

EXHIBIT M

What land in New York was taken from the Indians by conquest? How much land did they sell that they had a right to sell? Did an Indian ever have fee to the land? These are only a few of the questions that must be answered before the ownership on millions of acres in the state can be determined positively. Thriving cities, flourishing villages and fertile farms occupy territory in dispute, and there are comparatively few portions of the state where no question regarding the Indians' rights can be raised.

Learned judges and high courts have grappled with the problem, but have not solved it. One famous decision regarding the rights and status of the Indian contains three declarations in as many consecutive lines which skillful attorneys are unable to reconcile. They are:

"The Indian is an alien."

"He has never disposed of his right of self-government."

"He is a ward of the United States."

Three-quarters of a century ago, Daniel Webster said that an Indian could not be naturalized because he could not comply with the constitutional requirement that he relinquish his allegiance to his country. According to Webster, an Indian was a man without a country and without a government.

Today there are more than 6,000 Indians living on seven reservations in the state. They administer their own affairs in minor matters through courts organized by themselves. The state authorities seldom interfere with them except to punish some offender who has violated the laws of the state.

Syracuse Journal, p. 7
* *
February 10, 1922—"Says City Land is Owned by Indians—Everett Would Give Them 6,000,000 Acres—Decision Will Be Resisted—All Members of Commission Will Not Sign Report Which Gives Six Nations Title to Lands, Part of Which Lies in Syracuse and Buffalo" [2-9]

Findings by Assemblyman Edward A. Everett of St. Lawrence, chairman of the New York State Indian Commission, which holds that the Six Nations of Indians residing within New York state have title to lands estimated at 6,000,000 acres and valued at approximately \$2,500,000,000 are being mailed to tribal chiefs throughout the state. This was made plain Thursday night by Mr. Everett, who declared that he feared his report will not be signed by a majority of the members of the commission.

"In a skeleton of my report, which I have just mailed," said Mr. Everett, "I hold that the Indians have title to all lands of the state that constituted reservations ceded to them at Washington at the conclusion of the revolutionary war.

"It is my belief that the claims of the Indians cloud the present title of lands within a line running straight south from Oswego to a point in the center of the state of Pennsylvania, west to Ohio, up the Ohio line to Lake Erie and back to Oswego. Parts of this land lies within the cities of Syracuse, Oneida, Buffalo and Lockport."

In a letter to the Six Nations, Mr. Everett suggested that the Indians formulate no claims to the land in the state until after a meeting at Albany which has been called for Friday, February 24.

Mr. Everett declared that the only members of his commission who he knew would be likely to favor his conclusions were Dr. Arthur Parker of the state museum and David Hill, chief of the Onondaga tribe. Other members of the commission whom Mr.

EXHIBIT N

It may be interesting to know that the present gathering of Indians is composed of what members of the New York State Indian Welfare Society would call unprogressive Indians. It is a strange thing that the progressives of the State have not been heard from. Earl E. Bates, Arthur C. Parker, the Rev. Louis Bruce, Chief Mose White, Chief "Nick" Billy and a host of other progressive Indians living in New York State and Indians who are highly educated in all matters pertaining to Indian problems are not evidence, in fact the New York State Indian Welfare Society this year is chiefly conspicuous by its absence.

Herald, p. 18
* * **January 22, 1924**—"Indians Remain Silent on Land Claim Session—We Are Working on Tremendous Problem, All Woman Leader Will Say—Seek Billions in Land—Insist Original Home of Iroquois Rightfully Belonged to Them" [2-10]

Tribesmen from each of the Six Nations included in the Iroquois Confederacy gathered in the Longhouse of the Onondagas, "Keepers of the Fire," at one o'clock for the second secret session of the conference which opened yesterday.

Leaders, admitting the importance of the meeting and of the action which may be taken before its close, maintain the attitude of secrecy which was announced as the policy of the gathering, at the opening session yesterday afternoon.

Mrs. Laura Cornelius Kellogg, prominent Indian leader, known as "The Fighting Squaw" through her varied activities in the interests of her race, who represent the Wisconsin Oneidas of Green Bay, Wis., said this morning it would be impossible to tell the outcome of the assembly. "We are working on a tremendous problem," she said at the Onondaga before going to the Reservation for the conference, "none can anticipate its outcome. We are hoping before the close of the session, which will probably last two days more, to reach an agreement as to a plan of action."

Beyond admitting that the "tremendous problem" is the claim of the Indians to billions of dollars worth of land and the way by which this immense wealth may be regained for the remaining tribesmen of the Six Nations, none of the leaders in the conference would discuss it in any way, keeping the bond of silence as only an Indian can keep it.

The Indian claim is the outgrowth of a report made by the Indian Commission, headed by Assemblyman Edward M. Everett, Potsdam, appointed by the New York State Assembly to determine the status of the Empire State Indians, which stated that several billions of dollars worth of land in New York State, the original home of the Iroquois, rightfully belonged to the Indians.

Syracuse Journal, p. 15
* * **January 30, 1924**—"Opponents of Indian Claims Voted Traitors—Resolution Passed Condemning Enemies Spreading Propaganda—Differences Settled—Six Nations Make Progress in Creating Closer Relations of Tribes" [2-11]

After adopting a resolution which characterized as traitors all members of tribes of the Six Nations making up the Iroquois Confederacy, who has aided in spreading propaganda against the land claims of the confederacy, the council which been in session for ten days at Onondaga Reservation long house, adjourned Tuesday night.

EXHIBIT O

SUIT FOR LANDS

June 24 '24
Chiefs of Six Nations Prepare for \$500,000,000 Action.

Contracts with lawyers to start suit against the State of New York for approximately \$500,000,000 were signed Tuesday morning by the chiefs representing the Six Nations of the Iroquois at the Onondaga Reservation and the contract sent to the Department of Indian Affairs at Washington for ratification.

Carl E. Whitney of the New York law firm of Wise, Whitney & Parker, and E. A. Everett of Potsdam, former assemblyman and chairman of the New York State Indian Claims Commission, were engaged as counsel to present the claims. Their appointment must be confirmed at Washington, due to a Federal law requiring all counsel in Indian claims to have the approval of the Indian department.

The suit charges the State of New York with obtaining from the Indians valuable lands in Central and Western New York in violation of the treaty between the United States Government and the central government of the Six Nations.

In the presentation of their claims they will work jointly with a band of St. Regis Indians who have been at the reservation for the past few days and have exercised influence in getting a final unanimous decision to sue.

Denies Calling Election.

The action of the Iroquois was made unanimous Tuesday morning by Sachem Chief Andrew Gibson's, of the Onondagas, giving it his approval. At the same time chief Gibson denied the printed statements, purporting to have come from him, to the effect that he would call a meeting of the Six Nations in October to elect a successor to Head Chief George Thomas.

Chief Gibson charged that this statement was made by outside interests who were seeking to influence the Six Nations and also to stir up friction between Head Chief Thomas and himself. If necessary, he said that he would appeal to the United States government to protect the interests of the Indians, claiming that they were guaranteed this protection under the treaty of 1784.

An indication of the feeling that has been caused by misrepresentation of conditions manifested itself when, during the course of argument, Chief Joseph Johnson of the New York Oneidas was invited outside to fight by Albert Shenendoah of the same reservation. Chief Johnson accepts the invitation but the men were separated by visiting chiefs before they came to blows.

Harmony was soon restored and several visiting chiefs congratulated Head Chief Thomas and Mrs. Laura C. Kellogg of the Oneidas of Wisconsin for bringing the Iroquois closer together as a nation than has existed since the advent of the white man.

The final session of the convention was taken up with routine matters and adjournment was taken, sub-

Syracuse
 11-107
 WHITE MAN'S legal talent from New York city will match wits with native redskin shrewdness today when the council of Onondaga Indian chiefs assemble in the longhouse at the reservation to listen to arguments of lawyers on the proposed suit of the Iroquois confederacy to bring action in federal courts against New York state in an effort to regain lands with which Indians have parted generations ago.

Would Hurt Resources.

Onondaga chiefs and tribesmen, with the exception of former Head Chief George Thomas and Chief Livingston Crouse, are against starting a legal battle against the government, their opposition stimulated because the proposed suit would make a heavy demand upon the financial resources of the tribe. In view of advice given them by authorities that their chances of winning the suit are remote, the Onondagas are reluctant to enter upon a "chase of the winds," as some of their chiefs say.

Long Standing Controversy.

That, the entire movement to recover the vast areas of land in Central New York and other parts of the state may blow up today is a possibility foreseen even by those exerting pressure upon the Onondagas to join in the legal fray. The contro-

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Syracuse Journal,
July 8, 1924, p 6

Indian Engage
Council in Great

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Syracuse
Post-Standard, July 7, 1924, 107
p 7

Ind. Battle Today on Suing Govt - Palifac Legal
Talent Will Oppose Redskin Arguments in
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EXHIBIT R

**SURVEY OF CONDITIONS OF THE INDIANS
IN THE UNITED STATES**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF
THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

SEVENTY-FIRST CONGRESS

SECOND SESSION

PURSUANT TO

S. Res. 79 (70th Cong.)

A RESOLUTION DIRECTING THE COMMITTEE ON INDIAN
AFFAIRS OF THE UNITED STATES SENATE TO MAKE
A GENERAL SURVEY OF THE CONDITION OF
THE INDIANS OF THE UNITED STATES

S. Res. 308 (70th Cong.)

CONTINUING UNTIL THE END OF THE FIRST REGULAR
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OF THE SEVENTY-FIRST CONGRESS SENATE RESOLU-
TION NUMBERED 79 AUTHORIZING A GENERAL
SURVEY OF INDIAN CONDITIONS.

NEW YORK INDIANS

PART 12

MARCH 1, NOVEMBER 25-26, 1929
JANUARY 3, 1930

Printed for the use of the Committee on Indian Affairs

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1931

SENATE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE ON INDIAN AFFAIRS

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SUBCOMMITTEE ON SENATE RESOLUTION 79

LYNN J. FRAZIER, North Dakota, *Chairman*

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SURVEY OF CONDITIONS OF THE INDIANS IN THE UNITED STATES

FRIDAY, MARCH 1, 1929

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The subcommittee met, pursuant to the call of the chairman, at 10 o'clock a. m., in the room of the committee in the Senate Office Building, Senator Lynn J. Frazier presiding.

Present, Senators Frazier (chairman), Pine, Wheeler, and Thomas of Oklahoma.

The CHAIRMAN. The hearing will come to order. This hearing was called especially to hear, or at least at the request of, Mr. and Mrs. Kellogg, from New York State. They have been down here for some time, and have insisted on a hearing, and we are glad to give them a hearing; but this is called at their request, and especially for the purpose of hearing them and some other witnesses that they have here. The first witness on this list I have is Mrs. Laura C. Kellogg.

TESTIMONY OF MRS. LAURA CORNELIUS KELLOGG

(The witness was sworn by the chairman.)

The CHAIRMAN. Kindly give your full name and address to the reporter.

Mrs. KELLOGG. Laura Cornelius Kellogg, Seymour, Wis., and Syracuse, N. Y. I am of the Oneida Nation.

I come before you, gentlemen of the committee, with what I have to say condensed into three parts. I represent the Six Nations of New York. I am executive secretary of the Six Nations.

The CHAIRMAN. Very well, proceed.

Mrs. KELLOGG. The first part deals with the serious situation among the Six Nations of New York, created by the fact that the Six Nations have valuable properties which are being thrown into jeopardy because those who covet them are using powerful political means and propaganda to oust them from their rights, and because the Six Nations, while they offer a tenacious resistance, are not properly protected. They are a people who have wonderful traditions, who are organized, and who have a superior legal status peculiar to Indian relations; one which they have faithfully kept, and one which entitles them to the highest protection in the land, the protection of the United States Government.

As a matter of fact, I think Mayor Hanna has been down here to consult with Commissioner Burke on this question, I am informed, and in that case the citizens have gone to the Onondagas and spoken to them and told them that they were going to get this over there for \$15 an acre, because they had the Commissioner of Indian Affairs to assist them get it.

Now, we want to call the attention of this committee to the fact that the Commissioner of Indian Affairs has no just and proper relations with the Six Nations Indians. Under their treaty of 1784 there was never a hint of their being brought under any kind of control under a bureau. They had the right of self-determination that the bureau would necessarily cut off. They have never subsequently made any different arrangement with the United States Government themselves. So that the original agreement of 1784 stands as it was made, to-day.

