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Catawba Indian Land Claim Dispute Records - Accession 841

Catawba Indian Land Claim

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**WINTHROP UNIVERSITY
LOUISE PETTUS ARCHIVES & SPECIAL COLLECTIONS**

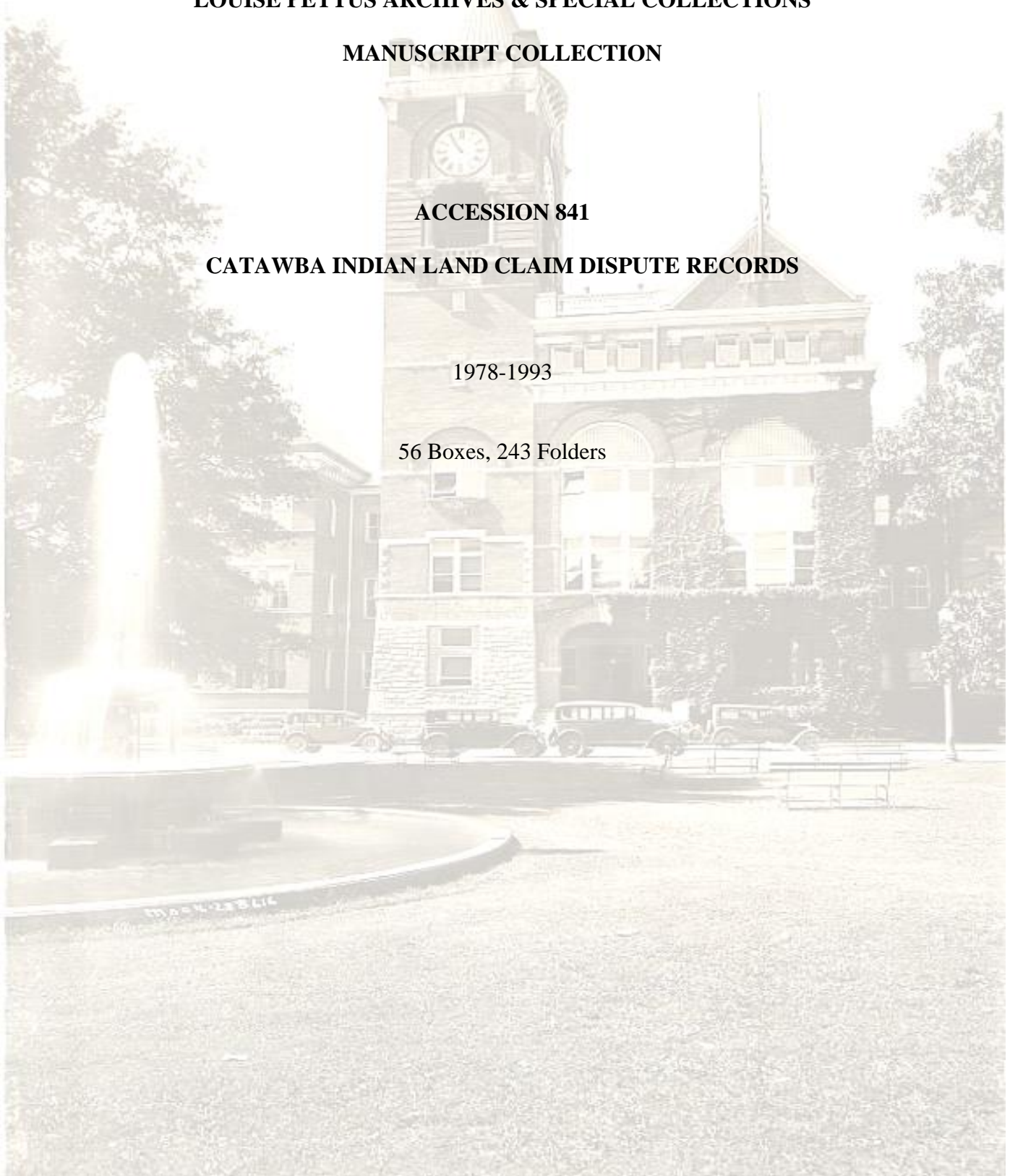
MANUSCRIPT COLLECTION

ACCESSION 841

CATAWBA INDIAN LAND CLAIM DISPUTE RECORDS

1978-1993

56 Boxes, 243 Folders



WINTHROP UNIVERSITY
LOUISE PETTUS ARCHIVES AND SPECIAL COLLECTIONS

MANUSCRIPT COLLECTION

ACC. NO.: 841
ADDITIONS: 779, ____,

PROCESSED BY: Gary Baker
DATE: December 5, 1996
NO. OF SECTIONS: 2

I

CATAWBA INDIAN LAND CLAIM DISPUTE RECORDS

The records and papers of the defense's case were donated to the Archives on February 1, 1994 by Daniel Byrd.

