, then those student grants or loans should be disregarded because you cannot use them for current living expenses. You should take a copy of the statement you have signed to Social Services to show your case aide so that they know these loans or grants should be disregarded. The best time to do this is when you first report the grants and loans to your case aide — that way your AFDC grant should not be reduced at all.

If your AFDC grant has already been reduced, you should still take a copy of this signed statement to your case aide to ask that your grant reduction not continue. You can also request a fair hearing. A fair hearing must be requested within 45 days of the effective day of your Notice of Decision. If you request a hearing within 10 days of the date of the Notice of Decision, then your AFDC grant will continue at its full amount until there is a hearing decision in your case.

If the hearing request time has passed, there still may be a remedy, but you should consult an attorney.

(3) IF YOU HAVE NOT SIGNED A STATEMENT SAYING THAT YOU WILL USE THESE FUNDS ONLY FOR SCHOOL-RELATED PURPOSES ...

Then you must give information to Social Services on the cost of your tuition, fees, equipment, special clothing, books, transportation, child care necessary for school attendance, and other school-related expenses you have. All of these school-related expenses must be deducted from your student grant before any of your grant is counted as income for AFDC purposes by Social Services. If there is any remaining money after school-related expenses are deducted, the remaining money **can** be counted as unearned income against your AFDC grant.

If you disagree with the amount of money counted as unearned income, or if all your school-related expenses were not deducted before counting school grant money against your AFDC, then you have a right to request a fair hearing as described in section (2) above.

This fact sheet was written in February, 1985, and is based on laws and regulations applicable in Wisconsin as of February, 1985.

The above is intended to provide general information only and is not a substitute for thorough and specific advice on an individual case. Depending on the complexity of your legal problem you may need to consult an attorney for advice or representation.

This was prepared by the staff of Legal Services of Northeastern Wisconsin, Inc., on behalf of low-income clients.

Legal Services of Northeastern Wisconsin, Inc.
Administrative Center • P.O. Box 1077, 417 Pine Street
Green Bay, WI 54304 • (414) 432-4645

Oneida Education

Graduate Program in Public Health for American Indians

The School of Public Health at the University of North Carolina at Chapel Hill is actively seeking qualified American Indian students who are interested in a graduate level degree in Public Health.

The mission of the School is to advance and apply knowledge drawn from all sciences to the understanding and promotion of the health of human populations and to assist people in translating this knowledge into reality in their own lives whatever their culture or living condition.

The School of Public Health is one of twenty-three such schools in the United States accredited by the Council of Education for Public Health.

The School of Public Health offers 32 graduate degrees in nine academic program areas: Biostatistics, Environmental Sciences and Engineering, Epidemiology, Health Policy and Administration, Health Education, Maternal and Child Health, Nutrition, Parasitology and Laboratory Practice, and Public Health Nursing. Some of the degree programs are broken down into sub-areas for greater specialization.

The American Indian Recruitment Program offers assistance in obtaining financial aid and other support.

We would be very happy to provide you with more information on the Public Health graduate programs at the University of North Carolina at Chapel Hill. Please call or write:

The American Indian Recruitment Program
University of North Carolina at Chapel Hill
School of Public Health
Chapel Hill, North Carolina 27514
(919) 966-3534 (collect)

Graduate Fellowships

University Park, Pa. — Graduate fellowships are available for American Indian students to enroll in the special education teacher training program at The Pennsylvania State University. The deadline for inquiries is April 15.

The American Indian Special Education Teacher Training Program was established in 1983 with a three-year grant from the U.S. Department of Education. Participants receive a monthly stipend of about $600 plus travel expenses and a remission of tuition.

Dr. Anna Gajar, associate professor of special education, is director of the program, which is affiliated with the University's nationally recognized Native American Program.

Dr. Gajar says, "The teacher training program is designed to prepare American Indian students to work with handicapped American Indian children." Special seminars of American Indian Education are conducted in conjunction with the Native American Program.

Graduates of the Program are qualified for the following employment opportunities: (a) Teacher of Special Education, (b) Special Education Program Coordinator and Consultant, (c) Special Education Program Developer, and (d) Special Education positions with the Bureau of Indian Affairs.

