

**The original documents are located in Box 8, folder “Eagle Bay, New York (1)” of the
Norman Ross Files, 1974-75
at the Gerald R. Ford Presidential Library.**

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in participating in the demonstration. (PC)

MOHAWKS IMPEDE SHOOTING INVESTIGATION

Indian aggravation at Eagle Bay, New York, dormant since November 7 when the Indians occupying some state land agreed with authorities on the procedures for an investigation of an October 28 shooting (See CDI November 8), flared up again on December 2, when negotiations came to an impasse because the Indians refused to allow state police into their camp or to cooperate further in the investigation. The county district attorney announced his intention of obtaining a search warrant so that the state police could search the Indians' camp for evidence and an Indian spokesman promptly declared that the Indians would fight if an attempt is made to force the jurisdiction of New York State upon them. On December 3, the district attorney qualified his previous statement by declaring that no force would be used to execute this warrant, which he planned to seek on December 5 and which would be executed within 10 days. (PC)



file

THE WHITE HOUSE

WASHINGTON

October 31, 1974

MEMORANDUM FOR: NORM ROSS

FROM: JAMES FALK *F*

Governor Wilson's office just called about an Indian problem at Eagle Bay near Utica, New York. The Indians are now represented by Attorney William Kunstler who contends under a Treaty of 1794 that all disputes must be resolved by the President of the United States.

Lawyers for the State of New York have been unable to find this treaty but wanted to alert us to the fact that we will probably be receiving a request from either the Indians or Mr. Kunstler for Presidential attention.

The Governor's office feels that if such a situation arises, lawyers for New York State could be helpful in resolving the matter and would like to talk to whomever is designated to handle the matter.

cc: Jim Cavanaugh



m/c

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PMS PRESIDENT GERALD FORD

WHITEHOUSE DC

THE TRADITIONAL SENEKA GOVERNMENT, A NATION OF THE SIX NATIONS
CONFEDERACY MAKE THE FOLLOWING COMPLIANTS OF INTRUSION, TRESPASSING,
ACTS OF AGGRESSION AND VIOLATION OF THE EVERLASTING PEACE TREATY
WITH THE SIX NATIONS OF 1794, AGAINST NATIONAL FUEL GAS THE STATE
OF NEWYORK, AND THE SENECA NATION OF INDIANS.

ON THE GROUNDS OF THE COMPLIANTS MENTIONED AND ARTICLE VII
OF TREATY OF 1794 WITH THE SIX NATION WE DEMAND THE WARRENT OF
ARREST TO THOSE CHARGED: NATIONAL FUEL GAS, STATE OF NEW YORK, AND
THE SENECA NATION OF INDIANS.

IF DIRECT RESPONSE IS NOT MADE WITHIN THEWTY FOUR HOURS
TO THE TRADITIONAL SENEKA PEOPLE GOVERNMENT, THEN WE MUST CONCLUDE

U.S. Capitol House

Washington

1974 OCT 31 PM 7 54

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THAT THE EVERLASTING PEACE TREATY OF 1794 WITH THE SIX NATION
AS ABROGATED UNILATERALLY BY THE UNITED STATES OF AMERICA .

TRADITIONAL SENEKA PEOPLE GOVERNMENT

NNNN



THE WHITE HOUSE
WASHINGTON

DATE: 11/7/74

TO: Norm Ross -

Here's a clipping on
the Moss Lake Indian
encampment.

Please send a copy
to Morris Thompson

Pat Strunk
17 EOB

Thanks

WJG
11/11

11/7

THE OBSERVER-DISPATCH

THE REGIONAL SCENE

CLASSIFIED
LOCAL NEWS
OBITUARIES

Utica, Monday, Nov. 4, 1974

*This pertains to my case today
(Mrs. Fred Williams)*

The Observer-Dispatch—7

Indian, Police Talks Bog Down; Students Give Aid

By SHIRLEY WILLIAMS

DOUGLAS BENNETT, owner
of the Big Moose Inn, said the

have with officials to take some



November 27, 1974

Dear Mr. Blumberg:

Thank you for your letter of November 14 regarding the October 28th separate incidents in which two persons were wounded by gunshot fire while riding in vehicles traversing County Road #1 in the Township of Webb, Herkimer County, New York.

The relevant portion of Article VII of the Treaty with the Six Nations entered into November 11, 1794 provides as follows:

ARTICLE VII.

t Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and Six Nations agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured, to the other: By the Six Nations or any of them, to the President of the United States, or the Superintendent by him appointed: and by the Superintendent, or other person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose. (Empasis added.)

The Congress of the United States did, as provided by the treaty, make other provisions in 1948 and 1950 for the resolution of disputes, and the p punishment of criminal acts by the enactment of two laws conferring jurisdiction on the State of New York.

The Act of July 2, 1948 (62 Stat. 1224), 25 U. S. C. Section 232, granted to the State of New York criminal jurisdiction over offenses committed by or against Indians on Indian reservations within the State. The Act of September 13, 1950 (64 Stat. 845), 25 U. S. C. Section 233, conferred civil jurisdiction on the Courts of the State in civil actions and proceedings between Indians and between one or more Indians and any other person or persons.

In view of the above, the provisions of the treaty having been superseded by later Acts of Congress, the President is no longer authorized to act. Any complaints or alleged acts of wrongdoings are appropriately under the jurisdiction of the State of New York.

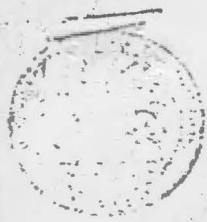
Sincerely,

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Mr. Henry D. Blumberg
District Attorney - Herkimer County
Herkimer County Court House
Post Office Box 588
Herkimer, New York 13350

NEROSS/ee

cc: White House Files



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

NOV 22 1974

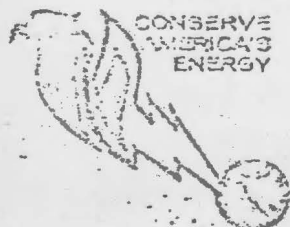
Chief Leon Shenandoah
R.D. 1
Nedrow, New York 13120

To the Chiefs of the Six Nations:

I have been informed through the Office of the President that two United States citizens, April Madigan and Stephen Drake, were wounded by gunfire on October 28, 1974, which allegedly came from the Indian encampment known as Ganienkeh, near Eagle Bay, New York. According to reports, the two individuals in question were wounded in separate incidents while traveling on Big Moose Road near the settlement.

Article VII of the Treaty of Canandaigua, 7 Stat. 44 (November 11, 1794) between the U.S. and the Six Nations provides that no private revenge or retaliation shall take place for injuries done by individuals of the Six Nations to citizens of the United States, or for injuries done by citizens of the United States to individuals of the Six Nations. Instead, the treaty requires that the party injured shall make a complaint to the other party. The article states that a complaint by any of the Six Nations shall be made to the President of the United States, or to a person appointed by the President. For injuries sustained by non-Indians, complaint is to be made to the Chiefs of the Six Nations. Complaint is hereby made by the United States that individuals of the Six Nations allegedly have wounded citizens of the United States as stated above.

The treaty also specifies that after a member of one party to the treaty has been injured by a member of the other party, such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken. This manner of maintaining the peace was, according to Article VII, to be used "... until Congress shall make other equitable provision for the purpose." Congress, in the year 1948, made such a



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provision for the purpose of dealing with crimes committed on Indian reservations in New York by enacting 25 U.S.C. §232 which confers criminal jurisdiction on the State of New York.