Linear feet of shelf space occupied: 14.0
Approximate number of pieces: 28,000

Restrictions: Open to researchers under the rules and regulations of the Louise Pettus Archives & Special Collections at Winthrop University.

Literary Rights: For information concerning literary rights please contact the Louise Pettus Archives & Special Collections at Winthrop University.

Scope and Content: **This collection consists of the records used by the defense attorney Daniel M. Byrd, Jr. in the Catawba Indian land claim trial. It exhibits the land rights and laws that were contested in the local and federal courts. Included in the collection are correspondence, memoranda, appendices, reports, financial references, legal briefs, newspaper clippings, and other records concerning the land dispute. Correspondents include Strom Thurmond, State Attorney General Daniel McLeod, Ken Holland, John Spratt, and Floyd Spence. *South Carolina v. Catawba Indian Tribe, Inc.*, 476 U.S. 498 1986 was an important case regarding aboriginal title in the United States. A settlement was eventually reached where the Catawba Indian Nation's aboriginal title was revoked in exchange for \$50,000,000 in 1993. This collection would prove invaluable to anyone researching the Catawba Indian Nation, its history, and relation to local history.**

Transfer Items: None.

II

DESCRIPTION OF SERIES

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
1	1	CORRESPONDENCE Various correspondence from attorney firm of Belser, Baker, Barwick, Toal, and Bender regarding the Catawba case. In chronological order. This firm worked on behalf of the tribe (plaintiff).	1980, 1982, 1986, 1987, 1990
1	2	CORRESPONDENCE Various correspondence from attorney firm of Leatherwood, Walker, Todd, and Mann regarding the Catawba case. In chronological order. This firm worked on behalf of the defendants.	1980-1992
1	3	CORRESPONDENCE Various correspondence from attorney firm of Hale and Dorr regarding the Catawba case. In chronological order. This firm worked on behalf of the defendant.	1978-1992
1-2	4-6	CORRESPONDENCE Various correspondence from attorney firm of Bell, Boyd, and Lloyd regarding the Catawba case. This firm worked on behalf of the defendants. In chronological order.	1981-1993
2	7-8	CORRESPONDENCE Various correspondence from law firm of Byrd and Byrd regarding the Catawba case. Plans and strategies for the defense are included. In chronological order.	1978-1993
3	9	CORRESPONDENCE Compilation of correspondence from the miscellaneous law firms representing various people associated with this case that were defendants against the Catawba tribe. In chronological order.	1978-1992
3-5	10-27	NEWSPAPER CLIPPINGS Collection of newspaper clippings that pertain to the Indian land claim. Subjects include hearings, maps, legislation decisions, etc. No arrangement. (Dates are marked on individual clippings.)	1977-1993
5	28	NEWSPAPER CLIPPINGS Photocopies of newspaper clippings which were used in court pertaining to the case.	1977-1991
6-7	29-33	CASES USED AS REFERENCES Past cases regarding miscellaneous Indian land claims that could have been used during the Catawba case. No specific arrangement.	1867-1991
7	34-35a	LAW NOTES Information from chapters in difference books and documents of the court that do not specifically deal with the Catawba case but are references for the case. Also include are a filing of Discovery Order and a copy of "Laws of the United States."	1815, 1966, 1978, 1983, nd
8	35b	CONGRESSIONAL REPORTS Various articles and reports regarding the Catawba case and a few miscellaneous past cases relevant to the plaintiffs. No specific arrangement.	1871, 1924, 1978, 1983, 1984