We, of course, are very solicitous of this committee that some sort of protection be given us at this particular moment, because if we are not helped all of these influences which have started since six years ago to oust us out of our rights will continue, depriving us of our right of self-determination with the connivance of the Bureau of Indian Affairs. The very moment that the Six Nations introduced a program of self-reconstruction there, an enormous propaganda was brought on, with paid agents, we do not know of whom, whether by the States or whether these individual politicians who are interested in the lands we wish to recover, or whether it is with the direct understanding between them and the bureau. We do know this, that every influence which can approach the Six Nations, and that has done so, has gone to the bureau and gotten the sanction of the bureau for assistance on their side. We do know that the bureau reaches out clear to Canada in its sinister suggestions as to what shall be done to those of us who are trying to exercise our autonomy. I want to say, in connection with this experience, that I, personally, with other citizens of the Six Nations, was arrested like an ordinary thief and brought before a foreign court, in Canada, and the arrest was based upon the fact that the Six Nations people were located, a part of them, in Canada, before there was a white man on this continent, and that these same groups of the Mohawks were still on that side of the St. Lawrence, on that side of the survey that divided them into Canada, later, under the Jay treaty, when they were United States subjects.

This state of affairs we do not recognize, because there is only one relation which we do recognize, and that is that relation between us and the Government of the United States of 1784. All others have been fraudulently gotten.

This status allows the Six Nations in their reconstruction program to go to any part where their citizens may have gone, whether it be over the Canadian border or in Oklahoma or Kansas or any other State where they may have been colonizing, and solicit through their council the assistance under this reconstruction program, about which I am going to speak later, because it has relation to the enormous litigation we started.

We were arrested in Canada on the ground that we were soliciting money under false pretenses, and that there was a conspiracy to

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SUBCOMMITTEE ON SENATE RESOLUTION 70

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and with the help of the Indian Bureau with white agents who are always running around after something we have got, whether it be the elimination of somebody who might be a possible leader, whether it be properties, in one form or another, whether it be influence of some kind, whether it be the character of the people—

The CHAIRMAN. What do you mean by "white agents"?

Mrs. KELLOGG. I mean white agents; that they were introduced the moment we started litigation. There showed up a man who was trying to dictate to the Onondaga Council to hire a certain man who was an attorney, sure enough, in the State of New York, and that when the Six Nations caught onto the fact that this man was committed to a program of helping the State of New York and that he wanted to get the contract in order to submerge us—

The CHAIRMAN. You did not mean, then, that it was an agent from the Indian Department here, or anything of that kind?

Mrs. KELLOGG. No; but I want to say that they are always in touch with the Indian Bureau; they always get their inspiration, at least, out of the Indian Bureau. There has been money transferred in this propaganda; and we have known people who have passed checks—at least, some of our people have—and we had a detective who was present when it was done in one instance, with the white, paid agent, who, by the way, is out in the propaganda. He claims to be one of the best friends the Six Nations have.

Now I want to get back to this question of intervention.

Before I leave this, I want to charge here that we believe there is a coalition between the bureau and those political interests in the State of New York against the Six Nations. We want it looked into. We started this litigation to recover 18,000,000 acres of land in the States of New York and Pennsylvania, out of which we have hoped to get a settlement from some court enough for our reconstruction program. I want to stay off your legal ground, Mr. Kellogg, so that you will have that to present.

In going about to do that, the Six Nations started litigation for the recovery of these 18,000,000 acres of land. All trouble immediately started. They were entitled to United States intervention. Their attorneys came up here, and we have come up here to Capitol Hill, and they have gone to the departments, and when they went to look over the ground, they found that the Solicitor General of the Interior Department had taken the recent stand that the Six Nations had intervention coming from the United States. Our Wall Street attorneys had solicited this of the Department of Justice, and the assistants in the Department of Justice likewise all agreed that we have intervention coming from the United States.

Just the moment that a telegram was sent by the Assistant Attorney General of the United States to the United States attorney at Syracuse for the northern district of New York, to intervene in behalf of the Six Nations, the assistant attorney general of the State of New York came down here and stopped the Department of Justice from acknowledging that intervention was our due. In one of the letters, of which there are several, written by the Attorney General to attorneys and to friends of ours who had pressed him for his opinion on this matter, he expressed several different opinions. On one occasion it is laches. Now, laches was definitely disposed

of by the Boylan case in the appellate court. It was decided the question of laches did not operate against the United States as the guardian of the Six Nations. The effect of this state of affairs whereby we have no machinery to come and speak to the United States Government about our trouble, is that we were denied a hearing before the Senate Indian Affairs Committee by Senator Harreld, because we had no legislative bill before this committee. We went to different places, and finally we should have gone, I think, to the Judiciary Committee, at last, had it not been for the institution of this committee.

The effect upon the social life, upon the everyday life, of these Indians in these reservations is something that we can not endure and we will not endure. Right now, after we have exercised the first right of self-determination, white agents are busy at night handing out money to our eliminated chiefs; the chiefs that we have thrown out of our council because of this corruption. We decided upon one thing at the meeting on our program, that if the Indians of the United States were ever going to get anywhere it could not come from the outside; it would have to be an internal organization of the tribe. At the present time nobody is able to get a consensus of opinion out of the Indians, because of the bureau's selected pets who constitute business committee, all of which are against the regular institution on the basis of councils, who have plenty to say, and who know what they want, but are never even permitted to come to Washington.

On the Onondaga, they drew us into a petty trial over the question of who was the authority on the Onondaga Reservation. There was no change in that personnel except for the elimination of seven or eight chiefs other than the head chief. Nevertheless, we have been in the courts, and the income from the Onondaga sand-bed leases has been held up in the courts in order to make the Six Nations paupers while they are having to fight the whole world.

The CHAIRMAN. Who brought those actions?

Mrs. KELLOGG. The local people. They can always operate through bad Indians. That is what happened in this case, and we want, at the termination of these hearings, to know if there is any place in the United States Government that we can go to for assistance, and where we can prove who is who among our own people, how we are constructing our government; how we are pushing our program, what our policies are, and who we are, so that hereafter this question which the treaty of 1784 supposed would always be easily adjusted, can be definitely settled for all time. Right now, in the Mohawk Nation, there is all kinds of commotion over the fact that two Indian bureaus are always dealing with the affairs of the Mohawk Nation, and there is also a lot of persecution—

The CHAIRMAN. What do you mean by two Indian bureaus?

Mrs. KELLOGG. One is the bureau at Ottawa.

The CHAIRMAN. Oh, the Canadian bureau?

Mrs. KELLOGG. When the Jay treaty was made, the Mohawk Council held it up for three years, telling these commissioners, whose names I do not now recall, that they should put their boundaries outside their reservation. They finally agreed that they would lift up the line into the sky. After they passed, the line fell down, and what happened was that there is a division of the Mohawk territory, run-

EXHIBIT T

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**SURVEY OF CONDITIONS OF THE INDIANS
IN THE UNITED STATES**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF
THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

SEVENTY-FIRST CONGRESS

SECOND SESSION

PURSUANT TO

S. Res. 79 (70th Cong.)

A RESOLUTION DIRECTING THE COMMITTEE ON INDIAN
AFFAIRS OF THE UNITED STATES SENATE TO MAKE
A GENERAL SURVEY OF THE CONDITION OF
THE INDIANS OF THE UNITED STATES

S. Res. 308 (70th Cong.)

CONTINUING UNTIL THE END OF THE FIRST REGULAR
SESSION OF THE SEVENTY-FIRST CONGRESS SENATE
RESOLUTION NUMBERED 79 AUTHORIZING A
GENERAL SURVEY OF INDIAN CONDITIONS

S. Res. 263 (71st Cong.)

CONTINUING UNTIL THE END OF THE REGULAR SESSION
OF THE SEVENTY-FIRST CONGRESS SENATE RESOLU-
TION NUMBERED 79 AUTHORIZING A GENERAL
SURVEY OF INDIAN CONDITIONS.

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MARCH 1, NOVEMBER 25-26, 1929

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SENATE COMMITTEE ON INDIAN AFFAIRS

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SURVEY OF CONDITIONS OF THE INDIANS IN THE UNITED STATES

FRIDAY, MARCH 1, 1929

**UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.**

The subcommittee met, pursuant to the call of the chairman, at 10 o'clock a. m., in the room of the committee in the Senate Office Building, Senator Lynn J. Frazier presiding.

Present, Senators Frazier (chairman), Pine, Wheeler, and Thomas of Oklahoma.

The CHAIRMAN. The hearing will come to order. This hearing was called especially to hear, or at least at the request of, Mr. and Mrs. Kellogg, from New York State. They have been down here for some time, and have insisted on a hearing, and we are glad to give them a hearing; but this is called at their request, and especially for the purpose of hearing them and some other witnesses that they have here. The first witness on this list I have is Mrs. Laura C. Kellogg.

TESTIMONY OF MRS. LAURA CORNELIUS KELLOGG

(The witness was sworn by the chairman.)

The CHAIRMAN. Kindly give your full name and address to the reporter.

Mrs. KELLOGG. Laura Cornelius Kellogg, Seymour, Wis., and Syracuse, N. Y. I am of the Oneida Nation.

I come before you, gentlemen of the committee, with what I have to say condensed into three parts. I represent the Six Nations of New York. I am executive secretary of the Six Nations.

The CHAIRMAN. Very well, proceed.

Mrs. KELLOGG. The first part deals with the serious situation among the Six Nations of New York, created by the fact that the Six Nations have valuable properties which are being thrown into jeopardy because those who covet them are using powerful political means and propaganda to oust them from their rights, and because the Six Nations, while they offer a tenacious resistance, are not properly protected. They are a people who have wonderful traditions, who are organized, and who have a superior legal status peculiar to Indian relations; one which they have faithfully kept, and one which entitles them to the highest protection in the land, the protection of the United States Government.

Senator WHEELER. We have not any more right to decide the status of the State of New York than you have.

Mr. KELLOGG. No; the status of the Six Nations Indians in New York.

Senator WHEELER. Yes.

Mr. KELLOGG. I want to tell you this. On that 18,000,000 acres of land there is not a patented deed issued by the United States Government. It is all issued by the State of New York. Practically all of that land is held on leases, and not on patented deeds, or warranty deeds.

Senator WHEELER. Was all of the 18,000,000 acres of land in New York?

Mr. KELLOGG. No; part of it is in the State of Pennsylvania. It runs clear down to Pittsburgh.

Here is a statement showing the whole thing from beginning to end, with the decision of the court on the matter. New York appointed a commission of the legislature to make an investigation, and here is the report of that committee, and I would like to file it for the record.

Senator WHEELER. It is all right to file it, but I do not think it should be made a part of the record.

The CHAIRMAN. You think it would be better just to file it as an exhibit?

Senator WHEELER. Yes; as an exhibit. Why should we fill up the record with a complaint?

Mr. KELLOGG. It is a complaint of a lot of other treaties in the State of New York of things going on now that we want this committee to investigate and look into; for instance, the fact that they are taking away certain lands—trying to, by a bill in legislature.

(The statement referred to is here printed as follows:)

PETITION

To the INDIAN INVESTIGATING COMMITTEE OF THE UNITED STATES SENATE:

We, the Hodinonshonni, the League of the Iroquois, otherwise known as the Six Nations Confederacy, who were the first to establish on this continent law and order and a government respected by the tribes of Indians America, and by foreign nations; we, who were the original authors of that form of government which has given the largest degree of freedom to mankind, thereby making possible western civilization; we, who, through the most critical times of a struggling foreign people gave to them the heart's right hand, and bread and life, and by these things secured and determined the liberty of the land and made possible the great republic of the United States; we, who put our trust in time-old honor between men and between nations and our whole faith in the national honor and integrity of the people we had helped to become a nation, made a solemn covenant with the United States of America.

We, the Hodinonshonni, your petitioners, respectfully submit to your honorable investigating commission that by the treaty of Fort Stanwix, 1774, the Six Nations were secured in the possession of approximately 18,000,000 acres of land in western New York and Pennsylvania, bounded by the survey known as the Sir William Johnson line of property handed down to us from the treaty with Great Britain of 1768.

That by the treaty of 1784 the Six Nations were secured in their independent self-government.

That by this treaty the Six Nations were guaranteed protection from the United States Government.

That by this treaty the Six Nations ceded to the United States the whole of the Ohio Valley.

That by this treaty the United States and the Six Nations were to remain faithful friends.

That, according to our traditional honor, we the Hodinonshonni, have kept the faith to the present day.

And we desire to remind the United States of America, of the great circumstances out of which this treaty grew.

The terms came out of the pre-war promises of the Revolution by Gen. George Washington. At that time both the British and the colonial forces coveted the alliance of the league of the Iroquois.

Both sides knew whichever side could ally itself with the confederacy would have the balance of power. A treaty council was asked for by Sir William Johnson, and was granted by the confederacy. Sir William told them that the English asked for an alliance, and their support against the Colonies; that the English Government would pay them 5 pounds gold for every fighting man, and offered them a treaty guaranteeing them security in their title to their territory, and protection, against all encroachments "as long as water runs and grass grows." Also should the British be whipped, they would deed them as much land in Canada as they then possessed in New York and would guarantee them their sovereignty as a nation there.

