



St. Regis Mohawk Tribe

Chief Randy Hart
Chief Ron LaFrance Jr.
Chief Paul O. Thompson
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PRESS RELEASE

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Saint Regis Mohawk Tribe Receives Favorable Land Claims Ruling

Akwesasne Mohawk Territory – On Friday September 28, 2012 Magistrate Judge Dancks of the Northern District of New York refused to dismiss the Saint Regis Mohawk Tribe’s claim to the Hogansburg Triangle. The Mohawks faced a huge hurdle since all other land claims had been dismissed in New York in total. With the help of an expert, the tribe had presented census data showing that the area is primarily inhabited by Mohawks, which Dancks relied on in her ruling. The defendants, New York State *et al*, failed to show that the claim area has a distinctly non-Indian character a key factor leading to the dismissal in the other land claims. Since they failed to meet this burden of proof, she denied the motion to dismiss the tribe’s claim for the Hogansburg Triangle. “Our case for the Hogansburg Triangle has not been dismissed and we will continue to litigate and fight to get our land back for as long as it takes,” said Randy Hart, Tribal Chief.

Dancks’ recommendation will now go to Senior Judge McCurn of the Northern District of New York for review. Both the tribe and the defendants have 14 days to file objections. Either party can argue that the Magistrate Dancks erred and that Judge McCurn should not adopt her reasoning. Another round of briefs will be filed resulting in a decision by Judge McCurn. This could take six months or more if the parties receive extensions or the judge does not rule quickly “We will pursue any and all alternatives to re-acquire our territory for our future generations,” affirmed Tribal Chief Ron LaFrance.

If Judge McCurn accepts the recommended decision, two outcomes are possible. The parties would now have to litigate the merits of the Hogansburg Triangle claim or, the defendants could ask him to certify his decision for an appeal to the Second Circuit Court. This process will determine how the case will proceed – on the merits of the land claim for the Hogansburg Triangle or as an appeal to the Second Circuit Court.

Dancks dismissed the claim for all other areas such as the islands, including Barnhart Island. She declined to consider evidence such as affidavits or the use and history of the islands. Tribal Chief Paul Thompson said, “This is far from over and we’re happy that we’ve won one battle in this long war.”

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The Saint Regis Mohawk Tribal Council is the duly elected and federally recognized government of the Saint Regis Mohawk People.

Helping Build A Better Tomorrow

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