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and the parallel environmental catastrophe due to the overgrazing that resulted from commercial pastoralism. By the 1930s, there were too many people, too many sheep, and too little land to support the traditional Navajo economy within the confines of the Navajo Reservation. The Navajo people have been attempting to adapt to the consequences of this situation since the Great Depression. Through her discussion of family demographics, domestic residential patterns, and land tenure and land use patterns, the author has done an excellent job of examining the transformation of the Navajo from family herders to wage workers. Further, she has not ignored the substantial impact of federal and tribal government programs, including the numerous abortive projects to improve the life and livelihood of the Navajo people, nor has she ignored the consequences of natural resources development on the Navajo Reservation beginning in the 1920s.

The primary contribution of this work to the study of the evolution of Navajo family, settlement, and land use is that it has placed previous ethnographic studies of Navajo communities, which have been predominantly parochial in scope, in the context of regional and national developments in the late nineteenth and twentieth centuries. The only major improvement to the body of this book would have been the provision of more and better maps.

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The Oneida Land Claims. By George C. Shattuck. Syracuse, New York: Syracuse University Press, 1991. 238 pages. \$29.95 cloth; \$15.95 paper.

This brief volume (eighty-one pages of text, followed by 151 pages of appendixes and a two-page index) describes the legal battle over Oneida land claims from 1965 through 1977. The Oneida were represented by George Shattuck, a Syracuse tax attorney with no prior experience in Indian land claims suits. The litigation was highlighted by two favorable Supreme Court rulings, the first of which came in 1974 when the Supreme Court ruled that the Oneida land claims should be heard in New York state courts. The second, a five-to-four decision by the Supreme Court in 1985, held that Oneida and Madison counties in New York State were liable for the fair rental value of nine hundred acres of Oneida land in

1968 and 1969.

This apparently small victory paved the legal path for further litigation of land claims by the Oneida. Aware of the potentially large monetary claims arising from the 1985 decision, the Supreme Court suggested that Congress should assist in settling the New York Indian land claims. However, little progress has been made by either Congress or the state of New York toward a complete resolution of Oneida claims.

In prose that avoids legalese to an extent that is praiseworthy for a tax lawyer, Shattuck gives the reader careful descriptions of the legal strategy he adopted and the outcomes of the litigation at various levels. Shattuck's presentation has a personal tone throughout. He grew up in the Syracuse area, aware that the land had once been inhabited by the Oneida but, like most children, unaware of the manner in which the original owners had been alienated.

After extensive background research, Shattuck was convinced of the legitimacy of the Oneidas' post-1790 claims based on the federal Indian Nonintercourse Act of 1790. A section of this act holds that land can be acquired from Indians only by treaties ratified by the United States Senate. New York State has maintained that the Nonintercourse Act does not apply to it because it is one of the original thirteen states. Shattuck's legal research uncovered a federal court decision in a 1960 case, *Tuscarora Indians v. New York State Power Authority*, in which New York State was found to be bound by the Nonintercourse Act of 1790. In 1965, Shattuck's law firm decided that pursuit of the Oneida land claims was a sufficiently promising case to accept on a contingent fee basis.

What follows is a necessarily convoluted description of the twisted legal logic and the bureaucratic maze associated with Indian land claims. Shattuck and the Oneida ran up against numerous legal and administrative barriers. The first of these was the Eleventh Amendment to the United States Constitution, which bars the federal courts from jurisdiction in suits against a state for damages. However, a catch-22 situation exists. State courts would not hear the Oneida case either, because Indian land claims are a federal matter (Indians being wards of the federal government). New York State, having treated with Indians within its borders independent of the federal government, utilized an additional barrier to suits pressed by Indians in state courts, claiming that "Native Americans and Native American tribes are not 'persons' entitled to commence an action in New York courts" (p. 24).

