



2020

## Catawba Indian Land Claim Dispute Records - Accession 841

Catawba Indian Land Claim

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**WINTHROP UNIVERSITY  
LOUISE PETTUS ARCHIVES & SPECIAL COLLECTIONS**

**MANUSCRIPT COLLECTION**

**ACCESSION 841**

**CATAWBA INDIAN LAND CLAIM DISPUTE RECORDS**

1978-1993

56 Boxes, 243 Folders

WINTHROP UNIVERSITY  
LOUISE PETTUS ARCHIVES AND SPECIAL COLLECTIONS

MANUSCRIPT COLLECTION

ACC. NO.: 841  
ADDITIONS: 779, \_\_\_\_,

PROCESSED BY: Gary Baker  
DATE: December 5, 1996  
NO. OF SECTIONS: 2

I

CATAWBA INDIAN LAND CLAIM DISPUTE RECORDS

The records and papers of the defense's case were donated to the Archives on February 1, 1994 by Daniel Byrd.

Linear feet of shelf space occupied: 14.0  
Approximate number of pieces: 28,000

Restrictions: Open to researchers under the rules and regulations of the Louise Pettus Archives & Special Collections at Winthrop University.

Literary Rights: For information concerning literary rights please contact the Louise Pettus Archives & Special Collections at Winthrop University.

Scope and Content: **This collection consists of the records used by the defense attorney Daniel M. Byrd, Jr. in the Catawba Indian land claim trial. It exhibits the land rights and laws that were contested in the local and federal courts. Included in the collection are correspondence, memoranda, appendices, reports, financial references, legal briefs, newspaper clippings, and other records concerning the land dispute. Correspondents include Strom Thurmond, State Attorney General Daniel McLeod, Ken Holland, John Spratt, and Floyd Spence. *South Carolina v. Catawba Indian Tribe, Inc.*, 476 U.S. 498 1986 was an important case regarding aboriginal title in the United States. A settlement was eventually reached where the Catawba Indian Nation's aboriginal title was revoked in exchange for \$50,000,000 in 1993. This collection would prove invaluable to anyone researching the Catawba Indian Nation, its history, and relation to local history.**

Transfer Items: None.

II

DESCRIPTION OF SERIES

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>   | <u>Year(s)</u>                  |
|----------------|------------------|---|---------------------------------|
| 1              | 1                | <b>CORRESPONDENCE</b><br>Various correspondence from attorney firm of Belser, Baker, Barwick, Toal, and Bender regarding the Catawba case. In chronological order. This firm worked on behalf of the tribe (plaintiff).   | 1980, 1982, 1986,<br>1987, 1990 |
| 1              | 2                | <b>CORRESPONDENCE</b><br>Various correspondence from attorney firm of Leatherwood, Walker, Todd, and Mann regarding the Catawba case. In chronological order. This firm worked on behalf of the defendants.   | 1980-1992                       |
| 1              | 3                | <b>CORRESPONDENCE</b><br>Various correspondence from attorney firm of Hale and Dorr regarding the Catawba case. In chronological order. This firm worked on behalf of the defendant.  | 1978-1992                       |
| 1-2            | 4-6              | <b>CORRESPONDENCE</b><br>Various correspondence from attorney firm of Bell, Boyd, and Lloyd regarding the Catawba case. This firm worked on behalf of the defendants. In chronological order.   | 1981-1993                       |
| 2              | 7-8              | <b>CORRESPONDENCE</b><br>Various correspondence from law firm of Byrd and Byrd regarding the Catawba case. Plans and strategies for the defense are included. In chronological order.   | 1978-1993                       |
| 3              | 9                | <b>CORRESPONDENCE</b><br>Compilation of correspondence from the miscellaneous law firms representing various people associated with this case that were defendants against the Catawba tribe. In chronological order.   | 1978-1992                       |
| 3-5            | 10-27            | <b>NEWSPAPER CLIPPINGS</b><br>Collection of newspaper clippings that pertain to the Indian land claim. Subjects include hearings, maps, legislation decisions, etc. No arrangement. (Dates are marked on individual clippings.)   | 1977-1993                       |
| 5              | 28               | <b>NEWSPAPER CLIPPINGS</b><br>Photocopies of newspaper clippings which were used in court pertaining to the case.   | 1977-1991                       |
| 6-7            | 29-33            | <b>CASES USED AS REFERENCES</b><br>Past cases regarding miscellaneous Indian land claims that could have been used during the Catawba case. No specific arrangement.  | 1867-1991                       |
| 7              | 34-35a           | <b>LAW NOTES</b><br>Information from chapters in difference books and documents of the court that do not specifically deal with the Catawba case but are references for the case. Also include are a filing of Discovery Order and a copy of "Laws of the United States." | 1815, 1966, 1978,<br>1983, nd   |
| 8              | 35b              | <b>CONGRESSIONAL REPORTS</b><br>Various articles and reports regarding the Catawba case and a few miscellaneous past cases relevant to the plaintiffs. No specific arrangement.   | 1871, 1924, 1978,<br>1983, 1984 |