By its terms that statute is applicable to crimes committed within reservations in the State of New York. Ganienkeh is not recognized by the Federal Government as an Indian reservation, although such a claim has been made by the members of the Six Nations residing thereon. The status of the land and the validity of the claim by the Six Nations are issues presently before the United States District Court for the Northern District of New York.

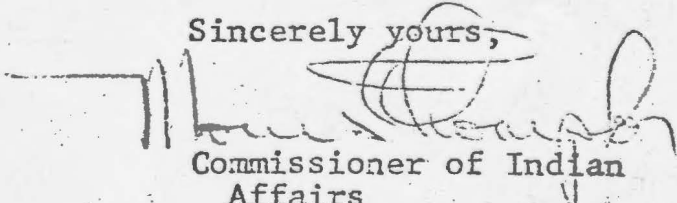
However, the treaty provides that both parties shall pursue prudent measures to preserve their peace and friendship. I am of the opinion that prudent and necessary measures must be taken. Those measures, I would expect, should be:

That the State of New York would proceed to investigate the shooting incidents with the participation and cooperation of observers or commissioners appointed by the Six Nations; and

That all persons, including members of the Six Nations, shall be afforded all rights provided by the Constitution and laws of the United States and the constitution and laws of the State of New York.

The Bureau will endeavor to monitor the progress of the investigation and I would hope that the parties will work together towards resolution of this conflict.

Sincerely yours,


Commissioner of Indian
Affairs



U.S. Code
Congressional
Administrative News

LEGISLATIVE HISTORY

able to provide speedy and equitable remedies more efficaciously than those provided through normal channels. The reported bill accordingly establishes a commission, describes its constitution, duration, and mechanics of operation, authorizes it to promulgate regulations, prescribes a period of limitations for acceptance of claims, provides a method for review of orders, requires reports to Congress, and leaves to its discretion the formulation of measures of damages which will be consistent with the rights and equities of all parties concerned.

NEW YORK STATE—INDIAN RESERVATIONS— JURISDICTION OVER OFFENSES

For text of Act see p. 913

Senate Report No. 1489, June 4, 1948 [To accompany S. 1683]

House Report No. 2355, June 15, 1948 [To accompany S. 1683]

The House Report repeats in substance the Senate Report.

House Report No. 2355

THE Committee on Public Lands, to whom was referred the bill (S. 1683) to confer jurisdiction on the State of New York with respect to offenses committed on Indian reservations within such State, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The purpose of this bill is to confer jurisdiction on the State of New York over offenses committed by or against Indians on Indian reservations to the same extent as the State has jurisdiction over offenses committed elsewhere within the State of New York.

The need of this legislation arises from the fact that in certain instances, Indian tribes do not enforce the laws covering offenses committed by Indians; under the present law the State has no jurisdiction to enforce laws designed to protect the Indians from crimes perpetrated by or against Indians; and law and order should be established on the reservations when tribal laws for the discipline of its members have broken down.

This bill contains no mandatory provisions whereby the State is bound to enforce the criminal laws in all instances of crime, but is permissive in nature and will establish a uniformity of jurisdiction in the State of New York which may be used to enforce the law when deemed proper and necessary by State officials and when law enforcement by Indian courts is deemed unsatisfactory.

This legislation commits no Federal funds to the State of New York for the purpose of law enforcement. The State of New York has heretofore borne the cost of Indian services which is approximately \$400,000 annually.

In the past, hearings on similar legislation have been held and representatives of the Department of the Interior who appeared emphasized the need of enactment of a bill of this nature. Enactment of this bill will establish no precedent. In the act of June 8, 1940 (54 Stat. 249), Congress conferred jurisdiction on the State of Kansas over offenses

NEW YORK STATE—INDIAN RESERVATIONS

committed by or against Indians on Indian reservations in that State, and in the act of May 31, 1946 (60 Stat. 229), similar jurisdiction was conferred on the State of North Dakota as to the Devils Lake Indian Reservation.

The Committee on Public Lands is unanimous in its recommendation for enactment of this bill.

There is attached hereto and made a part of this report a copy of a resolution adopted by the Senate of the State of New York memorializing the Congress of the United States to enact this legislation. The resolution is as follows:

Whereas the State of New York throughout the entire period following its ratification of the Federal Constitution in 1789 has expended largely of its means for the welfare of the Indians within its borders by the establishment of schools and the employment of teachers therein, by the construction and maintenance of highways through the Indian reservations within the State, for the support of indigent Indians and the improvement of health and sanitary conditions among these people on their reservations, all without expense to the Indians or to the Federal Government; and

Whereas neither the Federal Government nor the Indian residents of reservations within the State of New York have formulated an adequate system of laws for the government, protection, and regulation of such reservations or for the regulation of relations between Indians and other residents of the State; and

Whereas recent decisions of the Federal courts challenging the right of the State of New York to exercise jurisdiction over Indians within the State have endangered a successful continuance of the services being performed by the State and the creation of more harmonious relations between Indians and other citizens: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be, and it hereby is, respectfully memorialized and urgently requested to enact legislation declaring the Indians within the State of New York, whether residing within or without any of the reservations within such State, subject to the jurisdiction and laws of the State of New York in all respects excepting only those matters wherein jurisdiction has been or hereafter shall be expressly assumed by the Federal Government; and be it further

Resolved, That copies of the foregoing resolutions be transmitted by the secretary of state to the President of the United States Senate, the Speaker of the Federal House of Representatives, and to each Member of Congress from the State of New York.

By order of the assembly:

ANSLEY B. BORKOWSKI, *Clerk.*

In senate, March 23, 1945.

Concurred in without amendment.

By order of the senate:

WILLIAM S. KING, *Clerk.*

On January 27, 1948, Hon. George L. Grobe, United States attorney, western district of New York, Buffalo, N. Y., addressed a letter to the chairman of the Senate Committee on Interior and Insular Affairs respecting this proposed legislation, and reads as follows:

JANUARY 27, 1948.

HON. HUGH BUTLER,
United States Senator, Senate Office Building,
Washington, D. C.

SIR: My attention has been called to Senate bills 1683 and 1687. Ever since my appointment as United States attorney I have been con-

LEGISLATIVE HISTORY

cerned about the situation with respect to Indians living on the reservations within my district. Police protection of no sort has been furnished through the years except for a brief period. As a result there have been numerous instances, in most cases, of disorderly conduct on the part of the Indians, which have been most provoking. For a period a special officer was assigned by the Interior Department and during that period there was no trouble. The presence of this special officer on the reservation was welcomed by the Indians and assisted in the preservation of order. Recently as a result of the economy drive the position of special officer was abolished and we are now back where we were before; petty offenses are committed on the reservation and nothing much is being done about it. Recently police officers of the local community attempted to arrest several Indians who were driving a car while intoxicated; the Indians got over the reservation line; one of them got out of the car and shot at the local officers; it was just fate the officer was not killed. Indians get drunk and beat their women and get into fights. Recently a white man was severely beaten by drunken Indians. Theoretically these petty offenses are within the jurisdiction of so-called Indian courts but there is no provision made for their punishment even if such Indians are tried by said local Indian courts. It is a deplorable situation. Something should be done to rectify this unbelievable situation. Passage of bill 1683 in my opinion would help solve the problem and I have no personal objection to the passage of bill 1687. Unless the United States carries the burden, the State of New York should certainly be permitted to do so. Of course, I understand there are questions as to treaty rights, etc.

Respectfully,

GEORGE L. GROBE,
United States Attorney.

A copy of the favorable report of the Secretary of the Interior dated March 1, 1948, addressed to the chairman of the Committee on Interior and Insular Affairs, United States Senate, is also made a part of this report and reads as follows:

THE SECRETARY OF THE INTERIOR,
Washington 25, D. C., March 1, 1948.

