

BEFORE THE INDIAN CLAIMS COMMISSION

THE ONEIDA NATION OF NEW YORK,)
 THE ONEIDA TRIBE OF INDIANS OF)
 WISCONSIN, THE ONEIDA NATION BY)
 JULIUS DANFORTH, OSCAR ARCHIQUETTE,)
 SHERMAN SKENANDORE, MAMIE SMITH,)
 MILTON BABCOCK, BERYL SMITH, AND)
 AMANDA PIERCE,)

Plaintiffs,)

v.)

THE UNITED STATES OF AMERICA,)

Defendant.)

Docket No. 301
(Claims 1 and 2)

INTERLOCUTORY ORDER

Upon the findings of fact and opinion previously entered herein, Oneida Nation v. United States, 26 Ind. Cl. Comm. 583 (1971), and the findings of fact and opinion entered herein today, which are hereby made a part of this order, the Commission concludes as a matter of law that

The United States failed to fulfill its special obligation to the Oneida Nation of Indians in relation to protecting their peaceful possession of lands in New York State. The defendant will be liable to the plaintiffs under Section 2, Clause (5), of the Indian Claims Commission Act, 25 U.S.C. § 70a (1970), if the Oneida Nation did not receive conscionable consideration for the land it ceded to New York under the 1785 and 1788 treaties.

This docket will proceed to a determination of the extent of defendant's liability to the plaintiffs, if any, under the 1785 and 1788 treaties.

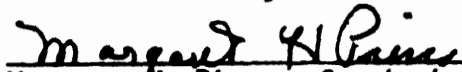
Dated at Washington, D. C., this 19th day of March 1976.



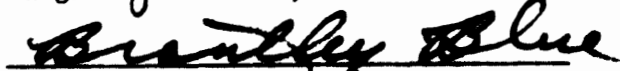
John J. Vance, Commissioner



Richard W. Yarborough, Commissioner



Margaret H. Pierce, Commissioner



Brantley Blue, Commissioner