Indian Affairs - Office of Public Affairs

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Interior Solicitor Leo M. Krulitz announced today he will not ask the Justice Departn1ent to go to court on behalf of the Shinnecock Indians who are seeking restoration of 3,150 acres in the Town of Southampton, New York, which they claim is their aboriginal territory most in violation of federal law.

The Shinnecocks asked the Interior Department to help them recover the land, occupied by them since the early 17th Century and secured to them for a period of 1000 years in a 1703 lease from the Town of Southampton. In 1859 the New York legislature authorized the Town to negotiate with the Shinnecocks for the relinquishment of the land. The Shinnecocks gave up the land in return for a small reservation.

The Shinnecocks argue that since the federal government was neither involved in nor consented to the transactions in which the land was lost, the transactions are void under the Non-Intercourse Act of 1790.

In a letter to the Native American Rights Fund, which is representing the Shinnecocks, Krulitz explained that there has been no formal determination by the federal government that the Shinnecocks constitute an Indian tribe. Until there is, he said, the Interior Department cannot acknowledge a trust relationship with them under the Won-Intercourse Act. In addition, Krulitz said, there remains a serious question as to whether the Shinnecocks had an interest In land protected by the Non-lntercourse Act.

The Solicitor said that nothing in his decision prevents the Shinnecocks from pursuing a suit on their own, or from continuing to pursue acknowledgement as an Indian tribe with the Bureau of lndian Affairs.