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the Norman Ross Files, 1974-75
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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

File

IN REPLY REFER TO:

Memorandum

December 17, 1974

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

From: Ron Esquerre *[Signature]*
Executive Assistant to the Commissioner

Subject: Brief on Bureau of Indian Affairs Meeting with Representatives from Indian Encampment Known as Ganienkeh, near Eagle Bay, New York

Commissioner Thompson asked that I forward you a copy of the brief prepared by the Bureau's Eastern Area Director on his meeting with Ganienkeh representatives.

The contents may be of value to you from an information standpoint.

Attachment



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62/11



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

EASTERN AREA OFFICE

1951 Constitution Avenue NW.

Washington, D.C. 20245

IN REPLY REFER TO:

Eastern Area

Memorandum

DEC 6 1974

To: Commissioner of Indian Affairs

From: Area Director, Eastern Area

Subject: Meeting with Representatives from Indian
Encampment known as Ganienkeh, near Eagle
Bay, New York

On December 4, 1974 a meeting was held with three (3)
representatives of the above group. The following people
attended the meeting:

Harry A. Rainbolt, Area Director, Eastern Area
Ron Esquerra, Executive Assistant to the Commissioner
Joe Gauthier, Eastern Area Office
Bill Seneca, New York Liaison Office
Ted White, Central Office, Tribal Operations
Les Gay, Central Office, Tribal Operations
Tom Oxendine, Public Information Staff
Terry Brown, Commissioner's Office, Staff Coordinator
Dave Jones, Solicitor's Office
Mike Smith, Departmental Trainee
Kugie Lewis, Departmental Trainee
Mike Meyers, Ganienkeh Representative (Seneca Indian)
Kakwirakeron, Ganienkeh Representative (Canadian
Mohawk Indian)
Julian Delaronde, Ganienkeh Representative (Canadian
Mohawk Indian)

The Ganienkeh representatives advised that it was the
Mohawk custom to open their meetings with a prayer. A
prayer was said in Indian and interpreted into English.

Mr. Meyers said they were confused as the result of two
(2) letters they had received relating to the situation
at Gainienkeh. He read a letter dated November 22, 1974
to Chief Leon Shenandoah from the Commissioner of Indian
Affairs and a letter dated November 27, 1974 to Mr. Louis
Hall, Secretary, Under the Direction of the Ganienkeh,
from Norman E. Ross, Jr., Assistant Director, Domestic
Council.



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They interpreted the November 22, 1974 letter to mean that Article VII of the Treaty of Canandaigua, 7 Stat.44 (November 11, 1794) was still applicable notwithstanding the fact that two (2) Acts of Congress amended the treaty - (The Act of July 2, 1948 (62 Stat.1224), 25 U.S.C. § 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. § 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). Copies of the November 22, 1974 letter to Chief Shenandoah; the November 27, 1974 letter to Mr. Louis Hall; and their reply to President Ford, dated November 24, 1974; and their reply to Norman E. Ross, Jr., dated December 2, 1974, are attached.

The Area Director advised the group that the Commissioner's letter of November 22, 1974 addressed to Chief Leon Shenandoah was written to clarify questions raised about the Treaty of Canandaigua (November 11, 1794) and Criminal jurisdiction on Indian reservations in the State of New York. The letter acknowledges the validity of the 1794 treaty with the Six Nations and indicates that in accordance with the terms of this treaty Congress in 1948 passed legislation giving the State of New York Criminal jurisdiction on Indian reservations in the State. This means that even if the occupied land were a reservation - as the Indians Claim, New York State would still have jurisdiction. Since this matter does involve some Federally recognized Indians the Bureau of Indian Affairs is trying to keep informed - but has no jurisdictional responsibility..

In presenting their position the Ganienkeh representatives stated the following:

1. The group is dedicated to regaining their territory and consider this their last chance to remain alive culturally. They want their own laws, religion, etc., to escape the drugs, auto deaths and suicides that are connected with Indian reservations. The Indians at Ganienkeh represent 25-30 different Indian Nations from the United States and Canada. They will not allow a



foreign government to enforce laws upon them. They will not back down - there is room for negotiation - but they are at Ganienkeh to stay.

2. The land they are occupying is not an Indian reservation but is repossessed Iroquois territory. They want only peace and a way to honor the treaties to make this land sovereign Iroquois territory. Since this land is not a reservation, in their opinion, 25 U.S.C. § 232 does not apply to it.
3. They do not want any Bureau of Indian Affairs services, nor do they seek any money from the Federal Government.
4. They do not consider themselves to be citizens of the United States - therefore the laws of the United States do not apply to them. The laws of the United States do not apply to any Indians belonging to the Longhouse. It would be appreciated if the Bureau of Indian Affairs can help people understand this. They cited documents wherein the Six Nations of the Iroquois Confederacy rejected the Act of June 2, 1924 that made Indians U. S. citizens as well as the Act of July 2, 1948 (25 U.S.C. § 232) that conferred criminal jurisdiction on the State of New York and the Act of September 13, 1950 (25 U.S.C. § 233) that 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. They maintain that the provisions of the Treaty of November 11, 1794 cannot be changed unless both parties agree to the change. They stated emphatically that the Six Nations had not been consulted on these treaty changes.



5. All of the Nations in the Confederacy agree that this is an international matter and discussions must be held between representatives of the United States and the Six Nations to work out satisfactory procedures.
6. They are in the process of investigating the shooting of the two (2) non-Indians as stated in their letter of November 24, 1974 to President Ford. However, they are hampered because Henry D. Blumberg, District Attorney, Herkimer County, is in the process of obtaining a search warrant to carry out the State's jurisdictional responsibilities. They said that if a search warrant is issued and the police attempt to enter Ganienkeh, there will be blood shed. They want to work out a procedure that will prevent a confrontation which they feel will come on Thursday nite, December 5, 1974 or at least within ten (10) days after the search warrant is issued.
7. They will not agree to any Court resolving the situation because they have no confidence in the "Whiteman's Courts." Eventually this situation has to be resolved, but not through the U.S. Courts. They would like to have a Presidential Commission meet with the Six Nations Confederacy to resolve this problem.
8. They feel that a possible solution is the repeal of 25 U.S.C. § 232 and 25 U.S.C. § 233. They have discussed this with Senator Javits' office and Senator Abourezk's office.
9. There have been eleven (11) incidents where non-Indians shot into the camp area at Ganienkeh.
10. The representatives from Ganienkeh stated that they had formed a separate independent Nation apart from the United States and Canada and in this regard had applied for



membership in the United Nations. They indicated that the United Nations had scheduled them for a hearing before a Committee or Council of the United Nations wherein Holland and France would play a major role. The date of the hearing is unknown to us at this time.

Dave Jones, Solicitor's office, stated that while the State of New York has jurisdiction, the unanswered question is whether or not the Federal Government has a continuing responsibility - whether or not there is concurrent responsibility on the part of the United States and the State of New York.

The meeting ended at approximately 3:45 p.m. to enable the Ganiienkeh representatives to attend a 4:00 p.m. meeting with Norman E. Ross Jr., and representatives of the Solicitor's office and the Justice Department in the Executive Office Building. The results of this meeting are unknown at this time.

The Area Director thanked the Ganiienkeh representatives for coming to the meeting and expressing themselves. Despite their views on 25 U.S.C. § 232 and § 233 these statutes are laws of the land and the Bureau of Indian Affairs is required to abide by them until such time as the law is changed. He said there is room for continuing dialogue and that keeping the lines of communication open hopefully would lead to a mutually satisfactory solution.

The meeting was closed with a prayer in Indian - translated into English.

We are attaching a file of pertinent documents and correspondence relating to this issue since it was first brought to our attention.

(Signed) Harry A. Rainbolt

Harry A. Rainbolt
Area Director, Eastern Area

Attachments

cc: Surname Chron 1000 Mailroom
JRGauthier: lmb 12/6/74





IN REPLY REFER TO

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN /
WASHINGTON, D. C.