Hon. HUGH BUTLER,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

MY DEAR SENATOR BUTLER: This will refer to your request for a report on S. 1683, a bill to confer jurisdiction on the courts of the State of New York with respect to offenses committed on Indian reservations within such State.

I recommend that the bill be enacted with the amendments indicated below.

There are more than 7,000 Indian citizens residing on reservations in the State of New York. According to the records of this Department they are:

Tribe and reservation:	Population
Seneca Nation of Indians: Allegany, Cattaraugus, Oil Spring	2,982
Tonawanda Band of Seneca Indians: Tonawanda	637
Tuscarora: Tuscarora	452
Onondaga: Onondaga	744
St. Regis: St. Regis	1,865
Oneida: None	389
Cayuga: None	237
Total	7,286

The Cayuga Indians reside principally on the reservations of the Seneca Nation and the Tonawanda Band, but they may not inherit or otherwise

NEW YORK STATE—INDIAN RESERVATIONS

own any of the reservation lands. The Oneida Indians for the most part live on the Onondaga Reservation.

None of the Indian groups in the State have courts which now handle crimes not subject to Federal jurisdiction. Since these Indians have made considerable advancement and have a great deal of contact with non-Indians in their daily life outside the reservations, I am sure that they would be benefited by the imposition of State criminal laws which would not conflict with Federal jurisdiction. I am sure that they are in a position to comply with those laws on their reservations as well as away from them. Some action is necessary to afford protection for the law-abiding Indians and for the prosecution of those Indians who commit offenses which would be subject to prosecution if committed by them outside the reservations.

It is suggested that the words "the courts of" in the title and in line 3 of the bill be omitted so as to confer jurisdiction on the State of New York instead of limiting it to the courts. Also that the words "and other persons" in lines 4 and 5 be omitted. The words are entirely unnecessary and might be confusing. The State already has jurisdiction over offenses committed on Indian reservations in cases not involving Indians or Indian property. The word "shall" in line 6 should be omitted.

It is suggested that the bill be amended by adding at the end: "Provided. That nothing herein contained shall deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on Indian reservations." Such a provision was included in the act of Congress approved June 8, 1940 (54 Stat. 249), transferring jurisdiction to the State of Kansas for the prosecution of offenses committed by or against Indians on Indian reservations of that State.

As the Indians in New York have expressed the fear that such legislation might be interpreted to give the State the power to tax or alienate their restricted lands, it is suggested that the bill be further amended to include the following language: "Nor shall anything herein contained deprive any Indian of any protection afforded by Federal law, contract, or treaty against the taxation or alienation of any restricted property." This language also appears in the act of May 31, 1946 (60 Stat. 229), transferring to the State of North Dakota jurisdiction over offenses committed by or against Indians on the Devils Lake Indian Reservation.

It is also recommended that a final section be added as follows: "This Act shall take effect one year after the date of its approval."

A draft of the bill amended as above suggested is herewith enclosed.

Inasmuch as the subcommittee has asked for a prompt reply, I have not submitted this report to the Bureau of the Budget. I am not able, therefore, to inform you as to the relation of this report to the program of the President.

Sincerely yours,

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

So as not to disturb the hunting and fishing rights guaranteed the Indians, or to require the Indians to obtain licenses for the exercise of those rights, the bill has been appropriately amended to provide that this bill shall not deprive the Indians of such rights.

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NR
1974-75

November 13, 1974

ASSOCIATED STUDENTS OF THE UNIVERSITY OF HAWAII

In the Senate

Introduced by Dana Rae Park

Senate Resolution No. 22-75

A RESOLUTION

SUPPORTING THE STRUGGLES OF INDIAN PEOPLE FOR SELF-DETERMINATION AND JUSTICE

BE IT RESOLVED BY THE STUDENT SENATE OF THE UNIVERSITY OF HAWAII

WHEREAS, Native Americans have been mistreated and robbed of their lands by the U.S. Government, real estate speculators, corporations such as railroads and mining combines, as well as giant utilities companies; and

WHEREAS, Native Americans signed 371 treaties in good faith with the U.S. Government which has continually violated those treaties and its obligations to Native Americans, resulting in the severest poverty, highest infant mortality and suicide rates in the population and extreme economic hardships including wage earnings far below minimum rate, often less than a dollar an hour; and

WHEREAS, The Supreme Court of the United States of America has ruled that treaties entered into by the U.S. Government and approved by Congress carry the same force of law that the Constitution does, so that violations of treaties signed with Indian Nations demonstrates a lack of respect for the highest laws of this land; therefore,

BE IT RESOLVED THAT THE STUDENT SENATE OF THE UNIVERSITY OF HAWAII SUPPORT THE STRUGGLES OF INDIAN PEOPLES FOR A FULL REDRESS OF THEIR JUST GRIEVANCES; FOR SELF-DETERMINATION AND JUSTICE BY SUPPORTING THE THREE DEMANDS OF THE AMERICAN INDIAN MOVEMENT, THE OGLALA SIOUX NATION AND THE PEOPLE ON TRIAL IN ST. PAUL AND SIOUX FALLS FOR THEIR PARTICIPATION IN THE LIBERATION OF WOUNDED KNEE FEBRUARY 27-MAY 8, 1973, SPECIFICALLY:

1. CONGRESS SHOULD ESTABLISH A TREATY COMMISSION TO EXAMINE THE 371 TREATIES SIGNED WITH INDIAN PEOPLES.
 2. THAT THE INDIAN REORGANIZATION ACT OF 1934 BE REEXAMINED OR REPEALED BECAUSE THE IRA PLACES INDIAN SELF-GOVERNMENT UNDER THE DIRECT AND TOTAL CONTROL OF THE BUREAU OF INDIAN AFFAIRS AND BECAUSE THE IRA HAS IMPOSED NON-INDIAN SYSTEMS OF GOVERNMENT ON INDIAN PEOPLES, WHICH SYSTEMS HAVE BECOME CORRUPTED IN THE PROCESS.
 3. REMOVE THE BIA FROM THE DEPARTMENT OF INTERIOR AND SET IT UP AS AN INDEPENDENT AGENCY TO END THE CONFLICT BETWEEN THE CORPORATE INTERESTS THE DEPARTMENT REPRESENTS AND THE MANAGEMENT OF INDIAN LANDS.
- 

BE IT FURTHER RESOLVED THAT ALL CHARGES BE DROPPED AGAINST THE 129 PEOPLE THE GOVERNMENT IS ATTEMPTING TO PROSECUTE FOR THEIR STAND IN DEFENSE OF THE CIVIL RIGHTS.

BE IT FINALLY RESOLVED THAT COPIES OF THIS RESOLUTION BE SENT TO PRESIDENT FORD, ATTORNEY GENERAL SAXBEE, JUDGE FRED NICHOL (CHIEF U.S. DIST. ST. PAUL, MINN.), WILLIAM CLAYTON (U.S. DISTRICT ATTORNEY, ST. PAUL, MINNESOTA), LOCAL AND NATIONAL OFFICES OF THE AMERICAN INDIAN MOVEMENT, KA LEO; INDIAN LEGAL DEFENSE COMMITTEE; AND THE AMERICAN CIVIL LIBERTIES UNION.