II

DESCRIPTION OF SERIES (cont.)

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>   | <u>Year(s)</u>                        |
|----------------|------------------|---|---------------------------------------|
| 8              | 36               | MEMORANDUMS AND STATE STATUTES<br>Variety of information from Bell, Byrd, and Lloyd regarding their research of other cases and the relevancy of those cases to the Catawba case. Included is an article, "The States and Indian Jurisdiction" and "The Statutes At Large in South Carolina." | 1838, 1873, 1978,<br>1988             |
| 8-9            | 37-39            | NOTES<br>Handwritten notes written by lawyers involved with the case. The notes have anything from ideas, past cases, defendant's situations, to defense plans. No particular arrangement.  | 1977-1993                             |
| 9-10           | 40-45            | EXPENSE REPORTS AND TIME SHEETS<br>Time sheets and records relating to the hours and costs of lawyers that were charged to the clients. The reports are in no specific order.   | 1978-1992                             |
| 11             | 46               | CORRESPONDENCE<br>Correspondence from the Tri-County Land Owners Association and from defendants regarding matters of the case. Correspondence are directed toward newspaper editors, congressmen, and the President. A financial report is included.   | 1978-1992                             |
| 11             | 47-48            | DEFENDANT INFORMATION<br>A list of Byrd & Byrd clients detailing various costs to individual clients. Also included are listings of claimants and the amount of acreage they owned. Affidavits and map number locations are also given. In alphabetical order.                                | nd                                    |
| 11             | 49               | MISCELLANEOUS<br>Contains a treasurer's report for the Tri-County Land Owners Association, a list of defendants, defendants' titles to real estate, and a fax from Representative John Spratt.  | 1983, 1989, 1992, nd                  |
| 12-13          | 50-61            | RECORDS OF LAND UNDER CONTENTION<br>Records describing the areas of land under contention. No particular arrangement but information for each title of area regarding its owner is kept together.   | 1959, 1973, 1981,<br>1988, 1989, 1990 |
| 13             | 62-63            | LAND SALES<br>A description of land sales and ownership. Description includes: dates of purchase, amount of land, location, price, etc. Colonial records are also referenced. Arranged in folders by dates, but a listing is included which accounts the records numerically.                 | 1752-1846, 1988                       |
| 14             | 64-67            | LAND TITLES<br>A description of the land titles for most of the property under contention. Noted is the amount, when and where the land was purchased. Deeds of ownership are also documented with the land titles. Most of the information is photocopied.                                   | 1840-1944                             |
| 15             | 68               | PROPERTY LIST<br>A list of all defendants at the time of the trial opening proceedings. A list of both the lands owners and occupants is given as is every activity that occurred on the given land e.g. Buildings, extensions, etc.  | 1962-1980                             |

II

DESCRIPTION OF SERIES (cont.)