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
8	36	MEMORANDUMS AND STATE STATUTES Variety of information from Bell, Byrd, and Lloyd regarding their research of other cases and the relevancy of those cases to the Catawba case. Included is an article, "The States and Indian Jurisdiction" and "The Statutes At Large in South Carolina."	1838, 1873, 1978, 1988
8-9	37-39	NOTES Handwritten notes written by lawyers involved with the case. The notes have anything from ideas, past cases, defendant's situations, to defense plans. No particular arrangement.	1977-1993
9-10	40-45	EXPENSE REPORTS AND TIME SHEETS Time sheets and records relating to the hours and costs of lawyers that were charged to the clients. The reports are in no specific order.	1978-1992
11	46	CORRESPONDENCE Correspondence from the Tri-County Land Owners Association and from defendants regarding matters of the case. Correspondence are directed toward newspaper editors, congressmen, and the President. A financial report is included.	1978-1992
11	47-48	DEFENDANT INFORMATION A list of Byrd & Byrd clients detailing various costs to individual clients. Also included are listings of claimants and the amount of acreage they owned. Affidavits and map number locations are also given. In alphabetical order.	nd
11	49	MISCELLANEOUS Contains a treasurer's report for the Tri-County Land Owners Association, a list of defendants, defendants' titles to real estate, and a fax from Representative John Spratt.	1983, 1989, 1992, nd
12-13	50-61	RECORDS OF LAND UNDER CONTENTION Records describing the areas of land under contention. No particular arrangement but information for each title of area regarding its owner is kept together.	1959, 1973, 1981, 1988, 1989, 1990
13	62-63	LAND SALES A description of land sales and ownership. Description includes: dates of purchase, amount of land, location, price, etc. Colonial records are also referenced. Arranged in folders by dates, but a listing is included which accounts the records numerically.	1752-1846, 1988
14	64-67	LAND TITLES A description of the land titles for most of the property under contention. Noted is the amount, when and where the land was purchased. Deeds of ownership are also documented with the land titles. Most of the information is photocopied.	1840-1944
15	68	PROPERTY LIST A list of all defendants at the time of the trial opening proceedings. A list of both the lands owners and occupants is given as is every activity that occurred on the given land e.g. Buildings, extensions, etc.	1962-1980

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
15	69	SAMUEL KNOX Information derived from several court cases and papers that relate to the first lease of the land under contention that was first leased to Samuel Knox in 1785. (photocopies)	1785
15	70-71	EXHIBITS Exhibits, used in court to explain land ownership and property of all defendants and industry that occupies the land in dispute. Documents differ from trust agreements to land titles to county records and affidavits.	nd
16	72-73	SPRINGS INDUSTRY A defendant in the case documents of information pertaining to the company and its owners, location, production manufacturing, and the defense in this case. Also documented are land deeds and titles, correspondence to law firms, senators and the Attorney General.	1978-1992
16	74	APPOINTMENT OF ATTORNEY Signed by all the defendants appointing lawyers to act in whatever way to serve their best interests.	1980
16-17	75-80	EXHIBITS Exhibits used in court for the defense are chronological order. Listed are newspaper clippings, past cases, correspondence from Congressmen, Bills from the House, State legislation, settlement drafts and correspondence from the Attorney General as well as other relevant documents.	1978-1982
18	81-84	PAPERS A series of typed papers that reference this case and other similar. Documents introduce the case, make a case statement, provide a preliminary and provisional statements. Indian policies are also noted as are the potential economic impacts of a land take over.	1980-1986
19	85-86	CASE STUDIES Two case studies that outline the Catawba Indians and their land claim case. One is entitled, "The Catawba Indians from Earliest Times to the American Revolution" by Joab M. Lesene and the other is entitled, "The Catawba Indian Land Claim and Its Effect on Title to Land in York and Lancaster Counties" by a lawyer in the case named Mitchell Byrd.	1932, 1985-1986
19	87	COURT OF APPEALS Various forms (blank) and documents from the office of the U.S. Court of Appeals relating to disclosure of Financial Interest, an interlocutory order, transcripts, a pre-argument review, a stays of mandate, and an order of dismissal.	1976-1979, 1981
19-30	88-130	COURT CASES All information from every proceeding at the different levels of court from District Court to the court of appeals to the Supreme Court all in chronological order. The full case for both sides is made apparent and clear defined. All testimony used is documented as are exhibits and past cases.	1979-1992, nd

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
31	131	RESPONSE TO MOTION OF DISMISSAL Court document pertaining to the plaintiff, Catawba Tribe's response to the defendant, State of South Carolina's motion to dismiss. Included is a table of authorities of reference.	nd
31	132	APPENDIX OF MEMORANDUM Court document entitled, "Appendix of Memorandum in Support of Motion to Dismiss." Contains various documents that would help the defendants receive the dismissal of the case.	nd
31	133	SUPPLEMENTAL MEMORANDUM The plaintiff, Catawba Tribe's supplemental memorandum in opposition to defendants motion for summary judgment.	nd
32	134-135	EXHIBITS TO PLAINTIFF Documents of the "Exhibits to the Plaintiff Catawba Tribe's Response to Defendants' Motion to Dismiss the Case." Files within are designated by 1-61.	1986
32	136	MEMORANDUM Three copies of the defendant's reply memorandum in support of a motion to dismiss.	1980
32	137	REPORT BOOKLET Supreme Court report on the case: State of Connecticut vs. Mohegan Tribe. (Reference case.)	1980
32	138	REPORT BOOKLETS Two copies of the report about the case: "The Pechanga Band of Mission Indian vs. Kacor Realities, Inc." (Reference case.)	1981
33	139	APPEALS REPORTS Appeals reports pertaining to the cases: Dennison/Dennison vs. Topeka Chambers Industrial Development Corp. and also Catawba Indians vs. State of S.C.	1982, 1983
33-34	140-143	COURT APPEALS Appeals of Catawba Indian tribe vs. the State of South Carolina. Appendix, vol. I-III.	1982, 1983
34	144	SUPPLEMENTAL MEMORANDUMS Supplemental memorandums concerning the Catawba Indian Land Claims case.	1982
34	145	RESPONSE TO NEW MATTER Tribe vs. South Carolina the Defendant's appellees brief in response to new matters.	1983
34	146	BRIEFS Several briefs relating to the case as of the October 1984 term.	1984
34	147	APPENDICES Two copies of Joint Appendix for the October 1984 briefs.	1984

