
City of Sherrill v. Oneida Indian Nation of New York

Date of Decision: March 29, 2005

Summary of case

City of Sherrill v. Oneida Indian Nation of New York is an important case in Native American law. The Oneida Nation sold some of its ancestral territory in 1807, but then repurchased it in the 1990s. The City of Sherrill sought to evict the Oneida Indian Nation from the land it had purchased due to nonpayment of property taxes. The Oneida Nation claimed that under the 1794 Treaty of Canandaigua, the land was part of its historic reservation, and the 1790 Non-Intercourse Act protected the reservation status of the land, making it exempt from property tax. The City of Sherrill argued that the land lost its protected status as an Indian reservation after it was sold, and therefore it was subject to property tax. Both the district court and the Second Circuit Court of Appeals found in favor of the Oneida Nation. However, on May 29, 2005, in an eight-to-one decision, the Supreme Court ultimately ruled that purchase of historic tribal lands 200 years after the land was originally sold did not restore its status as an Indian reservation.

Summary of majority opinion

In the majority opinion delivered by Justice Ruth Bader Ginsburg, the court held that the purchase of Indian land that was sold 200 years ago could not be reinstated as a protected Indian reservation. She said that in the two centuries since the land was the tribe's historic reservation, the land was owned and developed by non-Native people and regulated by New York state, counties, and towns. During this time, most of the Oneida Nation lived in other places. So, because of the time that had elapsed and the long delay in seeking redress, the tribe could not revive its historic sovereignty over the land.

Summary of dissent

In the dissenting opinion, Justice John Paul Stevens said that the tribe should not have to forfeit its right to tribal immunity on the land just because that land had been out of its ownership. He went on to argue that the original terms of the treaty still applied and that this case should be under the legal jurisdiction of Congress, as only Congress can revoke the status of a tribe's reservation land and therefore its tax immunity.

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