



**Upstate Citizens for Equality**  
**Niagara Frontier Chapter**  
836 Indian Church Road  
West Seneca, NY 14224-1235  
<http://www.upstate-citizens.org>

July 14, 2003

The Honorable Hillary Rodham Clinton  
Guaranty Building  
Suite 208  
28 Church Street  
Buffalo, NY 14202

VIA FAX: 716-854-9731

The Honorable Charles E. Schumer  
111 West Huron Street, Room 620  
Buffalo, NY 14202

VIA FAX: 716-846-4113

Dear Senators Schumer and Clinton:

On behalf of our approximately 10,000 members I am writing to urge you to introduce and obtain passage into law a bill that would resolve all Indian land claims within the State of New York. These claims are having a severe economic and social impact on the citizens of this state both Indian and non-Indian. The United States Supreme Court and apparently the executive branch of the United States have called on Congress to address this issue. In *County of Oneida v. Oneida Indian Nation of New York* 470 US 226, the Court stated "The decisions of this Court emphasize "Congress' unique obligation toward the Indians." *Morton v. Mancari*, 417 U.S. 535, 555 (1974). The Government, in an amicus curiae brief, urged the Court to affirm the Court of Appeals. Brief for United States as Amicus Curiae 28. The Government recognized, as we do, the potential consequences of affirmance. It was observed, however, that "Congress has enacted legislation to extinguish Indian title and claims related thereto in other eastern States, . . . and it could be expected to do the same in New York should the occasion arise." *Id.*, at 29-30. See *Rhode Island Indian Claims Settlement Act*, 25 U.S.C. 1701 et seq.; *Maine Indian Claims Settlement Act*, 25 U.S.C. 1721 et seq. We agree that this litigation makes abundantly clear the necessity for congressional action." Even the dissent in that opinion stated "The Court, no doubt, believes that it is undoing a grave historical injustice, but in doing so it has caused another, which only Congress may now rectify." These sentiments have recently been echoed by Circuit Judge Sack of the United States Court of Appeals for the Second Circuit in his dissent in *Dana Leigh Thompson v. County of Franklin*, Docket #01-7107, Decided 12/9/2002.

Regardless of the merits of these claims public policy cannot allow this to continue to reek havoc in our communities. The current owners of the subject property purchased it in good faith and should not suffer any damages in any form including but not limited to the continued reduction in the value of their homes because of these looming claims and the economic impact it has brought and will bring to this state. The Congress although it has a unique obligation toward the Indians it has an obligation to its non-Indian constituents as well. According to the Haudenosaunee Press Guide: "...the aboriginal homeland of the Haudenosaunee within the current boundaries of New York State consist of 39,000 square miles..." **(Approximately 25 million acres of New York State's 31 million acres of land).** This would be devastating not only to the economy of our state but to the economic well being of our nation and world. The economic impact of September 11, 2001 will seem miniscule to the one we are traveling towards if action is not taken immediately



**Upstate Citizens for Equality**  
**Niagara Frontier Chapter**  
836 Indian Church Road  
West Seneca, NY 14224-1235  
<http://www.upstate-citizens.org>

Congress must act to ratify these alleged void treaties and make an assessment that they were given fair consideration at the time of the treaty and ratify them nunc pro tunc and extinguish any aboriginal title and claim thereto. If in the event that the assessment indicates that they were not given fair consideration a determination should be made as what should have been fair and payment should come from the federal government alone. This is so because the people of this country as a whole have benefited because of the industry and innovations that were made on this land and therefore should bear the cost as a whole, if any, that should be paid. Additionally a general federal statute of limitations should be enacted to govern claims under federal statutory and common law that have no specific statute of limitations. Defending cases that are this stale in court expends untold valuable resources with no guarantee that the outcome would be just. These resources can be better utilized in dealing with our present and future concerns than with alleged past wrongs that are all but forgotten.

I thank you in advance for attention in this matter and look forward to your reply that I may communicate to our members.

Sincerely,

Daniel T. Warren  
Chair  
Niagara Frontier Chapter of Upstate Citizens for Equality