

**03-855 SHERRILL V. ONEIDA INDIAN NATION OF NEW YORK**

DECISION BELOW: 337 F3d 139

LOWER COURT CASE NUMBER: 01-7795, 01-7797

**QUESTION PRESENTED:**

1. Whether alleged reservation land is Indian Country pursuant to 18 U.S.C. § 1151 and this Court's decision in *Alaska v. Native Village of Venetie Tribal Gov't*, 522 U.S. 520 (1998) ("Venetie") where the land was neither set aside by the federal government nor superintended by the federal government?
2. Whether alleged reservation land was set aside by the federal government for purposes of Indian Country analysis under 18 U.S.C. § 1151 and *Venetie* where the alleged reservation was established by the State of New York in the 1788 Treaty of Fort Schuyler, and not by any federal treaty, action or enactment?
3. Whether the 1838 Treaty of Buffalo Creek, which required the New York Oneidas to permanently abandon their lands in New York, resulted in the disestablishment of the Oneida's alleged New York reservation?
4. Whether alleged reservation land may (i) remain Indian Country or (ii) be subject to the protections of the Non-Intercourse Act, 25 U.S.C. § 177, if the tribe claiming reservation status and Non-Intercourse Act protection ceases to exist?

**CERT. GRANTED 6/28/2004**