

Oneida Tribe of Indians of Wisconsin

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Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

March 10, 2010

Pilar Thomas

Re: Former Railroad Right-of-Way through the Oneida Reservation

Dear Ms. Thomas:

On July 19, 2005, the Oneida Tribe sent its initial package of information to Terrence Virden, Regional Director of the BIA Midwest Regional Office. In this package, the Tribe provided information concerning title to the land previously subject to a railroad right-of-way (RR ROW) through the Oneida Reservation. Over the years, the Tribe corresponded in writing, on conference calls, and in person with the BIA and DOI, discussing title to this land.

Most recently, on February 3rd, we met to discuss the next steps as follows:

1. Agree on the documents to be deemed as unusable.
2. Consensus on the documents to use moving forward.
3. Discuss Congress' intent with the RR ROW.

Step 1 – Agree on the documents to be deemed as unusable.

With respect to the first step, the main document the Oneida Tribe believes is unusable is the 2003 Oberly Report due to the number of errors discovered in its contents as the result of further research. In addition, since the Tribe and the DOI have acquired copies of the historic documents referenced in the Oberly reports, the best evidence is to rely on the historic documents.

Step 2 – Consensus on the documents to use moving forward.

With respect to the second step, the three main sources of information the Tribe believes to be instrumental in determining the status of title to the former RR ROW are as follows:

1. Boardman Surveys
2. Lamb and Kelsey Allotment Book
3. Correspondence from Agent Lamb reporting on the Allotment of the Reservation (attached)

Step 3 – Discuss Congress’ intent with the RR ROW.

Before the Tribe and the DOI can discuss the intent of the former RR ROW, the Tribe believes we first need to agree on the contents of the documents we will use going forward.

In comparing the Tribe’s findings and the DOI’s findings concerning the Boardman Surveys and the Lamb and Kelsey allotment Book, the Tribe agrees with the DOI’s findings. However, the Tribe’s findings and the DOI’s findings concerning the Lamb and Kelsey Allotment Book are inconsistent. The differences are laid out in the attached chart.

The first main differences is the DOI chart lists nine (9) allottees twice, possibly indicating these allottees received more than one allotment. While all allottees received only one allotment, some allotments consisted of more than one parcel. Most often, the parcels were immediately adjacent to each other. In three (3) cases along the former RR ROW, the parcels in an allotment were not adjacent to each other – Jacob Smith (441), Peter Hill (1100) and Annie Robinson (1466). These three allottees remain listed twice in the attached chart because their parcels were treated differently. The Lamb and Kelsey Allotment Book states “less R.R.” on the first line of Jacob Smith’s property description, but not on the second line describing the easternmost parcel. Boardman surveyed both of Peter Hill’s parcels and excluded the former RR ROW from each survey. Annie Robinson’s easternmost parcel does not have a corresponding Boardman Survey. The remaining six (6) allottees are listed only once.

The second main difference between the Tribe’s findings and the DOI’s findings concern the notations in the Lamb and Kelsey Allotment Book. Eight (8) times, the DOI chart states the Lamb and Kelsey Book had “NO NOTATION” addressing the RR ROW. The corrected notations are found in the attached chart. Photographs of the pages from the Lamb and Kelsey Allotment Book demonstrating the Tribe’s findings are also enclosed.

One minor difference between the Tribe’s findings and the DOI’s findings is the inclusion of Thomas Hill’s allotment. The Tribe removed Thomas Hill (1107) from the enclosed chart because his allotment only shared a corner with the former RR ROW.

With respect to the enclosed correspondence from Agent Lamb reporting on the Allotment of the Reservation, it has come to my attention that this may be the first time the DOI has received such a copy. The Tribe will allow the DOI an opportunity to review its contents before discussing its impact of the status of the land at issue.

We look forward to bringing this issue to a close.

Sincerely,

Brandon Stevens

cc: Oneida Business Committee
Nathan King, Legislative Affairs Director

Rebecca Webster, Senior Staff Attorney