



New York State Archives

**New York State Department of Law Litigation Bureau
Landmark Case Files 19352**

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Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of landmark case files from the Department of Law. Files must meet at least one of these criteria: the files document cases that resulted in landmark decisions, rulings, or orders and therefore provide evidence of precedents; pertain to notorious figures or organizations that are likely to be the subject of ongoing research; involve prominent individuals who will likely be the subject of future research; define a shift or are illustrative of a major department policy or initiative.
Creator:	New York (State). Department of Law. Litigation Bureau
Title:	Department of Law Litigation Bureau landmark case files
Quantity:	1187.5 cubic feet
Quantity:	(including approximately 85 maps, plans, and drawings)
Inclusive Date:	circa 1980-2006, 2009-2010, 2013
Series:	19352

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Arrangement

Roughly by document type.

19352-11: Arranged by Bates number.

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Administrative History

This series consists of landmark case files drawn from throughout the Department of Law. Files identified and selected for preservation must meet at least one of the following criteria: the files document cases that resulted in landmark decisions, rulings, or orders and therefore provide evidence of precedents; the files pertain to notorious figures or organizations that are likely to be the subject of ongoing research; the files document cases involving prominent individuals

who will likely be the subject of future research; the files define a shift or are illustrative of a major Department of Law policy or initiative.

19352-03: The initial files in this series document the State of New Jersey v. the State of New York, 523 U.S. 767 (1998). In 1993, New Jersey sued New York in the United States Supreme Court to establish sovereignty over the landfill portions of Ellis Island. The Court appointed Paul R. Verkuil as a special master to weigh the conflicting arguments presented by the opposing parties and make recommendations. The Court ultimately based its decision on an 1834 compact between the two states. The compact granted jurisdiction over the existing three-acre island to New York, but granted New Jersey sovereignty over the surrounding waters and submerged lands. Between 1892 and 1934, the federal government added over twenty-four acres of landfill to increase the size of the island.

In a six to three opinion, the Court ruled that New Jersey retained its sovereignty over previously submerged portions of Ellis Island even after landfill raised these portions above the water line. New York retained jurisdiction over the original three-acre portion of the island, a claim that had not been challenged by New Jersey in the suit. In the end, New Jersey was granted sovereignty over nearly ninety percent of the island, as it existed in 1998. The case is also noteworthy in that it was the first actual case to be tried in the United States Supreme Court Building. Assistant New York State Attorney General Judith T. Kramer presented the case on behalf of New York State.

19352-03A: Another case documented by this series concerns a civil action filed against the State of New York and the New York State Police by the Equal Employment Opportunity Commission (EEOC). Initiated in 1983, the suit ultimately alleged that between the years 1981 and 1986, the defendants violated the federal Age Discrimination in Employment Act of 1967 (ADEA) by involuntarily retiring state police officers because of their age. New York State had instituted mandatory retirement for state police officers commencing in 1969 (Chapters 336 and 470). By 1986, the EEOC had filed suit against thirty-three state and local governments for enforcing mandatory retirement statutes pertaining to law enforcement officers. These cases hinged on the ability of states or municipalities to prove that insofar as law enforcement officers were concerned, age was a bona fide occupational qualification as defined in the ADEA.

The states drew attention to existing federal statutes that prescribed mandatory retirement for federal law enforcement personnel, demanding similar freedom to determine age requirements for state law enforcement officers. In 1986, Congress amended the ADEA to permit states to discharge law enforcement officers who had reached mandatory retirement ages prescribed by laws in effect on March 3, 1983. The amendment included a termination provision, repealing the new sections effective December 31, 1993. The EEOC's case against the State of New York and the New York State Police stalled in federal court until March 1996, when a settlement was reached without an admission of liability by the State. New York State agreed to pay 1.2 million dollars in pension benefits and back pay to forty-eight former state police officers who were forced to retire at age fifty-five. The agreement included provisions for EEOC oversight of future State efforts to enforce mandatory retirement of State Police officers.