DATE OF PASSAGE: 20 November 1974

VOTE: Ayes - Cole, Ishii, Thomas, Akiyama, Horikoshi, Kameya, Kato, Kinney, Kiriu, Komeiji, Lee, Lum, Maeshiro, Park, Richardson, Sakai, Sakoda, Tanuseputra, Yoza (19)

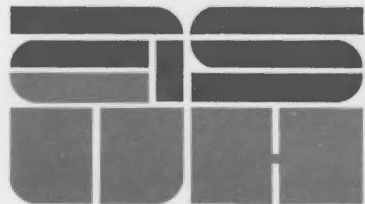
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2445 CAMPUS ROAD / HONOLULU, HAWAII 96822

THE ASSOCIATED STUDENTS
OF THE UNIVERSITY OF HAWAII



President Gerald Ford
Washington D.C., Wash.





November 24, 1974

President Gerald Ford
White House
1600 Pennsylvania Ave.
Washington, D.C.

President Ford:

This will acknowledge receipt of the Complaint of the United States dated November 22, 1974, to the Six Nations Confederacy pursuant to the Treaty of 1794, Article VII. The Grand Council of the Six Nations Confederacy is in agreement that the provisions of the statute 25 U.S.C. #232 do not apply to the alleged offenses and that the terms of the above Treaty are applicable. In any event, the Six Nations Confederacy will not be bound by 25 U.S.C. #232.

The Grand Council of the Six Nations is of the opinion that the appropriate course of action is for the Mohawk Nation to exercise its authority to investigate the Complaint of the United States. This would appear to be proper because the alleged injuries took place on Mohawk territory and the injuries were allegedly caused by people of Ganienkeh (Mohawk). The Mohawk Nation is fully competent to investigate and determine the Complaint according to the Great Law, Gayanerehowa.

The Six Nations Confederacy will appoint one or more persons to participate in and oversee the progress of this investigation. The Six Nations Confederacy will make a report of the investigation of the Mohawk Nation in connection with this Complaint and will advise the United States as to what action has been taken.



President Ford

- 2 -

November 24, 1974

In the event that the above measures are not agreeable to the United States, discussions must be promptly undertaken between representatives of the Six Nations and the United States to determine a mutually agreeable course of action.

The statement in the letter of Complaint that individuals of the Six Nations have claimed that the Ganienkeh territory is a reservation is incorrect. Ganienkeh is the land which has been the territory of the Mohawk Nation and the Six Nation since prior to the existence of the United States.

In addition the Grand Council of the Six Nations wishes to note that the Act of Congress of the United States, now 25 U.S.C. #232, cannot be accepted as an equitable provision within the meaning of Article VII of the Treaty of 1794. Any such provision must, of course, have the consent of the Six Nations Confederacy.

Sincerely,

Chief Gordon Peters
Secretary - Six Nations

Under the direction of the
Grand Council of the Six
Nations Confederacy, held on
November 24, 1974.



Bureau of Indian Affairs
Washington, D.C. 20245

Morris Thompson

Date: DEC 3 1974

Commissioner of Indian Affairs

Erlynn

*Per our telexon today,
attached is a copy of the letter
which you requested.*

Marge





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Chief Leon Shenandoah
R.D. 1
Nedrow, New York 13120

NOV 22 1974

To the Chiefs of the Six Nations:

I have been informed through the Office of the President that two United States citizens, April Madigan and Stephen Drake, were wounded by gunfire on October 28, 1974, which allegedly came from the Indian encampment known as Ganienkeh, near Eagle Bay, New York. According to reports, the two individuals in question were wounded in separate incidents while traveling on Big Moose Road near the settlement.

Article VII of the Treaty of Canandaigua, 7 Stat. 44 (November 11, 1794) between the U.S. and the Six Nations provides that no private revenge or retaliation shall take place for injuries done by individuals of the Six Nations to citizens of the United States, or for injuries done by citizens of the United States to individuals of the Six Nations. Instead, the treaty requires that the party injured shall make a complaint to the other party. The article states that a complaint by any of the Six Nations shall be made to the President of the United States, or to a person appointed by the President. For injuries sustained by non-Indians, complaint is to be made to the Chiefs of the Six Nations. Complaint is hereby made by the United States that individuals of the Six Nations allegedly have wounded citizens of the United States as stated above.

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provision for the purpose of dealing with crimes committed on Indian reservations in New York by enacting 25 U.S.C. §232 which confers criminal jurisdiction on the State of New York.

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However, the treaty provides that both parties shall pursue prudent measures to preserve their peace and friendship. I am of the opinion that prudent and necessary measures must be taken. Those measures, I would expect, should be:

That the State of New York would proceed to investigate the shooting incidents with the participation and cooperation of observers or commissioners appointed by the Six Nations; and

That all persons, including members of the Six Nations, shall be afforded all rights provided by the Constitution and laws of the United States and the constitution and laws of the State of New York.

The Bureau will endeavor to monitor the progress of the investigation and I would hope that the parties will work together towards resolution of this conflict.

Sincerely yours,
(Sgd) Morris Thompson

Commissioner of Indian
Affairs



November 11, 1974

To the Honorable Gerald Ford, President of the United States

Sehkon;

NR
A state of extreme crisis threatens the peace and friendship established by the Treaty of 1794 between the United States and the Six Nations. On several occasions, particularly on four occasions over the past two weeks, United States citizens have fired upon the Indian settlement at Moss Lake. This settlement being part of the Ganienkeh territory claimed by the Mohawk Nation and the Iroquois Confederacy. Furthermore, the citizens of Ganienkeh have been threatened by the New York State Police, who are attempting to assert jurisdiction to the investigation of two shooting incidents that took place on Monday, October 28, 1974.

The Canandaigua Treaty between the United States and the Six Nations provides a procedure for peacefully handling such situations. Under Article VII the President of the U.S. forwards injury complaints to the Rotiyaner (Chiefs) of the Six Nations, and then "prudent measurers" are worked out for the settling of any complaints. It is this formula that the citizens and Rotiyaner wish to follow to bring an ending to the present situation.

The United States has benefited enormously by the generous terms of this Treaty. Therefore the United States has a particularly clear obligation to adhere to the terms of the Treaty.

NOTED
A complaint of the incidents noted above, and of the present crisis at Ganienkeh, has been prepared by the Mohawk Nation for forwarding by the Grand Council of the Six Nations to the President at the earliest possible time.

In the meantime the Mohawk Nation and the people of Ganienkeh urgently demand in the interest of peace and friendship, that the United States take immediate steps to comply with the provisions of the above Treaty, and to prevent further actions by the State of New York not in compliance with the Treaty.

Signed

Louis Hall
SECRETARY

Under the direction of the Ganienkeh
Council Fire
Ganienkeh via:
Eagle Bay, New York 13331





HENRY D. BLUMBERG
DISTRICT ATTORNEY
CARL G. SCALISE
CHIEF ASSISTANT DISTRICT ATTORNEY
HENRY A. LARAIA
ASSISTANT DISTRICT ATTORNEY

DISTRICT ATTORNEY
OF THE
COUNTY OF HERKIMER
HERKIMER COUNTY COURT HOUSE
P. O. Box 588
HERKIMER, NEW YORK 13350
(315) 866-3660

ADDRESS ANSWER TO THE
DISTRICT ATTORNEY, ATTENTION
OF THE SIGNER OF THIS LETTER

November 14, 1974

The President
Washington, D.C.

Sir:

On October 28, 1974, in separate incidents, two persons were wounded by gunshot fire while riding in vehicles traversing County Road #1 in the Township of Webb, Herkimer County, New York. Persons calling themselves Mohawk Indians, who have been occupying premises formerly known as The Moss Lake Girls Camp, now owned by the State of New York, since about May of 1974, have indicated to the public press that they fired the shots which caused the injuries..