NOV 22 1974

1 COPY
NAME:

FILE COPY
SURNAME:

11/12
11/22

Mr. Jones
Mr. Smith

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,

(Sgd) Morris Thompson

— Commissioner of Indian
Affairs

Secretary's Files
BIA Surname File
Commissioner of Indian Affairs
BIA Control Office
BIA Mailroom File
SOL/Docket Files
SOL/DEJones
Indian Civil Rights Task Force
TJAlston Files
SOL/DIA Reading File
SOL/Hold Copy
DEJones:ta 11/22/74



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. (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 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



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, Gayanerekwawa.

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 Nations 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, 1977.



GANIENKHE
INDEPENDENT NORTH AMERICAN INDIAN STATE

December 2, 1974

Mr. Warren B. Foss, Jr.
Assistant Director
Domestic Council
THE WHITE HOUSE
Washington, D.C.

Sekkon,

Acknowledge receipt of your letter dated Nov. 27, 1974, which contradicts the letter received by the Six Nations Confederacy from Mr. Morris Thompson, Commissioner of the Bureau of Indian Affairs, Department of the Interior, acting for the Office of the President.

Firstly, your office "Domestic Council" suggests internal matter which this dispute is not. As it concerns a treaty between two nations, it is an international matter which cannot be decided in the courts of one of the nations involved.

Your letter emphasizes the last sentence of Article VII of the 1794 Treaty: "until the legislature (or great council) of the United States shall make other equitable provision for the purpose."

The Six Nations Confederacy at the Grand Council held November 23-24, 1974, was very strong on the insistence that only the procedure set forth in Article VII of the Treaty is acceptable to resolve the dispute. Commissioner Thompson, acting for the President of the United States, decided to abide by Article VII of the Treaty, but put in a word for New York State courts via a 1948 Congress Act giving jurisdiction to New York State in matters of crimes committed on Indian reserves. The United States, through its commissioner, felt that criminal jurisdiction by New York fulfilled the "equitable provision" of Article VII of the 1794 Treaty. As two parties are involved in the Treaty the "equitable provision" has to benefit both parties. The two parties have to agree and the Six Nations Confederacy is not about to jeopardize and nullify its 1000 years old sovereignty and nationhood by agreeing to come under the New York State criminal jurisdiction. The United States' interpretation of "equitable provision" was, of course, turned down in the reply to the "President's Complaint". The Congressional equitable provision does not benefit the Six Nations Confederacy and since the Confederacy was not consulted in the matter of making provisions, it is illegal for the other party of the Treaty to presume authority.

The Complaint to the U.S. President by the Grand Council of the Six Nations Confederacy very logically recommended that the Mohawk Nation was competent to investigate the Complaint of the United States, in the matter of the "shooting incidents", and urged the U.S. authorities to investigate the U.S. citizens who, on 11 occasions, shot up the Indian camp. After the investigations, the dispute would be settled by negotiations between the United States and the Six Nations Confederacy. No nation signing a treaty has the right to put the other nation on a reservation. GANIKHE is a territory of the Mohawk Nation, not a reservation where the New York State presumes to have jurisdiction.

Copies of this letter and of your letter dated November 27, are being forwarded to the Ambassadors of the world seated at the United Nations.

SIGNED: *Louis Hall*
SECRETARY - GANIKHE COUNCIL FIVE

Ganienkeh
Manifesto

G A N I E N K E H M A N I F E S T O

Ganienkeh - "Land of the Flint" - ancient homeland of the Mohawk Nation, whose descendants, with traditional natives from other Indian nations, are moving back to repossess their natural heritage. Other native nations throughout the world have regained their lands and governments. The North American traditionals are sure that the Government of the United States and its general public shall see the justice and the rights of the American Indian people to such a move.

Ganienkeh shall be the home of the traditional Red man. Here, according to the rights accorded every one else in the world, the Red man shall exercise his proven government and society according to his culture, customs and traditions. According to the rights of the human, he has the right to operate his state with no interference from any foreign nation or government. Here the people shall live according to the rules of nature. Here the Great Law of the Six Nations Iroquois Confederacy shall prevail. The people shall live off the land. The co-op system of economy shall prevail. Instead of the people competing with each other, they shall help and co-operate with each other. Here, they shall relearn the superior morality of the ancients.

It is not a backward step. The way to a proper, moral government, a practical and worthy economic system and a proper, moral human relationship is true progress. What is regarded as progress in this day and age is a road to destruction. Advanced technology abuses nature. The result has been the pollution of air, land, water and the human mind. A brief reflection reveals how abused nature repays in kind. The competitive society breeds frenzy, panic and tension. Under such a strain, the human mind breaks down. The continued abuse of nature shall result in the complete mental, physical and social breakdown of the competitive society. The main objective of human intelligence should be the peace and happiness of mankind on earth, not the profits saturation of a few tycoons and the worship of advanced technology. The kind of progress has brought the world to the brink of destruction.

Let there be a ray of light somewhere. Instead of abuse of nature let there be an appreciation of nature. Ganienkeh calls all native American Indians who wish to live according to their culture, customs, and tradition. Traditional Indians who answer the call and participate in the project shall be asked to prepare to meet unusual situations. Indians lived a million years without money and technology. They lived off the land. (Today's existing co-operative communities refuse Family Allowance, Welfare relief, Old Age Pension and still live very comfortably. Utilizing the co-op community system, the Indian State of Ganienkeh shall be a money-less state. The requirement is enough land to grow food for all, enough grazing land for beef cattle or buffalo and enough timber land for building materials; and people who are ready to work towards success.

The Mohawk Land was lost in an earlier century by fraud and its possession by New York State and the State of Vermont constitute illegal usurpation. No deed signed by Joseph Brant and the New York State agents can extinguish the rights of the Mohawks to their own country. The native North Americans not only have the rights but are duty bound to CORRECT THE WRONG COMMITTED BY JOSEPH BRANT AND THE NEW YORK STATE AGENTS AGAINST THE MOHAWK NATION. No individual Indian nor any individual Nation of the Six Nations Confederacy has the right to sell or give away land without the consent of the Grand Council of the Six Nations Confederacy. This was one of the findings of the N.Y. Senate investigating commission which ended in 1922.

Joseph Brant, who was not even a member of the Six Nations Confederacy having before disqualified himself, did on March 29, 1797, with an alleged "power of attorney" make a deal with the New York State in which he gave away all the Mohawk land to the said New York State. Several months before in November of 1796, the same Joseph Brant with the same "power of attorney" gave away large tracts of land in Ontario to his British friends. It was called 999 year leases at not cost, that is, no revenue was to accrue. Brant loved the white people so much or was mesmerized by them, that he pauperized outright, his own people to please his white friends.

In a letter to the representatives of the United Nations at San Francisco, California, April 13, 1945, the Six Nations Confederacy stated strongly that Joseph Brant was never given the right to give away their lands. Even if they had given Brant the alleged "power of attorney" it still would be invalid as the deal would have to be consummated in the Grand Council of the Six Nations Confederacy. The fee simple is still vested in the Six Nations and the Mohawks have the aboriginal title to ancient Kanienkeh. No self respecting nation on earth would accept the dirty deal handed out by Joseph Brant and the New York State agents.

The Mohawk Nation, supported by traditional North American aboriginal natives from other native nations such as Ojibways, Crees, Algonquins and others, shall move into the Mohawk homeland of Kanienkeh. The combined nations shall establish the Independent North American Indian State of Kanienkeh. The Great Law-Gayanerekowa-which has lately spread all over native North America, shall be the Constitution of the Independent North American Indian State of Kanienkeh. The Mohawk Nation is not breaking away from the Iroquois Confederacy. It is repossessing its homeland with the help of other Red Indian traditionals and at the same time exercising its human rights accorded every one else in the world. Other native nations of Asia and Africa have regained lost lands and human rights. The United States restored Okinawa to Japan. We expect that the United States shall see their way to render the same justice to American Indians.

To any premise that the Mohawk project is an internal matter of a white people's government, certain steps are hereby taken along with pointing out that the Indian Nations have long had their own organized governments and society, greatly preceding the people who have taken by usurpation authority of this area of the world and these steps include declaring to the world, news of this move on the part of the traditional Indians of North America. There shall be communication to every nation on earth and to their embassies at the United Nations with a request of foreign relations with the countries contacted, even if only on paper. That the Indian State of Kanienkeh has this right is guaranteed by the United Nations as the same right has been provided to new nations, who actually old ones who have formerly been likewise defrauded of their lands and governments.