Gen. George Washington, two months later, asked for a national council of the Iroquois, and it was granted. He told them the Colonies were poor, but they were fighting for liberty, the one thing dearest to every Indian heart. He said he could not offer them gold, but asked for an alliance between them and the Continental Congress soon to be formed. And should the British be whipped, the new Government of the United States would renew the alliance, both recognizing the sovereignty of one another. The United States would guarantee them in their title to their lands forever.

At first the Six Nations firmly held to their policy of neutrality. Had not Gen. Joseph Brant, a powerful Mohawk leader, been persuaded to lead away a following of the confederacy to the British side, the Revolutionary War would not have been so prolonged. Still the Six Nations remained neutral, but the British now sent primitive expeditions into the Six Nations country. The Onondas, always the friends of General Washington, now put all the fighting men of the Onondas, the Tuscaroras, and those of their adopted peoples, the Stockbridges and Brothertowns behind General Washington and gave his starving army adequate provisions and so quickly determined the outcome of the Revolution.

As the President of the new United States, the Father of his Country kept the faith of his Iroquois allies and personally directed the Fort Stanwix treaty of 1784.

It was made with the most vigilant observance of all the formalities due an international document. It was the result of conferences between duly authorized representatives of both nations.

It was duly ratified by the United States Senate and promulgated to the world.

It remains to-day the most dignified treaty in the whole history of this country's Indian relations.

It was made with a civilized power already recognized as such by France, Holland, and England, and a government which was a better established political unit than the white government for many years.

For a hundred and forty-four years your petitioners have lived and seen the embarrassments of the United States Government toward the Six Nations, promoted by the State of New York. When the confederacy first protested the President of the United States answered them in these words: "Be assured that the United States of America will never see you defrauded, but will protect you in all your just rights." And the protests of President Washington to Governor Clinton of New York is a matter of history.

Beginning with 1786, contrary to the constitutional provision prohibiting the States to enter into treaty relations with Indian nations, the State of New York began a series of treaties with separate nations of the confederacy for cessions of their coveted territory. Ruin and fraud were the order of these transactions.

Parties interested in the cessions of land were made members of the personnel of the New York treaty commissions.

Parties representing the Six Nations had no power constitutionally on the Indian side to sell, without the consent of the people of each nation, and without the consent and ratification of the general council of the Six Nations

Confederacy. The loss of Six Nations citizenship to the Delaware Indians is an example of the punishment due any Six Nations people who violated this provision of the Iroquois constitution.

Finally, by the treaty of 1784, the Six Nations had no power to sell land without the consent of the guardian, the United States Government.

Under the articles of confederation, "Treaties shall constitute the supreme law of the land."

"Your petitioners pray that your honorable commission will investigate the facts and the charges herein set forth to the end that a sacred covenant between the league of the Iroquois and the United States of America may not become a scrap of paper at the hands of a powerful nation through a sinister organ whose power to destroy the Indian peoples of the land has come to be ground for a world appeal; that the "reign of terror" in bureaucracy may be ended and the day of better understanding between the red man and the white may be made possible."

Your petitioners charge:

1. That Governor Clinton and the delegation from New York did all in their power to keep the Senate from ratifying the treaty of 1784.

2. That the officials of the State of New York from 1784 through the years willfully defied President Washington and his successors; defied the Congress of the United States, the Supreme Court, and the United States Constitution.

3. That though both the Congress of the United States and the Legislature of New York have passed stringent liquor laws making it a crime to give or sell liquor to an Indian, that liquor was the main argument used by New York State commissioners in procuring the so-called Indian treaties.

4. That every foot of land bought from the Mohawks, Onondagas, Cayugas, and Onondagas was illegally obtained in absolute contravention to the laws of Congress, to the United States Constitution, and to the treaties.

5. That President Washington vigorously protested to Governor Clinton that these so-called State treaties were made and the land taken away in utter contempt of Federal authority.

6. That from the day the treaty of 1784 was ratified and promulgated, the State of New York through officials, through local chambers of commerce, and through paid hirelings, both white and Indian traders, have used every means in their power to discredit and disorganize the Six Nations and that they succeeded since 1867 in destroying to a great extent their solidarity and integrity.

7. That prior to 1867, the State of New York had no help or abetting from the Federal Government in the interference with the Six Nations' affairs, but since then a system has been built up under the Interior Department, the Indian Bureau. This bureau has joined hands with New York to further break down the Six Nations as a nation.

8. That the State of New York has taken these lands illegally procured from nations of the Six Nations and has issued State patents to its citizens for same.

9. That the United States Government has issued no patents for any of this land and that the patents issued by the State are null and void and have no force or effect.

10. That a great deal of this land, especially city real estate, has no title but is strictly on lease.

11. That the title of the land along the rivers and streams now controlled by the Power Trust and its connections is vested in the Six Nations and that the Six Nations' claim to riparian rights are as well founded as any other peoples'.

12. That the Six Nations Confederacy vigorously protested to the Federal Government through the years so that no statute of limitations can run against them; that the law of laches does not apply to people who have no power to sue.

13. That prior to 1867, when the Indian Bureau was organized, the State of New York claimed no jurisdiction over the Six Nations, yet throughout the last 60 years New York has assumed considerable jurisdiction over the Six Nations' people and their affairs. It has appointed agents over each reserve, who inefficiently take charge of business affairs without a protest from the Federal Government, and we charge that the agents have been partial, and have at all times sought to create discord among the Indians.

14. That any act performed by these so-called State agents, except the distribution of State annuity, is illegal and without warrant of Federal law; that dual control over our people is illegal, a nuisance, and must be stopped.

The Boylan case has brought the American people face to face with the crime which has been perpetrated on the Six Nations Indians. It has brought the State of New York and the United States Government to a point when they must face this issue and make a settlement with the confederacy for the wrongs of degrading, pauperizing, and well-nigh annihilating a once powerful nation, which was the hope of the American Indian on the Western Continent. An Indian by the name of Margaret Honyost had mortgaged 32 acres in Oneida, N. Y. In a few years she was foreclosed and forced to move. An action was started by the United States district attorney to declare the foreclosure illegal. The said action went to the Federal Circuit Court of Northern New York, with Judge George W. Ray presiding. After a long hearing Judge Ray handed down a decision, stating that the title to the land had never left the Six Nations. That the Iroquois Confederacy was still a nation and had never given up its right of self-government. And in effect, therefore, no one but the Six Nations government could mortgage or sell 1 foot of the property guaranteed under the treaty of 1784. The effect of this decision was that the 32 acres then in the hands of an innocent purchaser reverted back to the Six Nations by court order and so stands to-day.

An appeal was taken by the white man to the Federal court of appeals, and there Judge Ray's decision was sustained.

This case brought up the question of jurisdiction between the Federal and State Governments over the Six Nations. As a result of the discussion, the State appointed a commission to investigate the status of the Six Nations. The report of the chairman of that commission follows:

"First. The Six Nations Indians consummated a treaty with the United States Government through its regular channels, the same being approved and ratified by Gen. George Washington, at Fort Stanwix in the State of New York in 1784, by which they were ceded certain territory within the State of New York.

"Second. That the ceding and settling over to the Indians of this territory was in accordance with and at the conclusion of a treaty consummated by the Indians as a nation and by the United States as a nation.

"Third. Further, that the passing of the title of the ceded territory to the Indians of the State was a legal and proper transaction, and that the Indians as a nation became possessed of the ceded territory the same as any other nation would become possessed.

"Fourth. That the said Indians of the State of New York as a nation are still the owners of the fee-simple title to the territory ceded to them by the treaty of 1784."

We charge that since the Six Nations began a rehabilitation program and a litigation against the St. Lawrence River Power Co. and the State of New York, that the Indian Bureau has carried on a constant propaganda against them in its usual sinister way to break up their solidarity and progress, and that through it the United States Government is made to appear as an ally of the political and other enemies of the Six Nations.

That among its efforts, it caused postal authorities to investigate the officers and organizers of the Six Nations, and that when the postal investigators found no fraud against them that the bureau next conspired with one Duncan Scott, commissioner of Indian affairs at Ottawa, to have the Six Nations officers and representatives arrested and tried in Canada on charges of fraud.

That the Indian Bureau put its inspectors on their trail to try to find evidence to convict them in Canada.

That during the trial at Montreal the bureau sent its chief clerk to testify against the indicted people. That under cross-examination he admitted that the bureau had been carrying on a propaganda against the Six Nations; that he was the man authorized to do it; and that public money had been spent in this effort.

The trial at Montreal before Judge Willson, of the King's bench, lasted 10 days. During the trial no evidence was produced before the court along the line of the charges of fraud above made; but the Six Nations were compelled to try their whole case, leaving the court to define the Six Nations' position. The Six Nations did not want a "whitewash." They wanted a clear-cut decision of Six Nations' status as well as a verdict as to the honor and integrity of their representatives.

Justice Wilson, one of Canada's greatest jurists, handed down the following: "I am not surprised that the Six Nations should look for more and more independence. They have their own government; there is no doubt of that. They say they are self-governing. So they are, to the same extent that a municipality is self-governing or that the legislature of the Province of Quebec is self-governing."

The jury decided in eight minutes that the Six Nations' representatives were conducting the affairs of their nation as they should be conducted. We are informed that this trial cost the prosecution over \$17,000. We have our suspicions that the bureau at Washington gave its share in money as it did in other things to procure conviction.

We charge that the conspiracy between the Indian Bureau of Washington and the Indian bureau at Ottawa has brought about the enactment by the Canadian Parliament of a law to arrest any Indian who contributes money to prosecute any claim without the consent of the commissioner of Indian affairs in Canada; that this law is intended to persecute the Mohawk constituency of the Six Nations, who by the Jay treaty were wrongfully left on the Canadian side against their protest and the protest of the Six Nations, and the specific agreement finally with the commissioners of the Jay treaty that the boundary line between Canada and the United States was to be lifted into the sky over the Mohawk Indian land.

We charge that Barnhart Island, which belongs to the Mohawks, is in the United States boundaries, and that the State of New York has assumed title to it, and has transferred it to the St. Lawrence River Power Co. That the lease for Barnhart Island has expired long ago and that no lease money has been paid for over 60 years.

Your petitioners desire to remind the United States of America that the Six Nations are not under the Bureau of Indian Affairs, and that the Indian Bureau's acts of wanton contempt, interference, and persecution against the independence and integrity of the official personnel of the confederacy is ground for war between nations, were not the protectorate reduced to a state of pauperism and helplessness by acts of fraud and harassments allowed through the years by the guardian Government. Believing intensely in the justice of our cause, we petition your honorable commission to investigate how many means, how many people, and how much money has been used in the Indian Bureau's propaganda against the Six Nations, more particularly between the dates of February 15, 1922, and October 18, 1927.

The Seneca Nation in 1849 changed its form of government with a separate understanding between it and the United States Government, and that in the absence of machinery provided by the Federal Government in their relations with the Six Nations the Senecas have been coming to the Interior Department. By this change the Seneca Nation left the Indian form of government, adopting, to a certain extent, the white form. Under this form and under the eye of the Indian Bureau, a most corrupt government has reigned ever since among the Seneca Nation. Elected councillors, in the place of chiefs, largely mixed bloods, have carried on a system of looting quite equal to their white example. No report as to the oil, gas, and land lease revenues are made to the Seneca Nation. No increase in the per capita distribution of royalties to the Seneca people has been made for years despite the increase in the revenues. The Seneca declaration of the change in 1849 was not acknowledged before a notary until 1923, long after the original signers were dead.

The Onondaga Indians own a reservation of 4 miles square. Most of it is hills, there being a small part in bottom lands which alone can be used for crops.

We charge that the city of Syracuse covets this reservation and that immediately it has a plan to take away the bottom lands for dam sites, and that the Indian Bureau has promised its assistance in getting the land; that a prominent New York politician offered the Onondagas \$15 per acre for land worth \$250 and told the Onondagas that if they would not accept it the Indian Bureau would help him get it anyway.

A litigation was started June 6, 1925, in an ejectment action against the St. Lawrence River Power Co. by James Deer, a St. Regis Mohawk, under the auspices of the Six Nations. This suit was filed in the Federal District Court of Northern New York by the New York law firm of Wise, Whitney & Parker. Some months later the State of New York came in as party defendant on its own volition.

On September 29, 1925, the St. Lawrence River Power Co. filed a motion to dismiss the complaint on the ground that no Federal question was involved and that the plaintiff being an Indian had no legal authority to sue, although being a citizen of the United States. It was at this stage of the proceedings that the State of New York interpleaded as a party defendant.

The motion to dismiss was argued November 21, 1925, by Col. Jennings C. Wise for the plaintiff and by Hon. Charles Evans Hughes for the defendant.

At no time in the pleadings did defendant's counsel undertake to set up a title to land in question for the obvious reason that the so-called treaty of 1824 by which the St. Regis band had been divested of possession was wholly without effect at law, being null and void, under the Constitution of the United States, and the Federal statutes enacted pursuant thereto including the treaties of 1784 and 1797.

It was specifically stated under the articles of confederation that the United States took protectorate over the Indian nations and a proclamation was issued that Indian nations should be independent of any State.