Our Office has no investigatory staff and in order to perform my statutory duties under Section 700 of the County Law of the State of New York (Exhibit A, attached), I rely upon the New York State Police to perform investigations in rural areas of the County such as Moss Lake. The New York State Police have been attempting to investigate these shootings but have been thwarted in their efforts by the refusal of the persons occupying the former Girls Camp to permit the State Police access to either the area of the shootings or any persons within the group who may have witnessed the shootings.

At this point, the refusal to cooperate in the Police investigation is based on Article VII of the Treaty of 1794 between the Six Nations, of which the Mohawk Tribe is, sometimes, a part and the United States (Exhibit B). It is my understanding that the Mohawks are not signatories to this particular treaty but the persons presently occupying the Moss Lake site apparently feel that it covers them as one of the Six Nations. A report in the New York Times of Sunday, November 10, 1974 (Exhibit C) indicates that the persons occupying the area have requested your intervention in accordance with such Treaty.

The undersigned as the duly elected District Attorney of Herkimer County, charged by law with the prosecution of crimes and offenses committed within this

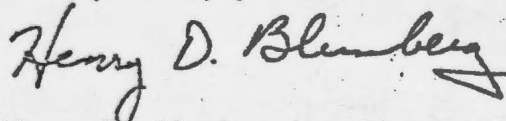
The President
Page 2
November 14, 1974

County, joins in asking your intervention should you believe that the Treaty applies. There has been some indication, entirely in the press so far as I know, that Title 25, Section 232 of the United States Code (Exhibit D) is the "other equitable provision" mentioned in Article VII of the Treaty of 1794. I point out, however, that the Moss Lake site is not an "Indian reservation".

I will appreciate your advising me as soon as conveniently possible of your attitude towards following the procedures set forth in Article VII of the Treaty of 1794.

I have the honor to remain,

Most respectfully yours,

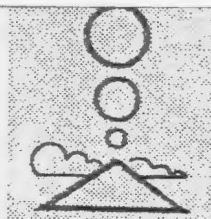


Henry D. Blumberg
District Attorney - Herkimer County

HDB:msk
Enclosures



AMERICAN INDIAN PRESS ASSOCIATION
NEWS SERVICE



New File
ROOM 206
1346 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
Phone: (202) 293-9150

Executive Director: *Rose Robinson*
News Director: *Richard LaCourse*

OCCUPY - MY181

EAGLE BAY, N.Y.--(AIPA)--About 75 members of the Mohawk Nation have set up camp in a timberland area on the north shore of Moss Lake in the Adirondack Park Forest Reserve here and intend to stay until large tracts of land are returned to the Mohawk Nation by the state of New York.

The occupiers, who moved onto the area May 14, have as their objective the reestablishment of the old Mohawk Nation of Ganienkeh, the Land of the Flint, through the recovery of sufficient undisturbed acreage where they could live a natural outdoor life by hunting, fishing and growing their own crops. According to Mohawk spokesman Kakwirakeron, the long range objective is to establish an independent North American Indian state open to all traditional North American Indians.

The occupiers claim that state possession of the land constitutes "illegal theft," arising from illegal acts of a Mohawk man who in 1797 claimed to have power of attorney for the tribe and who surrendered 5,500,000 acres of Mohawk land to the state in return for the sum of \$1,000.

The Mohawk contingent, consisting of Mohawk men and women from both sides of the U.S.-Canadian border, sent letters announcing their purposes and intentions to the President of the United States, the governors of New York and Vermont, and also to 154 foreign representatives at the United Nations in New York City seeking foreign relations with those nations.

The site the Mohawk occupiers are camped on lies midway among four small rural towns of Eagle Bay, Inlet, Old Forge and Big Moose. Plans were in the offing to present the Mohawk proposals to the neighboring townspeople including schoolteachers, church leaders and members, town and state government representatives, and community organizations such as the Chamber of Commerce, Masonic Lodge, Lions Club and the like.

Immediately facing the occupiers were negotiations concerning an extension of a camping permit on the land, which has a normal duration of three days. Also ahead were negotiations, now quietly opened, with the New York State Department of Environmental Conservation. There was no known immediate presence of federal marshals in the area, but there were reports of a buildup of N.Y. state troopers in a nearby town.

The treaty upon which the Mohawks are making their case is the 1768 Fort Stanwix Treaty negotiated in what is now the town of Rome, N.Y. Spokesman Kakwirakeron said the 1797 surrender of Mohawk lands by Joseph Brant to the state of New York violated the tribal constitution of the Six Nations Iroquois Confederacy at that time, because under that constitution "no person or single Nation has the right to sell any land without the consent of the Grand Council."

Kakwirakeron said Brant was not authorized by the Mohawk government to enter into the 1797 agreement, and Brant was not a Mohawk chief. After study in Europe, Brant returned to the U.S. and began translating Christian texts and hymns for his Christian denomination. The Mohawk occupiers have labeled Brant "a sellout."

The Eagle Bay action, said a spokesman, was an "all-Mohawk effort" which excluded non-Indians from the camp but which accepted assistance and support from other Indian groups.

In Washington, D.C., on May 15, seventy members of Jewish Defense League demonstrated at the Lebanese Embassy, protesting Arab guerrilla actions against Israeli school children.

SOCIALIST GROUPS PROTEST JUNTA IN CHILE

New York City

On May 11, approximately 135 persons conducted demonstrations in a downtown area, protesting the ruling Chilean military junta and demanding freedom for political prisoners in Chile. Signs identified protestors as representatives of ~~the Socialist Workers Party, Young Socialist Alliance, Workers for a~~ World Party, Youth Against War and Fascism (YAWF), and ~~Spartacist League (SL).~~ Speakers denounced the military coup and military trials in Chile and attempted to promote unity among the various socialist groups.

Buffalo

~~On May 11~~ seventy five persons participated in demonstrations at Lafayette Square and later at Chase Manhattan Bank. Demonstrators, representing YAWF, SL, Vietnam Veterans Against the War and Young Workers Liberation League, were protesting the present military junta in Chile and demanding that the United States cease all aid to the Chilean dictatorship.

INDIANS TAKEOVER NEW YORK STATE LAND

On the morning of May 12, about 25 Indians from the Caughnawaga Reservation near Montreal, Quebec crossed the border in small groups at various points of entry into Northern New York State. On May 14, they joined about 75 Mohawk Indians from the Onandaga Reservation near Syracuse in occupying an isolated 600 acre section of the Adirondeck Park Forest Preserve near Big Moose Lake, Eagle Bay, New York. This property, formerly a private school, was purchased by the state, but has not been put to use. The Indians have established a camp and a perimeter guard and are denying access to the property to all visitors. Some of the Indians are armed with hunting rifles.

According to an Indian spokesman, this group is the advance party of between 400 and 500 Indians who are expected to move into the area.

The militant Indians claim that the reservation from which they came is inadequate and that this 600 acre site, which they claim is legally theirs because of a 1768 treaty, will be their new reservation. This "occupation" has been peaceful so far and the New York authorities have no plans for confrontation.

Norm Ross 6554

Phyllis

THE WHITE HOUSE

WASHINGTON

11/22

Mr. Warren:

Don Cider of Time called at the suggestion of Dean Fisher.

Mr. Cider is doing a story on the Indian incident a few weeks ago at Moss Lake Camp, north of Utica. The dispute is over a treaty signed in 1794.

Both the Indians and the Officials in New York State have written to the President but have not received a response. Mr. Cider wants to know what action might be taken.

