

# Dissidents Reserve Right to Sue

■ In their notices of claim, the members of the Oneida Indian Nation say Madison County failed to properly supervise the nation police.

By PAUL LIPKOWITZ  
*The Post Standard*

WAMPSVILLE — A group of 13 Oneida Indians who say they were spied upon by the Oneida Indian Nation police force have begun legal action against Madison County.

The group claims Madison County Sheriff Ron Cary and other county officials failed to properly supervise the nation police force, which operates under county authority, and that the county should pay for the force's abuses.

County Attorney S. John Campanie declined to comment on the two notices of claim. A notice of claim reserves the right of the group to file a lawsuit.

Internal nation police transcripts detailing surveillance of nation dissidents were made public in December in the Herald American.

"This is probably the worst police misconduct that I've seen other than out-and-out brutality in 30 years," said Joseph Heath, a lawyer representing Rosalyn Trotman, one of those filing the claims.

"It's a pattern of pervasive spying ... and it's all incredibly unsu-

■ **Cayuga smoke shop:**  
Two members of the tribe will sell tax-free cigarettes/B-5.

pervised. What we're saying is that you cannot create this law enforcement agency in New York state, and then have no control over them."

The transcripts showed nation police investigators staking out dissidents' homes, following them to and from meetings and noting with whom they met.

Nation Police Chief Arthur F. Pierce told Cary in December that the transcripts were stolen.

The 45-member Oneida Indian Nation police force operates under agreements with Cary and Oneida County Sheriff Dan Middaugh. Those agreements give the nation police powers to enforce state laws on land it owns or leases.

Cary and other Madison County officials said in December that they took the reports of spying by nation police officers seriously and would review the agreements. Campanie said Monday that the review is still under way.

The nation maintains a \$6 million liability insurance policy for its police force, according to its 1994 deputization agreement with Madison County.

The Oneida dissidents sent two notices of claim to the county late last week. One was a joint claim by a group of 12 members. The other was sent by Trotman individually.

The notices say the dissidents have suffered violation of their privacy, defamation and violation of their constitutional rights.

The 12 Oneidas who filed the joint claim are Leonard Babcock, John Dyer, Kathy Halbig, Lorna Jones, Owen Jones, John Kane, John Lazore, Diane Shenandoah, Joanne Shenandoah, Jerry Shenandoah, Maisie Shenandoah and Charles Wheelock.

Catherine Cronin, the lawyer representing the 12 Oneida dissidents, said she decided to challenge the county and not the nation itself with the notice of claim, because the county is easier to take on in a lawsuit.

"Any time you're dealing with suing an Indian nation it raises a whole host of issues," Cronin said. Sovereignty and the sovereign immunity some tribes claim are some of those issues, she said.

Heath said the dissidents' legal action is also intended to get the county to clamp down on the nation police force.

"What we hope Madison County takes a look at is their role in deputizing this group, which calls itself a police force but is not accountable to anybody and certainly not to Madison County," he said.

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