Article 1, section 8, of the United States Constitution conferred upon Congress the sole right to regulate commerce with Indian nations.

Article 1, section 10, of the Constitution forbids any State from entering into any treaty or alliance with an Indian nation.

Article 2, section 2, of the Constitution conferred upon the President of the United States the exclusive power by and with the consent of the Senate to make any treaty.

July 22, 1790, at President Washington's request, Congress passed an act (1 Stat. 137) expressly forbidding the States, no matter what their pre-emption rights might be, from entering into a treaty with any Indian tribe or nation.

In 1823, 1831, and 1832, John Marshall, Supreme Court Justice, handed down three decisions, laying down three great fundamental principles. Indian rights were guaranteed by solemn treaty between Great Britain and the United States and protection by the Constitution was expressly declared.

Judge Cooper, of the Federal District Court of Northern New York, took the case under advisement and no decision was handed down until October 18, 1927.

Immediately, a formal request was made on the United States through the Secretary of the Interior to intervene on behalf of its wards. The request was referred by the Secretary of the Interior to the Attorney General. The Six Nations attorneys took the matter up with the Department of Justice, and pointing out to Assistant Attorney General Parmenter that intervention was necessary, not alone to protect the *prima facie* title of the United States, but the right of occupancy of its citizen wards as well.

Pending final action the Department of Justice at once notified the United States district attorney for the Northern District of New York to prepare himself to intervene without delay should the Attorney General decide so to do.

Immediately Deputy Attorney General Manley, of New York, arrived on the scene, and, with powerful support, succeeded in heading off intervention.

At least three times representatives of the St. Lawrence River Power Co. have approached Six Nations' representatives asking if there was no way by which matters could be settled out of court. July 6, 1927, a day was tentatively fixed for a settlement conference between the Six Nations' representatives and those of the St. Lawrence River Power Co. The Six Nations' representatives were asked to come to the conference prepared to state the amount they would accept and to be able to show how the title was to be quieted. There was no Federal intervention obtainable.

We wish now to call the commission's attention to the memorial submitted by Hon. Charles E. Hughes, then Secretary of the State, in answer to the memorial submitted by Great Britain in the case of the Cayuga Indians, before the British American Claims Commission in 1926.

"The right of domain which vested in a nation the ultimate fee to the land carried with it the exclusive right of acquiring from the various Indian tribes inhabiting it their right to the soil, which were considered as limited to a right of occupancy of the land respectively used by such tribes as their hunting grounds. This limited occupancy might be lost by the Indian tribes through abandonment, or forfeited through engaging in war against the sovereign, or the title in some instances might be extinguished by purchase from the Indians by persons authorized by the sovereign. This dominant right in a sovereign to

extinguish the Indians' right to use or occupy land of which the ultimate fee is in the sovereign is called the right of preemption. It precludes not only other powers but also the subjects of the sovereign, without his express authority from acquiring the Indian right of use or occupancy of lands.

"It is this example which the United States since they became by their independence the sovereigns of the territory, have adopted and organized into a political system. Under that system the Indians are so far independent that they live under their own customs and not under the laws of the United States; that their rights upon the lands where they inhabit are secured to them by boundaries defined in amicable treaties between the United States and themselves, and that whenever these boundaries are varied it is also by amicable and voluntary treaties by which they receive from the United States ample compensation for every right they have to the lands ceded by them."

The Six Nations believe this treatise by Judge Hughes to be the greatest summary of the treaties, the United States Constitution, and the laws of Congress in regard to the purchase of Indian lands ever penned by man.

As Secretary of State, knowing the Constitution and the laws of Congress as no other man living, we can well understand the forceful position he took. And we can well understand that he never dreamed that a great Nation like the United States could have allowed any other method but this one to be pursued. He has stated the only legal and tenable way of securing land title from the Indians.

In conclusion, we pray your honorable commission to consider that the United States of America gladly received our assistance to its nationhood in the trying days between 1776 and 1783. That we gave that assistance on the assurance that we could trust the national honor and integrity of the United States. That beyond the beautiful traditions between the two nations of that time, the Six Nations are secured doubly in the protection guaranteed to them by the supreme law of the land and by the cession of billions of acres of the Ohio Valley.

That though the Six Nations have suffered heavily in the looting of their lands, their more recent persecution by the arm of the United States Government through the Indian Bureau is calculated to break them; that inasmuch as Federal intervention which is their just due from the United States Government is at the same time being withheld without adequate reason, your petitioners charge there is a collusion between the United States Government and the politicians of the State of New York to keep them defrauded and broken.

Respectfully submitted.

Senator WHEELER. Are these Indians wards of the United States?

Mr. KELLOGG. They are certainly wards of the Government.

Senator WHEELER. Technically?

Mr. KELLOGG. Judge Ray's decision in the Boylan case said they were wards of the United States Government. They are aliens and have never given up their rights of self-government, but they are wards of the United States Government.

Senator WHEELER. What judge said that?

Mr. KELLOGG. Judge Ray of the northern district of New York. Also, it was appealed to the appellate court and they sustained Judge Ray.

Senator WHEELER. They sustained him as to what?

Mr. KELLOGG. As to the fact that they were wards of the Government of the United States.

Senator WHEELER. How did that come up?

Mr. KELLOGG. In making a test case on 37 acres of land in that case. The land got into white hands.

Senator WHEELER. You are the attorney representing in that case?

Mr. KELLOGG. No; I am not the attorney. I am just the agent of the Six Nations, representing them in this hearing. The attorneys in that case are in New York.

EXHIBIT U

**SURVEY OF CONDITIONS OF THE INDIANS
IN THE UNITED STATES**

**HEARINGS
BEFORE A
SUBCOMMITTEE OF
THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

**SEVENTY-FIRST CONGRESS
SECOND SESSION**

PURSUANT TO

S. Res. 79 (70th Cong.)

A RESOLUTION DIRECTING THE COMMITTEE ON INDIAN
AFFAIRS OF THE UNITED STATES SENATE TO MAKE
A GENERAL SURVEY OF THE CONDITION OF
THE INDIANS OF THE UNITED STATES

S. Res. 308 (70th Cong.)

CONTINUING UNTIL THE END OF THE FIRST REGULAR
SESSION OF THE SEVENTY-FIRST CONGRESS SENATE
RESOLUTION NUMBERED 79 AUTHORIZING A
GENERAL SURVEY OF INDIAN CONDITIONS

S. Res. 263 (71st Cong.)

CONTINUING UNTIL THE END OF THE REGULAR SESSION
OF THE SEVENTY-FIRST CONGRESS SENATE RESOLU-
TION NUMBERED 79 AUTHORIZING A GENERAL
SURVEY OF INDIAN CONDITIONS.

NEW YORK INDIANS

PART 12

**MARCH 1, NOVEMBER 25 26, 1929
JANUARY 3, 1930**

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Mr. JONES. On the reservation itself, yes.

Senator WHEELER. Are they proposing to take the whole of the reservation, flooding the whole of the reservation?

Mr. JONES. The whole of the flats, where it is flat.

Senator WHEELER. Is the reservation in a canyon?

Mr. JONES. Valley.

Senator WHEELER. The Indians don't want that done?

Mr. JONES. No, sir.

Senator WHEELER. Would they have any objection to it being done provided they were paid what their property was worth?

Mr. JONES. Yes, sir; I think they would.

Senator WHEELER. They would still object to it, would they?

Mr. JONES. Yes, sir.

Senator WHEELER. The Indians built houses out there, I presume?

Mr. JONES. Yes, sir.

Senator WHEELER. The Indians don't live here as they do in the West—in tepees?

Mr. JONES. No, sir.

Senator WHEELER. And you have stores and buildings there?

Mr. JONES. Yes, sir.

Senator WHEELER. Do the Indians pay taxes down there on their property?

Mr. JONES. No, sir.

Senator WHEELER. There are no taxes paid to the city, to the county, or to the State?

Mr. JONES. We are not supposed to pay such taxes.

The CHAIRMAN. Is this reservation owned by the tribe or by individual allotments?

Mr. JONES. By the tribe.

The CHAIRMAN. Owned in common by the tribe?

Mr. JONES. Yes, sir.

Senator WHEELER. It hasn't been allotted to individual Indians?

Mr. JONES. No, sir.

Senator WHEELER. What income do the Indians derive on the reservation on their property? Are there any leases on the reservation?

Mr. JONES. Yes, sir.

Senator WHEELER. What leases do they have down there? What property have they leased, and for what purpose?

Mr. JONES. Quarry.

Senator WHEELER. Sand pit?

Mr. JONES. Sand pit and stone quarry; yes, sir.

Senator WHEELER. How much money do they derive from the quarry?

Mr. JONES. \$200 a year.

Senator WHEELER. \$200 a year?

Mr. JONES. Yes, sir.

Senator WHEELER. What is it, a rock quarry?

Mr. JONES. Limestone quarry.

Senator WHEELER. Who leases that?

Mr. JONES. Jones, a fellow by the name of Dick Jones.

Senator WHEELER. When was that leased to him?

Mr. JONES. That I can't recall.

Senator WHEELER. For how long a time was it leased to him, if you know?

Mr. JONES. I think it was for 10 years.

Senator WHEELER. Who leased it to him?

Mr. JONES. Mr. Thomas.

Senator WHEELER. Who is Mr. Thomas?

Mr. JONES. George Thomas.

Senator WHEELER. Who is Mr. Thomas?

Mr. JONES. An Indian.

Senator WHEELER. Was he chief of the tribe when he leased it to him?

Mr. JONES. Yes, sir.

Senator WHEELER. And from that the tribe receives \$200 a year?

Mr. JONES. Yes, sir.

Senator WHEELER. Now, that sand pit, is that leased?

Mr. JONES. The sand pit?

Senator WHEELER. Yes, the sand pit?

Mr. JONES. Yes, that is leased, too.

Senator WHEELER. What amount of money do you derive from the sand pit?

Mr. JONES. We were to get two-thirds, one third to the nation and one-third to the owner.

Senator WHEELER. How much do you get from it?

Mr. JONES. So much a yard.

The CHAIRMAN. How much does it amount to a year, approximately?

Mr. JONES. Well, I can't say.

Senator WHEELER. Don't you know, or can't you get the figures on it?

Mr. JONES. We have a treasurer to look after that.

Senator WHEELER. That is paid into the Treasury and you don't know what the figures are?

Mr. JONES. The treasurer and the secretary should know that.

Senator WHEELER. It has been suggested to me that we ask you about the salt. Have you got a pipe line across the reservation?

Mr. JONES. Yes, we have.

Senator WHEELER. What kind of a pipe line?

Mr. JONES. Brine for salt.

Senator WHEELER. Do you get any revenue from that?

Mr. JONES. No, we don't.

Senator WHEELER. Why not?

Mr. JONES. That I don't know. It has been there a good many years. I don't know about that.

Senator WHEELER. Who does it belong to?

Mr. JONES. The Solvay Process Co.

Senator WHEELER. That has been there for how long?

Mr. JONES. Well, I can't just say—over 30 years, I guess.

Senator WHEELER. Are there any railroads across the reservation?

Mr. JONES. No, sir.

Senator WHEELER. Are there any other sources on the reservation that you derive any benefits from?

Mr. JONES. No, sir.

Senator WHEELER. How do the Indians live down there? What do they make a living at?

Mr. JONES. Working out; some farming.

Senator WHEELER. Do the children attend public schools?

Mr. JONES. Yes, sir.

Senator WHEELER. How many children are there down there on the reservation attending the public schools?

Mr. JONES. I don't know just how many there are.

The CHAIRMAN. Do all the children of school age attend school?

Mr. JONES. Yes, sir.

Senator WHEELER. Do they pay any tuition at all to the State for attending school, or are they permitted to attend free of charge, and are they city schools, or Government schools, or are they State schools?

Mr. JONES. Outside the reservation?

Senator WHEELER. No, on the reservation. Who puts them there?

Mr. JONES. State school.

Senator WHEELER. The State finances the school entirely, does it?

Mr. JONES. They claim they do.

The CHAIRMAN. Is it a good school?

Mr. JONES. Yes, sir.

The CHAIRMAN. How many grades are there?

Mr. JONES. Eight grades.

The CHAIRMAN. Where do they go to school after finishing the eighth grade on the reservation?

Mr. JONES. Some go to high school.

The CHAIRMAN. Do they have to pay tuition if they come in to the city high schools here?

Mr. JONES. I don't know about that. I don't know but what they do.

Senator WHEELER. How is your agent down there selected?

Mr. JONES. He is selected by the State of New York.

Senator WHEELER. Is he paid by the State, or is he paid out of the Indian funds?

Mr. JONES. He is paid by the State \$200 a year and he gets 4 per cent of the annuity money.

Senator WHEELER. What is your annuity money?

Mr. JONES. They claim the State appropriates some money each year.

Senator WHEELER. The State appropriates some money each year for the benefit of the Indians?