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>  | <u>Year(s)</u>  |
|----------------|------------------|--|-----------------|
| 15             | 69               | <b>SAMUEL KNOX</b><br>Information derived from several court cases and papers that relate to the first lease of the land under contention that was first leased to Samuel Knox in 1785.<br>(photocopies)   | 1785            |
| 15             | 70-71            | <b>EXHIBITS</b><br>Exhibits, used in court to explain land ownership and property of all defendants and industry that occupies the land in dispute. Documents differ from trust agreements to land titles to county records and affidavits.  | nd              |
| 16             | 72-73            | <b>SPRINGS INDUSTRY</b><br>A defendant in the case documents of information pertaining to the company and its owners, location, production manufacturing, and the defense in this case. Also documented are land deeds and titles, correspondence to law firms, senators and the Attorney General.   | 1978-1992       |
| 16             | 74               | <b>APPOINTMENT OF ATTORNEY</b><br>Signed by all the defendants appointing lawyers to act in whatever way to serve their best interests.  | 1980            |
| 16-17          | 75-80            | <b>EXHIBITS</b><br>Exhibits used in court for the defense are chronological order. Listed are newspaper clippings, past cases, correspondence from Congressmen, Bills from the House, State legislation, settlement drafts and correspondence from the Attorney General as well as other relevant documents.   | 1978-1982       |
| 18             | 81-84            | <b>PAPERS</b><br>A series of typed papers that reference this case and other similar. Documents introduce the case, make a case statement, provide a preliminary and provisional statements. Indian policies are also noted as are the potential economic impacts of a land take over.   | 1980-1986       |
| 19             | 85-86            | <b>CASE STUDIES</b><br>Two case studies that outline the Catawba Indians and their land claim case. One is entitled, "The Catawba Indians from Earliest Times to the American Revolution" by Joab M. Lesene and the other is entitled, "The Catawba Indian Land Claim and Its Effect on Title to Land in York and Lancaster Counties" by a lawyer in the case named Mitchell Byrd. | 1932, 1985-1986 |
| 19             | 87               | <b>COURT OF APPEALS</b><br>Various forms (blank) and documents from the office of the U.S. Court of Appeals relating to disclosure of Financial Interest, an interlocutory order, transcripts, a pre-argument review, a stays of mandate, and an order of dismissal.   | 1976-1979, 1981 |
| 19-30          | 88-130           | <b>COURT CASES</b><br>All information from every proceeding at the different levels of court from District Court to the court of appeals to the Supreme Court all in chronological order. The full case for both sides is made apparent and clear defined. All testimony used is documented as are exhibits and past cases.  | 1979-1992, nd   |

