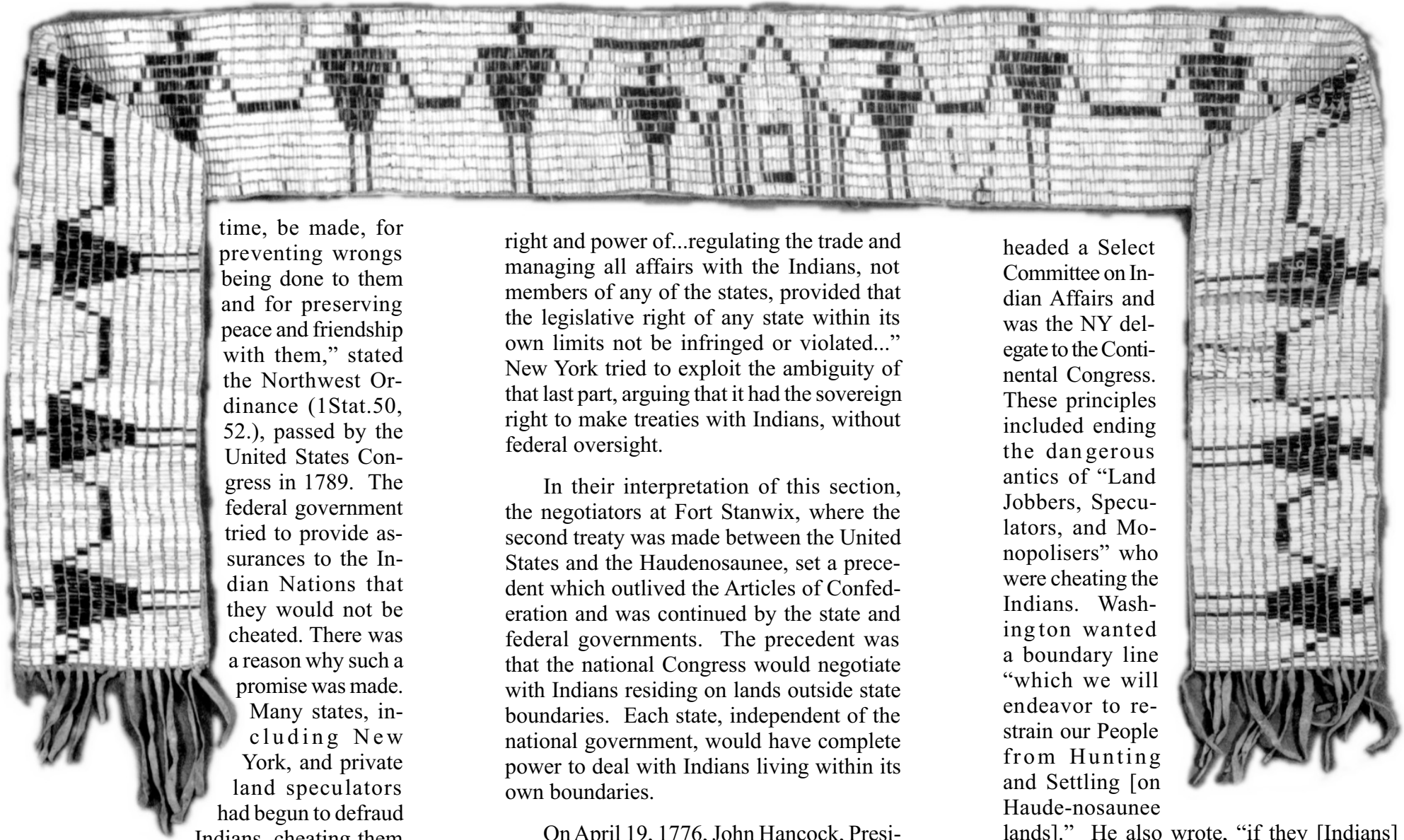

time, be made, for preventing wrongs being done to them and for preserving peace and friendship with them," stated the Northwest Ordinance (1Stat.50, 52.), passed by the United States Congress in 1789. The federal government tried to provide assurances to the Indian Nations that they would not be cheated. There was a reason why such a promise was made. Many states, including New York, and private land speculators had begun to defraud Indians, cheating them out of their land.

