

MEMORANDUM OF LAW
IN
THE WESTERN DISTRICT COURT
STATE OF NEW YORK
UNDER RULE 56A
PRESENTED BY RICHARD ARCARA,
UNITED STATES ATTORNEY
IN CIVIL CASE 74-383
UNITED STATES v. KENNETH VAN AERNAM

This memorandum of law is for a motion of summary judgement in which the United States is asking for \$5,700.00 which is the income of \$95.00 per month for sixty months that Kenneth Van Aernam received while renting the premises of 195 Academy Street, Salamanca, New York. These are territories or lands in question or lands in dispute. The plaintiff states that the material issues that have been presented or resolved against Kenneth Van Aernam, the defendant, in two previous actions between him and Manufacturers and Traders Trust Company and also admitted by him by interrogatories that he turned in, is the reason why the summary judgement should be issued as a matter of law. Whatever affidavits, interrogatories, court decisions or whatever may have taken place, the land is in dispute because of several facts not presented in this case. The facts, all evidence that occurred between the officials of the United States in the Housing administration, the Commissioner of Indian Affairs, the Secretary of the Interior, the Seneca Nation of Indians, the City of Salamanca, Arthur Lazarus, Jr., the Attorney for the Seneca Nation of Indians, Manufacturers and Traders Trust Company, Cattaraugus County Recorder of Deeds, and C. Donald O'Connor, Assistant United States Attorney when properly presented, would show that all of these were in fact embarked upon a venture dealing with the Indian and his land that supporting evidence can prove fraud, conspiracy, negligence by both state and federal courts, and treaty violations that have forced Kenneth Van Aernam to present this case to both the Congress of the United States, the President of the United States and presently, has been presented in the first draft on the agenda of the United Nations for a fall hearing both in territory rights and human rights divisions. Whatever affidavits, interrogatories and other pieces of evidence that may have been presented by Mr. Kenneth Van Aernam was done by the advice of attorneys and his total ignorance as an Indian. 43 U. S. C. A. 1460 and 1464 would disqualify any licensed attorney from presenting the facts as they are because they would prejudicial the interests of the government of the United States disqualifying any attorney from presenting his side. As far as the obligations to the United States government could be or would be in this matter with Mr. Van Aernam, would come from one absolute fact, that on November 20, 1965, Mr. and Mrs. Van Aernam purchased a home, a garage and three lots at 195 Academy Street, Salamanca, New York which was territory of the United States

EXHIBIT E of documentation of U. S. Attorney shows a mortgage signed and recorded between Mr. and Mrs. Van Aernam and Manufacturers

IN THE WESTERN DISTRICT COURT OF YORK

UNDER RULE 56A PRESENTED BY RICHARD ARGARA,

UNITED STATES ATTORNEY

IN CIVIL CASE UNITED STATES V. KENNETH VAN AERNAM

This memorandum of law is for a motion of summary judgment in which the United States is asking for which is the income of \$93.00 per month for sixty months that Kenneth Van Aernam received while renting the premises of 195 Academy Street, Salamanca, New York. These are territories or lands in question or lands in dispute. The plaintiff states that the material issues that have been presented or resolved against Kenneth Van Aernam, the defendant, in two previous actions between him and Manufacturers and Traders Trust Company and also admitted by him by interrogatories that he turned in, is the reason why the summary judgment should be issued as a matter of law. Whatever affidavits, interrogatories, court decisions or whatever may have taken place, the land is in dispute because of several facts not presented in this case. The facts, all evidence that occurred between the officials of the United States in the Housing administration, the Commissioner of Indian Affairs, the Secretary of the Interior, the Seneca Nation of Indians, the City of Salamanca, Arthur Lazarus, Jr., the Attorney for the Seneca Nation of Indians, Manufacturers and Traders Trust Company, Cattaraugus County Recorder of Deeds, and G. Donald O'Connor, Assistant United States Attorney when properly presented, would show that all of these were in fact embarked upon a venture dealing with the Indian and his land that supporting evidence can prove fraud, conspiracy, negligence by both state and federal courts, and treaty violations that have forced Kenneth Van Aernam to

present this case to the Congress of the United States, the President

of the United States and presently, has been presented in the first draft on the agenda of the United Nations for a fall hearing both in territory rights and human rights divisions. Whatever affidavits, interrogatories and other pieces of evidence that may have been presented by Mr. Kenneth Van Aernam was done by the advice of attorneys and his total ignorance as an Indian. 3 U. S. C. A. 1460 and would disqualify any licensed attorney from presenting the facts as they are because they would prejudicial the interests of the government of the United States disqualifying any attorney from presenting his side. As far as the obligations to the United States government could be or would be in this matter with Mr. Van Aernam, would come from one absolute fact, that on November 20, 1965, Mr. and Mrs. Van Aernam purchased a home, a garage and three lots at 195 Academy Street, Salamanca, New York which was territory of the United States. A 1,

EXHIBIT E of documentation of U. S. Attorney shows a mortgage signed and recorded between Mr. and Mrs. Van Aernam and Manufacturers