**II**

**DESCRIPTION OF SERIES (cont.)**

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>   | <u>Year(s)</u> |
|----------------|------------------|---|----------------|
| 31             | 131              | RESPONSE TO MOTION OF DISMISSAL<br>Court document pertaining to the plaintiff, Catawba Tribe's response to the defendant, State of South Carolina's motion to dismiss. Included is a table of authorities of reference. | nd             |
| 31             | 132              | APPENDIX OF MEMORANDUM<br>Court document entitled, "Appendix of Memorandum in Support of Motion to Dismiss." Contains various documents that would help the defendants receive the dismissal of the case.               | nd             |
| 31             | 133              | SUPPLEMENTAL MEMORANDUM<br>The plaintiff, Catawba Tribe's supplemental memorandum in opposition to defendants motion for summary judgment.  | nd             |
| 32             | 134-135          | EXHIBITS TO PLAINTIFF<br>Documents of the "Exhibits to the Plaintiff Catawba Tribe's Response to Defendants' Motion to Dismiss the Case." Files within are designated by 1-61.  | 1986           |
| 32             | 136              | MEMORANDUM<br>Three copies of the defendant's reply memorandum in support of a motion to dismiss.   | 1980           |
| 32             | 137              | REPORT BOOKLET<br>Supreme Court report on the case: State of Connecticut vs. Mohegan Tribe. (Reference case.)   | 1980           |
| 32             | 138              | REPORT BOOKLETS<br>Two copies of the report about the case: "The Pechanga Band of Mission Indian vs. Kacor Realities, Inc." (Reference case.)   | 1981           |
| 33             | 139              | APPEALS REPORTS<br>Appeals reports pertaining to the cases: Dennison/Dennison vs. Topeka Chambers Industrial Development Corp. and also Catawba Indians vs. State of S.C.   | 1982, 1983     |
| 33-34          | 140-143          | COURT APPEALS<br>Appeals of Catawba Indian tribe vs. the State of South Carolina. Appendix, vol. I-III.   | 1982, 1983     |
| 34             | 144              | SUPPLEMENTAL MEMORANDUMS<br>Supplemental memorandums concerning the Catawba Indian Land Claims case.  | 1982           |
| 34             | 145              | RESPONSE TO NEW MATTER<br>Tribe vs. South Carolina the Defendant's appellees brief in response to new matters.  | 1983           |
| 34             | 146              | BRIEFS<br>Several briefs relating to the case as of the October 1984 term.  | 1984           |
| 34             | 147              | APPENDICES<br>Two copies of Joint Appendix for the October 1984 briefs.   | 1984           |

II

DESCRIPTION OF SERIES (cont.)

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>   | <u>Year(s)</u>   |
|----------------|------------------|---|------------------|
| 35             | 148-150          | COURT BRIEFS<br>Various court briefs, writs, and appendices regarding either opposition or defense of the Catawba Land claims.  | 1984             |
| 36             | 151              | BRIEF OF PETITIONERS<br>Brief of petitioners relating to the case.  | 1984             |
| 36             | 152              | COURT BRIEFS<br>Respondent's brief, post-argument of respondent's brief, and reply brief of petitioner.   | 1985             |
| 36             | 153-156          | COURT BRIEFS<br>Briefs relating to memorandums in opposition, briefs in reply to supplemental briefs, motions and memorandums by the defendants, and statutes of limitations. | 1986             |
| 37             | 157-159          | PETITIONS<br>Petitions for Writ of Certiorari to the U.S. Court of Appeals including the Reply Brief all concerning the Catawba Tribe.  | 1988, 1989       |
| 37             | 160              | SUPPLEMENTAL BRIEF<br>Catawba Tribe's supplemental brief on the "State Law Questions Presented for Instruction."  | 1988             |
| 37-38          | 161-167          | AFFIDAVITS<br>Collection of affidavits in support of the motion for summary judgment by certain defendants.   | 1989             |
| 39             | 167-169          | PETITIONS/MEMORANDUMS<br>Collection of petitions for Writ of Certiorari and a Memorandum of Points of Authorities.  | 1988, 1989, 1990 |
| 40             | 170-173          | MEMORANDUMS<br>Memorandums of Points and Authorities and a reply to defendant's opposition to class certification all in reference to the Catawba Indian case.                | 1990             |
| 41             | 174              | MEMORANDUMS<br>A memorandum and a reply memorandum in support of defendant's motion for summary judgment.   | 1990             |
| 41-42          | 175-180          | APPENDICES<br>Supplemental appendices to reply to memorandum in support of defendant's motion for summary judgment.   | 1990             |
| 42-43          | 181-182          | PETITION<br>Petition for Writs of Mandamus relating to the Catawba case.  | 1989, 1991       |
| 43             | 183-186          | AFFIDAVITS<br>Affidavits in support of the motion for summary judgment by certain defendants.   | 1989             |