Mr. JONES. Yes, sir.

Senator WHEELER. How much is that, do you know?

Mr. JONES. I think it is something like \$2,500, isn't it?

Senator WHEELER. You don't know how it is that the State comes to appropriate that money for you?

Mr. JONES. No, sir.

Senator WHEELER. Well, we can probably get that from some other witness. What does your agent do out there? What is he supposed to do?

Mr. JONES. He distributes the money.

Senator WHEELER. All he has to do is just distribute the money appropriated by the State?

Mr. JONES. Yes, sir.

Senator WHEELER. Pay it out to the different Indians?

Mr. JONES. Yes, sir; to the Onondaga Indians.

Senator WHEELER. I think that is all so far as this witness is concerned.

The CHAIRMAN. Does Mr. Harrison, the superintendent down at the Seneca Nation, representing the Interior Department at Washington, ever come up here?

Mr. JONES. Oh, yes, sir.

The CHAIRMAN. How often does he come?

Mr. JONES. Every year.

The CHAIRMAN. Once a year?

Mr. JONES. Yes, sir.

The CHAIRMAN. What does he do?

Mr. JONES. Distributes goods—cloth.

The CHAIRMAN. Each Indian gets a certain amount of cloth each year?

Mr. JONES. Yes, sir.

The CHAIRMAN. Do you get any annuity check from Superintendent Harrison?

Mr. JONES. No, sir.

The CHAIRMAN. You don't get anything from the Government at all, then; is that the idea?

Mr. JONES. That is the idea.

The CHAIRMAN. The annuity check you get comes from the State?

Mr. JONES. Yes, sir. That is why we don't understand it. The Government appropriates a big sum of money for the Indians and we are supposed to get the interest each year. That is where Mr. Harrison is supposed to distribute that.

The CHAIRMAN. Do you understand that there is money to the credit of the Six Nations at Washington in the Interior Department?

Mr. JONES. Yes, sir.

The CHAIRMAN. Do you know how much?

Mr. JONES. No, sir.

The CHAIRMAN. What would be the effect upon your reservation if these dams are put in?

Mr. JONES. The effect would be to spoil all the fertile land.

The CHAIRMAN. Do you mean that the land would be flooded?

Mr. JONES. Yes, sir.

The CHAIRMAN. Would it mean that the Indians would have to move out of their homes and move out of the valley there?

Mr. JONES. Certainly. There are quite a few houses around there.

The CHAIRMAN. How long have you Indians lived on this reservation?

Mr. JONES. I was born there and have lived there ever since.

Senator WHEELER. How long have the Indians been there? They have been there forever?

Mr. JONES. They have been there forever.

The CHAIRMAN. For generations?

Mr. JONES. Yes, sir; for generations.

The CHAIRMAN. Is there any other statement you want to make now to the committee?

Mr. JONES. That is all. We don't want any dam there.

Senator WHEELER. Why would you object if the State paid you or the city paid you liberally for your property? Why would you object to it being taken if they furnished you other places just as

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good or perhaps better? Suppose they would arrange for another place

Mr. JONES. They don't want to do that.

Senator WHEELER. Why not?

Mr. JONES. Where would the Indians go, if they buy all the lands? We have very little land left. We can't travel on the road our whole lifetime.

The CHAIRMAN. Well, of course, if they paid you for your property there they would have to pay enough so that you could buy property some place else.

Mr. JONES. And then we would have to pay taxes.

Senator WHEELER. Then you would have to pay taxes.

Mr. JONES. Yes, sir.

Senator WHEELER. And you don't want to give up your rights because of the fact that you have your homes there, and you don't want to pay taxes because the property is owned by the tribe?

Mr. JONES. Yes, sir.

The CHAIRMAN. Do you Indians vote?

Mr. JONES. No, sir.

The CHAIRMAN. None of you Indians vote at all?

Mr. JONES. I don't know; there may be some who vote; I can't tell.

Senator WHEELER. Why don't you vote?

Mr. JONES. We are not supposed to.

Senator WHEELER. Why aren't you supposed to vote?

Mr. JONES. We are a separate nation.

Senator WHEELER. That doesn't make any difference.

Mr. JONES. We have no right to vote.

Senator WHEELER. You have a perfect right to vote. As a matter of fact, you ought to vote. Congress has passed a law permitting you to vote and to become citizens of the United States, and you wouldn't lose any of your rights.

The CHAIRMAN. Tribal rights.

Senator WHEELER. Tribal rights—you can't lose any of your rights by voting. And whoever tells you anything to the contrary doesn't know what he is talking about.

Mr. JONES. When a foreigner comes here to this country he doesn't vote until he is a citizen of the United States.

Senator WHEELER. Yes; but you are citizens of the United States and the Congress has passed a law permitting you to vote. And it could pass a law permitting any foreigner who came here to vote, but it hasn't seen fit to do that. They have said to you Indians that you could vote. You are one of the chiefs down there. How is the business on your reservation conducted?

Mr. JONES. We still are on the outs.

Senator WHEELER. You say you still are on the outs.

Mr. JONES. Yes; we can't get together.

Senator WHEELER. Why can't you get together?

Mr. JONES. I don't know.

The CHAIRMAN. You mean that the Indians can't agree among themselves?

Mr. JONES. No, sir.

Senator WHEELER. How many factions have you got?

Mr. JONES. There are 200 Indians down there. You mean Onondaga Indians?

Senator WHEELER. Yes.

Mr. JONES. Two or three hundred.

The CHAIRMAN. Have you two factions in your group?

Mr. JONES. Yes.

Senator WHEELER. You have a council there that signs leases, haven't you?

Mr. JONES. No—well, we do have, but the agent does the leasing.

Senator WHEELER. The agent does the leasing?

Mr. JONES. Yes.

The CHAIRMAN. He has no right to do so.

Senator WHEELER. Does the council pass upon the signing of the leases?

Mr. JONES. Well, they did for a while, then it died out.

Senator WHEELER. Before any lease is signed is it submitted to the department in Washington?

Mr. JONES. No, sir; not that I know of.

Senator WHEELER. That is all.

Mr. BREWSTER. Mr. Chairman, my name is H. D. Brewster. I am corporation counsel of the city of Syracuse. Before this witness leaves the stand might I suggest that he be asked whether they have had any meetings of the Indians and have considered this question of flood control and dams on the Indian reservation?

Senator WHEELER. Ask any question you want to.

Mr. BREWSTER. Because I understood him to say that the Indians didn't want it even if they were paid for the land. Would it be appropriate for me to ask the question?

The CHAIRMAN. What about that, Mr. Jones? Have you had meetings of your Indians to decide what they want to do about this proposed dam?

Mr. JONES. Yes; sure.

The CHAIRMAN. Was it a joint meeting of the chiefs?

Mr. JONES. Joint meeting of the chiefs.

The CHAIRMAN. Of how many chiefs?

Mr. JONES. Seven or eight.

The CHAIRMAN. What did they decide about it?

Mr. JONES. They didn't want to do it.

The CHAIRMAN. Was that decision unanimous among the chiefs?

Mr. JONES. Yes, sir.

The CHAIRMAN. Was there a meeting of the 200 Indians in addition to the meeting of the chiefs?

Mr. JONES. No, we can't get together.

Mr. BREWSTER. Can you give the names of the chiefs?

Mr. JONES. Andrew Gibson, Emmet Lyons, Jesse Lyons, John White, Wilson Johnson, jr., Ocas Schenandoah, and Frank Isaacs. That is all I can think of.

The CHAIRMAN. That would be eight, counting yourself.

Mr. JONES. Yes, counting myself.

Senator WHEELER. When was that meeting held?

Mr. JONES. Last night.

Senator WHEELER. That meeting was held last night?

Mr. JONES. Yes, sir.

Mr. BREWSTER. There wasn't any one there at that time from the city of Syracuse officially to explain to you what was to be done?

Mr. JONES. No.

Mr. BREWSTER. How much land do you understand is to be taken by this flood prevention?

Mr. JONES. This lower end will cover over 600 acres.

Mr. BREWSTER. Over 600 acres?

Mr. JONES. Yes, sir. The upper dam will cover over 400 acres.

Mr. BREWSTER. That was your understanding and what was told at that meeting?

Mr. JONES. No, sir; I had been up here to see Mr. Holmes.

Mr. BREWSTER. You talked with Mr. Holmes?

Mr. JONES. Yes, sir.

Mr. BREWSTER. And Mr. Holmes is the engineer of the Syracuse intercepting sewer board?

Mr. JONES. Yes, sir.

Mr. BREWSTER. You understood that it would not affect the land, what is now the Indian village, where most of the Indians live?

Mr. JONES. Oh, yes.

Mr. BREWSTER. That that would not be flooded?

Mr. JONES. Oh, yes, it will.

Senator WHEELER. Do you understand that it would be flooded or would not be?

Mr. JONES. Would be.

Mr. BREWSTER. You understood that what is now known as the Indian village, where most of your Indians reside, would be flooded by these dams?

Mr. JONES. Yes, sir.

Mr. BREWSTER. And was that one reason why you decided that you weren't in favor of it?

Mr. JONES. Yes, sir.

Mr. BREWSTER. If it was not going to take the houses where the Indians live, would that change your mind?

Mr. JONES. No, sir.

Mr. BREWSTER. It wouldn't make any difference whether the program includes taking the houses or not?

Mr. JONES. No. We would like to remain there as long as we live.

Mr. BREWSTER. But suppose you could still live there, suppose this wouldn't interfere with the Indians living in the reservation, would that make any difference?

Mr. JONES. It has got to interfere. That water is going to come up there.

Mr. BREWSTER. I see. But if it wasn't going to interfere, that would make some difference in your mind?

Mr. JONES. How could you fix it without interfering?

Mr. BREWSTER. I don't know; but assuming that it wouldn't interfere there.

Mr. JONES. There is no doubt that it would interfere.

Mr. BREWSTER. But it was your understanding at the meeting that it would interfere with the Indian land on the reservation?

Mr. JONES. Yes, sir.

The CHAIRMAN. Is there any other statement that you want to make?

Mr. JONES No.

The CHAIRMAN Have you talked with the individual Indians, the men and women of your people there?

Mr. JONES Yes, sir.

The CHAIRMAN What general impression did you get from them in talking about this situation?

Mr. JONES They were all opposed to it, I think.

The CHAIRMAN You think they were all opposed to it?

Mr. JONES Yes, sir; all that I talked with.

The CHAIRMAN You talked with quite a lot of them, did you?

Mr. JONES Yes, sir.

The CHAIRMAN All right That is all The next witness will be Mr. Livingstone Crouse

STATEMENT OF LIVINGSTONE CROUSE, NEDROW, N. Y.

The CHAIRMAN Your name is Livingstone Crouse?

Mr. CROUSE Yes, sir.

The CHAIRMAN And you reside down here on the reservation?

Mr. CROUSE Yes, sir.

The CHAIRMAN How long have you lived here?

Mr. CROUSE About 40 years.

The CHAIRMAN Are you a member of the council or a chief at this time?

Mr. CROUSE Yes, sir; a member of the council.

The CHAIRMAN What is your impression of this proposed flood-control project that the city of Syracuse and the State apparently want to put in here?

Mr. CROUSE Well, my impression is that the city wants to get control of our land, chiefly. The city of Syracuse now is adjacent to our reservation, practically within about 200 yards.

The CHAIRMAN The city limits extend practically to within 200 yards of your reservation?

Mr. CROUSE Yes, sir. And just along the valley there to the city limits there are very low banks, and usually in the spring of the year the waters would rush down through the reservation into the city, and, of course, just at the edge of the city, along the line, that creek should be dredged there. Now, part of that is dredged and has a concrete bottom and there is no damage being done there. Beyond that to the reservation there is a very crooked ravine. It is a small ravine, but it sets crooked so that it stops the flood and the water kind of gathers, and separates some of those people along the borders of the city. It backs up against their houses—only a few houses. Now, what they are up to is to put up a dam on our reservation.

The CHAIRMAN To keep this water from backing up on the city property?

Mr. CROUSE Yes, sir. I suppose they want to let the water out, a certain amount of it, but there would be a plot of land acquired on which there would be standing water there and it would be unfit for any human life.

The CHAIRMAN It would be unfit for anyone to live near it?

Mr. CROUSE Absolutely.

Senator WHEELER. Why?

Mr. CROUSE. Because that water would gather there.

The CHAIRMAN. You mean it would be stagnant?

Mr. CROUSE. It would be stagnant water standing there, and they would only gradually run so much off, so there would be no flood.

Senator WHEELER. What is the purpose of having a dam there?

Mr. CROUSE. Simply to back up the water.

The CHAIRMAN. Is the reservoir to keep the water from flooding?

Mr. CROUSE. Yes, sir.

The CHAIRMAN. How much of your reservation do you think would be taken if they carried out their program?

Mr. CROUSE. Practically the best part of our land would be taken up, because we live in the valley. Outside of that it would be woods, rocks and hills.