The U.S. is a member of the United Nations and sworn to uphold its principles. The U.N. proclaimed its Universal Declaration of Human Rights in December 1948 and it provides in Art. 15: (1) Every one has the right to a nationality. (2) No one may be arbitrarily deprived of his nationality nor denied the right to change his nationality.

We too are human and should have the rights accorded every one else in the world; the right to our nationality, the right of our nation to exist and the right to an area of land for our own territory and state where we can exercise our own proven government and society.

Notices shall also be sent to the President of the United States and to the Governors of the States of New York and Vermont. A request for foreign relations will be submitted to the U. S. Government. The procedure being followed to regain the ancient Mohawk homeland is consistent with human rights. Nature did not give certificates of possession to people she consigned to certain areas. Ours is the strongest naturally legal right known to man, aboriginal right.

Message to Congress, July 8, 1970.

"The first Americans-the Indians-are the most deprived group in our nation. On virtually every scale of measurement - employment, income, education, health- the condition of the Indian people ranks at the bottom. This condition is the heritage of centuries of injustice...The American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny."

- President Richard M. Nixon

Today's white man may say that the injustice was done two centuries ago and it has nothing to do with him. The present Mohawk action is today 1974 and will the white man continue to keep justice from the Indians?

The Mohawk project is the way to real self determination - "control their own destiny". It is the way for the Red Indian race to regain its pride, lost belief in humanity and to offset escapes from reality like alcohol, drugs, and suicides that are destroying the Indian people.

From the PREAMBLE TO THE CONSTITUTION OF THE UNITED NATIONS

I 4 5 0
(circa?)
O N O N D A G A

I am Deganawidah and with the Five Nations' Confederate Rotiyaner I pl. the Tree of the Great Peace....Roots have spread out from the Tree of Great Peace... and the name of these roots is the Great White Roots of Peace. If any man or any nation outside of the Five Nations shall show a desire to obey the laws of the Great Peace....they may trace the roots to their source...and they shall be welcomed to take shelter beneath the Tree....

I 9 4 5
SAN FRANCISCO

We the peoples of the United Nations determined to save succeeding generations from the scourges of war...and to reaffirm faith in fundamental human rights...and to establish conditions under which justice and respect for law can be maintained...do hereby establish an international organization to be known as the United Nations.

.....

The noblest work of man is to find the formula for peace and happiness for every one on earth. To that end the most urgent needs of the nations of mankind are proper, moral governments, a practical economic system that eliminates poverty and advanced human relationship. Down through the ages, the world's wisest men have ever tried to find a formula of peace and happiness for suffering and deprived humanity. We've read of the efforts of Socrates, Plato, Aristotle and many others. Wise as they were, they all failed in this, mankind's greatest work.

Searchers for the formula have consulted the Holy Scriptures for instructions on devising a proper, moral government, but the teachers in the Good Book only spoke of Kingdoms, which are total dictatorships and had no idea of the government of, for and by the people. As no one has the right to be king or queen, it showed no idea of truly proper human relationships. Not knowing how to eliminate poverty, the holy teachers advocated poverty. Ask starving Indians in Northern Ontario reserves or destitute areas in India if they are happy and at peace. They represent people in the last stages of poverty and live in absolute misery and wretchedness. The Holy Scriptures laid no claim to have a formula for peace and happiness on earth, only in the "after-life" - after you're dead. That's no good for people suffering the tortures of the damned in this life.

The East had its own famous wise men, among whom was Confucius. When they were, they too could not find the key to peace and happiness, a proper moral government, a practical economic system and human relationship. It took the North American Deganawidah to find the formula. He took from natural righteousness (Kariwiyo) and made a Code which he called Gayanerekwon - known as the Law of the Great Peace. The Wise Man of the ages, armed only with his Great Law, conquered the five most fierce nations imaginable in history; the Mohawks, Oneidas, Cayugas, Senecas and the Onondagas, united them in a Confederacy (Kanonsonnionwe in Mohawk), put them symbolically in one Long House and created peace and happiness that lasted until the white man came with his Dark Age. Gayanerekwon was the world's first national constitution and the first international law, the first code of human rights. The Iroquois Confederacy was the world's first people's republic with sovereignty for every one. All other countries were kingdoms and in a kingdom only the monarch has sovereignty. Everything and every one belonged to the king. The entire world may thank the Peacemaker Deganawidah for whatever rights and freedoms its people enjoy, BUT not all the rights and freedoms in the Great Law were adopted. The copiers kept full justice from their people. They left loopholes through which they may continue subtly to oppress humanity....

There has been a continuous psychological warfare waged against the American Indians. It's every bit as deadly as the one with guns. The casualties are the drunks, drug addicts, suicides, renegades and traitors, all destroyed people. Indians are made to feel cheap and inferior. It results in identity conflict. Most Indians cannot find work in the white man's mainstream and have to go on welfare relief and are called "welfare bums" to help them slide down in their self valuation.

The establishment of the Independent North American Indian State of Ganienkeh offers a positive solution of the problems of Indians. They get away from the deleterious effects of welfare relief life. They can get away from the slums of cities. They will live in fresh unpolluted air. They shall help build an Indian State. They shall regain lost pride. They shall do it themselves. No longer shall the white man's government say Indians are a burden on their country's economy via welfare relief. A well run co-operative community needs no financial help whatever. The white man will no longer be hurt where it hurts the most, in the pocket book. Wouldn't that alone be an inducive persuasion to the white man to let go the captive Indians? There may be some broken down, brainwashed Indians, who because of fear and inferiority complex shall be afraid to go to Ganienkeh- at first.

The vanguard of strong, resolute men, women and children who shall establish the Indian State are traditionalists. They know their rights and are exercising it. The establishment of the Indian State gives the North American Indians an international personality and the right to establish foreign relations with other nations - all the rights mentioned above are guaranteed by the United Nations. Because of the nature of the movement, it is an international affair, not an internal matter.

The prospective members of the new Indian State shall be ready to use herbal preventative medicine, to keep sickness to a minimum (see Chief Smallboy's healthy camp). By following the above, the Independent North American State of Ganienkeh shall be free of the white man. For the protection of the rights, culture, customs and traditions of the Indian people who participate and join in the project, the following is proposed:

ARTICLES OF AGREEMENT BY THE NATIONS WITHIN THE INDEPENDENT NORTH AMERICAN INDIAN STATE OF GANIENKEH

PLEDGE OF ALLIANCE

Assembled this day on repossessed Mohawk land, representatives of various North American Indian Nations have come to agreements with the host Mohawk Nation in matters attending the establishment of the Independent North American Indian State of Ganienkeh on the said Mohawk Land and the assembled Indian Nations agreed on the following:

1. That the host Mohawk Nation was dispossessed of its land by unjust actions on the part of a foreign people and its repossession was a result of a joint effort of the above mentioned Indian Nations whose signatures appear below; therefore the said North American Indian Nations concerned shall share in equality the benefits, protection, privileges, resources, production and the government of the said Independent North American Indian State of Ganienkeh.
2. That the assembled North American Indian Nations do make, ordain and publish an ALLIANCE and take the Pledge on the Wampum that they shall forever defend and protect each nation in the Alliance and the Great Law of the Six Nations Iroquois Confederacy, mankind's first and greatest national constitution.
3. That the assembled Indian Nations shall implement the Co-operative economic system to run the Independent North American Indian State of Ganienkeh and that each member nation shall take a certain area to locate its co-operative communities and that every subject of the said Independent North American Indian State of Ganienkeh is a member of the co-op, with the right to an equal share of the production and to this end, every subject of the said Independent North American Indian State of Ganienkeh shall pledge to do his share of the work to so earn his share of the production.

4. That the assembled Indian Nations shall live off the land, grow food every available acre, keep livestock and preserve the environment.

5. That each member Nation continue to exercise its own customs and traditional Indian spiritual ceremonies and each member Nation shall permit the other members to adopt any spiritual ceremony if they so desire.