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
35	148-150	COURT BRIEFS Various court briefs, writs, and appendices regarding either opposition or defense of the Catawba Land claims.	1984
36	151	BRIEF OF PETITIONERS Brief of petitioners relating to the case.	1984
36	152	COURT BRIEFS Respondent's brief, post-argument of respondent's brief, and reply brief of petitioner.	1985
36	153-156	COURT BRIEFS Briefs relating to memorandums in opposition, briefs in reply to supplemental briefs, motions and memorandums by the defendants, and statutes of limitations.	1986
37	157-159	PETITIONS Petitions for Writ of Certiorari to the U.S. Court of Appeals including the Reply Brief all concerning the Catawba Tribe.	1988, 1989
37	160	SUPPLEMENTAL BRIEF Catawba Tribe's supplemental brief on the "State Law Questions Presented for Instruction."	1988
37-38	161-167	AFFIDAVITS Collection of affidavits in support of the motion for summary judgment by certain defendants.	1989
39	167-169	PETITIONS/MEMORANDUMS Collection of petitions for Writ of Certiorari and a Memorandum of Points of Authorities.	1988, 1989, 1990
40	170-173	MEMORANDUMS Memorandums of Points and Authorities and a reply to defendant's opposition to class certification all in reference to the Catawba Indian case.	1990
41	174	MEMORANDUMS A memorandum and a reply memorandum in support of defendant's motion for summary judgment.	1990
41-42	175-180	APPENDICES Supplemental appendices to reply to memorandum in support of defendant's motion for summary judgment.	1990
42-43	181-182	PETITION Petition for Writs of Mandamus relating to the Catawba case.	1989, 1991
43	183-186	AFFIDAVITS Affidavits in support of the motion for summary judgment by certain defendants.	1989

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
44-45	187-191	BRIEFS Briefs of the defendants, appellant's opening brief, and an appendix to appellant's opening brief all in relation to the Catawba case.	1991
45	192-193	APPENDICES Supplemental appendices on behalf of the City of Rock Hill, and also Citizens of Southern National Bank of S.C. All in relation to the Catawba case.	1991
46-47	194-197	JOINT APPENDICES Joint appendices filed by the council for the appellant (Catawba Tribe). Contains four volumes.	1991
48	198	PUBLICATION "Assumption of the Appeal by the Catawba Tribe."	1992
48	199-200	PETITIONS Petitions of Writ of Certiorari in reply to brief in opposition and to defendants.	1992
48	201	BRIEF Brief of defendants (State of S.C.) in the Catawba case.	1991
48	202	MAINE LAW REVIEW "A Defense of Non-Intercourse Act Claims: The Right of Tribe's Existence," in reference to the Mashpee Tribe of Maine. (A chapter from, <i>Maine Law Review</i> by James D. Sinclair and William F. Lee.)	1979
48	203	REPORT Litigation report regarding the Catawba Indian land claim.	1977
49	204	CLAIMS COMMISSION A case put before the Indian Claim's commission. The Oneida nation of New York verses The United States.	1976
49	205	REFERENCE BOOK <i>Native Americans A Legal/Historical Collection</i> . Information pertaining to legal and historical documents involving various tribes which might have been used in the Catawba case as references.	1990
49	206	ALTA American Land Title Association publication entitled, "Indian Land Claims Under the Non-Intercourse Act: The Constitutional Basis and Need for a Legislative Solution."	1978
49-50	207-208	RESEARCH MATERIALS Research materials based on the Catawba Indian reservation claim.	1760-1991, nd
50	209-211	CASE SUMMARY A compiled summation of the whole case up until 1977. Included are maps, references, petitions, and reports.	1764-1977