The CHAIRMAN. Is this Indian village where your people live in the valley?

Mr. CROUSE. Yes, sir.

Doctor LESEUR. Is there any swamp land there?

Mr. CROUSE. Yes, there is swamp land there.

Doctor LESEUR. How many acres, would you say?

Mr. CROUSE. I couldn't say, I never measured it.

Doctor LESEUR. Just a guess, it isn't important.

Mr. CROUSE. I don't know—very few acres, I believe.

The CHAIRMAN. It is right along the stream, is it?

Mr. CROUSE. Yes, sir.

Senator WHEELER. Could they build the dam any other place?

Mr. CROUSE. Absolutely. There is a better dam site right outside the reservation.

The CHAIRMAN. Further back?

Mr. CROUSE. Yes, sir; just outside the reservation. The forks of the two ravines come right in at the lower end of the reservation.

The CHAIRMAN. That dam site right outside the reservation that you speak of would be one of the best dam sites they could get to protect the city, do you think?

Mr. CROUSE. Absolutely. And it would protect them and prevent any floods. Of course, probably if they could get the Indians' land for a song, that would be the land they would take, and get rid of the Indians, besides.

Senator WHEELER. What effort has been made to get the land?

Mr. CROUSE. They just came and made a survey. The State agent came over and threatened some of the women folks and said the State was going to take it away from us. He said we had no right there and that they were going to survey it and have it condemned. Mr. Fenner, the State agent—he is not the Indian agent, he is the State agent—he protects the white men, not the Indians.

The CHAIRMAN. He looks after the white men?

Mr. CROUSE. If the white men want anything they go to him.

The CHAIRMAN. Who do the Indians go to if they want anything?

Mr. CROUSE. Fenner.

Senator WHEELER. What about the pipe line that goes across there?

Mr. CROUSE. This pipe line was probably leased years ago. Mr. Andrew Gibson was there at the time the lease was drawn up.

The CHAIRMAN. Do you understand that the Indians were paid when that pipe line was put across there?

Mr. CROUSE. Yes, they were bribed for voting and were given \$5 a head.

The CHAIRMAN. You mean, the council members were?

Mr. CROUSE. Yes; at that time. That was way back. And an agent by the name of Hines was there at the time.

The CHAIRMAN. The State agent?

Mr. CROUSE. The State agent, who came to these Indians. As I said a moment ago, if any white men want anything they go to the agent. And he came to see if he could carry this lease through. He got the lease for them. He came up to these Indians, these chiefs, and got them together. They refused to have the pipe line go through, absolutely refused. They didn't want it. They held a meeting there all day long. Finally they had to light the lamps for the old men to see. Finally one of the chiefs was taken outside, and some of them were given \$5 per head for voting on it, and that was how the pipe line came about. They said that that pipe line would never destroy our property and that they were going to put it down four feet in the ground.

Senator WHEELER. Is that what the lease provides?

Mr. CROUSE. Yes; that was what the agent stated to these chiefs. They said it probably wouldn't interfere in any way with their rights, and wouldn't affect them.

The CHAIRMAN. Was there any written lease?

Mr. CROUSE. There was a lease, but it expired years ago, and it has never been kept up and the Indians have never received any compensation for years.

The CHAIRMAN. Is the pipe line buried in the ground?

Mr. CROUSE. Yes; it is in there now and the Indians are having trouble on account of it.

Senator WHEELER. Why?

Mr. CROUSE. Our fish are being killed by that. The pipe runs through the creek, and some of this creek runs almost with that pipe, you see.

The CHAIRMAN. And you think the pipe line leaks?

Mr. CROUSE. Absolutely. They are having trouble continuously. There is a gang there watching it. There is a watchman there watching all the time. It kills the grass and it kills the trees. I tried to raise some fruit trees, some apple trees, along the road and I couldn't raise them. Just as soon as the roots got down deep enough the trees died.

Senator WHEELER. What goes through this pipe line—brine?

Mr. CROUSE. Brine. It comes from the wells at Tully, just south of the reservation.

Senator WHEELER. What does that pipe line take it?

Mr. CROUSE. Right through the reservation into the city to the Solvay Process.

Senator WHEELER. What did they do about it when they ran it through white men's property?

Mr. CROUSE. The white men put up such a fight and caused them so much trouble that they had to buy out the white men's property. They had to pay such big fines in court. From the reservation up there are only a few individual owners, it is all owned by the Solvay Process.

The CHAIRMAN. Has there ever been a suit instituted on behalf of the Indians for damages?

Mr. CROUSE. No; we couldn't sue because they claim we couldn't prove these things, that we couldn't get to the bottom of these things exactly. I don't know how we can do it. Of course, I just came into the council a few years ago, but I have been agitating it.

The CHAIRMAN. How long have you been in the council?

Mr. CROUSE. I have been in the council now about five or six years.

The CHAIRMAN. Have you any attorneys representing you in that or any other case?

Mr. CROUSE. Yes, we have Oscar Brown as attorney for the council.

Senator WHEELER. Who employs him?

Mr. CROUSE. We employ him—the Onondaga Council.

Senator WHEELER. You say this lease that the Indians had there has expired?

Mr. CROUSE. It expired long ago.

The CHAIRMAN. And it has never been renewed?

Mr. CROUSE. It has never been renewed.

Senator WHEELER. Have you got a copy of the lease?

Mr. CROUSE. No, we haven't.

Senator WHEELER. Have you ever seen a copy of it?

Mr. CROUSE. No, I haven't. That is the reason I couldn't start action.

Senator WHEELER. Why do you say it has expired, then?

Mr. CROUSE. We receive no compensation whatsoever.

Senator WHEELER. Have you ever received compensation?

Mr. CROUSE. Yes, these men received compensation; and they paid so much to the council, I believe, in the early stages.

Senator WHEELER. Is there anybody here representing the Solvay Process Co.?

Mr. BRUCE. There will be somebody here this afternoon.

The CHAIRMAN. We would like to have some one here from the Solvay Process Co. Did the tribe get any money from the lease for this pipe line in the old days when the lease was let?

Mr. CROUSE. It was paid to the nation at the time, I believe—to the secretary and treasurer.

Senator WHEELER. How about these other leases that they have taken for the limestone quarry and sand pit?

Mr. CROUSE. Well, this quarry is held up by our agent, Mr. Fenner.

Senator WHEELER. How is it held up?

Mr. CROUSE. Mr. George Thomas, who drew up the lease to Dick Jones, is head chief of the six nations—

The CHAIRMAN (interrupting). At the present time, or was he a former head chief?

Mr. CROUSE. He is at the present time, absolutely.

The CHAIRMAN. I thought this man that just testified was the head chief.

Mr. CROUSE. He claims he is the so-called head chief. He is not the head chief at all, and never was. His condolence mother deposed him years ago.

Senator WHEELER. So you have two factions down there?

Mr. CROUSE. It became a faction, of course, owing to the fact that we started a suit against the State. The council was all together, all agreeable, they were as one, at one time. There was no disturbance, everything was lawful. Old man Jareus Pierce, who is dead now, the Indian who started this case, got these councils together. He wanted to sue the State, or to get them to agree to pay these Indians for the land wrongfully taken at that time.

Senator WHEELER. Taken by the city, you mean?

Mr. CROUSE. Taken by the city; yes. The Indians then came to a council meeting, and they were all as one; and the Oneidas, who migrated from Wisconsin, came to our rescue and financed this nation to go through. The Indians were better situated over there and they helped us collect money. At that time the Onondaga Council put up \$150, the Oneidas, of New York, put up \$150, and the Oneidas of Wisconsin put up \$150, and the Cayugas, and so on; and we entered into a contract. Now, we were flooded by the newspapers at that time, who were wondering what the Indians were going to do.

Senator WHEELER. You were not only flooded by water, but also flooded by newspaper men, too?

Mr. CROUSE. Yes, sir; we were flooded by the newspaper men, too. They wanted to know what was going on. Now, out of that the result was that some of these chiefs, like Jesse Lyon and Emmet Lyon, withdrew from the council and became a faction and started a group by themselves, agitating, and working with the newspaper men in Syracuse.

The CHAIRMAN. Against the Indians?

Mr. CROUSE. Against the Indians, and that has brought ruin to the Onondaga Reservation to-day.

Senator WHEELER. How about the sand pit?

Mr. CROUSE. About the sand pit, we went to work and renewed the lease. George Thomas made the lease with this Jones Cut Stone Co. Mr. Fenner said that the lease was not good because he didn't draw the lease, and prohibited Dick Jones from paying the royalty to the council. Dick Jones had been paying this money annually and directly to our treasurer.

The CHAIRMAN. How much does that amount to?

Mr. CROUSE. It amounts at least to \$200 per year, and there is a royalty on the crushed stone we were getting, which amounts to more, but, of course, he just recently started on that royalty basis.

The CHAIRMAN. It amounts to a little more than \$200 a year?

Mr. CROUSE. Yes, sir.

The CHAIRMAN. What did you get out of the sand pit?

Mr. CROUSE. We haven't received a continental cent. This sand pit has been taken for several years. Tom Lowrey individually entered that lease and took that up himself.

Senator WHEELER. Who entered into the lease with Tom Lowrey?

Mr. CROUSE. We don't know. The council never entered into it.

Senator WHEELER. He has no right to take any sand from your reservation. As I understand, you land down there is held by the tribe itself?

Mr. CROUSE. Yes, sir.

Senator WHEELER. The reservation hasn't been allotted to any individual Indians?

Mr. CROUSE. No.

Senator WHEELER. It is held by the tribe?

Mr. CROUSE. Whole tribe. I met Mr. Fenner here in the city just before we started that case, and he says to me, "What are you going to do? Don't you know that Minnie Schenandore and her husband are taking the sand?"

Senator WHEELER. Are they Indians?

Mr. CROUSE. Yes, sir. Her so-called husband is married to another woman. This Minnie Schenandore and he live together, anyway. She leased it to Tom Lowrey, and there was a former lease to that, which was leased by the Indians, by the chiefs, but she threw that out and kicked them out and she bought that property from other individual Indians. These individual Indians had to recognize the council, and were getting one-third out of that, and two-thirds was going to the nation. Now, she reversed it and is only paying two-thirds to the surface owner, which we never receive, and one-third to the nation, which she claims to be paying, but which she never has yet paid.

The CHAIRMAN. You mean now you are not getting anything out of the sand pit at all?

Mr. CROUSE. No; we are getting nothing at all. It has been held up.

The CHAIRMAN. Are they taking stone and sand out?

Mr. CROUSE. They are taking stone and sand out and we are receiving nothing.

Senator WHEELER. You say you are receiving \$200?

Mr. CROUSE. No.

Senator WHEELER. I thought you said you were receiving \$200 a month.

Mr. CROUSE. At that time Mr. Fenner came there and stopped Dick Jones from paying us. He said he got the authority from Judge Cooper to do this.

Senator WHEELER. What about that, Mr. Fenner?

Mr. FENNER. The money is intact now, Senator Wheeler. I have an injunction. Mr. Crouse and his people served an injunction on me, first on the sand pit.

Senator WHEELER. How did they get the injunction against you?

Mr. FENNER. Through Judge Cooper—that all moneys should be paid to the State agent until further settlement, which was done.

Senator WHEELER. Who was the suit brought by?

Mr. FENNER. The suit was brought by Mr. Thomas and Mr. Crouse through their attorneys.

Senator WHEELER. What for?

Mr. FENNER. To determine who was, I suppose, the owners of it—of that possessory title.

Senator WHEELER. Who has the possessory title?

Mr. FENNER. Each and every individual.

Senator WHEELER. I understand each individual Indian has out there what is commonly termed "possessory title," but, of course, the lands belong to the tribe.

Mr. FENNER. Surely.

Senator WHEELER. There isn't any doubt about that.

Mr. FENNER. No, no.

Senator WHEELER. These people entered into a lease with the tribe Mr. FENNER. The Jones Cut Stone Co. entered into a lease after the two factions had been formed, and the lease was so formed that they signed in two separate columns, and both factions; that is, the chiefs signed the lease, and he has his lease for the stone quarry.

Senator WHEELER. And then he went into court—

Mr. FENNER (interrupting). He didn't go into court; they went into court—the factions.

The CHAIRMAN. The Indian council.

Mr. FENNER. The Indian council went into court.

Senator WHEELER. Went into court and enjoined him?

Mr. FENNER. Yes; enjoined Mr. Jones.

Senator WHEELER. Have you a copy of the pleadings in the case?

Mr. FENNER. I have a copy of all of them, but you didn't tell me in the letter that you wished me to bring those things. Now, as to the money, the money has been deposited by me in the bank, every penny of it, which can be accounted for.

The CHAIRMAN. Pending settlement of this case?

Mr. FENNER. Yes, sir.

Doctor LESEUR. Are there any further steps being taken now to settle it?

Mr. FENNER. Yes; they had another suit then to determine these factions.

