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For Immediate Release: August 30, 1977
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Solicitor Leo M. Krulitz announced today that the Interior Department is recommending to the Department of Justice that legal action be started on behalf of the Catawba Indian Tribe to recover its 140,000 acre reservation in South Carolina.

The proposed suit would be similar to actions now pending on behalf of the Passamaquoddy and Penobscot Indians land claims in Maine and the land claims of three tribes in New York State.

"The action we recommend is that the United States finally act upon its long neglected duty under the Non-Intercourse Act to nullify the 1840 Treaty with South Carolina and restore possession of the 1763 Treaty reservation to the Catawba Tribe," Krulitz said. The Tribe has sought Federal assistance in the assertion of their claim since 1904.

Krulitz said that discussions between the Tribe and State officials have reflected a mutual intent to resolve the matter in a way that would satisfy the parties without endangering the State's economy or interfering with orderly real estate development.

''We should inform all concerned parties," he said in a letter to the Justice Department, "that we would prefer an amicable, orderly settlement to lengthy, disruptive litigation, and will lend immediate assistance in negotiations for a just and model settlement." However, the recommendation makes it clear that if negotiations fail, litigation should be commenced on behalf of the Tribe.

The 15 mile square area claimed by the Catawba Tribe surrounds the town of Rock Hill in the north-central section of the State.

Prior to 1763, the Tribe occupied a much larger area by aboriginal title. In 1763, the Tribe relinquished their claim to the larger area in return for Great Britain's assurance that they would have unmolested possession of the 15 mile square reservation. When the United States succeeded to Great Britain's sovereignty in 1783, our new government did not abrogate the 1763 Catawba Treaty. "Therefore," Krulitz said, "the Catawba retained a vested right in their reservation."

By 1840 the Catawba's Treaty reservation was overrun by non-Indians who continually ignored the Tribe's protests. "In 1840," Krulitz said, "the Tribe finally purported to convey their remaining title and interest in the 140, 000 acres to the State of South Carolina by treaty. The Federal Government was in no way involved in the negotiations and never subsequently gave its consent. The 1840 conveyance was therefore void under the Non-Intercourse Act."