In September 1996, Congress once again amended the ADEA to permit states to discharge law enforcement officers who had reached mandatory retirement ages prescribed by laws in effect

on March 3, 1983. The consent decree between the EEOC and the State of New York and New York State Police was subsequently amended to conform to the changes in federal law.

19352-07: A third case documented by the series is Seneca Nation of Indians v. the State of New York, which concerned the legality of the acquisition by the State of New York of Niagara River Islands (the "Islands") in 1815 from the Seneca Nation of Indians for \$1,000 and "an annuity of \$500.00 to be paid...each year forever hereafter." The Senecas and Intervenor-Appellant of the United States, as trustee for the Senecas, sued to invalidate the transaction on the ground that it violated the Non-Intercourse Act, which barred conveyances by Indians to non-Indians unless made or ratified by Congress. It is undisputed that the sale did not receive congressional approval. The dispute centered on whether New York already had title to the Islands when it purchased them from the Senecas. If it did, the transaction did not violate the Non-Intercourse Act.

The District Court for the Western District of New York, on cross-motions for summary judgment and largely on stipulated facts, concluded that, for two reasons, New York had acquired fee title to the Islands long before the 1815 transaction. First, the Court held that the Senecas' aboriginal title had been extinguished either by the 1764 Treaties of Peace between Great Britain and the Senecas, which transferred title from the Senecas to the British Crown, or by the 1784 Treaty of Fort Stanwix, which extinguished the Senecas' title and passed it to New York. Second, it held that the 1794 Treaty of Canandaigua between the United States and the Senecas did not transfer the Islands back to the Senecas.

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Scope and Content Note

This series contains a wide variety of materials compiled by Department of Law staff during litigation of the following cases: (1) State of New Jersey v. State of New York, 523 U.S. 767 (1998); (2) a civil action filed against the State of New York and the New York State Police by the Equal Employment Opportunity Commission (EEOC); (3) Seneca Nation of Indians v. State of New York; (4) General Electric v. NY Dept. of Labor; and (5) NY v. Wal-Mart. The records for each case may include: summonses; depositions; exhibits; expert reports; memoranda; correspondence; briefs; motions; orders; transcripts of expert witness testimony; examinations before trial; evidence lists; hearing transcripts; affidavits; interrogatories; requests for expert witnesses; pleadings; responses; decisions; decrees; and copies of documents presented as evidence by plaintiff and defendant.

Accretion 19352-03, which documents State of New Jersey v. State of New York, also contains background reports, notes, and research materials; press releases; reports of the special master; maps; aerial photographs; engineering and architectural plans; survey drawings; and one oversized exhibit poster. Accretion 19352-03A, which documents the civil action filed by the Equal Employment Opportunity Commission, also contains extensive research and background materials relating to similar suits filed by the EEOC against other states including Mississippi, Wyoming, Vermont, New Jersey, and Pennsylvania. Accretion 19352-07

documents the case *Seneca Nation of Indians v. State of New York*. Accretion 19352-08 case files document *General Electric v. NY Dept. of Labor*, regarding the Dept. of Labor's policy of setting wage rates; and *NY v. Wal-Mart*, regarding dating policies for Wal-Mart employees and interpretations of NY Labor Law.

19352-09A: This accretion documents litigation related to the case *New York State v. Danny's Franchise System, Inc.*

19352-09D: This accretion documents litigation related to the case *Delaware v. New York*.

19352-10: This accretion documents litigation related to the case *Hurley v. Ward*, which challenged the constitutionality of "strip frisk" searching (searches of an inmate's person and his clothes after he has removed all his clothing) in New York State correctional facilities.

19352-10A, 19352-10B: These accretions document litigation related to the case *National Law Center on Homelessness & Poverty (NLCHP) v. New York State Education Department*, which alleged that state and county agencies responsible for educating and providing social services to homeless children in Suffolk County failed to ensure that homeless children attained a free, public education.