Applications for the fall semester, beginning August 1985, are now being accepted. Participants will receive the master of education degree in special education. Depending on applicant qualifications, study will involve a one-year course commitment.

For more information, write Dr. Anna Gajar, American Indian Special Education Teacher Training Program, The Pennsylvania State University, 226B Moore Building, University Park, Pa. 16802 or call the program office (814) 863-2284.

4th Annual Oneida Walkers & Trotters Basketball Game

Dear Community Members:

The Oneida Tribal School is sponsoring the 4th Annual Oneida Walkers & Trotters Basketball Game. For those of you who are not familiar with our "Famous" Walkers & Trotters, they are our distinguished aged men in our community that have been recruited for this special fundraiser.

The requirements for them are:

ATTIRE:

— A dress of appropriate length
— Tennies or nineies
— Must carry a purse at all times
— Must wear a hat and/or high fashion hairdo
— Make up is mandatory

AGE:

— Must be 30 or "OVER THE HILL"

The Walkers and Trotters will be playing our own and best of basketball players, 5th through 8th Grade Boys. The game is scheduled for April 4, 1985 at the Sonny King Gym/Civic Center at 7:00 P.M. Admission will be only one thin dollar, 100 pennies, 2/50¢ or ten thin dimes. Any donations over $1.00 will be very much appreciated.

Food will be sold during the game and at half-time. The menu is Chili and Fry Bread.

There will be a side attraction of the "BEST LEGS" again with a "BEST LEGS" Certificate going to the Walker and/or Trotter that prone to have their legs in good condition!!!

We hope to see you all at the Game and please remember to bring a friend or two. Please come and support your school!!!

Wisconsin Indian Youth Conference July 24-27, 1985 University of Wisconsin — Stevens Point

THEME:

Vision Quests: Path to the Future

SPONSORED BY:

Wisconsin Indian Resource Council
Wisconsin Governor's Office
University of Wisconsin — Stevens Point

OBJECTIVE:

To inform and involve 300 Indian youth at a conference in planning for their future in the areas of education, economic development, career planning, health, tribal and civic responsibility.

The Conference Planning Committee made up of tribal liaisons, state agency officials and representatives of sponsoring organizations have met on a number of occasions to facilitate the planning of the conference. Input has been solicited from Indian youth by the Planning Committee. The attached budget and tentative subject tracks outline conference issues with presentations from Indian leadership, politicians, professionals and elder consultants.

In addition, educational and training opportunities will be presented via: booths and literature as well as youth interaction sessions.

It is hoped that through this conference Indian youth will experience a positive approach to career planning through exposure to tribal leadership in professional roles.

CONTACT:

Wisconsin Indian Resource Council
Char Balgord
216 College of Professional Studies
Post Office Box 937
Stevens Point, Wisconsin 54481
(715) 346-2746

Council of Energy Resource Tribes Tribal Resource Institute in Business, Engineering and Science (Tribes) Summer 1985

The Council of Energy Resource Tribes (CERT) is sponsoring a summer academic program, the Tribal Resource Institute in Business, Engineering and Science (TRIBES) at the Colorado College in Colorado Springs, Colorado.

The Colorado College will feature an eight week summer program designed to enhance the academic skills of recently graduated American Indian high school students interested in careers in business, engineering, science and related fields. Students successfully completing courses in mathematics, science, english and computer science will receive up to ten and one-half semester hours of college credits at the Colorado College. In addition to academic courses, the students will have the opportunity to visit key personnel from industry and meet American Indian tribal leaders and professionals who work in the fields of energy resource development and power production. During the eight-week period the students can assess their academic foundations to pursue courses of studies in energy related fields, and they can receive assistance to enter the college or university of their choice. The TRIBES Institute at the Colorado College will be conducted from mid-June through mid-August.

Selected, qualified American Indians will be supported by CERT. Costs for tuition, room and board, books and supplies will be paid by CERT. Transportation to the Colorado College campus and return to the student's home is the student's responsibility.

The Colorado College will accept a limited number of students for the TRIBES-85 program. The competition for these positions will be intense and will be based on the student submitting: 1) high school transcript, 2) ACT or SAT test scores, 3) recommendation letters from teachers and counselors, and 4) a one-page essay written by the student.