- - - - -

To make sure that the project succeeds in all its phases, it has been proposed that all traditional Indians joining and participating in the project take the pledge of allegiance to the Independent North American Indian State of Ganienkeh, while holding the string of sacred Pledge Wampum in hand and the following words to be used in taking the Pledge are hereby suggested:

"I,, do pledge on the Sacred Wampum that I shall support, defend and protect the Independent North American Indian State Ganienkeh. I accept the Great Law of the Six Nations Iroquois Confederacy as the Constitution of the Independent North American Indian State of Ganienkeh and do pledge to obey its laws and to defend it to the best of my ability. I do pledge to work in the interest of all the people of the Independent North American Indian State of Ganienkeh who are engaged in developing the Indian State into an example of proper, moral government and society. I accept the co-operative economic system as the most practical and worthy of the human state and do pledge to do my full share of the work to help in its success. I pledge to co-operate fully with others who are taking this Pledge of Allegiance to the end that the people of the Independent North American Indian State of Ganienkeh may realize fully their human rights and know peace and happiness."

MOHAWK CAMP

This area is part of the land under the legal and aboriginal title of the Mohawk Nation. We Mohawks have returned to our homeland. With the help of other traditional Indians, we shall make a home for any and all Indians who wish to live according to their own customs, culture and traditions.

Native nations all over the world have regained their lands. The U.S. restored Okinawa to Japan. We assume that this rendering of justice shall be extended to American Indians and that this land shall be restored to the Mohawks.

This CAMP is out to prove that the traditional Indians can live off the land without electricity, money, welfare relief or aid of any kind. White people are asked to help by not interfering. All we need is to be let alone and live in our own way.

All nations began with a camp.

Canvas signs at road entrances of camp.

Sign ends with a plea to let the Red man run his own life.

Any help from other nations, in the form of letters to the U.S. Government, appealing to its justice and to render the same to American Indians or through pressure by way of the United Nations shall be greatly appreciated.

The facts in the above GANIENTEH MANIFESTO were compiled by Louis Hall
Secretary-Caughnawaga Branch
Six Nations Confederacy

Internal Memorandum
re Ganienkeh



IN REPLY REFER TO:

Law Enforcement Services

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

✓
MAY 17 1974
① 101-2-100
②
H12
H.R.

16 MAY 1974

5/21
MEMORANDUM

To: Commissioner of Indian Affairs
Through: Acting Director, Office of Indian Services
From: ACTING Chief, Division of Law Enforcement Services
Subject: MILITANT INDIANS - NEW YORK STATE

This office received a telephone call from Colonel Cashman from the Military Support Office, Pentagon reporting that a group of approximately 100 militant Indians have occupied a place called Eagle Bay in New York State claiming land as a reservation. The group is led by a Tom J. Cook a Candian Indian and he has stated that they anticipate from 400 to 500 more Indians to join his group. It is also reported that the group is armed with long guns.

This office will transmit further information as received.

ACTING
Russell J. McClure
Chief, Division of Law Enforcement Services



Save Energy and You Serve America!





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Southeast Agencies .

May 17, 1974

File

Memorandum

To: Files

From: Joseph R. Gauthier, Community Services Officer

Subject: New York Indians - Camp In

Robert St. Arnold advised us by phone that a group of Indians are camping near Moose Lake, New York. The group is composed of mostly Mohawks from Canada. There may be several Oneida Indians in the group. They represent the White Roots of Peace from the Awkwesasne News and are claiming aboriginal title to the land.

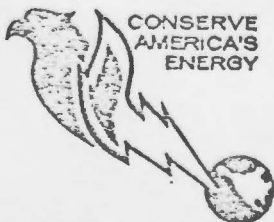
St. Arnold has been in touch with John Hathorn, Director of Indian Services, State of New York. He advised that there is a 3-day limit on camping without a permit. However, they will not enforce this requirement.

Hathorn is well informed on the situation and he will keep St. Arnold advised. St. Arnold will send us some newspaper articles relating to this situation.

Joseph R. Gauthier
Joseph R. Gauthier
Community Services Officer

*Harry - I advised opening shop
on this situation.*

JR



Save Energy and You Serve America!



Southeast Agencies

May 17, 1974

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(Sgd) Joseph R. Gauthier

Joseph R. Gauthier
Community Services Officer

cc: Surname Chrony 112 Mailroom
JRGauthier: lmb 5/17/74



July 29, 1974 Report
on Ganienkeh

MCC

Allen
Pennsylvania
17301

To Executive Office (Synder)

From Voluntary Service (Leatherman) *Paul/Leah*

Date July 29, 1974

Subject GANIENKEN INDIAN PROJECT

Memo

PURPOSE AND PLACE OF VISIT - In response to a request from Ka Kwi Ra Ke Ron channeled through Benton Rhoades of Agricultural Missions, Inc., visited a group of Indians camped on the 612 - acre Moss Lake site on Big Moose Road about two miles outside Eagle Bay, New York. Eagle Bay is approximately 60 miles north of Utica, New York on Route 28.

The purpose of the visit was to (1) gain additional information about the "new" Mohawk Nation, (2) ascertain if possible the authenticity of the group, (3) evaluate the extent and urgency of their needs and requests, (4) recommend appropriate action for MCC.

OTHER CONTACTS - In addition to the information forwarded by Benton Rhoades, we had noticed on page 19 of the June, 1974 issue of Akwesasne Notes, a short article indicating that about 50 persons from the Mohawk Nation had occupied and abandoned the Girl Scout Camp in the Adirondacks State Park.

For further background I called Louis Bruce, former commissioner of BIA and a Mohawk himself. He is presently co-director of the Coalition of Eastern Native Americans. He could give me no new information but suggested I call John Hathorn, Director of Indian Affairs for the State of New York, and/or Norman Hurd, Secretary to the Governor of New York.

John Hathorn was certainly aware of the situation although at present the state is taking a strictly hands-off policy. He reported there was no violence or consultation when a group of Indians occupied the area and there have been no incidents since. The Indians have been very careful not to disrupt the whites in the area. Prior to the take over the 612 - acre Moss Lake site was purchased by the State as public land and entrance by anyone was actually prohibited. The Indian occupation has actually disrupted private citizens in the area in any way. John Hathorn doubts if the Mohawk Nation actually has treaty rights to the land and he expects this to be tested in the courts at some future date. Since both the Federal and State governments are presently pursuing a "hands-off" policy, he recommended our response to their request should be based on our own investigation and conscience.

OTHER MENNONITE GROUPS - There are six Mennonite Church in the Croghan-Watertown area about 60 miles from this camp. Prior to the visit I called Richard Zehr who serves as Bishop for five of these six congregations. He expressed a keen interest in this group and accompanied me on this visit. Our observations and reactions to the visit were very similar.



DOCUMENTS AND NEWS ARTICLES - Attached to this memo are three sets of documents and news articles. (1) Ganienkeh Manifesto, (2) The Mohawk statement of the occupation of the Moss Lake area and solicitation for support, and (3) the series of news articles that appeared in The Observer-Dispatch, Utica, New York and the Syracuse News Times.

FINDINGS AND OBSERVATIONS -- Ka Kwi Ra Ke Ron and several chiefs met us on our arrival at the camp. The main entrance is secured by a gate and "Guard House". They immediately explained that the camp has maintained strict security allowing in only Mohawks and other traditional Indians who would be willing to live off the land and to live in accord with traditional spiritual beliefs. The press and all government persons have also been excluded. We were escorted into a meeting room just outside the camp gate to meet with some of the Clan Chiefs, Clan Mothers and other interested camp residence.

They reviewed for us the Ganienkeh Manifesto and stated their purpose in moving onto the land: "To build a nation of peace, that knows no hatred for any man; to be self-sufficient and ask no one to bear another's burden; to use nature's gifts with care and respect; to live by the laws of nature."

1. We were not invited into the camp itself and I doubt as non-Indians if we should ever expect that sort of invitation in light of their desire for complete self-determination.
2. In a meeting that was clearly planned for us, we were impressed with their clarity of purpose, their sincerity, and dedication. This could have been all staged, but we think not. Their story coincided in almost all details with our other contacts at the state house in Albany and with persons in the surrounding community.
3. They seem determined to become economically and culturally self-sufficient as soon as possible. They do not want things given to them which they can produce or purchase themselves.
 - a. Their immediate request was for food but they seemed uncertain about their ability to survive the coming winter without additional warm clothing and improved housing.
 - b. They asked for agricultural, logging, carpentry tools, and equipment to make maple syrup so they could begin producing their own food and care for themselves.
 - c. If the Mennonite community nearby would offer them hay or grain, they would like to help in the harvest and receive their pay in food rather than having the Mennonite haul things over and just give it to them.