19352-11: This accretion exclusively documents the case *Citizens for Yonkers v. State of New York*.

19352-11A: This accretion exclusively documents the case *Federated Conservationist v. City of Yonkers*.

19352-11B: This accretion exclusively documents the case *UNITED STATES of America, Plaintiff, and Yonkers Branch-National Association For the Advancement of Colored People, et al., Plaintiffs-Intervenors, v. YONKERS BOARD OF EDUCATION; City of Yonkers; and Yonkers Community Development Agency, Defendants*. No. 80 Civ. 6761 (LBS). United States District Court, Southern District of New York.

19352-13: This accretion documents the cases *Seneca Nation of Indians v. State of New York*, *People of the State of California v. R.J. Reynolds*, and other tobacco litigation related to R.J. Reynolds and the "Kool Mixx" advertising campaign.

19352-14: This accretion consists of Attorney General Eric T. Schneiderman's 2013 request to the state Supreme Court in Wyoming County to make public the bulk of volumes 2-3 of the final report of Bernard S. Meyer, former Special Assistant Attorney General, on charges of official impropriety in the investigation and prosecution of crimes allegedly committed during the 1971 Attica prison riot and the state's subsequent retaking of the facility ("Meyer Report"). Supreme Court justices at first proposed to extensively redact these volumes, but finally ruled in 1981 that they should be sealed in their entirety. The Attorney General's 2013 petition, given the passage of time and public interest, requested minimal redaction of the report's contents.

The accretion also includes a copy of Supreme Court Justice Patrick NeMoyer's order, dated April 24, 2014, in the matter of the Attorney General's application to disclose the "Meyer

Report." The copy was provided in response to a letter from State Archivist Christine Ward, requesting a copy of the document for the New York State Archives.

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Related Information

Related Material

B1811Series B1811, Attica Class Action Litigation Files, contains records related to the Attica Correctional Facility uprising and its aftermath.

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Other Finding Aids

Available at Repository

Container lists, except for 19352-08, 19352-09, and 19352-14, are available at the repository.

19352-09D, 19352-11, 19352-11B: Transfer list is available at the repository.

19352-10: Partial folder list is available at the repository.

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Use of Records

Access Restrictions

Designated records may contain information that is exempt from disclosure pursuant to state or federal statute or common law. Requests for access to designated records are reviewed by staff of the State Archives and the Office of the Attorney General (Department of Law). In certain circumstances, designated records or portions of records may be withheld.

Administrative Information

Acquisition Information

19352-13: This accretion includes records from transfer lists 06/0133 and 07/0421.

19352-17: This accretion includes records from transfer lists 980304, 980344, and 080422

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Access Terms

- Age discrimination in employment
- Police, State--New York (State)
- Litigation
- Tobacco industry--Law and legislation
- Hudson River (N.Y. and N.J.)
- Retirement age
- New York (State)
- Boundaries, State
- School integration--New York (State)--Yonkers
- Segregation in education--New York (State)--Yonkers
- Niagara River (N.Y. and Ont.)
- Ellis Island (N.Y. and N.J.)
- Indians of North America--Land tenure--New York (State)
- Retirement, Mandatory--Law and legislation
- Attica (N.Y.)
- Interstate agreements
- Searches and seizures--New York (State)
- Riots--New York (State)--Attica
- Law--United States
- Yonkers (N.Y.)
- Labor laws and legislation--New York (State)
- Plans (orthographic projections)
- Prisoners--Legal status, laws, etc.--New York (State)
- Suffolk County (N.Y.)
- Homeless children--Education--Law and legislation--New York (State)
- Legal documents
- Seneca Indians--New York (State)
- New Jersey--Boundaries
- Interstate controversies
- Prison riots--New York (State)--Attica

- New York (State)--Boundaries
- Labor policy--New York (State)
- Hurley, Michael X.
- New York (State). Department of Correctional Services
- Seneca Nation of New York
- Attica Correctional Facility
- New York (State). Department of Labor