



# Oneida Cultural Heritage Department

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## Oneida Land Claims Time Line of New York State

**1794- Fort Stanwix Treaty:** Guaranteed territorial integrity of the Oneida Nation

**1788- Fort Schuyler Treaty:** Oneidas cede all lands in New York to the state- except 270,000 acre reservation.

**1793- Non-intercourse Act:** passed by congress- forbids states or individuals from acquiring Indian Land without federal consent.

**1794- Canandaigua Treaty:** Confirms the Oneida's rights to their land.

**1785- Fort Herkimer Treaty:** Oneida's sold a portion of their land between Unadilla and Chenago River for \$11,000. Oneida's lose 300,000 acres.

**1795-1846:** Through 26 transactions the State of New York acquired the remaining land except for 32 acres.

**1823-1838:** Impoverished and threatened with force of removal caused half of the Oneidas to relocate to Wisconsin and Canada.

**1920:** The Court of Appeals rules in a suit filed by the United States that taking of Oneida land without federal consent was invalid (Boylan Case).

**1970-Test Case:** The Oneidas file a limited lawsuit in federal court challenging the state's 1795 taking of reservation land.

**1974- Test Case:** The Supreme Court rules unanimously that the Federal Court has jurisdiction over the Oneidas test case.

**1974- Reservation Case:** With jurisdiction established, the Oneidas file a second lawsuit challenging all the other state transactions affecting the Oneida reservation.

**1985- Landmark decision:** Supreme Court rules in favor of the Oneida in the test case- transactions of Oneida land. Treaties without federal consent are voided.

**1988-2000- Mediation:** Oneidas and New York State had informational negotiations. Last two and half years Ron Riccio was appointed by the court to supervise mediation with the three Oneida communities. Mediation failed due to inability to agree on a resolution.

**2002- Mediation:** On May 3, John Tabner was appointed by the court to supervise mediation with the three Oneida communities within 90 days.

**2003- Mediation Extension:** Mediation has been extended until November 2003.

**2004- Settlement Agreement:** Oneidas of Wisconsin and the State of New York sign a Land Claims Settlement Agreement, December 7, 2004.

**2004- G.T.C. Motion:** On December 13, 2004, the G.T.C. argued/ debated the approval of the B.C. to move forward with a Land Claims Settlement with a casino as portion for damages. Meeting left an array of emotions from elated to bitter.

**2004- Bill Proposal:** Governor Pataki proposes Program Bill # 6 to approve Oneida Land Claims Settlement.

**2005-Sherrill- Landmark Case:** Ray Halbritter, New York Oneidas vs. City of Sherrill. Landmark case on taxation and Oneida New York could not establish "Indian Country" in claim area by purchasing land. Oneidas of New York lost the case but impacted tribes nationwide.

**2005- Tribes Losing Support:** Governor Pataki withdraws Program Bill #6 based on Sherrill Case decision April 15, 2005. This case gave the state and federal government more leverage over tribal cases nationwide. New York State tribes are losing support.

**2005-Mediation Failed:** Mediation has been extended. Due to parties not being able to agree, John Tabner resigned from supervision of mediation, April 15, 2005.

**2005- Cayuga Case Denied:** This case was a prototype for the Oneida Case. On September 8, 2005, the Cayugas and Seneca-Cayuga attempt to petition for a rehearing to the United States Court of Appeals: Second Circuit- it was denied.

**2006- Cayuga Case:** On May 15, 2006 in the Second Circuit Court of Appeals the Cayugas were dismissed and the Supreme Court would not hear their case, this ruling was based on laches- sitting on their rights too long.

**2007- Oneida's Laches Defense:** On April 20, 2007 Oral argument under Judge Kahn-Oneida Land Claims based on Second Circuit's decision in the Cayugas Land Claim- argument stated that laches (sitting on rights- taking too long to act) applied to the Oneidas Land Claims.

**2007- Onondaga Land Claims:** Hearing scheduled for June 19, 2007. Onondaga case is similar to the Oneida Land Claims and may influence the outcome of their case and settlement agreements.

**2007- Judge Kahn's Opinion:** On May 21, 2007, Oneida Tribes hearing for an opinion; Oneida claimed for fair compensation and entitlement to a fair trial on the laches defense, Judge Kahn ruled for a fair compensation claim for money damages on unfair payment for illegal transactions, land is not on the table, and gave parties 10 days for appeal.

**2008- Second Circuit Court of Appeals:** Briefing started in December 2007 and Oneidas bried is dy by March 10, 2008. Briefing was filed.

**2008- New York Governor Resigns:** Governor Elliot Spitzer was forced to resign on March 12, 2008 due to misuse of funds and participating in a VIP prostitution ring.

**2008- Oral Argument Hearing:** Hearing before a 3 judge panel (Chief Judge- Judge Livingston, District Judge- Judge Gershon, NYEast District, Senior Judge- Judge McLaughlin, Senior Status.) All Parties turned in briefs and argued their positions. Judges will review and give their decisions within 30-60 days. *Oneidas of Wisconsin are still waiting for the outcome of this hearing*

**2010- Oneida Nation of New York State vs. Upstate Citizens for Equality Law Land into Trust Case:** On March 4, 2010 Judge Kahn of the U.S. District Court, ruled in favor of Oneida Indian Nation of New York against Upstate Citizens for Equality in trust land lawsuit.

**2010- Oneida Nation of New York State vs. Hennessy and Townsend's Land into Trust Case-** On March 1, 2010 case was dismissed by Judge Kahn, of the U.S. District Court, and stated the Oneida reservation was never disestablished.