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September 28, 1976

Dear Mr. Shattuck:

The President has asked me to thank you for your letter of September 24 concerning the institution of a suit on behalf of the Oneida Indian Nation.

I am referring your request promptly to the Solicitor of the Department of the Interior.

Sincerely yours,

Bradley H. Patterson, Jr.

Mr. George C. Shattuck
Bond, Schoenack & King
One Lincoln Center
Syracuse, New York 13202

cc: Peter Taft
cc: Philip Buchen



BOND, SCHOENECK & KING

ATTORNEYS AT LAW
ONE LINCOLN CENTER
SYRACUSE, N. Y. 13202

PHONE (315) 422-0121

ALBANY OFFICE
111 WASHINGTON AVENUE
ALBANY, N. Y. 12210
PHONE (518) 462-7421

September 24, 1976

CHARLES A. SCHOENECK, JR.
HOWARD H. CANNON
HUBERT C. STRATTON
WILLIAM F. FITZPATRICK
TRACY H. FERGUSON
LYLE W. HORNBECK
CHESTER H. KING, JR.
N. EARLE EVANS, JR.
FRANCIS E. MALONEY
FRANCIS D. PRICE
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JOHN S. FERGUSON
CHARLES T. MAJOR, JR.
ROBERT E. MOSES
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ANTHONY R. PITTARELLI
FRANCIS E. MALONEY, JR.
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1929-1969
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1936-1973
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STEPHEN H. COHEN
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H. DEAN HEBERLIG, JR.
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RICHARD D. HOLE
DAVID M. FELLOW
DAVID A. HOLSTEIN
PAULA LAPIN SEIFTER

The President
The White House
Washington, D. C. 20025

Re: Oneida Nation - Claim Against New York State

My dear Mr. President:

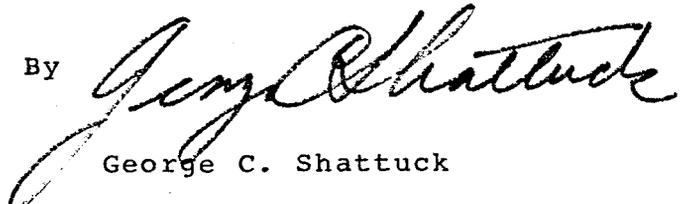
Pursuant to the Six Nations Treaty of 1794, the Oneida Indian Nation hereby formally requests that the United States of America commence a suit to recover its former reservation lands in New York State.

Details of this matter have previously been furnished to the Attorney General and to the Bureau of Indian Affairs, and a copy of this letter is being sent to Reid Peyton Chambers, Esq., Solicitor for the Department of the Interior.

Very respectfully yours,

BOND, SCHOENECK & KING

By


George C. Shattuck

GCS/b

cc: Hon. Edward H. Levi
Attorney General of the
United States

Reid Peyton Chambers, Esq.
Associate Solicitor



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

Mr. George C. Shattuck
Bond, Schoeneck & King
One Lincoln Center
Syracuse, New York 13202

28 OCT 1976

Dear Mr. Shattuck:

By letter to the President dated September 24, 1976, you requested on behalf of the Oneida Indian Nation of New York that the United States file an action against New York State to recover former Oneida reservation lands. Your letter was referred to this office for response.

On October 13, 1976, this Department requested the Justice Department to file an action against New York State to seek a declaration that treaties which were entered into between the State and the Oneida Tribe without the consent of the United States are void as in violation of Federal Law, 25 U.S.C. §177. The lands involved are those confirmed to the Oneidas by the United States in the Treaty with the Six Nations entered into on November 17, 1795, 7 Stat. 44, 45. We have also requested that an unspecified amount of money damages for trespass be sought and that New York be ejected from all lands it now presently occupies which are not devoted to a vital public purpose.

If money damages are to be sought, an action will have to be filed before July 18, 1977 to avoid the running of the statute of limitations, 28 U.S.C. §2415. This Department can only recommend, as it has, that an action be filed. Whether an action is filed is a matter within the discretion of the Justice Department. You may now wish to pursue the matter with that Department.

Sincerely yours,

W. H. James

Acting Solicitor

