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Support offered in land claim case

Organizations and Indian tribes file briefs for Sherrill and Oneida Indian Nation.

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The country's largest American Indian organization, a citizens group from South Dakota, and individual Indian tribes from New York to Washington state all have added their voices to the U.S. Supreme Court case between the Oneida Indian Nation and the city of Sherrill.

The groups have filed supporting briefs in the dispute, which the Supreme Court has agreed to hear as soon as January. Sherrill argues that the Oneida nation should pay property taxes; the Oneidas argue the land is part of their reservation and thus immune from taxes.

Two courts have sided with the Oneidas.

Nine briefs were filed by the Sept. 30 deadline. Five side with Sherrill and four with the Oneidas.

Such filings, called friends of the court briefs, are common in Supreme Court cases. They are submitted by groups who are not directly involved in the lawsuits, but who could be affected by the high court's rulings.

"You might call it a quasi-lobbying effort," said Rob Porter, a Syracuse University law professor and director of the university's Center for Indigenous Law, Governance and Citizenship. "You're trying to bring in different interests to impress upon the court the significance of the case."

It's unclear how much influence the briefs have in the deliberations of the Supreme Court. In a recent affirmative action case involving the University of Michigan, the court decision specifically mentioned some of the friends of the court briefs, said Thomas Maroney, an SU law professor and a former U.S. attorney.

"Beyond that case," he said, "it's awfully hard to know what influence they have."

Each of the briefs filed in the Sherrill case focuses on specific issues, but they generally argue that the Supreme Court's decision in the Sherrill case could have effects far beyond New York's smallest city.

The National Congress of American Indians, which represents 250 tribes across the country, argues that the case could result in "the abandonment of time-honored principles of Indian law," particularly the immunity of Indian land from taxes.

The brief, from the country's largest American Indian group, criticizes New York state and Sherrill for seeking to profit from the state's 200-year-old wrongdoing.

Sherrill has said the loss of taxes from nation-owned land, which includes a gas station and a textile plant, is hurting the city's finances. But a brief filed by three Western tribes says that Indian tribes with casinos, such as Turning Stone Resort and Casino run by the Oneidas, help local communities.

"Sherrill was trying to say that having (Indian-owned) land in the community is just going to wreck that community," said Harry Sachse, a Washington, D.C., lawyer who filed a brief on behalf of the three tribes. "The truth is when you have an Indian tribe, and particularly one with a casino near a community, it just enormously increases the prosperity of that community."

Sachse represents the Puyallup Tribe of Indians in Washington, the Southern Ute Indian Tribe in Colorado and the Pueblo of Acoma in New Mexico.

On Sherrill's side, briefs were filed by Oneida and Madison counties, Seneca and Cayuga counties, a group of towns, New York state and the Citizens Equal Rights Foundation in South Dakota.

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