In anticipation of these kinds of abuses, the Continental Congress developed a section of Article IX in the Articles of Confederation which governed the United States at that time: "The United States in Congress assembled shall...have the sole and exclusive right and power of...regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits not be infringed or violated..." New York tried to exploit the ambiguity of that last part, arguing that it had the sovereign right to make treaties with Indians, without federal oversight.

In their interpretation of this section, the negotiators at Fort Stanwix, where the second treaty was made between the United States and the Haudenosaunee, set a precedent which outlived the Articles of Confederation and was continued by the state and federal governments. The precedent was that the national Congress would negotiate with Indians residing on lands outside state boundaries. Each state, independent of the national government, would have complete power to deal with Indians living within its own boundaries.

On April 19, 1776, John Hancock, President of the Continental Congress, sent a wampum belt to Haudenosaunee communities to show 'good intentions' and to 'cultivate peace' between the new Nation and the Indian Nations. This resulted in the first treaty between our Nations. George Washington outlined his principles behind federal Indian policy in a 1783 letter to James Duane, who headed a Select Committee on Indian Affairs and was the NY delegate to the Continental Congress. These principles included ending the dangerous antics of "Land Jobbers, Speculators, and Monopolisers" who were cheating the Indians. Washington wanted a boundary line "which we will endeavor to restrain our People from Hunting and Settling [on Haude-nosaunee lands]." He also wrote, "if they [Indians] should make a point of it, or appear dissatisfied at the line, we may find it necessary to establish , compensation should be made them for their claims within it."

In 1790, President Washington, to show his support for the integrity of Haudenosaunee lands, convinced Congress to pass the Trade and Intercourse Act which states there

will be no legal transactions in Indian land unless there is a federal agent present, and Congressional approval is given. The State of New York ignored the treaties and the federal laws and set out to take over the lands of the Haudenosaunee. In 1788 New York formally commissioned a group of people to extinguish Haudenosaunee title to lands, by any means necessary. To counter this move, Washington promised that the "principles of justice and humanity" would be the hallmark of the relationship between the Haudenosaunee and the United States.

In 1795, U.S. Attorney General Bradford informed the US Secretary of War that the "NewYork Indians" claim to our land "cannot be extinguished but by a treaty holden under the authority of the United States, and in a manner prescribed by Congress." N.Y. Governor John Jay was informed of this policy and was aware that the proposed purchases of land from the Haudenosaunee would be considered illegal. The United States sought a clear understanding of its role in defining the international boundary line between the Haudenosaunee and the United States, rights to land and the role of the federal government in protecting the interests of the Haudenosaunee against the State of New York and individual land speculators. Our claims for land come from the instances where the boundary line, as defined by treaties, has been violated and/or incidents when the State of New York violated federal law in acquiring Haudenosaunee lands. There is much more historical evidence of the Haudenosaunee right to land as guaranteed under Article 6 of the U.S. Constitution. The state and federal courts have repeatedly recognized such rights. The fact is, treaties continue to exist as legally binding agreements. Our Nations continue to exist as sovereign entities and our resolve to reclaim what is rightfully ours has remained strong.

This article was originally published in Fall, 1999 by the Haudenosaunee in Land Claim News.

From the booklet

published by

Neighbors of the Onondaga Nation
(NOON)

For more information, or to join in our efforts, contact:

NOON
924 Burnet Ave.
Syracuse, NY 13203
(315) 472-5478
noon@peacecouncil.net
www.peacecouncil.net/noon

HAUDENOSAUNEE-U.S. HISTORY – 1

A Brief History

The Haudenosaunee (Six Nations Confederacy) was founded over 1,000 years ago, predating the establishment of the United States and Canada. The Seneca, Cayuga, Onondaga, Oneida, Mohawk and Tuscarora Nations that make up the Haudenosaunee existed for countless generations. Each nation has an aboriginal right to its territory, governance on that territory, as well as a distinctive way of life within its territory.

From the earliest contacts and relationships with the Europeans, the Haudenosaunee nations negotiated on issues of trade and political alliances. These agreements were recorded in sacred wampum belts, many of which the Haudenosaunee still possess. These wampum belts provide us with a historical framework for the generations of discussions, agreements and promises made regarding land. Our ancestors had been willing to share this land, and, they put faith in the words, promises and treaties made in the early days of the formation of the United States.

"The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to