For further information, interested students should contact either CERT or the Colorado College:

Ms. Lucille Echohawk
Council of Energy Resource Tribes
1580 Logan, Suite 400
Denver, Colorado 80203
(303) 832-6600

Dean Margo Kickingbird
The Colorado College
Summer Session Office
Colorado Springs, CO 80903
(303) 473-2233 ext. 656

Applications also available: Oneida Education Office 414-869-2173/2111

Special AIS Assistance Available

AIS has some restricted financial aid from our private donors available to eligible Indian graduate students for 1984-85.

- Students from New Mexico tribes in the "hard sciences" such as physics, chemistry, etc.
- Medical students specializing in OB/GYN.
- Medical students originally from the San Francisco, Phoenix or Boulder areas.
- Law students (small supplemental aid).
- Female students (supplemental aid).

Any Indian graduate or professional school students who are in need of financial aid for 1984-85 and who meet the eligibility criteria for funding by AIS (see "AIS Fellowships" item herein) should contact AIS for an application.

AIS FELLOWSHIP RULES

To be considered for an AIS graduate fellowship, an applicant must be:

- A member of a federally-recognized Indian tribe or Alaska Native group, and possess at least one-fourth degree Indian blood.
- Enrolled, or accepted for enrollment, in an accredited graduate or professional school.
- Able to prove a need for financial assistance.

Write or call for an application packet to: AIS, Suite D, 335 Jefferson St. SE, Albuquerque, NM 87108 (505/265-8335). The application deadlines are April 15th for the 1985 summer session, and May 31st for the 1985-86 academic year. Summer fellowships are only awarded to those who demonstrate a real need to attend summer school.

When awarding fellowships from Bureau of Indian Affairs' funds, priority is given to those applicants in medicine, engineering, business, natural resources and related fields in these four areas.

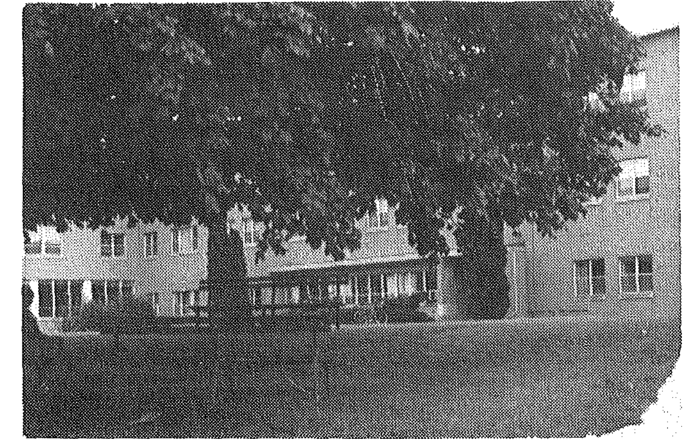
Reminder to All Oneida's Education Grant Recipients

In order to remain eligible for funding from the Oneida Education Office students must comply with the requirements of the program. At the end of the semester it is necessary to send copies of your grade reports. At the end of the school year it is necessary to submit an official transcript to this office.

Now is the time to complete the Oneida Scholarship Application and the required financial aid forms for the 1985-86 school year. They should be completed as soon as possible after January 1st. If you need these forms please contact our office or your school.

Oneida Education Office
P.O. Box 365
Oneida, WI 54155
(414) 869-2173

THE ONEIDA RETIREMENT COMMUNITY

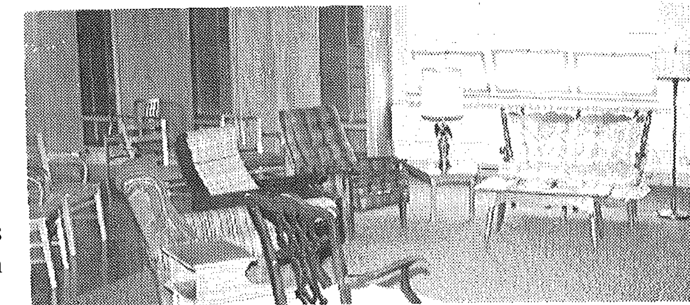


A Beautiful Rural Setting Among Friendly, Caring People in a Safe Environment

The Oneida Tribe of Indians of Wisconsin now has a Retirement Community on the third floor of the Norbert Hill Center at 3000 Seminary Road in Oneida. Persons interested in retiring to a beautiful rural setting among friendly, caring people in a safe environment are invited to come out and view the facility, and meet the staff and residents, and inquire about Admission policies and fees.