Clearly, Shattuck would have to play the role of a clever lawyer, if only to get the Oneida a day in court. The approach he hit on was to file suit in federal court against Madison and Oneida counties (instead of New York State) in order to avoid Eleventh Amendment problems. Furthermore, he would sue only for two years of rent rather than ejectment. In spite of this legally conservative approach, Shattuck and the Oneida were frustrated again. Shattuck had to convince the federal court that the Oneida claims presented a "Federal Question." One of the requirements for qualification as a Federal Question is the "well-pleaded complaint" rule, which holds that any suit that could be brought under state law is never a Federal Question. Since many Native American land claims suits are for ejectment, which may be heard in state courts, they were never allowed in federal courts.

In fact, both the district court and the court of appeals determined that the Oneidas' claims failed to meet the "well-pleaded complaint rule." In 1974, the Supreme Court reversed these rulings, setting new precedent and sending the matter back to the district court. The district court ruled in favor of the Oneida in July 1977. The case was appealed to the Supreme Court in 1985, where the district court's decision was upheld. Shattuck ends his chapter on the 1977 district court hearing with an observation that I, as an economic historian, can fully appreciate. He writes that the Oneida land claims stem from "a transfer of wealth." Had this transfer never occurred, "different persons over 200 years would have enjoyed the wealth" of the Empire State (p. 59). Consider the revenues the Oneida Nation might have realized had it controlled access to a stretch of the Erie Canal.

So goes a rough outline of Shattuck's legal battle. He concludes his narrative with three chapters devoted to a description of Oneida land claims arising during the period before 1790 (the year of the Nonintercourse Act), an explanation of his firm's eventual withdrawal from the litigation process because of the appearance of conflicts of interest, and a brief broadside volley at New York State's dilatory approach toward an ultimate settlement of the Oneida claims. Shattuck deserves great credit for opening the door to the pursuit of land claims by the Oneida and other Indian nations and for putting the legal story of this process in clear, concise prose. Shattuck's book is a useful resource for historians, legal scholars, and practicing attorneys actively pursuing Indian land claims. The general public should find the book a fascinating introduction to the difficult pursuit of Indian land claims in United

States courts. The legal theory that Shattuck presents is straightforward and unintimidating.

However, the book suffers from two significant defects. First, as Laurence M. Hauptman observes in his historical introduction, it is "a personal memoir." The book is too much a personal memoir and too little a legal history. Numerous points made in the book would have been clearer with the addition of greater historical and legal detail. A bibliography and more references to sources discovered during legal research would greatly increase the usefulness of Shattuck's book. Given the frequency of reference to the Nonintercourse Act of 1790 in this volume, I found the lack of reference to Francis Paul Prucha's work on this topic surprising.

Second, information is presented in a disjointed manner. For example, the sixth chapter deals with the Oneida land claims arising before the Nonintercourse Act of 1790. Information is delivered in a way that makes it necessary to read the whole text to fully understand the historical context of all the Oneida claims. Furthermore, a great deal of information is presented in appendices that are not effectively integrated into the text.

Shattuck describes his legal strategy for pursuit of the Oneida claims as a "furrow-by-furrow" approach. History seems to be best written in this methodical, furrow-by-furrow manner. My hope is that Shattuck will return to this topic in future years and present us with the definitive, well-integrated, furrow-by-furrow legal history of the Oneida land claims.

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The Poetics of Imperialism: Translation and Colonization from *The Tempest* to *Tarzan*. By Eric Cheyfitz. New York: Oxford University Press, 1991. 202 pages. \$27.50 cloth.

Eric Cheyfitz's recently published book of criticism offers readers a compelling and dramatic account of Anglo-American imperialism in the Americas from both an historical and a theoretical perspective. Weaving in and out of a broad range of texts, the author skillfully intersects fiction, drama, biography, historical accounts, and political and philosophical treatises in a densely packed radical analysis of Western culture, language, and thought as it comes into contact with, and ultimately conflicts with, other