Senator WHEELER. Who had the suit?

Mr. FENNER. The chiefs of the nations met in conference. I was called to Onondaga by all the tribes of the Six Nations confederacy. That didn't stand, so they went up to the Supreme Court, before Judge Bryant, of the United States Supreme Court—

Senator WHEELER (interrupting). What is that?

Mr. FENNER. The United States Supreme Court.

Senator WHEELER. No, no, not the United States Supreme Court.

Mr. FENNER. Beg pardon—the district court judge. An agreement was drawn up by the two treasurers. Jones Stone Co. wanted to pay his rent, but he had orders—he didn't know who to pay it to; and we got an order from these two treasurers, with their councils agreeing to pay that money to the State agent, and I deposited it in the bank, and I can account for every penny of it.

The CHAIRMAN. Is there any further statement you want to make, Mr. Crouse?

Mr. CROUSE. Well, I would like to have George Thomas come to the stand here and testify about those leases. He knows more about those leases than I do.

Mr. BRUCE. Mr. Chairman, may I ask just one or two questions of this witness?

The CHAIRMAN. Certainly.

Mr. BRUCE. Do you understand that these flood-prevention dams that the city proposes would flood the lands all the year round?

Mr. CROUSE. Why, absolutely.

Mr. BRUCE. Do you understand that the dams are to be filled up with water all the time?

Mr. CROUSE. If we had a wet season probably they would be.

Mr. BRUCE. Still, I want to know whether you think if the dams are set back they will hold water the year round, or simply hold the flood waters at flood times.

Mr. CROUSE. Yes; I think it would.

Mr. BRUCE. Do you understand that they are to hold water the year round, and flood the lands the year round, like a mill dam with no outlet except over the top? Is that your understanding of the dams that are to be built?

Mr. CROUSE. I understand that they were going to let out the water so much at a time, gradually, and that would then mean that there was so much water in the dam——

Senator WHEELER (interrupting). As I understand it, they were going to stop the water coming down in flood times and then gradually let it out afterwards.

Mr. CROUSE. Yes, sir.

Mr. BRUCE. But you say in the event that you had a wet season it might be possible that the water would stay there?

Mr. CROUSE. It might. Even if it wouldn't at other times, there would be a certain amount of water standing there, because they would only let out a certain amount so that the city would not be flooded.

Mr. BRUCE. Do you understand that the land to be flooded at any time includes the Indian village?

Mr. CROUSE. Why, sure.

Senator WHEELER. How much of the Indian village would it cover?

Mr. CROUSE. Practically all. They were going to put a dam there on the south end and up on the north end. They would take in both ends, as I understand it.

Senator WHEELER. You think that they could build the dam outside of the reservation?

Mr. CROUSE. Absolutely; or, if they would straighten the creek it wouldn't cause any trouble at all. They could dredge it out and straighten it and the flood sewer would carry the water without any trouble. I have had talks with citizens of Syracuse who actually said this, that that was simply a big swindle for the politicians who wanted to grab, or have a lot of money involved in this thing. That is the way they talked to me. The people there in the valley who are threatened with this dam don't want the dam put on the reservation. They said if the Indians allow this dam to be put there, "We want to move out of this valley." The white people say that "We won't live behind those dams."

Mr. BRUCE. In this lawsuit that you had with the stone quarry, one of the questions asked by the court was who were the chiefs? Wasn't that one of the questions asked by the court? Do you understand that?

Mr. CROUSE. Yes; I understand.

Mr. BRUCE. And one of the things that Judge Bryant recently decided in his decision was who were the duly constituted chiefs on the Onondaga Reservation.

Senator WHEELER. What court decided that?

EXHIBIT V

SURVEY OF CONDITIONS OF THE INDIANS IN THE UNITED STATES

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

SEVENTY-SECOND CONGRESS

FIRST SESSION

PURSUANT TO

**S. Res. 79 and 308 (70th Cong.), and S. Res. 263 and 416
(71st Cong.)**

**A RESOLUTION DIRECTING THE COMMITTEE ON INDIAN
AFFAIRS OF THE UNITED STATES SENATE TO MAKE
A GENERAL SURVEY OF THE CONDITION OF
THE INDIANS OF THE UNITED STATES
CONTINUING UNTIL THE END OF THE REGULAR SESSION
OF THE SEVENTY-FIRST CONGRESS SENATE RESOLU-
TION NUMBERED 79 AUTHORIZING A GENERAL
SURVEY OF INDIAN CONDITIONS**

INDIAN CLAIMS AGAINST THE GOVERNMENT

PART 25

**JANUARY, MARCH, NOVEMBER, AND DECEMBER, 1930,
AND MAY AND JUNE, 1931**

Printed for the use of the Committee on Indian Affairs

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allotments and selections. Later, after the decree was reversed, of course, by the citizenship court, this land that was allotted to these applicants was withdrawn and allotted to more fortunate people. I have a diagram of just one individual family that has a selection which I merely present for your consideration.

RE CLAIMS OF THE SIX NATIONS (NEW YORK)

PETITION

To the INDIAN INVESTIGATING COMMITTEE OF THE UNITED STATES SENATE:

We, the Hodinonshonni, the league of the Iroquois, otherwise known as the Six Nations Confederacy, who were the first to establish on this continent law and order and a government respected by the tribes of Indians, America, and by foreign nations; we, who were the original authors of that form of government which has given the largest degree of freedom to mankind, thereby making possible western civilization; we, who through the most critical times of a struggling foreign people gave to them the heart's right hand, and bread and life, and by these things secured and determined the liberty of the land and made possible the great Republic of the United States; we, who put our trust in time-old honor between men and between nations and our whole faith in the national honor and integrity of the people we had helped to become a nation made a solemn covenant with the United States of America.

We, the Hodinonshonni, your petitioners, respectfully submit to your honorable investigating commission that by the treaty of Fort Stanwix, 1774, the Six Nations were secured in the possession of approximately 18,000,000 acres of land in western New York and Pennsylvania, bounded by the survey known as the Sir William Johnson line of property handed down to us from the treaty with Great Britain of 1763.

That by the treaty of 1784 the Six Nations were secured in their independent self-government.

That by this treaty the Six Nations were guaranteed protection from the United States Government.

That by this treaty the Six Nations ceded to the United States the whole of the Ohio Valley.

That by this treaty the United States and the Six Nations were to remain faithful friends.

That, according to our traditional honor, we the Hodinonshonni, have kept the faith to the present day.

And we desire to remind the United States of America, of the great circumstances out of which this treaty grew.

The terms came out of the pre-war promises of the Revolution by Gen. George Washington. At that time both the British and the colonial forces coveted the alliance of the league of the Iroquois.

Both sides knew whichever side could ally itself with the confederacy would have the balance of power. A treaty council was asked for by Sir William Johnson, and was granted by the confederacy. Sir William told them that the English asked for an alliance, and their support against the Colonies; that the English Government would pay them 5 pounds gold for every fighting man, and offered them a treaty guaranteeing them security in their title to their territory, and protection, against all encroachments "as long as water runs and grass grows." Also should the British be whipped, they would deed them as much land in Canada as they then possessed in New York and would guarantee them their sovereignty as a nation there.

Gen. George Washington, two months later, asked for a national council of the Iroquois, and it was granted. He told them the Colonies were poor, but they were fighting for liberty, the one thing dearest to every Indian heart. He said he could not offer them gold, but asked for an alliance between them and the Continental Congress soon to be formed. And should the British be whipped, the new Government of the United States would renew the alliance, both recognizing the sovereignty of one another. The United States would guarantee them in their title to their lands forever.

At first the Six Nations firmly held to their policy of neutrality. Had not Gen. Joseph Brant, a powerful Mohawk leader, been persuaded to lead away a following of the confederacy to the British side, the Revolutionary War would not have been so prolonged. Still the Six Nations remained neutral.

but the British now sent primitive expeditions into the Six Nations country. The Oneidas, always the friends of General Washington, now put all the fighting men of the Oneidas, the Tuscaroras, and those of their adopted peoples, the Stockbridges and Brothertowns behind General Washington and gave his starving army adequate provisions and so quickly determined the outcome of the Revolution.

As the President of the new United States, the Father of his Country kept the faith of his Iroquois allies and personally directed the Fort Stanwix treaty of 1784.

It was made with the most vigilant observance of all the formalities due an international document. It was the result of conferences between duly authorized representatives of both nations.

It was duly ratified by the United States Senate and promulgated to the world.

It remains to-day the most dignified treaty in the whole history of this country's Indian relations.

It was made with a civilized power already recognized as such by France, Holland, and England, and a government which was a better established political unit than the white government for many years.

For a hundred and forty-four years your petitioners have lived and seen the embarrassments of the United States Government toward the Six Nations, promoted by the State of New York. When the confederacy first protested the President of the United States answered them in these words: "Be assured that the United States of America will never see you defrauded, but will protect you in all your just rights." And the protests of President Washington to Governor Clinton of New York is a matter of history.

Beginning with 1788, contrary to the constitutional provision prohibiting the States to enter into treaty relations with Indian nations, the State of New York began a series of treaties with separate nations of the confederacy for cessions of their coveted territory. Ruin and fraud were the order of these transactions.

Parties interested in the cessions of land were made members of the personnel of the New York treaty commissions.

Parties representing the Six Nations had no power constitutionally on the Indian side to sell, without the consent of the people of each nation, and without the consent and ratification of the general council of the Six Nations Confederacy. The loss of Six Nations citizenship to the Delaware Indians is an example of the punishment due any Six Nations people who violated this provision of the Iroquois constitution.

Finally, by the treaty of 1784, the Six Nations had no power to sell land without the consent of the guardian, the United States Government.

Under the articles of confederation, "Treaties shall constitute the supreme law of the land."

"Your petitioners pray that your honorable commission will investigate the facts and the charges herein set forth to the end that a sacred covenant between the league of the Iroquois and the United States of America may not become a scrap of paper at the hands of a powerful nation through a sinister organ whose power to destroy the Indian peoples of the land has come to be ground for a world appeal; that the "reign of terror" in bureaucracy may be ended and the day of better understanding between the red man and the white man may be made possible.

Your petitioners charge:

1. That Governor Clinton and the delegation from New York did all in their power to keep the Senate from ratifying the treaty of 1784.
2. That the officials of the State of New York from 1784 through the years willfully defied President Washington and his successors; defied the Congress of the United States, the Supreme Court, and the United States Constitution.
3. That though both the Congress of the United States and the Legislature of New York have passed stringent liquor laws making it a crime to give or sell liquor to an Indian, that liquor was the main argument used by New York State commissioners in procuring the so-called Indian treaties.
4. That every foot of land bought from the Mohawks, Oneidas, Cayugas, and Onondagas was illegally obtained in absolute contravention to the laws of Congress, to the United States Constitution, and to the treaties.
5. That President Washington vigorously protested to Governor Clinton that these so-called State treaties were made and the land taken away in utter contempt of Federal authority.

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6. That from the day the treaty of 1784 was ratified and promulgated, the State of New York through officials, through local chambers of commerce, and through paid hirelings, both white and Indian traders, have used every means in their power to discredit and disorganize the Six Nations and that they succeeded since 1867 in destroying to a great extent their solidarity and integrity.

7. That prior to 1867 the State of New York had no help or abetting from the Federal Government in the interference with the Six Nations' affairs, but since then a system has been built up under the Interior Department, the Indian Bureau. This bureau has joined hands with New York to further break down the Six Nations as a nation.

8. That the State of New York has taken these lands illegally procured from nations of the Six Nations and has issued State patents to its citizens for same.

9. That the United States Government has issued no patents for any of this land and that the patents issued by the State are null and void and have no force or effect.

10. That a great deal of this land, especially city real estate, has no title but is strictly on lease.

11. That the title of the land along the rivers and streams now controlled by the Power Trust and its connections is vested in the Six Nations and that the Six Nations' claim to riparian rights are as well founded as any other peoples'.

12. That the Six Nations Confederacy vigorously protested to the Federal Government through the years so that no statute of limitations can run against them; that the law of laches does not apply to people who have no power to sue.

13. That prior to 1867, when the Indian Bureau was organized, the State of New York claimed no jurisdiction over the Six Nations, yet throughout the last 60 years New York has assumed considerable jurisdiction over the Six Nations' people and their affairs. It has appointed agents over each reserve, who inefficiently take charge of business affairs without a protest from the Federal Government, and we charge that the agents have been partial, and have at all times sought to create discord among the Indians.

14. That any act performed by these so-called State agents, except the distribution of State annuity, is illegal and without warrant of Federal law; that dual control over our people is illegal, a nuisance, and must be stopped.