**II**

**DESCRIPTION OF SERIES (cont.)**

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>   | <u>Year(s)</u> |
|----------------|------------------|---|----------------|
| 44-45          | 187-191          | BRIEFS<br>Briefs of the defendants, appellant's opening brief, and an appendix to appellant's opening brief all in relation to the Catawba case.  | 1991           |
| 45             | 192-193          | APPENDICES<br>Supplemental appendices on behalf of the City of Rock Hill, and also Citizens of Southern National Bank of S.C. All in relation to the Catawba case.  | 1991           |
| 46-47          | 194-197          | JOINT APPENDICES<br>Joint appendices filed by the council for the appellant (Catawba Tribe). Contains four volumes.   | 1991           |
| 48             | 198              | PUBLICATION<br>"Assumption of the Appeal by the Catawba Tribe."   | 1992           |
| 48             | 199-200          | PETITIONS<br>Petitions of Writ of Certiorari in reply to brief in opposition and to defendants.   | 1992           |
| 48             | 201              | BRIEF<br>Brief of defendants (State of S.C.) in the Catawba case.   | 1991           |
| 48             | 202              | MAINE LAW REVIEW<br>"A Defense of Non-Intercourse Act Claims: The Right of Tribe's Existence," in reference to the Mashpee Tribe of Maine. (A chapter from, <i>Maine Law Review</i> by James D. Sinclair and William F. Lee.) | 1979           |
| 48             | 203              | REPORT<br>Litigation report regarding the Catawba Indian land claim.  | 1977           |
| 49             | 204              | CLAIMS COMMISSION<br>A case put before the Indian Claim's commission. The Oneida nation of New York verses The United States.   | 1976           |
| 49             | 205              | REFERENCE BOOK<br><i>Native Americans A Legal/Historical Collection</i> . Information pertaining to legal and historical documents involving various tribes which might have been used in the Catawba case as references.     | 1990           |
| 49             | 206              | ALTA<br>American Land Title Association publication entitled, "Indian Land Claims Under the Non-Intercourse Act: The Constitutional Basis and Need for a Legislative Solution."   | 1978           |
| 49-50          | 207-208          | RESEARCH MATERIALS<br>Research materials based on the Catawba Indian reservation claim.   | 1760-1991, nd  |
| 50             | 209-211          | CASE SUMMARY<br>A compiled summation of the whole case up until 1977. Included are maps, references, petitions, and reports.  | 1764-1977      |

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DESCRIPTION OF SERIES (cont.)

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>  | <u>Year(s)</u>                 |
|----------------|------------------|--|--------------------------------|
| 51-52          | 212-219          | RESEARCH MATERIAL<br>Research manual concerning the Catawba Indians. Records include: a 99 year lease record, eastern land claims information, and various correspondence. The manual includes information dating from the 1700's to the 1900's.             | nd                             |
| 53             | 220              | SURVEYOR'S INDEX<br>The surveyor's plat book and Indian commissioner's rent book. A comprehensive index.   | nd                             |
| 53             | 221              | LAND ANALYSIS<br>Proposed Catawba Indian Reservation land. Use analysis. Publication was prepared for the tribe by the surveyor Wilbur Smith and associates.   | nd                             |
| 53             | 222              | MEMBERSHIP ROLL<br>Notice of final membership roll of the Catawba tribe. This list was compiled in pursuant to section 1 of the Act of September 21, 1959. (73 STAT. 592)  | 1960                           |
| 53             | 223              | CORRESPONDENCE<br>Correspondence in relation to the Catawba Claim Committee. Included is various insurance information, meeting minutes, and an ADHOC committee list.  | 1990, 1992                     |
| 53             | 224              | CORRESPONDENCE<br>Correspondence relating to the Native American rights fund. Includes a "History of Injustice", time line, appendices, and a newsletter from "Totally Equal Americans."   | 1983, 1985, 1986,<br>1990-1993 |
| 53             | 225              | MAPS<br>Various maps of the area under dispute. They show changes over time. Some may have the date of when the particular areas before they were changed. Some have the date of publication.  | nd                             |
| 54             | 226              | LAW BOOK<br>Felix S. Cohen, <i>Handbook of Federal Indian Law</i> .  | ca1978                         |
| 54             | 227              | CERTIFICATE<br>A Certificate of Incorporation relating to the Tri-County Landowners Association, Inc. Also included is an autographed picture of Strom Thurmond.   | 1978                           |
| 54             | 228              | PROCEEDINGS SUMMARY<br>A proceedings summary of the Task Force on the State Role in Indian Affairs. (Is an overview of a meeting) Also included is a press statement, a chapter out of <i>The History of South Carolina</i> , and a statement of petition.   | 1977, 1980                     |
| 54             | 229              | ANALYSIS<br>An analysis of possible conflicts regarding the Catawba law suit. Also included are memos, an amendment proposition, and a litigation resolution.  | 1959, 1978, 1981,<br>1982      |
| 54             | 230              | SESSION LAWS<br>A checklist of U.S. Session Laws provided by the Law Library sent to Dan Byrd. Also included are copies of the advisory opinion issued by the Ethics Advisory Committee reminding lawyers what they can and can not do in regards to a case. | 1976, 1981, 1992               |