Prospective residents must be ambulatory elders who are capable of self-care, do not have special dietary requirements, and desire to live as independently as possible but without the burden of keeping up their own homes and yards. The building is equipped with an elevator, but residents must be capable of walking down stairs in an emergency. Staff are available 24 hours a day for supervision and assistance.

The Oneida Retirement Community will furnish room and board, custodial service, some transportation, and garage stalls, if available. The rooms are furnished, but we encourage residents to bring their own furniture. Laundry facilities are available and residents will be responsible for their own laundry.



A Work Credit Program is available for persons who may choose to work several hours per week at the Center to be credited toward monthly room and board.

Elderly persons on a Fixed Income with few Assets may want to inquire about our Assistance Plan for room and board.

For more information about the Oneida Retirement Community, call Sister Barbara Berthiaume, Manager, at 869-1206 or stop in for a visit at the Norbert Hill Center, Room #1418.

Summer Wisconsin Indian Youth Conference

It is my understanding a great number of individuals have recently become involved in the planning of a summer Indian youth conference. I applaud you for your efforts and encourage you to make this conference a lasting success.

I have agreed that this office will assist in co-sponsorship of this conference and Paul DeMain, my liaison to the tribes, will set aside some time and effort to assist you in this endeavor.

In addition, I intend to communicate my desire that each agency within my administration consult in and assist through program funding in those areas compatible with youth and minority initiatives.

The area of career and leadership development is indeed a crucial element in the development of tribal self-determination and sufficiency. The need to bring positive role models together with the aspiring tribal youth of Wisconsin is a worthy cause with a farsighted impact.

Governor Anthony S. Earl

Gordon House Chosen For Indian Hall Of Fame

By Mike Russo

The 12 year dream of Oscar House, a former Winslow resident, will finally be realized when his older brother Gordon is post-humously enshrined in the Indian Hall of Fame next spring. Oscar plans to attend the induction ceremony set for March 30, 1985, on the campus of Haskell Indian Junior College in Lawrence, Kansas. Oscar is a graduate of Haskell. The ceremony will be part of the school's centennial celebration.

House's enshrinement is based on his exploits as a professional boxer from 1946 to 1949. Fighting as a lightweight, House compiled a record of 32-18-2, according to Ring Magazine, considered the Bible of boxing. House's brief four year career was ended tragically when he was shot to death on April 5, 1950, in Houston, Texas. House had moved to Houston, following his discharge from military service, to become a professional pugilist.

House, who fought under the moniker of Chief Gordon House, was known as the "lightweight with the heavyweight punch." His punching power allowed him to record 24 knockouts in his 32 ring victories. His K.O. ratio of 75 percent is among the best in boxing history, ranking up there with such fistic legends as Joe Louis, Jack Dempsey, Sugar Ray Robinson, Rocky Marciano, Ike Williams, Willie Pep and Sandy Saddler.

The latter boxer was a former world featherweight champion who fought Chief House in a July 15, 1948 battle in Long Beach, California. House stunned the ex-champion early in the fight and knocked Saddler to the canvas in the first minute of the fight. Saddler rose from the seat of his pants, weathered the storm for the remainder of the round and eventually stopped House on a TKO.

House lost the fight when he was unable to answer the bell for the fifth round, due to a terrible cut over his right eye.

House faced another pair of top 10 ranked fighters in his career. On July 25, 1946, the chief tangled with the world's ninth rated lightweight, Rudy Cruz of San Antonio, Texas. Cruz managed to beat House in a 10 round decision.

Toward the end of his brief career, House fought Buddy Garcia of Houston, Texas, who was ranked in the top 10. In that January 18, 1949 bout, House again lost a 10 round decision.

House held three different state lightweight titles: Arizona, Nevada and Texas.

House captured his first state title, the Arizona crown, when he knocked out Freddie Babe Herman in the ninth round of their fight on July 25, 1948.