4. Their approach is non-violate. They do not want consultation. They are avoiding using any private land or infringing on the freedom or rights of the whites in the area.
5. They allow no alcohol or drugs in the camp.
6. We do not know how many persons are living in this camp. In spite of our direct questions and several list direct probes this information was withheld and is a closely held secret for "security reasons" I can only speculate on the meaning of that term.
7. They are establishing a co-op system of economy where everyone shares alike both in the work and the wealth or lack of it.
8. They would appreciate an invitation to visit Hutterite community to see their economic system and organization.
9. Their camp has no electricity, telephone or running water. The Indians plan to keep it that way. They would appreciate an invitation to an Amish community to learn how to pump water without electricity and how to farm with horses rather than tractors.
10. Many of the Indians in the present group came from Quebec to escape an unhappy situation there.
11. Most of the Indians have come from homes in areas with modern equipments. A return to nature is new for them and they lack considerable experience. There will be some rough days ahead if they stick it out.
12. They hope eventually to establish a buffalo herd.
13. Several of their spokesman would be willing to go to individual churches to tell their story.
14. They plan to clear enough land to raise crops and become self-sufficient. They showed us their potatoe field which looked pretty good. Picking land in the Adirondacks to establish an agricultural economy raised many questions about their ultimate success in this venture.
15. Their goal is to become self-sufficient and live entirely off nature. When this group exceeds 100 to 200 people, they expect to begin another camp. It seems to me for them to become self-sufficient they will need to participate at least minimally in the dollar economic. They hope to avoid this.
16. They recognize that it will take 3 to 5 years to become self-sufficient and they will probably need outside help until then.

Other Indian nations are helping them, but not enough to avoid seeking help from MCC and other white organizations. They do not want to accept any government help such as welfare, food stamps, etc.

17. There is a "Walden II" philosophic and feeling as you visit this group.

REQUESTS - Their immediate requests are for food such as: potatoes, beans, flour, oil or lard, powdered milk, corn, and meat. They also requested medical supplies, but were not specific in this request. For the winter, especially for the children they need warm clothes, boots and rainwear. To establish themselves economically they reported a need for axes and garden tools, for strong agricultural equipment such as a disk, cultivator, drag, wagons, etc., a team of horses, the equipment to make maple syrup, fencing, dairy cattle and buffalo breeding stock, nails, roofing paper and capentry tools.

RECOMMENDATIONS - I'm recommending that MCC immediately send a large pickup load of food including potatoes, flour, lard or oil, beans, powdered milk and meat. There is some urgency for these items so I would hope this could be done quickly.

ADMINISTRATIVE PROCEDURES - Richard Zehr was very certain that his community would want to get involved with this group. They will not be able to respond immediately so he hoped MCC could bring the first load of food. In the meantime he will be searching for the farm equipment and other equipment which the Indians requested. Since they are close by it will be easier for them to haul this equipment over to the Indian community. He will continue to keep in touch with this group and contact me at MCC if there are additional needs which the locate Mennonite community feels should be met but they would not have the resources to do it.

We should send a copy of the list of food which we deliver to the Indian community to Richard Zehr so he is aware of all that we are doing. He would also appreciate copies of all correspondence regarding this situation so he can keep informed.

PL:lad

Attachment

cc: Richard Zehr
J. Benton Rhoades
Lawrence Hart
Ed Geers

Dictated but not read



November 11, 1794
Treaty

ARTICLE III.

~~Annual allowance
of goods.~~

~~The United States to evince their justice by amply compensating the said Cherokee nation of Indians for all relinquishments of land made either by the treaty of Hopewell upon the Keowee river, concluded on the twenty-eighth of November, one thousand seven hundred and eighty-five, or the aforesaid treaty made upon Holston river, on the second of July, one thousand seven hundred and ninety-one, do hereby stipulate, in lieu of all former sums to be paid annually to furnish the Cherokee Indians with goods suitable for their use, to the amount of five thousand dollars yearly.~~

ARTICLE IV.

~~For every horse
stolen, a sum to be
deducted from the
annuity.~~

~~And the said Cherokee nation, in order to evince the sincerity of their intentions in future, to prevent the practice of stealing horses, attended with the most pernicious consequences to the lives and peace of both parties, do hereby agree, that for every horse which shall be stolen from the white inhabitants by any Cherokee Indians, and not returned within three months, that the sum of fifty dollars shall be deducted from the said annuity of five thousand dollars.~~

ARTICLE V.

~~These articles in
addition to the treaty
of Holston.~~

~~The articles now stipulated will be considered as permanent additions to the treaty of Holston, as soon as they shall have been ratified by the President of the United States and the Senate of the United States.~~

~~In witness of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals in the city of Philadelphia, within the United States, this twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four.~~

H. Knox, Secretary of War,	[L. s.]	John McClemore, his x mark,	[L. s.]
Takakisskee, or Taken out of the		Walahoo, or the Humming Bird,	[L. s.]
Water, his x mark,	[L. s.]	Chuleowee, his x mark,	[L. s.]
Nontuaka, or the Northward, his x		Ustanaqua, his x mark,	[L. s.]
mark,	[L. s.]	Kullusathee, his x mark,	[L. s.]
Cinasaw, or the Cabin, his x mark,	[L. s.]	Siteaha, his x mark,	[L. s.]
Skyuka, his x mark,	[L. s.]	Keenaguna, or the Lying Fawn,	
Chuquilatague, or Double Head,		his x mark,	[L. s.]
his x mark,	[L. s.]	Chatakaelesa, or the Fowl Carrier,	[L. s.]

Done in presence of—

John Thompson,
Arthur Coodey, Interpreters,
Cantwell Jones, of Delaware.

William Wofford, of the State of Georgia.
W. McCaleb, of South Carolina.
Samuel Lewis, of Philadelphia.

TREATY WITH THE SIX NATIONS, 1794.

Nov. 11, 1794.

7 Stat., 44.
Proclamation, Jan.
21, 1795.

A Treaty between the United States of America, and the Tribes of Indians called the Six Nations.

The President of the United States having determined to hold a conference with the Six Nations of Indians, for the purpose of removing from their minds all causes of complaint, and establishing a firm and permanent friendship with them; and Timothy Pickering being appointed sole agent for that purpose; and the agent having met and conferred with the Sachems, Chiefs and Warriors of the Six Nations, in a general council: Now, in order to accomplish the good design of

this conference, the parties have agreed on the following articles; which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the Six Nations.

ARTICLE I.

Peace and friendship are hereby firmly established, and shall be perpetual, between the United States and the Six Nations. Peace and friendship perpetual.

ARTICLE II.

The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga Nations, in their respective treaties with the state of New-York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase. Certain lands secured to Indians.

ARTICLE III.

The land of the Seneka nation is bounded as follows: Beginning on Lake Ontario, at the north-west corner of the land they sold to Oliver Phelps, the line runs westerly along the lake, as far as O-yōng-wong-yeh Creek, at Johnson's Landing-place, about four miles eastward from the fort of Niagara; then southerly up that creek to its main fork, then straight to the main fork of Stedman's creek, which empties into the river Niagara, above fort Schlosser, and then onward, from that fork, continuing the same straight course, to that river; (this line, from the mouth of O-yōng-wong-yeh Creek to the river Niagara, above fort Schlosser, being the eastern boundary of a strip of land, extending from the same line to Niagara river, which the Seneka nation ceded to the King of Great-Britain, at a treaty held about thirty years ago, with Sir William Johnson;) then the line runs along the river Niagara to Lake Erie; then along Lake Erie to the north-east corner of a triangular piece of land which the United States conveyed to the state of Pennsylvania, as by the President's patent, dated the third day of March, 1792; then due south to the northern boundary of that state; then due east to the south-west corner of the land sold by the Seneka nation to Oliver Phelps; and then north and northerly, along Phelps's line, to the place of beginning on Lake Ontario. Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneka nation; and the United States will never claim the same, nor disturb the Seneka nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase. Boundary of lands belonging to the Seneka nation.

ARTICLE IV.