He is not familiar with the officials involved but the Indians are:

Kakwirakeron
Mike Myers
Lou Hall
Attorney Coulter

293-4300

He will call early next week if he doesn't hear from you first.

Q



THE WHITE HOUSE
WASHINGTON

November 22, 1974

TO: ~~Gerald Warren~~ *Antoinette*

FROM: Norman E. Ross, Jr.
Phyllis - secretary to
Ph.

The attached correspondence concerns
the Mohawk Nation taking over certain
areas in the Adirondack Park Forest.

We have sent the correspondence to
Bureau of Indian Affairs for their
review and comments.

Is this what the newsman from TIMES
wanted to talk about?



November 27, 1974

Dear Mr. Blumberg:

Thank you for your letter of November 14 regarding the October 28th separate incidents in which two persons were wounded by gunshot fire while riding in vehicles traversing County Road #1 in the Township of Webb, Herkimer County, New York.

The relevant portion of Article VII of the Treaty with the Six Nations entered into November 11, 1994 provides as follows:

ARTICLE VII.

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and Six Nations agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured, to the other: By the Six Nations or any of them, to the President of the United States, or the Superintendent by him appointed: and by the Superintendent, or other person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose. (Empasis added.)

The Congress of the United States did, as provided by the treaty, make other provisions in 1948 and 1950 for the resolution of disputes, and the punishment of criminal acts by the enactment of two laws conferring jurisdiction on the State of New York.



-2-

The Act of July 2, 1948 (62 Stat. 1224), 25 U.S.C. Section 232, granted to the State of New York **criminal jurisdiction over offenses committed by or against Indians on Indian reservations within the State.** The Act of September 13, 1950 (64 Stat. 845), 25 U.S.C. Section 233, conferred civil jurisdiction on the Courts of the State in **civil actions and proceedings between Indians and between one or more Indians and any other person or persons.**

In view of the above, the provisions of the treaty having been superceded by later Acts of Congress, the President is no longer authorized to act. Any complaints or alleged acts of wrongdoings are appropriately under the jurisdiction of the State of New York.

Sincerely,

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Mr. Henry D. Blumberg
District Attorney - Herkimer County
Herkimer County Court House
Post Office Box 588
Herkimer, New York 13350

NEROSS/ee

cc: White House Files



November 27, 1974

Dear Mr. Hall:

We are writing in reply to your letter of November 11 regarding the situation at Moss Lake.

The relevant portion of Article VII of the Treaty with the Six Nations entered into November 11, 1794 provides as follows:

ARTICLE VII.

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and Six Nations agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place: but, instead thereof, complaint shall be made by the party injured, to the other: By the Six Nations or any of them, to the President of the United States, or the Superintendent by him appointed: and by the Superintendent, or other person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose. (Empasis added.)

The Congress of the United States did, as provided by the treaty, make other provisions in 1948 and 1950 for the resolution of disputes, and the punishment of criminal acts by the enactment of two laws conferring jurisdiction on the State of New York.



The Act of July 2, 1948 (62 Stat. 1224), 25 U. S. C. Section 232, granted to the State of New York criminal jurisdiction over offenses committed by or against Indians on Indian reservations within the State. The Act of September 13, 1950 (64 Stat. 845), 25 U. S. C. Section 233, conferred civil jurisdiction on the Courts of the State in civil actions and proceedings between Indians and between one or more Indians and any other person or persons.

In view of the above, the provisions of the treaty having been superceded by later Acts of Congress, the President is no longer authorized to act. Any complaints or alleged acts of wrongdoings are appropriately under the jurisdiction of the State of New York.

Sincerely,

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Mr. Louis Hall
Secretary, Under the direction of the Galankeh
Council Fire
Eagle Bay, New York 13331

NEROSS/ee

cc: White House Files



14

Bill
SEARS says...

File: [12/16/74]
Engl. BA

FOR RELEASE
IMMEDIATELY

Norm
Rosen
F-11
(SEARS SCORES LACK OF ACTION AT INDIAN CAMP)

ALBANY - Assemblyman William R. Sears, (R-C, Woodgate) today called the Indian problem at Moss Lake in the northern part of Herkimer County in New York State "one of the biggest travesties this state and nation has ever been through."

Sears said: "Right from the President's office, through the Bureau of Indian Affairs and including the Governor's office of the State of New York, the whole matter has been handled with a lackadaisical, unconcerned, and 'pass the buck' attitude. You can't get any two officials, who should know, to agree on who has jurisdiction to investigate the recent shootings that took place at the Indian encampment.

"I wrote to the Governor and received a form letter from his counsel. The director of the Bureau of Indian Affairs in Washington sends a letter to the Indians saying, in effect, that the Treaty of 1794 should be adhered to, which treaty calls for disputes or alleged crimes of this type to be settled directly between the Chiefs of the Six Nations and the President. Then, the Assistant Director of the Domestic Council representing the President's office tells the Indians that the State of New York has jurisdiction because of two Congressional amendments to the 1794 Treaty.

"I am aware of the meeting in Washington this past Tuesday between an Indian representative of Moss Lake, the Bureau of Indian Affairs and representatives of the President's Domestic Council," Sears continued.

(MORE)

NEW YORK STATE ASSEMBLY, STATE LEGISLATIVE OFFICE BLDG., ALBANY, N. Y.

/ (518)472-3740



"I have repeatedly called the Assistant Director of the Domestic Council ever since and he has not responded to my calls.

"Following the reasoning of the Bureau of Indian Affairs, which the Moss Lake Indians have adopted, the first amendment in 1948 by the Congress gave New York State jurisdiction for punishment of criminal acts committed by or against Indians on Indian reservations within the State. The shooting did not take place on an Indian reservation, so it appears that the first Congressional amendment of 1948 does not apply. The second Congressional amendment of 1950 conferred civil jurisdiction on the Courts of New York State in civil actions and proceedings between Indians and between one or more Indians and any other person or persons. Since the alleged shootings are not civil actions, it appears that this Congressional amendment of 1950 does not apply either. Thus, apparently the original Treaty of 1794 prevails in this case which calls for the matter being settled only by direct negotiations between the Six Nations and the President of the United States.

"Just how long would this procedure take?

"But it just can't be," Sears said, "because if this is the case, what would happen if one of these same Indians were to commit a serious crime or felony in Old Forge, for example? Apparently, the only way he could be arrested or prosecuted would be through direct negotiations between the President of the United States and the Six Nations of Indians. So, the perpetrator of the crime could possibly be back on the street in 24 hours."

Sears said that he is sending copies of this news release to the entire New York State Congressional delegation, Governor-elect Carey and the Office of the President of the United States, demanding that legislation be passed immediately to confer jurisdiction on the State of New York in all cases of alleged criminal or civil acts whether on or

(MORE)

off federally recognized reservations "so we can lift this cloud of doubt once and for all."

"While I realize that this new legislation might not have any effect on the present situation, it will insure that there will be no question of jurisdiction in the future."

Sears concluded; "I just can't understand how the Congress could have gone all these years, since 1794, without closing these loopholes that could allow the hypothetical case just mentioned to occur and only be settled by the President and the Chiefs of the Six Nations. The people of northern Herkimer County are already in an uproar and I don't believe they would stand for another such serious crime being committed without knowing that it was going to be properly prosecuted under the law of the State of New York. I urge our Congressional delegation to implore the President to immediately act to resolve the present problem according to the Treaty if this is the only way it can be done."

