

# Finding Aid for the Onondaga Nation Land Claim Records, 2005-2008

## Law Spec. Coll. 09

### Charles B. Sears Law Library

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Finding aid prepared by Karen L. Spencer.  
Finding aid encoded in EAD by Karen L. Spencer, January 2008.  
Finding aid written in English.  
Finding aid prepared using DACS ( *Describing Archives: A Content Standard* )

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## Collection Overview

Title: Onondaga Nation Land Claim Records, 2005-2008

Collection Number: Law Spec. Coll. 09

Collector: Spencer, Karen L.

Extent: 2 manuscript boxes (1 linear foot)

Language of Material: Collection material in English.

Repository: Charles B. Sears Law Library, State University of New York at Buffalo

Abstract: Materials from litigation of Onondaga Nation land claims in central New York State, *Onondaga Nation v. New York, et al*, U.S. District Court, Northern District of New York, Docket 05-CV-0314

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## **Administrative Information**

### Preferred Citation

[Specified item], Box/Folder #, Law Spec. Coll. 09, Onondaga Land Claims Records, 2005-2008, Charles B. Sears Law Library, The State University of New York at Buffalo.

### Acquisition Information

Gift of electronic copy on CD-ROM of items filed on behalf of the plaintiff, Onondaga Nation, received from their attorney, Joseph Heath in November, 2006. Other items from the docket printed from the PACER electronic database in January 2008. Also includes background information collected by the processor.

### Terms of Access

The bulk of the Onondaga Nation Land Claims Records are open for research. Materials can be examined by qualified researchers in the Law Library during hours of operation during which Law Reference Librarians are present. In order to insure access, researchers are advised to contact the Law Library in advance of visits.

### Copyright

Court materials are in the public domain. Copyright of background research materials lies with the respective authors or authors' heirs and publishers. Researchers must obtain the written permission of the holder(s) of copyright. Most papers may be copied in accordance with the library's usual procedures unless otherwise specified.

### Processing Information

Processed by Karen L. Spencer.

### Accruals and Additions

Accruals are expected to this collection as the case progresses through the courts.

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## **Historical Note**

On March 11, 2005 the Onondaga Nation filed a federal court action in the Northern District of New York seeking a declaratory judgment that they hold title to their aboriginal territory in central New York State stretching from Lake Ontario and the St. Lawrence River to Pennsylvania. The case, *Onondaga Nation v. New York, et al*, 05-CV-0314, does

not seek eviction of landholders or damages but a declaration that New York illegally took the land from the Onondagas in the late 18th and early 19th centuries. The Onondaga's expressed motivation is to participate in and encourage full environmental clean-up of Onondaga Lake and the surrounding area.

The defendants are the State of New York, the Governor, Onondaga County, the City of Syracuse, Honeywell International, Inc., Trigen Syracuse Energy Corp., Clark Concrete Co., Inc., Valley Realty Development Co., Inc., and Hanson Aggregates North America.

Oral argument on the defendants' motion to dismiss was heard on October 11, 2007.

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## **Scope and Content Note**

Collection includes official court filings, historical and legal experts' reports and maps, a transcript of oral argument, and background research materials prepared during the ongoing litigation. Also included is related information collected by the processor, Karen L. Spencer, the Archives and Special Collections Librarian in the Charles B. Sears Law Library.

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## **Arrangement**

The collection is arranged in four series:

I. Plaintiff's Filings

II. Defendant's Filings

III. Court Actions

IV. Background Materials

I-III are arranged by item number in the court's docket found in Series III.