The United States having thus described and acknowledged what lands belong to the Oneidas, Onondagas, Cayugas and Senekas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations, or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: Now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use and enjoyment thereof. Six nations never to claim other lands in the United States.



ARTICLE V.

Right to make and
use a road granted.

The Seneka nation, all others of the Six Nations concurring, cede to the United States the right of making a wagon road from Fort Schlosser to Lake Erie, as far south as Buffalo Creek; and the people of the United States shall have the free and undisturbed use of this road, for the purposes of travelling and transportation. And the Six Nations, and each of them, will forever allow to the people of the United States, a free passage through their lands, and the free use of the harbors and rivers adjoining and within their respective tracts of land, for the passing and securing of vessels and boats, and liberty to land their cargoes where necessary for their safety.

ARTICLE VI.

Present and annu-
ity.

In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity and kindness, to contribute to their comfortable support; and to render the peace and friendship hereby established, strong and perpetual; the United States now deliver to the Six Nations, and the Indians of the other nations residing among and united with them, a quantity of goods of the value of ten thousand dollars. And for the same considerations, and with a view to promote the future welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of three thousand dollars to the one thousand five hundred dollars, heretofore allowed them by an article ratified by the President, on the twenty-third day of April, 1792;^a making in the whole, four thousand five hundred dollars; which shall be expended yearly forever, in purchasing clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them, and be employed for their benefit. The immediate application of the whole annual allowance now stipulated, to be made by the superintendent appointed by the President for the affairs of the Six Nations, and their Indian friends aforesaid.

ARTICLE VII.

Retaliation re-
strained.

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.

NOTE. It is clearly understood by the parties to this treaty, that the annuity stipulated in the sixth article, is to be applied to the benefit of such of the Six Nations and of their Indian friends united with them as aforesaid, as do or shall reside within the boundaries of the United States: For the United States do not interfere with nations, tribes or families, of Indians elsewhere resident.

^a It appears that this treaty was never ratified by the Senate. See American State Papers, Indian Affairs, vol. 1, p. 232. Also, post 1927.



In witness whereof, the said Timothy Pickering, and the sachems and war chiefs of the said Six Nations, have hereto set their hands and seals.

Done at Konondaigna, in the State of New York, the eleventh day of November, in the year one thousand seven hundred and ninety-four.

Timothy Pickering,	[L. S.]	Tauhoondos, his x mark, or Open	
Onoyeahnee, his x mark,	[L. S.]	the Way,	[L. S.]
Konneatorteeooh, his x mark, or		Twankewasha, his x mark,	[L. S.]
Handsome Lake,	[L. S.]	Sequidongquee, his x mark, alias	
Tokenhyouhau, his x mark, alias		Little Beard,	[L. S.]
Captain Key,	[L. S.]	Kodjeote, his x mark, or Half	
Oneshauuee, his x mark,	[L. S.]	Town,	[L. S.]
Hendrick Aupaunut,	[L. S.]	Kenjauangus, his x mark, or	
David Neesoonhuk, his x mark,	[L. S.]	Stinking Fish,	[L. S.]
Kanatsoyh, alias Nicholas Kusik,	[L. S.]	Soonohquaukan, his x mark,	[L. S.]
Sohhontequent, his x mark,	[L. S.]	Twenniyana, his x mark,	[L. S.]
Ooduhstait, his x mark,	[L. S.]	Jishkaaga, his x mark, or Green	
Konooqhung, his x mark,	[L. S.]	Grasshopper, alias Little Billy,	[L. S.]
Tossongaulolus, his x mark,	[L. S.]	Tuggehshotta, his x mark,	[L. S.]
John Skenendoa, his x mark,	[L. S.]	Tehongyagauna, his x mark,	[L. S.]
Oneatorleeooh, his x mark,	[L. S.]	Tehongyooowush, his x mark,	[L. S.]
Kussauwatau, his x mark,	[L. S.]	Konneyoowesot, his x mark,	[L. S.]
Eyootenyootauook, his x mark,	[L. S.]	Tioohquottakauna, his x mark, or	
Kohnyeaugong, his x mark, alias		Woods on Fire,	[L. S.]
Jake Stroud,	[L. S.]	Taoundaudeesh, his x mark,	[L. S.]
Shaguiesa, his x mark,	[L. S.]	Honayawus, his x mark, alias	
Teeroos, his x mark, alias Captain		Farmer's Brother,	[L. S.]
Prantup,	[L. S.]	Soggoovawauthau, his x mark,	
Sooshaowau, his x mark,	[L. S.]	alias Red Jacket,	[L. S.]
Henry Young Brant, his x mark,	[L. S.]	Konyootiyoo, his x mark,	[L. S.]
Sonhyoowanna, his x mark, or Big		Sahtakaongyees, his x mark, or	
Sky,	[L. S.]	Two Skies of a length,	[L. S.]
Onaahhah, his x mark,	[L. S.]	Ounnashattakau, his x mark,	[L. S.]
Hotosahenh, his x mark,	[L. S.]	Kaungyanehquee, his x mark,	[L. S.]
Kaukondaniya, his x mark,	[L. S.]	Sooyooowau, his x mark,	[L. S.]
Nondiyauka, his x mark,	[L. S.]	Kaujeagaonh, his x mark, or Heap	
Kossishtowan, his x mark,	[L. S.]	of Dogs,	[L. S.]
Oojaugenta, his x mark, or Fish		Soonooohshoowau, his x mark,	[L. S.]
Carrier,	[L. S.]	Thaoowaunias, his x mark,	[L. S.]
Toheonggo, his x mark,	[L. S.]	Soonongjoowau, his x mark,	[L. S.]
Ootaguasso, his x mark,	[L. S.]	Kiantwhauka, his x mark, alias	
Joonondauwaonch, his x mark,	[L. S.]	Cornplanter,	[L. S.]
Kiyauhaonh, his x mark,	[L. S.]	Kaunehshonggoo, his x mark,	[L. S.]
Ootaujeaugenh, his x mark, or			
Broken Axe,	[L. S.]		

Witnesses:

Israel Chapin.	Israel Chapin, Jr.
William Shepard, jr.	Horatio Jones,
James Smedley.	Joseph Smith,
John Wickham.	Jasper Parish,
Augustus Porter.	Interpreters.
James K. Garnsey.	Henry Abeele.
William Ewing.	

~~TREATY WITH THE ONEIDA, ETC., 1794.~~

~~A treaty between the United States and the Oneida, Tuscorora and Stockbridge Indians, dwelling in the Country of the Oneidas.~~

Dec. 2, 1794.

7 Stat., 47.
Proclamation, Jan.
21, 1795.

~~WHEREAS, in the late war between Great Britain and the United States of America, a body of the Oneida and Tuscorora and the Stockbridge Indians, adhered faithfully to the United States, and assisted them with their warriors; and in consequence of this adherence and assistance, the Oneidas and Tuscororas, at an unfortunate period of the war, were driven from their homes, and their houses were burnt and their property destroyed: And as the United States in the time of~~



Act of July 2, 1948

[CHAPTER 809]

AN ACT

July 2, 1948

[S. 1623]

[Public Law 881]

To confer jurisdiction on the State of New York with respect to offenses committed on Indian reservations within such State.

Indian reservations,
N. Y.
Jurisdiction over of-
fenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of New York shall have jurisdiction over offenses committed by or against Indians on Indian reservations within the State of New York to the same extent as the courts of the State have jurisdiction over offenses committed elsewhere within the State as defined by the laws of the State: *Provided,* That nothing contained in this Act shall be construed to deprive any Indian tribe, band, or community, or members thereof, hunting and fishing rights as guaranteed them by agreement, treaty, or custom, nor require them to obtain State fish and game licenses for the exercise of such rights.

Approved July 2, 1948.



Act of
September 13, 1950

CHAPTER 947]

AN ACT

To confer jurisdiction on the courts of the State of New York with respect to civil actions between Indians or to which Indians are parties.

