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Land claims spend decades in court

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Only two things are certain about Indian land claims: Each one is different and resolving them in court is never fast.

"It takes a really long time for land claims cases to be resolved. We are not just talking years, we're talking decades," said Aurene Martin, deputy assistant secretary of Interior for Indian Affairs.

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For instance:

- In 1980, after 20 years of court decisions, reversals and appeals, tribes in Maine won an \$81.5 million settlement on their claim to 12.5 million acres - 60 percent of the state. The tribes used the money to buy 305,000 acres.
- The Cayuga Nation of New York claimed 250,000 acres in New York and won a \$247.5 million settlement in 2001, based on lost economic opportunities, after more than a decade in court.

A federal judge this month overruled the state's opposition to building a casino on the land.

- Several California tribes filed claims in the 1990s. Small parcels of land were awarded to the tribes in recent settlements. Some of the tribes built casinos.

Those cases and the new Cheyenne and Arapaho claims rely on a 1709 law that named the federal government as the only entity allowed to negotiate with tribes.

The successful cases sought settlement from the states for illegally terminating the tribe and selling the land to settlers without federal consent.

Michael Anderson, one of the attorneys who worked on the Cheyenne and Arapaho claims, said the 1800s treaties that removed the tribes from Colorado may not have been signed by people with the legal status to surrender the land.

The Cheyenne and Arapaho accepted \$15 million from the federal Indian Land Claims Commission in the 1960s.

But the settlement didn't compensate for Colorado further shrinking the reservation or for opening the land to the first settlers, said Steve Hillard, who heads the Longmont-based investment group representing the tribes.

In New York, Michigan, Alaska and other states, pending Indian land claims quelled real estate sales. The claims clouded title and impaired land sales, he said.

"Claims left unresolved have impact on land sales," he said. "The lesson from other states was that ignoring this kind of claims has a real economic impact."

That prompted states to settle the cases, Anderson, Hillard and other claims specialists said. The uncertain

status of the Colorado claims hasn't yet affected land sales.

The Cheyenne and Arapaho land claims have a unique dimension - genocide.

In 1864, Territorial Gov. John Evans issued a death proclamation exhorting citizens to kill Indians, Hillard said.

Congress has admitted that genocide was a goal of governments in the 19th century, Hillard said.

The nation's policy of genocide toward the Indians gives more weight to the claim, he said.

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