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
51-52	212-219	RESEARCH MATERIAL Research manual concerning the Catawba Indians. Records include: a 99 year lease record, eastern land claims information, and various correspondence. The manual includes information dating from the 1700's to the 1900's.	nd
53	220	SURVEYOR'S INDEX The surveyor's plat book and Indian commissioner's rent book. A comprehensive index.	nd
53	221	LAND ANALYSIS Proposed Catawba Indian Reservation land. Use analysis. Publication was prepared for the tribe by the surveyor Wilbur Smith and associates.	nd
53	222	MEMBERSHIP ROLL Notice of final membership roll of the Catawba tribe. This list was compiled in pursuant to section 1 of the Act of September 21, 1959. (73 STAT. 592)	1960
53	223	CORRESPONDENCE Correspondence in relation to the Catawba Claim Committee. Included is various insurance information, meeting minutes, and an ADHOC committee list.	1990, 1992
53	224	CORRESPONDENCE Correspondence relating to the Native American rights fund. Includes a "History of Injustice", time line, appendices, and a newsletter from "Totally Equal Americans."	1983, 1985, 1986, 1990-1993
53	225	MAPS Various maps of the area under dispute. They show changes over time. Some may have the date of when the particular areas before they were changed. Some have the date of publication.	nd
54	226	LAW BOOK Felix S. Cohen, <i>Handbook of Federal Indian Law</i> .	ca1978
54	227	CERTIFICATE A Certificate of Incorporation relating to the Tri-County Landowners Association, Inc. Also included is an autographed picture of Strom Thurmond.	1978
54	228	PROCEEDINGS SUMMARY A proceedings summary of the Task Force on the State Role in Indian Affairs. (Is an overview of a meeting) Also included is a press statement, a chapter out of <i>The History of South Carolina</i> , and a statement of petition.	1977, 1980
54	229	ANALYSIS An analysis of possible conflicts regarding the Catawba law suit. Also included are memos, an amendment proposition, and a litigation resolution.	1959, 1978, 1981, 1982
54	230	SESSION LAWS A checklist of U.S. Session Laws provided by the Law Library sent to Dan Byrd. Also included are copies of the advisory opinion issued by the Ethics Advisory Committee reminding lawyers what they can and can not do in regards to a case.	1976, 1981, 1992

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
54	231	LITERATURE Two journals relating to Indian land claim cases. <i>Title News</i> , "The Alaskan Lands Lock-up" and <i>The Daily Oklahoman</i> , "Legacy of Wounded Knee."	1980
55	232	CORRESPONDENCE Correspondence to Senator Strom Thurmond relating to the defense of the Land Claim asking for support. Also included is a letter to Cecil Andrus, Secretary of the Interior.	1978-1982
55	233	CORRESPONDENCE Correspondence to Senator Strom Thurmond relating to the defense of the Land Claim asking for support. Also included is a letter to Cecil Andrus, Secretary of the Interior.	1977-1992
55	234	GOVERNMENT CORRESPONDENCE Correspondence from the Supreme Court of S.C. and the House of Representatives of S.C.	1977-1990
55	235	SETTLEMENT ACT RELEASE Letter to the Senate releasing a bill relating to the "Mashantucket Pequot Indian Claims Settlement Act." Included are the agreement papers.	1983
55	236	AFFIDAVITS Affidavits in support of a motion for a Summary Judgment. A copy of the deed in question is enclosed.	1980, 1989
55	237	PUBLICATIONS Publication reports from the U.S. Supreme Court regarding Indian cases and proposed bills for resolution of the Catawba Case.	1979-1993
55	238	CONGRESSIONAL BILLS Several bills relating to Catawba Indian Land Claim as well as the claims of other Indian tribes. Also included is a pamphlet, "Papers of the Continental Congress."	1977-1981
56	239	CORRESPONDENCE Correspondence relating to the Department of the Interior pertaining to the Catawba Indian Land Claim.	1977-1979
56	240	JOURNAL Journal entitled, "Real Property, Probate, and Trust Journal: Annual Review of Decisions and Legislation."	1977
56	241	IRS CORRESPONDENCE Internal Revenue Service material regarding the Catawba Indian Land Claim legal defense fund.	1978-1980
56	242	CORRESPONDENCE Correspondence relating to material received by or sent to Daniel McLeod. Also included is a copy of the December, 1979, Indian Claims Bill.	1977-1982

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DESCRIPTION OF SERIES (cont.)

<u>Box(es)</u>	<u>Folder(s)</u>	<u>Series</u>	<u>Year(s)</u>
56	243	LOCAL OPPOSITION TO THE LAND CLAIM Consists of correspondence and other material relating to opposition of the land claim.	1972-1992