September 13, 1960
[S. 192]
[Public Law 785]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the courts of the State of New York under the laws of such State shall have jurisdiction in civil actions and proceedings between Indians or between one or more Indians and any other person or persons to the same extent as the courts of the State shall have jurisdiction in other civil actions and proceedings, as now or hereafter defined by the laws of such State: *Provided*, That the governing body of any recognized tribe of Indians in the State of New York shall have the right to declare, by appropriate enactment prior to the effective date of this Act, those tribal laws and customs which they desire to preserve, which, on certification to the Secretary of the Interior by the governing body of such tribe shall be published in the Federal Register and thereafter shall govern in all civil cases involving reservation Indians when the subject matter of such tribal laws and customs is involved or at issue, but nothing herein contained shall be construed to prevent such courts from recognizing and giving effect to any tribal law or custom which may be proven to the satisfaction of such courts: *Provided further*, That nothing in this Act shall be construed to require any such tribe or the members thereof to obtain fish and game licenses from the State of New York for the exercise of any hunting and fishing rights provided for such Indians under any agreement, treaty, or custom: *Provided further*, That nothing herein contained shall be construed as subjecting the lands within any Indian reservation in the State of New York to taxation for State or local purposes, nor as subjecting any such lands, or any Federal or State annuity in favor of Indians or Indian tribes, to execution on any judgment rendered in the State courts, except in the enforcement of a judgment in a suit by one tribal member against another in the matter of the use or possession of land: *And provided further*, That nothing herein contained shall be construed as authorizing the alienation from any Indian nation, tribe, or band of Indians of any lands within any Indian reservation in the State of New York: *Provided further*, That nothing herein contained shall be construed as conferring jurisdiction on the courts of the State of New York or making applicable the laws of the State of New York in civil actions involving Indian lands or claims with

Civil actions, etc.,
between Indians.
Jurisdiction of
N. Y. Courts.

Preservation of tri-
bal laws, etc.

Fish and game li-
censes.

Nontaxability of
lands within reserva-
tion, etc.



846:

PUBLIC LAWS—CHS. 947, 948—SEPT. 13, 1950 [61 STAT.]

respect thereto which relate to transactions or events transpiring prior to the effective date of this Act.

Effective date.

SEC. 2. This Act shall take effect two years after the date of its passage.

Approved September 13, 1950.



Correspondence
re Ganienkeh



UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN /
WASHINGTON, D. C.

NOV 22 1974

FILE COPY
SURNAME:

Mr Jones
Mr Miller

Mr Jones 11/22
Mr Miller 11/22

IN REPLY REFER TO:

11
25

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



Save Energy and You Serve America!



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,

(Sgd) Morris Thompson

Commissioner of Indian
Affairs

Secretary's Files
BIA Surname File
Commissioner of Indian Affairs
BIA Control Office
BIA Mailroom File
SOL/Docket Files
SOL/DEJones
Indian Civil Rights Task Force
TJAlston Files
SOL/DIA Reading File
SOL/Hold Copy
DEJones:ta 11/22/74

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 Nations 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, 1977.



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 Gaiankeh
Council Fire
Eagle Bay, New York 13331

NEROSS/ee

cc: White House Files



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.

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-

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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



GANIENKHEH
INDEPENDENT NORTH AMERICAN INDIAN STATE

December 2, 1977

Mr. Morgan B. Ross, Jr.
Assistant Director
Domestic Council
THE WHITE HOUSE
Washington, D.C.

Sekkon,

Acknowledge receipt of your letter dated Nov. 27, 1974, which contradicts the letter received by the Six Nations Confederacy from Mr. Morris Thompson, Commissioner of the Bureau of Indian Affairs, Department of the Interior, acting for the Office of the President.

Firstly, your office "Domestic Council" suggests internal matter which this dispute is not. As it concerns a treaty between two nations, it is an international matter which cannot be decided in the courts of one of the nations involved.

Your letter emphasizes the last sentence of Article VII of the 1794 Treaty: "until the legislature (or great council) of the United States shall make other equitable provision for the purpose."

The Six Nations Confederacy at the Grand Council held November 23-24, 1974, was very strong on the insistence that only the procedure set forth in Article VII of the Treaty is acceptable to resolve the dispute. Commissioner Thompson, acting for the President of the United States, decided to abide by Article VII of the Treaty, but put in a word for New York State courts via a 1948 Congress Act giving jurisdiction to New York State in matters of crimes committed on Indian reserves. The United States, through its commissioner, felt that criminal jurisdiction by New York fulfilled the "equitable provision" of Article VII of the 1794 Treaty. As two parties are involved in the Treaty the "equitable provision" has to benefit both parties. The two parties have to agree and the Six Nations Confederacy is not about to jeopardize and nullify its 1000 years old sovereignty and nationhood by agreeing to come under the New York State criminal jurisdiction. The United States' interpretation of "equitable provision" was, of course, turned down in the reply to the "President's Complaint". The Congressional equitable provision does not benefit the Six Nations Confederacy and since the Confederacy was not consulted in the matter of making provisions, it is illegal for the other party of the Treaty to presume authority.

The Complaint to the U.S. President by the Grand Council of the Six Nations Confederacy very logically recommended that the Mohawk Nation was competent to investigate the Complaint of the United States, in the matter of the "shooting incidents", and urged the U.S. authorities to investigate the U.S. citizens who, on 11 occasions, shot up the Indian camp. After the investigations, the dispute would be settled by negotiations between the United States and the Six Nations Confederacy. No nation signing a treaty has the right to put the other nation on a reservation. GANIENKHEH is a territory of the Mohawk Nation, not a reservation where the New York State presumes to have jurisdiction.

Copies of this letter and of your letter dated November 27, are being forwarded to the Ambassadors of the world seated at the United Nations.

SIGNED: *Louis Hall*
SECRETARY - GANIENKHEH COUNCIL FIELD

Information sheet -
Ganienkeh - December 1, 1974

GANIENTEH INFORMATION SHEET DECEMBER 1, 1974

On May 13, 1974, citizens of the Mohawk Nation repossessed their ancestral lands in the Adirondack Mountains. The group have initially occupied what was formerly the Moss Lake Girls Camp. The camp, and its property were purchased in 1973, by New York State, for a report \$783,000. The primary political motivation for the repossession is a 1797 New York State Treaty. This treaty was negotiated with Joseph Brant, and sold 18 million acres for \$1,000 and \$500 in travelling expenses. The Mohawk Nation points out that Joseph Brant held no official position in the Mohawk Nation, and was recognized by New York because he was a Captain in the British Army.

Other motivations for the move go much deeper than the illegal sale of lands. Present day conditions on reservations of alcohol, suicide, infant mortality, etc. are the stronger motivations for this move. The people have come to Ganienkeh to change these conditions. They came to leave behind the internal pressures that all traditional people face. Here they plan to create a place where they can follow the Creator's instructions, as they were given to the Redman. The Iroquois' Great Law of Peace is the guideline by which this creation will happen. The Treaties of 1784, and 1794 are the guidelines by which Ganienkeh will interact with the U.S. and its citizens.

The pressures they now face are rooted in 200 years of U.S. Indian relations. The pressure now comes from non-Indian stereotyping, cultural intolerance and political repression. Since May 13, there have been 11 incidents of non-Indians shooting at the camp area. This situation boiled over on October 28. At approximately 5:15 p.m., on October 28, people believed to be U.S. citizens fired three shots at the Ganienkeh gate area, and then sped off in the direction of Big Moose. At this time Ganienkeh security did not fire back; instead they phoned New York State Police and Town of Webb Supervisor Boylan about the incident. The same car returned about one hour later and again fired several shots at the gate area. At this time Ganienkeh security did return fire and wounded Stephen Drake of Inlet, New York. There was no State Police response during this period of time. At approximately 8:15 a second car came from the direction of Big Moose. This car reportedly fired two small caliber and one large caliber rounds at the gate area. Ganienkeh security again returned fire and this resulted in the wounding of Aprile Madigan, of Geneva, New York. State Police response came at 8:45, with the immediate establishment of road blocks, and a high increase of troopers in the area.

The New York State Police immediately tried to assert thier jurisdiction over the incidents. They were informed that they did not have jurisdiction because of Article VII of the 1794 Treaty. Article VII reads as follows: "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 persons appointed by the President, to the principal chiefs of the Six Nations

tations, 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."