House added to his championship hardware when he garnered the Nevada belt on August 23, 1948. He claimed the championship by decisioning Eddie Prince of Las Vegas in 10 rounds. Just two weeks prior to that fight, the pair had fought and Prince had claimed a 10 round decision. On October 4, 1948, Prince and House met for the third, and final, time. House, this time won a 12 round decision to retain his Nevada title.

Less than three weeks after the third Prince fight, House claimed his third title winning a 15 round decision over Tony Mar on October 20. Mar, the lightweight champion of Mexico, had beaten House, over 10 rounds, on July 1, 1947. That was the first time the Chief had fought for a professional title. As an amateur boxer from 1940 to 1945, House fought more than 150 times in Arizona, New Mexico and California.

While in the military service, he was an all service champion, fighting in California and the Hawaiian Islands before be shipped to the Pacific Theater in World War II.

continued on next page

(cont'd) Gordon House

House saw combat action as a Marine on Tarawa and Tinian, in the South Pacific. He was wounded in battle on Tinian and was awarded a Purple Heart. House also was the recipient of a Bronze Star for his actions in the South Pacific.

Gordon and his brothers, Johnny, Lloyd and Oscar, were the sons of Albert and Elizabeth Electa House. Albert was a Navajo Indian from Dilkon and Elizabeth was an Oneida from Oneida, Wisconsin. The children attended Winslow schools and all the boys began boxing careers while living in Winslow. Lloyd still resides in Winslow, while Oscar lives in Window Rock, Johnny in New Mexico, and Albert House, nearing 90 years of age, lives in Phoenix. Also, has an aunt in Oneida, Elsie M. Green, and other relatives.

NORBERT HILL CENTER CAFETERIA

(Formerly Sacred Heart Center, Oneida)

FISH FRY

Fridays: 11:00 A.M. — 2:00 P.M. & 5:00 P.M. — 7:00 P.M.
Carry-outs or In-house

Your choice of:
Perch, Haddock, Walleye, Frog Legs OR Chicken

Each plate consists of:
Potato Salad or French Fries, and Cole Slaw

Cost per plate: $4.25
Feel free to call ahead: NHC Food Service — 869-1333

Perch Fry

United Amerindian Center
401 9th Street
Green Bay, WI

March 22, 29
4-6 p.m.
eat in or take out

Plates include: Perch
French Fries
Coleslaw
Rye Bread

Adults - $3.75
Senior Citizens - $3.25
Children (12 & under) - $2.00

We'll also have a smelt plate for $2.50
Coffee & soda available

ATTENTION

Will the person or persons who removed the VFW Post 7784 COLORS from the clubhouse, please return the colors to the VFW Post 7784 office within 10 days. No questions will be asked.

Gary G. Metoxen
Commander

PLEASE HELP

The Oneida Retirement Community is in need of the following items:

Wheelchair
Sewing Machine
2 Exercise Bikes
Bedside Tables
Floor Lamps
Table Lamps
Desk Lamps
Wall Mirrors
Rockers
Recliners
Eazy Chairs
Decorative Plants
Draperies & Curtains

If you would like to donate any of the above items, please contact Sister Barbara at 869-1206. Any help is deeply appreciated.

FREE
CHEESE, BUTTER
and
CHOICE of OTHER COMMODITIES
*****

OUTAGAMIE COUNTY RESIDENTS ONLY

Application and Distribution
Norbert Hill Center — Oneida

Household Size:	1	2	3	4	5	6	7	8	9	10
Current Gross Yearly Income Is Less Than:	$7,470	10,080	12,690	15,300	17,910	20,520	23,130	25,740	28,350	30,960
Current Gross Monthly Income Is Less Than:	$623	840	1,058	1,275	1,493	1,710	1,928	2,145	2,363	2,580

MONDAY, MARCH 25

11:00 A.M. — 1:00 P.M.
(if supply lasts)
PLEASE bring your own grocery bags!

. . . you are invited to a:

TIME-OUT

for yourself!

AT NORBERT HILL CENTER, ONEIDA
12:00 P.M. — 2:30 P.M.
WEDNESDAYS — 8 WEEKS
MARCH 27
APRIL 3 • 10 • 17 • 24
MAY 1

WEEKS 1-4 — KNITTING & CROCHETING
WEEKS 5-8 — SPRING CRAFTS

COSTS: PAY FOR SUPPLIES AS NEEDED

• • • •

TRANSPORTATION CAN BE PROVIDED
CALL Sister Diane, 869-2166
by MARCH 12th

Student Recognition

The Seymour School District had two students that completed the Summer Upward Bound courses at the University of Colorado for 6 weeks during FY 84.