12/6/74

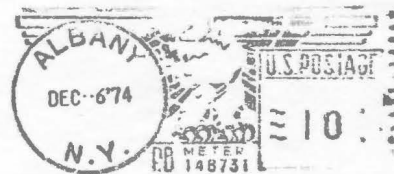


THE ASSEMBLY
STATE OF NEW YORK
ALBANY

WILLIAM R. SEARS
115TH DISTRICT
ONEIDA COUNTY



The President
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500



THE WHITE HOUSE
WASHINGTON

November 26

Norm Ross -

I don't think any of
the correspondence referred to
was in the files I gave you, but
you might check and let RE
or Nessen know...



A handwritten signature in dark ink is located in the lower-right quadrant of the page. The signature is stylized and appears to read 'Brend'.

DATE: 11/25

TO: Brad Patterson

Have you seen or are
you familiar with
this?

13
Roland L. Elliott

THE WHITE HOUSE
WASHINGTON

11/25

~~CENTRAL FILES~~

~~ANY PREVIOUS CORRESPONDENCE~~

To: Roland Elliott

LIZ O'NEILL
ROOM 149
EXT. 2890

What was done re.
letters to Jord. re.
this situation?

Dec. 7 - 1974

Mr. Ross says to put this material into Indian File and that this has been called to the attention of John Carlson our press office, so that White House officials are aware of the situation. White House is not going to be involved in the jurisdiction of this problem, anyway - at least not at this point. The State ^{of NY} ~~and Justice~~ will work out the logistics

GERALD R. FORD LIBRARY

Phylke

Newsday/

Union Avenue, Ronkonkoma, Long Island, New York, 11779

(516) 737-4413

Ron Nessen,
Press Secretary
The White House,
1600 Pennsylvania Ave.,
Washington D.C.

Dear Ron,

Enclosed is a copy of a story which I wrote for our paper this past week.

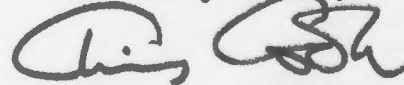
Government bureaucracy being what it sometime is, this situation has gone relatively unnoticed. Unfortunately not all could be told in the space I was allocated to write in, and the situation is quite tense despite the onslaught of snow up in the Adirondacks last week.

Indian Affairs has been mediating it with a clean-hands approach. That's fine because it's not their jurisdiction, but there's a tricky moral and social question involved in that the Mohawks appear to have valid~~m~~ recognized treaties behind them.

Appeals have been sent to President Ford by both the Indians and the Herkimer, N.Y., County District Attorney. No response to date.

This is just F.Y.I and for use as you see fit. Nothing further.

Sincerely Yours,



Christopher M. Cook



4/29

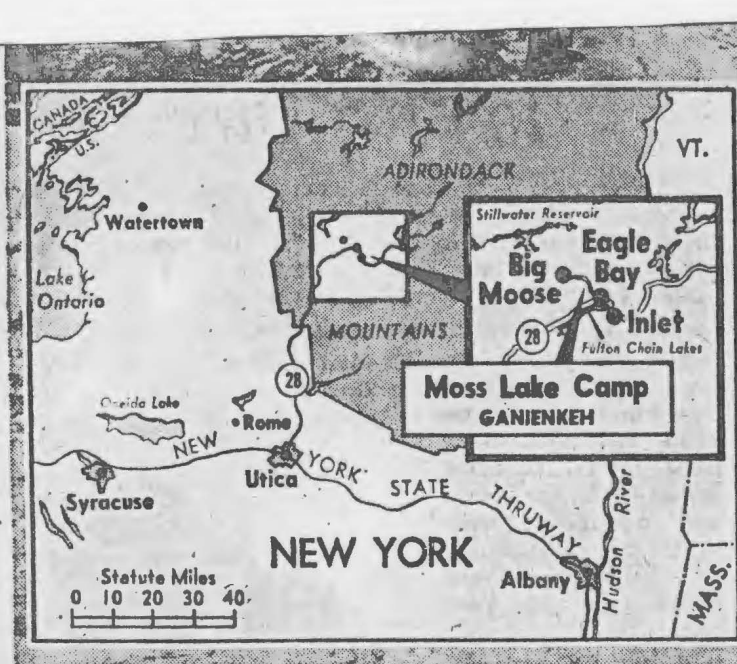


Photo by Kakwirakeron; Newsday map by Phil Di

The Rebirth of an Upstate

By Christopher M. Cook
Newsday Staff Correspondents

Art Montour, nor other Indians would divulge the camp's population—"par-

breaking the goddamned law. As far as I'm concerned, there's one law for all."

*'We came here to
live in peace.
This winter will
prove out our
people. We have
enough supplies
to last the winter.'*

*—Kakwirakeron,
a Mohawk Indian*

Nation



cook - editorial

Newsday

Union Ave.
Ronkonkoma, N. Y. 11779

Ron Nessen
Presidential Press Secretary
The White House,
Washington, D.C.



December 13, 1974

Gentlemen:

This is in reference to the telegram of November 7 from the Traditional Seneca People Government to President Ford regarding the threat posed by the discontinuation of utility services to certain parties. Also, the telegram outlined a concern about the treaty with the Six Nations entered on November 11, 1794 and the Seneca Nation of Indians.

We are advised that the complaints regarding the disconnection of utility services stems from the delinquency of certain individuals in paying their bills and also from the fact that certain utility companies have not been allowed to make repairs or otherwise maintain utility systems on Indian land.

The relevant portion of Article VII of the Treaty with the Six Nations entered into November 11, 1794 provides as follows:

ARTICLE VII

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and Six Nations agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured, to the other: By the Six Nations or any of them, to the President of the United States, or the Superintendent by him appointed; and by the Superintendent, or other person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to



preserve our peace and friendship unbroken; until the legislature (or great council) of the United States make other equitable provision for the purpose. (Emphasis added.)

The Congress of the United States did, as provided by the treaty, make other provisions in 1948 and 1950 for the resolution of disputes, and the punishment of criminal acts by the enactment of two laws conferring jurisdiction on the State of New York.

The Act of July 2, 1948 (62 Stat. 1224), 25 U.S.C. Section 232, granted to the State of New York criminal jurisdiction over offenses committed by or against Indians on Indian reservations within the State. The Act of September 13, 1950 (64 Stat. 845), 25 U.S.C. Section 233, conferred civil jurisdiction on the Courts of the State in civil actions and proceedings between Indians and between one or more Indians and any other person or persons.

In view of the above, the provisions of the treaty having been superseded by later Acts of Congress, the President is no longer authorized to act on your request. Complaints for wrongdoing, therefore, with respect to the disconnecting of utility services should be processed through the appropriate Court of the State of New York. You may also wish to discuss your complaints with the Seneca Council which is the recognized governing body of the Seneca Nation of Indians.

We hope this information is of assistance to you.

Sincerely,

NROSS/pt 12-12-74
cc/WH files w/incom tele
~~xxx~~ Indian files

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Traditional Seneca People Government
P.O. Box 55
Irving, New York 14081



THE WHITE HOUSE OFFICE

REFERRAL

To: **Honorable Morris Thompson**
Commissioner, BIA
Dept. of the Interior

Date: **November 18, 1974**

ACTION REQUESTED

- ☒ Draft reply for:
_____ President's signature.
☒ Undersigned's signature.
_____ Memorandum for use as enclosure to reply.
_____ Direct reply.
_____ Furnish information copy.
_____ Suitable acknowledgment or other appropriate handling.
_____ Furnish copy of reply, if any.
_____ For your information.
_____ For comment.

NOTE

Prompt action is essential.