Negotiations have been occurring between Major Robert Charland, of the New York State Police, and negotiators for Ganienkeh. These negotiations have centered on Article VII and its ultimate application to the incidents. Confusion of the issue has come in several forms. Confusion first arose over two U.S. Congressional Acts. These Acts which became 25 United States Code (U.S.C.) 232 and 233, conferred civil and criminal jurisdiction over Indians on reservations, to the state of New York in 1948 and 1950. Both of these Acts were rejected by the Six Nations as "equitable provision" for two main reasons; 1) the Six Nations were not consulted as to the feasibility of such acts and 2) the Six Nations could never allow another man's government to have jurisdiction to their lives. Because of this confusion, Herkimer County D.A. Henry Blumberg, has been pressuring for the assertion of state jurisdiction. Also adding confusion is a group known as Concerned People of the Central Adirondacks (CCPCA). This group, made up of mostly hotel, motel and bar owners, has been pressuring for the state to evict the people at Ganienkeh. They also feel that the Mohawk Nation is claiming all the lands in the Adirondacks. The Mohawk Nation is only laying claim to the lands owned by the State of New York, and not the privately held lands.

On November 11, the Mohawk Nation sent an informal complaint to President Ford. The complaint letter asked that the President take steps to relieve these confusing pressures and make a stand on the validity of the 1794 Treaty. Shortly after, D.A. Blumberg also sent a letter to President Ford asking for clarification of the 1794 Treaty.

On November 22, the Six Nations received a letter from Commissioner Morris Thompson, of the Bureau of Indian Affairs (B.I.A.). His letter lodged a formal complaint to the Six Nations over the wounding of Stephen Drake and Aprille Madigan. This letter also stated that Article VII was in full affect because Ganienkeh is not a reservation, and the terms of the Treaty have to be followed. He also recommended that the State continue their investigation and that a joint commission be formed for the futherance of this investigation.

On November 23, the Six Nations lodged a 11 point formal complaint, with the President on behalf of Ganienkeh, and an additional complaint on behalf of the Onondaga Nation involving anti-treaty actions by New York State. The Six Nations also pointed out that they were fully competent to investigate the shooting incidents, and would make their findings known so "prudent measures" could then be followed to obtain an equitable justice for all parties.

On November 27, a contradicting letter came from the White House. This letter, signed by Norman Ross Jr. Director of the Domestic Council, gives New York jurisdiction according to 25 U.S.C. 232 and 233. This letter states that these Acts supercede Article VII. A strong letter of rebuttal has been sent by the Mohawk Nation, with copies of both letters going to the various ambassadors at the United Nations. Negotiators are attempting to open up communications with Washington to get this contradiction cleared up.

Two New York State legislators, James H. Donovan and William Sears have also gotten into the picture. Assemblyman Sears is calling for the eviction of the Ganienkeh people. Mr. Donovan is circulating a questionnaire on which question 28 reads, "Should the state forcibly remove the Indians at Little Moss Lake?" The Mohawk Nation negotiators have sent letters to these men pointing out that the present situations are to be handled at a Nation to Nation level. The letters also point out that the Mohawk Nation will view their continued efforts as treaty violations.

These are the facts as of the above date, for further information contact: Ganienkeh

via: Eagle Bay, New York (315)357-9721
13331

or

Mike Myers
Onondaga Nation
via: P.O. Box 9
Medrow, New York
13120

(315)469-7486

Concerned people can help Ganienkeh by writing to the following persons:

William Sears
State Assembly
Albany, New York

James Donovan
State Senate
Albany, New York

Jacob Javits
Old Senate Building
Washington, D.C.

James Abourezk
New Senate Building
Washington, D.C.

Lt. Gov. Mary Anne Krupsak
Shaper Avenue Ert.
Canajoharie, New York 11317

Donald J. Mitchell
House of Representatives
Washington D.C.

Elizabeth Holtzman
House of Representatives
Washington, D.C.

Shirley Chisholm
House of Representatives
Washington, D.C.

Bella Abzug
House of Representatives
Washington, D.C.

President Gerald Ford

Sincerely yours

Mike Myers
Negotiator, Ganienkeh



THE WHITE HOUSE
WASHINGTON

12/17

TO: NORM ROSS

FROM: GEOFF SHEPARD

FYI XX

COMMENT _____

File
Eagle BA

December 17, 1974

MEMORANDUM FOR JIM HUTCHINSON

SUBJECT: Attached Correspondence from Henry
Blumberg, District Attorney, New York

Per our telephone conversation, you will have U. S. Attorney James Sullivan of New York answer this letter on Norm Ross' behalf as soon as physically possible, sending both Norm and myself a copy of the response.

Sullivan should offer to meet with Henry Blumberg up there and make it clear that a meeting with Norm Ross of this staff is out of the question. As we discussed before Sullivan is a Presidential appointee and is representing the interest of the U. S. Government in this case.

Geoff Shepard





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

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



12/16



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

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





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

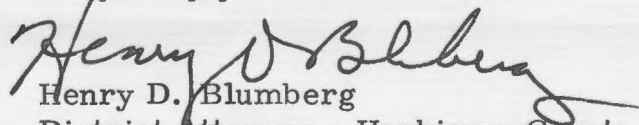
ADDRESS ANSWER TO THE
DISTRICT ATTORNEY, ATTENTION
OF THE SIGNER OF THIS LETTER

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.



THE WHITE HOUSE OFFICE

REFERRAL

To: Honorable Morris Thompson
Commissioner
Bureau of Indian Affairs, Dept. of the Interior

Date: January 7, 1975

Handwritten:
F.I.C.
Ind: no
New York

ACTION REQUESTED

9321

- ☒ 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:

** per teleconversation w/ Ross office
1/13/75 - answer direct furnish Ross w/ copy*

Description:

☒ Letter: _____ Telegram: _____ Other: _____

To: Norman E. Ross, Jr.

From: William J. Davis, Office of Social Ministries, Jesuit Conference

Date: December 11, 1974

Subject: Indian situation at Eagle Bay, New York State -- he would like to urge three party negotiation -- State, Federal and Six Nation representatives meeting together, rather than show force

By direction of the President:

Norman E. Ross
Norman E. Ross, Jr.

Assistant Director, Domestic Council

R/p
456-6554

(Copy to remain with correspondence)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO:

Eastern Area
BCCO #9321

Mr. William J. Davis, S.J.
Director, Office of Social Ministries
Jesuit Conference
1717 Massachusetts Avenue, N.W.
Washington, D.C. 20036

JAN 14 1975

Dear Mr. Davis:

Your letter of December 11, 1974, to Mr. Norman E. Ross, Assistant Director, Domestic Council, concerning the occupation of the former girls camp at Moss Lake and the alleged shooting incidents at the site, has been forwarded to this office for reply.

While it may be asserted by the occupants of the campsite that the land claimed is either Indian land or territory of the Mohawk Nation, the United States does not consider it an Indian reservation or Indian land. Article VII of the Treaty of Canandaigua of November 11, 1794, 7 Stat. 44, makes provision for maintaining the peace "until Congress shall make other equitable provision for the purpose." Subsequent federal statutes confer jurisdiction on the courts of the State of New York in criminal matters arising on reservation lands, 25 U.S.C. §232, and in civil disputes involving Indians, 25 U.S.C. §233. We believe, apart from the treaty and statutes, that the State has always had the power to enforce its laws in those areas of the state outside Indian reservations, regardless of whether the persons involved are Indian or not.

Since violations of state criminal law have allegedly occurred in several shooting incidents at the site, it is at this time a matter for state officials to handle.

We are, of course, concerned and it is our hope that the State of New York can, with the participation and cooperation of the representatives of the Indian people at the campsite, peacefully resolve this matter and that all legal rights of persons affected will be protected.

Sincerely yours,

Morris Thompson
Commissioner of Indian Affairs



Save Energy and You Serve America!

THE WHITE HOUSE OFFICE

REFERRAL

To: **Honorable Morris Thompson**
Commissioner
Bureau of Indian Affairs, Dept. of the Interior

Date: **January 7, 1975**

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:

Description:

☒ Letter: ☐ Telegram: Other:

To: **Norman E. Ross, Jr.**

From: **William J. Davis, Office of Social Ministries, Jesuit Conference**

Date: **December 11, 1974**

Subject: **Indian situation at Eagle Bay, New York State - he would like to urge three party negotiation -- State, Federal and Six Nation representatives meeting together, rather than show force**

By direction of the President:

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

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(White House Suspense Copy)