The Summer institute intends to provide for all Indian students a core curriculum in science, math, writing and reading which will produce a measurable appropriate instruments in a pre/post comparison.

The basic thrust of the Instructional components are:

1. To provide students with a broad background on selected areas of physical and biological sciences.
2. To improve mathematical skills and language skills — both reading and writing.
3. To expose students to other academic skills needed by students contemplating college entrance in the near future.

Kimberly Skenandore and Greg Greendeer were both in the B section of the Summer institute. All B students were in a biological science course and were first year students.

Class	Hours in Class
Biological Science	52
English (Composition & Reading)	23
Mathematics	23
Computers	25
Counseling	8
Total Class Hours	131

All assignments had to be completed to receive credits.

Evaluations/Comments/ Recommendations

Kimberly's

** Biological Science-CREDIT

Inconsistent work. Could have done a little better on budgeting her time. Her interest in lab work slacked off after a good start. She can do the work.

** English-CREDIT

Shows solid grounding in basic reading and writing skills. Displays curiosity and thoroughness. Recommend regular high school level reading of both fiction and nonfiction — at least a book per week.

**Algebra II-CREDIT

Has a very high ability level, but she worked way below her potential. Should continue coursework in algebra and trigonometry.

** Computers-CREDIT

This class met twice a week and credit was given to all students unless otherwise noted.

OVERALL: Kim has the potential to be a very good student. Every teacher commented that she has college level entry skills, but tends to do inconsistent work. She should be encouraged to work at her level of ability. Another year of Upward Bound would be beneficial to her.

Greg's

*** Biological Science-CREDIT WITH HONOR

A very capable, serious student. Enjoyed the lab work, asked very good questions, very cooperative, has the desire to succeed. Excellent writing skills — conveys his thoughts with clarity. Curious about the subject —good science major prospect.

*** English-CREDIT WITH HONOR

Recommend continued outside reading of fiction and nonfiction material. A supplementary reading program also maintains vocabulary improvement.

** Algebra II-CREDIT

Steady work. Should continue to follow up with Algebra II and trigonometry. Worked a little below potential this year.

** Computers-CREDIT

This class met twice a week and credit was given to all students unless otherwise noted.

OVERALL: Greg is the first student from Oneida to receive "credit w/honor" in any of our Upward Bound classes. A serious student who participated very well in the project. Should be encouraged to continue performance in the classroom. Another year would be beneficial to Greg.

We are proud of Kimberly and Greg's academic achievements during the Summer Upward Bound Program. It is a worthy program that can motivate the student to make a serious commitment toward their education or future career. Their evaluation reports were sent to Seymour to be included in their personal file.

Solving Life's Problems

Worry

Worry is practically an epidemic in our affluent society. The medical word for worry is anxiety, and every year Americans spend millions of dollars trying to combat it. Christians especially become frustrated over worry because they know they are not supposed to worry. So they worry about worrying!

Worry is a Sin

Worry is anxiety over circumstances beyond our control. The worrier really believes that the world ought to revolve around them. Thus, worry stems from selfishness and an inability to trust the sovereignty of God over the events of our lives.

God's Plan to Conquer Worry

Philippians 4:4-9

The secret of the peace of God.

4 Rejoice in the Lord always; and again I say, Rejoice.

5 Let your moderation be known to all men. The Lord is at hand.

6 Be anxious for nothing, but in everything, by prayer and supplication with thanksgiving, let your requests be made known unto God.

7 And the peace of God, which passeth all understanding, shall keep your hearts and minds through Christ Jesus.

The presence of the God of peace.

8 Finally, brethren, whatever things are true, whatever things are honest, whatever things are just, whatever things are pure, whatever things are lovely, whatever things are of good report; if there be any virtue, and if there be any praise, think on these things.

9 Those things which ye have both learned, and received, and heard, and seen in me, do, and the God of peace shall be with you.

In Philippians 4:4-9 the Apostle Paul gives us five specific steps to conquer the problem of worry.