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DESCRIPTION OF SERIES (cont.)

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>  | <u>Year(s)</u> |
|----------------|------------------|--|----------------|
| 54             | 231              | LITERATURE<br>Two journals relating to Indian land claim cases. <i>Title News</i> , "The Alaskan Lands Lock-up" and <i>The Daily Oklahoman</i> , "Legacy of Wounded Knee."                     | 1980           |
| 55             | 232              | CORRESPONDENCE<br>Correspondence to Senator Strom Thurmond relating to the defense of the Land Claim asking for support. Also included is a letter to Cecil Andrus, Secretary of the Interior. | 1978-1982      |
| 55             | 233              | CORRESPONDENCE<br>Correspondence to Senator Strom Thurmond relating to the defense of the Land Claim asking for support. Also included is a letter to Cecil Andrus, Secretary of the Interior. | 1977-1992      |
| 55             | 234              | GOVERNMENT CORRESPONDENCE<br>Correspondence from the Supreme Court of S.C. and the House of Representatives of S.C.  | 1977-1990      |
| 55             | 235              | SETTLEMENT ACT RELEASE<br>Letter to the Senate releasing a bill relating to the "Mashantucket Pequot Indian Claims Settlement Act." Included are the agreement papers.                         | 1983           |
| 55             | 236              | AFFIDAVITS<br>Affidavits in support of a motion for a Summary Judgment. A copy of the deed in question is enclosed.  | 1980, 1989     |
| 55             | 237              | PUBLICATIONS<br>Publication reports from the U.S. Supreme Court regarding Indian cases and proposed bills for resolution of the Catawba Case.  | 1979-1993      |
| 55             | 238              | CONGRESSIONAL BILLS<br>Several bills relating to Catawba Indian Land Claim as well as the claims of other Indian tribes. Also included is a pamphlet, "Papers of the Continental Congress."    | 1977-1981      |
| 56             | 239              | CORRESPONDENCE<br>Correspondence relating to the Department of the Interior pertaining to the Catawba Indian Land Claim.   | 1977-1979      |
| 56             | 240              | JOURNAL<br>Journal entitled, "Real Property, Probate, and Trust Journal: Annual Review of Decisions and Legislation."  | 1977           |
| 56             | 241              | IRS CORRESPONDENCE<br>Internal Revenue Service material regarding the Catawba Indian Land Claim legal defense fund.  | 1978-1980      |
| 56             | 242              | CORRESPONDENCE<br>Correspondence relating to material received by or sent to Daniel McLeod. Also included is a copy of the December, 1979, Indian Claims Bill.                                 | 1977-1982      |

II

DESCRIPTION OF SERIES (cont.)

| <u>Box(es)</u> | <u>Folder(s)</u> | <u>Series</u>   | <u>Year(s)</u> |
|----------------|------------------|---|----------------|
| 56             | 243              | LOCAL OPPOSITION TO THE LAND CLAIM<br>Consists of correspondence and other material relating to opposition of the land claim. | 1972-1992      |