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## **Container List**

I. Plaintiff's Filings

<b>Box-folder</b>	<b>Contents</b>
1.1	Complaint (Docket #1)
1.2	First Amended Complaint (Docket #29)

1.3	Memorandum of Law in Opposition to Defendants' Motions to Dismiss (Docket #55)
1.4	Declaration of Robert T. Coulter, Esq. and exhibits (Docket #56)
1.5-1.7	Declaration of Anthony F.C. Wallace and exhibits (Docket #57)
1.8-1.10	Declaration of Robert E. Bieder and exhibits (Docket #58)
1.11-1.12	Declaration of Lindsay G. Robertson and exhibits (Docket #59)
1.13	Declaration of Tadodaho Sydney Hill and exhibits (Docket #60)
1.14-1.15	Declaration of Joseph J. Heath, Esq. and exhibits (Docket #61)
1.16-2.2	Declaration of J. David Lehman and exhibits (Docket #62) (7 folders)
2.3	Plaintiff's Response to Defendant's Statement of Material Facts (Docket #63)
2.4	Declaration of Service (Docket #64)
2.5	Letter from Indian Law Resource Center regarding potential U.S. involvement (Docket #75)
2.6	Plaintiff's Supplemental Memorandum in Opposition to Motions to Dismiss (Docket #84)

## II. Defendant's Filings

<b>Box-folder</b>	<b>Contents</b>
2.7	Memorandum of Law in Support of State Defendants' Motion to Dismiss and exhibits (Docket #43)
2.8	Memorandum of Law in Support of Non-State Defendants' Motion to Dismiss and exhibits (Docket #45)
2.9	State of New York Defendants' Reply Memorandum of Law in Support of the Motion to Dismiss, and in Opposition to Plaintiff's Motion to Pursuant to Rule 56(f) and exhibits (Docket #73)
2.10	Non-State Defendants' Reply Memorandum in Support of their Motion to Dismiss, and in Opposition to Plaintiff's Motion to Pursuant to Rule 56(f) and exhibits (Docket #74)
2.11	State Defendants' Letter-brief in Opposition (Docket #85)
2.12	Joint Supplemental Memorandum of Law in Support of Defendants Motion to Dismiss and attachment (Docket #86)
2.13	Affirmation of David B. Roberts (Docket # 87)

## III. Court Actions

<b>Box-folder</b>	<b>Contents</b>
2.14	Docket printout from Westlaw, 1/5/2008
2.15	Transcript of Motion Hearing held October 11, 2007 (Docket #89)

## IV. Background Materials

<b>Box-folder</b>	<b>Contents</b>
2.16	Background information collected by the processor includes news articles, material from the website of the Indian Law Resource Center.
2.17	Onondaga Nation website information on land claim.
2.18	CD-ROM from Joseph Heath containing plaintiff's initial filings.

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## Search Terms

The following terms have been used to index the description of this collection in the Library's online catalog.

## Contributors

Lehman, J. David  
Bieder, Robert E. (Robert Eugene), 1938-  
Clark Concrete Co. Inc.  
Coulter, Robert T.  
Hanson Aggregates North America  
Heath, Joseph J.  
Hill, Sydney  
Honeywell International Inc.  
Indian Law Resource Center  
Onondaga County (N.Y.)  
Robertson, Lindsay Gordon  
Syracuse (N.Y.)  
Trigen Syracuse Energy Corp.  
Valley Realty Development Co. Inc.  
Wallace, Anthony F. C., 1923-

## Subjects

Indian title  
Indians of North America Government relations 1789-1869  
Indians of North America History  
Indians of North America--New York (State)  
Onondaga Indians  
Six Nations. Treaties, etc. United States, 1784 Oct. 22  
Six Nations. Treaties, etc. United States, 1794 Nov. 11

## **Genre Terms**

Court records  
Legal documents

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## **Associated Materials**

### Related Resources

#### Howard R. Berman Collection

This Law Special Collection includes books on the Haudenosaunee (also known as the Iroquois Indians or Six Nations) as well as the papers of Mr. Berman who was an early leader in the development of law on the rights of indigenous peoples.

#### Marilyn L. Haas Collection

This Law Special Collection includes books on the Haudenosaunee (also known as the Iroquois Indians or Six Nations) with special emphasis on the Seneca and Tuscarora.

#### Seneca Nation Land Claims Records, Law Spec. Coll. 7

This Law Special Collection materials from litigation of Seneca Nation of Indians and Tonawanda Seneca's land claims for Grand Island, New York and the Oil Springs Reservation in Cuba, New York.

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