1. Rejoice Always (verse 4). Joy is the outward expression of our inner peace with God. It is the fruit of the Spirit. Thus, our spiritual depth and maturity is the foundation of our emotional health. We can rejoice in every circumstance of life because God is really there to meet our needs.

2. Yield to His Authority. "Let your moderation be known to all men" (verse 5) means to live your life so yielded to God that it is evident to everyone that He is in control. Yielding to His will brings peace and calm despite the circumstances.

3. Don't Worry ... Pray (verses 6, 7). The biblical antidote for worry is prayer. Worriers do not pray with confidence that the God who is there and in control really cares about them. Our attitude is: Why should I pray when I can worry? God's answer is: Why should you worry when you can pray!

4. Think Right (verse 8). Wrong thinking is the real cause of worry. Focusing our minds on our problems causes us to miss His solutions. Become Christ-centered, not problem-conscious.

5. Do Right (verse 9). Insight without commitment leads to frustration. Understanding why you are worried will not solve your problem. You must decide to do something about it. God really loves you. Stop worrying and start trusting.

Loren

TAX TIME
IS APPROACHING.
HAVE YOUR TAXES DONE
BY AN EXPERIENCED
(7 YEARS) TAX PREPARER:
CRAIG COTTRELL
833-7486
1311 GOOSETOWN
DE PERE, WI 54115
INDIVIDUAL RETIREMENT
ACCOUNTS TAILORED TO
YOUR FINANCIAL NEEDS.

COMMUNITY INVITED

FISH FRY

Holy Apostle's Church
2937 Freedom Road, Oneida

Dates: March 29
Times: 11:00 - 1:30
4:00 - 7:00 p.m.

Donations: Adults $4.00
Sr. Citizens $3.50
Children 6-12 .... $3.50
3- 5 .... $1.50
2 and under ...... Free

NEW HOURS

ANN'S WORLD
OF
INDIAN ARTIFACTS

JANUARY 15 - APRIL 15:
10:00 a.m. - 6:00 p.m.
TUESDAY THRU SATURDAY
CLOSED SUNDAYS & MONDAYS

ANN FEATURES A COMPLETE LINE OF TURQUOISE, PENDLETON BLANKETS, BASKETS, DOLLS, LEATHER GOODS, INDIAN GREETING CARDS, RUGS, NOVELTY ITEMS, AND MUCH MORE.

(COMPLETE SILVER REPAIRING)
WILD RICE — $6.95 LB.
INDIAN CORN — $1.25 QT.

14 KT. GOLD MEN & WOMEN RINGS, CHAINS, CHARMS & EARRINGS.

HWY. 29 — 4 MILES WEST OF ST. MARY'S HOSPITAL — WATCH FOR TEEPEE FRAME.

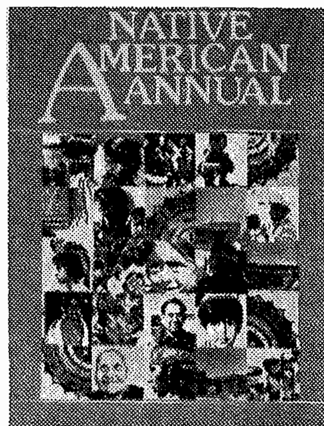
SENIOR CITIZENS 10% DISCOUNT
CHARGE IT!! LAYAWAYS!!

Ann Skenandore

* ANN IS BUYING *

Oneida made baskets and some bead work. See me on Mondays. Hwy. 29 — 4 miles West of St. Mary's Hospital. WATCH FOR TEEPEE FRAME.

DISCOVER THE GLORY



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Words of Thanks

We wish to thank all who helped us with our loss of Abe Wheelock. Those who offered prayers, flowers, and comfort in our time of need. Our special thanks to Father Dolan, Father Smith, the Oneida Singers and the V.F.W. Also Luella Denny and all who prepared and brought food for the dinner. May the Lord bless and keep you all in His care.

The Abraham Wheelock Family

$50.00 Reward...

For information leading to the return of our typewriter. It is a black Remington with 15½ inch carriage. Serial # 1409254.