If more than 72 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

REMARKS:

Please prepare a draft response (if appropriate) and return entire file to Norm Ross, Room 218, OEOB, White House Tele: 456-6554

Description:

_____ Letter: ☒ Telegram: Other:

To: **The President**

From: **Traditional Seneca People Government, Irving, N. Y.**

Date: **Nov 7, 1974**

Subject: **Concerned with contracts by the Utilities Companies imposed on the Seneca People**

By direction of the President:

Norman E. Ross, Jr., Assistant Director
Domestic Council

ans'd 12-12-74

(White House Suspense Copy)



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

DEC 3 1974

Memorandum

To: Norman E. Ross, Jr.
Assistant Director, Domestic Council

From: Commissioner of Indian Affairs

Subject: Letter transmitting an unsigned telegram of November 7, 1974 regarding the threat posed by the discontinuation of utility services to certain parties and also the telegram of November 7 on the treaty of 1794.

Attached is a draft of a reply to the above transmittal.

Morris Thompson
Commissioner of Indian Affairs

Attachment



Save Energy and You Serve America!



D R A F T

BUREAU OF INDIAN AFFAIRS

Eastern Area Office

Gentlemen:
~~Dear Sir:~~

the

This is in reference to ~~the unsigned~~ telegram of November 7, 1974, from the Traditional Seneca People Government to President Ford regarding the threat posed by the discontinuation of utility services to certain parties. Also, the telegram of November 7, outlined a concern about the treaty with the Six Nations entered on November 11, 1794 and the Seneca Nation of Indians.

We are advised that the complaints regarding the disconnecting of utility services stems from the delinquency of certain individuals in paying their bills and also from the fact that certain utility companies have not been allowed to make repairs or otherwise maintain utility systems on Indian land.

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or other person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose. (Empasis added.)

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We hope this information is of assistance to you.

Sincerely yours,

Norman E. Ross, Jr.
Assistant Director
Domestic Council

Traditional Seneca People Government
P.O. Box 55
Irving, New York 14081





HENRY D. BLUMBERG
DISTRICT ATTORNEY
CARL G. SCALISE
CHIEF ASSISTANT DISTRICT ATTORNEY
HENRY A. LARAIA
ASSISTANT DISTRICT ATTORNEY

DISTRICT ATTORNEY
OF THE
COUNTY OF HERKIMER
HERKIMER COUNTY COURT HOUSE
P. O. Box 588
HERKIMER, NEW YORK 13350
(315) 866-3660

File
Engle Bay

ADDRESS ANSWER TO THE
DISTRICT ATTORNEY, ATTENTION
OF THE SIGNER OF THIS LETTER

December 13, 1974

The Honorable
Norman E. Ross, Jr., Assistant Director
Domestic Council
The White House
Washington, D. C.

Re: DA File #2487

Dear Mr. Ross:

The New York State Police's attempts to investigate the felonious assaults of October 28th, 1974 in the above-styled matter were thwarted, as you know, by the refusal of the persons at Moss Lake to admit the Troopers more than twenty feet off Herkimer County Highway #1 (Big Moose Road). This Office, in turn, has been thwarted in its attempt to enter the subject premises by the New York State Police's refusal to execute a Search Warrant in a manner consistent with the Statute.

A Search Warrant was obtained upon my Application from the Town Court of the Town of Webb (over opposition; both Mr. Coulter and Ms. Stearns appearing in such Court on behalf of the persons at Moss Lake; the first such appearance by the "Indians" in any New York Court at any time to my knowledge!).

The validity of the Warrant was questioned by the New York State Police and the Attorney General of the State of New York, to whom the matter was referred by them. I insisted





DISTRICT ATTORNEY
OF THE
COUNTY OF HERKIMER
HERKIMER COUNTY COURT HOUSE
P. O. Box 588
HERKIMER, NEW YORK 13350
(315) 866-3660.

HENRY D. BLUMBERG
DISTRICT ATTORNEY
CARL G. SCALISE
CHIEF ASSISTANT DISTRICT ATTORNEY
HENRY A. LARAIA
ASSISTANT DISTRICT ATTORNEY

ADDRESS ANSWER TO THE
DISTRICT ATTORNEY, ATTENTION
OF THE SIGNER OF THIS LETTER

Hon. Norman E. Ross, Jr.

-2-

December 13, 1974

that the Warrant was valid on its face and that such was the only inquiry that the proposed executing party could ask. I advised the Attorney General that I was confident that I could sustain the validity of the Warrant and any search resulting therefrom. I was then advised by the New York State Police that if they did execute the Warrant, they would only do so with 300 armed men which I felt, and feel, to be contrary to the provision of our Criminal Procedure Law (§690.50) governing the execution of Search Warrants and I refused to permit them to execute, requesting the return of, and receiving, the subject Search Warrant. All this has served to bring the criminal investigation in this matter to an almost complete halt.

I am wondering if it might not be beneficial at this point to re-examine the applicability of Article VII of the Treaty of November 11, 1794. There is no question in my mind that the Treaty, at least for many purposes, is a living document (People v. Redeye, 78 Misc 2d 834, unbound, Official Advance Sheet #980, 11/6/74). Utilization of the Treaty will provide some investigation into the felonious assaults of October 28th and I, at this point, must say that some investigation is better than no investigation at all.

With the thought in mind that a face to face discussion between us might prove beneficial, I would be free to meet with you





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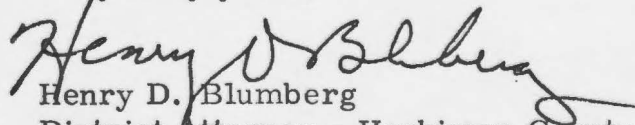
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Hon. Norman E. Ross, Jr. -3- December 13, 1974

during the middle or late afternoon of Monday, December 23, 1974, in Washington. If you believe that such a meeting might produce some action in regard to the above matter, will you be good enough to calendar an appointment with me for that day either with yourself or with a member of your staff and perhaps with appropriate representatives of the several Federal Departments concerned.

The appearance of inaction on the part of law enforcement officials in this County does not contribute to the keeping of the peace in my opinion. It is with that thought in mind that I make the foregoing suggestion. I will appreciate hearing from you at your very first opportunity. I am most conveniently reached by telephone at (315) 823-3400 at 9:15 am each week day and one-half hour later on Saturdays.

Very truly yours,


Henry D. Blumberg
District Attorney - Herkimer County

HDB/eg

cc. Maj. R. S. Charland
Hon. Donald J. Mitchell, M.C.
George Kaufmann, Esq.



DONALD J. MITCHELL
31ST DISTRICT, NEW YORK

COMMITTEE:
ARMED SERVICES

1527 LONGWORTH HOUSE
OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE (202) 225-3665

Congress of the United States
House of Representatives
Washington, D.C. 20515

File

December 16, 1974

Mr. Norman E. Ross, Jr.
Assistant Director
Domestic Council
The White House
Washington, D.C.

Dear Mr. Ross:

Enclosed please find a copy of a letter I recently received from my constituent, Mr. Henry D. Blumberg, District Attorney, for Herkimer County, regarding the recent Indian uprising at Moss Lake.

I am deeply concerned about this matter and would greatly appreciate your keeping me advised of any new developments.

Thank you for your consideration.

Sincerely,



Donald J. Mitchell
Member of Congress

DJM:pmb
Enclosure





HENRY D. BLUMBERG
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CARL G. SCALISE
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December 13, 1974

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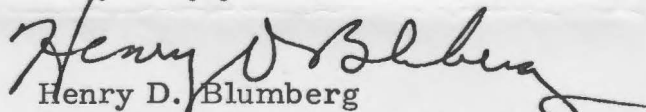
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