Food Distribution Program
Nori Damrow
869-2752 / 833-6842

A Priest Pays A Visit — Oneida Home

Ahsuhkʌ	kʌ·tho	tehatina·kle	neˀn	oˀslu·ni	tsiˀ
Not yet	here	have they resided	that is	the whites	where ever

nu	nihatina·kle	kaˀi·kʌ	lanukwehu·we	tho
the place was	they were residing	these here	Oneida People	he arrived

wa·laweˀ-latsihʌstatsiˀ	wahaliˀwanu·tu	tho	ahanu·weteˀ
there - a Priest	he had asked	for him	to sleep there.

wahuwaˀkwe·nyʌsteˀ	kwi·	ne·	na·kwah	ne·	katiˀ
they were respectful to him	that	is	to the best	so	then it

wi·	tsiˀ	natutayo·kalawe	ne·	thana·kle	neˀn
was	as to	when darkness came on	it is	where he lives	that is

laˀslu·ni	kʌh	nu·
the white man	around this	place.

Told by Eve Skenandore 1939 to Walter Skenandore brother to Sarah.

Redone by Amos Christjohn 11-22-84

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FRESH EGGS
50¢ per dozen
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19" BLACK / WHITE ZENITH TV — $20
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Phone: 869-1012

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Phone: 869-2322

SNOW PLOWING FOR THE ELDERLY
Call 869-2457
Asking for small donation; pay to Rosemary Gregor at the Norbert Hill Center.

BABYSITTING
Will do babysitting in my home weekdays.
Call 869-2426

BABYSITTING
Mother of 2 will do babysitting in her home during the day. 1190 Wolf Dr. Call 833-6798 and leave message and phone number.

1979 HONDA CIVIC HATCHBACK Automatic, New Radial Tires $2,100.00 or best offer. Call 869-1059, 833-7404 or 337-0200 ask for Claudia.

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1976 Ford Granada, AM-FM Stereo, Cruise Control, Air, Radial tires, 4 door. $1,000.00 Call 869-1349 after 5:00 P.M.

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1974 WHITE PINTO
4 speed — $225

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One year old
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SNOWBLOWING AND TILLER READY.
Reasonable. Ask for Floyd. 869-1086.

NEW SIDING. For information call 833-7630. Jim Skenandore. Monday, Wednesday or Saturday.

General Tribal Council Meeting

Date: March 25

Time: 7:00 P.M.

Location: Norbert Hill Center Auditorium

Subject: Housing

$50.00 Reward . . .

For information leading to the return of our typewriter. It is a black Remington with 15½ inch carriage. Serial # 1409254.

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25th Anniversary!!!

On Friday, January 11th an Open House was held from 8 A.M. to 4 P.M. in celebration of the 25th Anniversary by the Regis Beauty Salon for Lillian Bischoff who as Manager in Green Bay opened the first Regis Beauty Salon and who has been active in the business both as Manager and regular beautician.

Today there are four Regis Beauty Salons in Green Bay which has been a flourishing business all these years.

Congratulations Lillian! We, your blood brothers and sisters are proud of you and your accomplishments.

Signed E.R.B.

Interested in Adoption

The Oneida Community is in need of families interested in adoption. Available adoptive homes are always essential for children in need of secure permanent loving homes.

A five week adoption study session is being organized for late spring. A minimum of six families or individuals are needed to hold a session. To sign up or for more information contact the Indian Child Welfare Department: Kathy King or Sandra Hill at 869-2711.

Get More Involved With Your Community!

(Community Meeting — Everyone Welcome!)

TOPIC: Community Boards, Community Leadership, Community Involvement, Effective Leadership and Board Training.

DATE: Tuesday, March 26, 1985
8:30 A.M. — 4:30 P.M. at the Norbert Hill Center Study Hall

Guest Speakers: Quinton Thundercloud, Susette Daugherty, Sharon Cloud, Mary Tsousie and Mary Pat Cuney

Presentations will include:

Policy Making vs. Advising Boards
Citizens/Board Interaction
Nepotism and Conflict of Interest
Volunteerism
Goal Setting
What Makes a Good Board Member
Writing Minutes and Reports
Developing Enthusiasm for Board Membership
Tools Board Use, e.g. By-laws, etc.

This workshop is being sponsored by Human Service Support Group with funds being made available by the Community Service Block Grant.

For more information, contact Bob Gellert, Oneida Community Health Center, 869-2711.