The Boylan case has brought the American people face to face with the crime which has been perpetrated on the Six Nations Indians. It has brought the State of New York and the United States Government to a point when they must face this issue and make a settlement with the confederacy for the wrongs of degrading, pauperizing, and well-nigh annihilating a once powerful nation, which was the hope of the American Indian on the Western Continent. An Indian by the name of Margaret Honyost had mortgaged 32 acres in Onelda, N. Y. In a few years she was foreclosed and forced to move. An action was started by the United States district attorney to declare the foreclosure illegal. The said action went to the Federal Circuit Court of Northern New York, with Judge George W. Ray presiding. After a long hearing Judge Ray handed down a decision, stating that the title to the land had never left the Six Nations. That the Iroquois Confederacy was still a nation and had never given up its right of self-government. And in effect, therefore, no one but the Six Nations government could mortgage or sell 1 foot of the property guaranteed under the treaty of 1784. The effect of this decision was that the 32 acres then in the hands of an innocent purchaser reverted back to the Six Nations by court order and so stands to-day.

An appeal was taken by the white man to the Federal court of appeals, and there Judge Ray's decision was sustained.

This case brought up the question of jurisdiction between the Federal and State Governments over the Six Nations. As a result of the discussion, the State appointed a commission to investigate the status of the Six Nations. The report of the chairman of that commission follows:

"First. The Six Nations Indians consummated a treaty with the United States Government through its regular channels, the same being approved and ratified by Gen. George Washington, at Fort Stanwix in the State of New York in 1784, by which they were ceded certain territory within the State of New York.

"Second. That the ceding and setting over to the Indians of this territory was in accordance with and at the conclusion of a treaty consummated by the Indians as a nation and by the United States as a nation.

"Third. Further, that the passing of the title of the ceded territory to the Indians of the State was a legal and proper transaction, and that the Indians as a nation became possessed of the ceded territory the same as any other nation would become possessed.

"Fourth. That the said Indians of the State of New York as a nation are still the owners of the fee-simple title to the territory ceded to them by the treaty of 1784."

We charge that since the Six Nations began a rehabilitation program and a litigation against the St. Lawrence River Power Co. and the State of New York, that the Indian Bureau has carried on a constant propaganda against them in its usual sinister way to break up their solidarity and progress, and that through it the United States Government is made to appear as an ally of the political and other enemies of the Six Nations.

That among its efforts, it caused postal authorities to investigate the officers and organizers of the Six Nations, and that when the postal investigators found no fraud against them that the bureau next conspired with one Duncan Scott, commissioner of Indian Affairs at Ottawa, to have the Six Nations' officers and representatives arrested and tried in Canada on charges of fraud.

That the Indian Bureau put its inspectors on their trail to try to find evidence to convict them in Canada.

That during the trial at Montreal the bureau sent its chief clerk to testify against the indicted people. That under cross-examination he admitted that the bureau had been carrying on a propaganda against the Six Nations; that he was the man authorized to do it; and that public money had been spent in this effort.

The trial at Montreal before Judge Wilson, of the King's bench lasted 10 days. During the trial no evidence was produced before the court along the line of the charges of fraud above made; but the Six Nations were compelled to try their whole case, leaving the court to define the Six Nations' position. The Six Nations did not want a "whitewash." They wanted a clear-cut decision of Six Nations' status as well as a verdict as to the honor and integrity of their representatives.

Justice Wilson, one of Canada's greatest jurists handed down the following:

"I am not surprised that the Six Nations should look for more and more independence. They have their own government; there is no doubt of that. They say they are self-governing. So they are, to the same extent that a municipality is self-governing or that the legislature of the Province of Quebec is self-governing.

The jury decided in eight minutes that the Six Nations' representatives were conducting the affairs of their nation as they should be conducted. We are informed that this trial cost the prosecution over \$17,000. We have our suspicions that the bureau at Washington gave its share in money as it did in other things to procure conviction.

We charge that the conspiracy between the Indian Bureau of Washington and the Indian bureau at Ottawa has brought about the enactment by the Canadian Parliament of a law to arrest any Indian who contributes money to prosecute any claim without the consent of the commissioner of Indian affairs in Canada; that this law is intended to persecute the Mohawk constituency of the Six Nations, who by the Jay treaty were wrongfully left on the Canadian side against their protest and the protest of the Six Nations, and the specific agreement finally with the commissioners of the Jay treaty that the boundary line between Canada and the United States was to be lifted into the sky over the Mohawk Indian land.

We charge that Barnhart Island, which belongs to the Mohawks, is in the United States boundaries, and that the State of New York has assumed title to it, and has transferred it to the St. Lawrence River Power Co. That the lease for Barnhart Island has expired long ago and that no lease money has been paid for over 60 years.

Your petitioners desire to remind the United States of America that the Six Nations are not under the Bureau of Indian Affairs, and that the Indian Bureau's acts of wanton contempt, interference, and persecution against the independence and integrity of the official personnel of the confederacy is ground for war between nations, were not the protectorate reduced to a state of pauperism and helplessness by acts of fraud and harassments allowed through the years by the guardian Government. Believing intensely in the justice of our cause, we petition your honorable commission to investigate how many means, how many people, and how much money has been used in

the Indian Bureau's propaganda against the Six Nations, more particularly between the dates of February 15, 1922, and October 18, 1927.

The Seneca Nation in 1849 changed its form of government with a separate understanding between it and the United States Government, and that in the absence of machinery provided by the Federal Government in their relations with the Six Nations the Senecas have been coming to the Interior Department. By this change the Seneca Nation left the Indian form of government, adopting, to a certain extent, the white form. Under this form and under the eye of the Indian Bureau, a most corrupt government has reigned ever since among the Seneca Nation. Elected councillors, in the place of chiefs, largely mixed bloods, have carried on a system of looting quite equal to their white example. No report as to the oil, gas, and land lease revenues are made to the Seneca Nation. No increase in the per capita distribution of royalties to the Seneca people has been made for years despite the increase in the revenues. The Seneca declaration of the change in 1849 was not acknowledged before a notary until 1923, long after the original signers were dead.

The Onondaga Indians own a reservation of 4 miles square. Most of it is hills, there being a small part in bottom lands which alone can be used for crops.

We charge that the city of Syracuse covets this reservation and that immediately it has a plan to take away the bottom lands for dam sites, and that the Indian Bureau has promised its assistance in getting the land; that a prominent New York politician offered the Onondagas \$15 per acre for land worth \$250 and told the Onondagas that if they would not accept it the Indian Bureau would help him get it anyway.

A litigation was started June 6, 1925, in an ejectment action against the St. Lawrence River Power Co. by James Deer, a St. Regis Mohawk, under the auspices of the Six Nations. This suit was filed in the Federal District Court of Northern New York by the New York law firm of Wise, Whitney & Parker. Some months later the State of New York came in as party defendant on its own volition.

On September 29, 1925, the St. Lawrence River Power Co. filed a motion to dismiss the complaint on the ground that no Federal question was involved and that the plaintiff being an Indian had no legal authority to sue, although being a citizen of the United States. It was at this stage of the proceedings that the State of New York interpleaded as a party defendant.

The motion to dismiss was argued November 21, 1925, by Col. Jennings C. Wise for the plaintiff and by Hon. Charles Evans Hughes for the defendant.

At no time in the pleadings did defendant's council undertake to set up a title to land in question for the obvious reason that the so-called treaty of 1824 by which the St. Regis band had been divested of possession was wholly without effect at law, being null and void, under the Constitution of the United States, and the Federal statutes enacted pursuant thereto including the treaties of 1784 and 1797.

It was specifically stated under the articles of confederation that the United States took protectorate over the Indian nations and a proclamation was issued that Indian nations should be independent of any State.

Article 1, section 8, of the United States Constitution conferred upon Congress the sole right to regulate commerce with Indian nations.

Article 1, section 10, of the Constitution forbids any State from entering into any treaty or alliance with an Indian nation.

Article 2, section 2, of the Constitution conferred upon the President of the United States the exclusive power by and with the consent of the Senate to make any treaty.

July 22, 1790, at President Washington's request, Congress passed an act (1 Stat. 137) expressly forbidding the States, no matter what their preemption rights might be, from entering into a treaty with any Indian tribe or nation.

In 1823, 1831, and 1832, John Marshall, Supreme Court Justice, handed down three decisions, laying down three great fundamental principles. Indian rights were guaranteed by solemn treaty between Great Britain and the United States and protection by the Constitution was expressly declared.

Judge Cooper, of the Federal District Court of Northern New York, took the case under advisement and no decision was handed down until October 18, 1927.

Immediately a formal request was made on the United States through the Secretary of the Interior to intervene on behalf of its wards. The request was referred by the Secretary of the Interior to the Attorney General. The Six Nations attorneys took the matter up with the Department of Justice, and point-

ing out to Assistant Attorney General Parmenter that intervention was necessary, not alone to protect the prima facie title of the United States, but the right of occupancy of its citizen wards as well.

Pending final action the Department of Justice at once notified the United States district attorney for the Northern District of New York to prepare himself to intervene without delay should the Attorney General decide so to do.

Immediately Deputy Attorney General Manley, of New York, arrived on the scene, and, with powerful support, succeeded in heading off intervention.

At least three times representatives of the St. Lawrence River Power Co. have approached Six Nations' representatives asking if there was no way by which matters could be settled out of court. July 6, 1927, a day was tentatively fixed for a settlement conference between the Six Nations' representatives and those of the St. Lawrence River Power Co. The Six Nations' representatives were asked to come to the conference prepared to state the amount they would accept and to be able to show how the title was to be quieted. There was no Federal intervention obtainable.

We wish now to call the commission's attention to the memorial submitted by Hon. Charles E. Hughes, then Secretary of State, in answer to the memorial submitted by Great Britain in the case of the Cayuga Indians, before the British American Claims Commission in 1926.

"The right of domain which vested in a nation ultimate fee to the land carried with it the exclusive right of acquiring from the various Indian tribes inhabiting it their right to the soil, which were considered as limited to a right of occupancy of the land respectively used by such tribes as their hunting grounds. This limited occupancy might be lost by the Indian tribes through abandonment, or forfeited through engaging in war against the sovereign, or the title in some instances might be extinguished by purchase from the Indians by persons authorized by the sovereign. This dominant right in a sovereign to extinguish the Indians' right to use or occupy land of which the ultimate fee is in the sovereign is called the right of preemption. It precludes not only other powers but also the subjects of the sovereign, without his express authority from acquiring the Indian right of use or occupancy of lands.

"It is this example which the United States since they became by their independence the sovereigns of the territory, have adopted and organized into a political system. Under that system the Indians are so far independent that they live under their own customs and not under the laws of the United States; that their rights upon the lands where they inhabit are secured to them by boundaries defined in amicable treaties between the United States and themselves, and that whenever these boundaries are varied it is also by amicable and voluntary treaties by which they receive from the United States ample compensation for every right they have to the lands ceded by them."

The Six Nations believe this treatise by Judge Hughes to be the greatest summary of the treaties, the United States Constitution, and the laws of Congress in regard to the purchase of Indian lands ever penned by man.

As Secretary of State, knowing the Constitution and the laws of Congress as no other man living, we can well understand the forceful position he took. And we can well understand that he never dreamed that a great Nation like the United States could have allowed any other method but this one to be pursued. He has stated the only legal and tenable way of securing land title from the Indians.

In conclusion, we pray your honorable commission to consider that the United States of America, gladly received our assistance to its nationhood in the trying days between 1776 and 1783. That we gave that assistance on the assurance that we could trust the national honor and integrity of the United States. That beyond the beautiful traditions between the two nations of that time, the Six Nations are secured doubly in the protection guaranteed to them by the supreme law of the land and by the cession of billions of acres of the Ohio Valley.

That though the Six Nations have suffered heavily in the looting of their lands, their more recent persecution by the arm of the United States Government through the Indian Bureau is calculated to break them; that inasmuch as Federal intervention which is their just due from the United States Government is at the same time being withheld without adequate reason, your petitioners charge there is a collusion between the United States Government and the politicians of the State of New York to keep them defrauded and broken.

Respectfully submitted.

O. J. KILLOD,
Attorney for the Six Nations.

EXHIBIT W

10730C (32) 17543

NEW YORK INDIANS

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

EIGHTIETH CONGRESS

SECOND SESSION

ON

S. 1683

TO CONFER JURISDICTION ON THE COURTS OF THE
STATE OF NEW YORK WITH RESPECT TO OFFENSES COM-
MITTED ON INDIAN RESERVATIONS WITHIN SUCH STATE

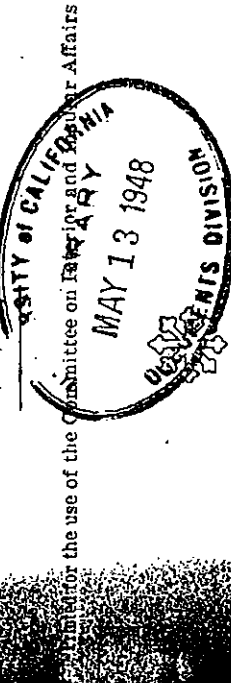
S. 1686

TO PROVIDE FOR THE SETTLEMENT OF CERTAIN
DISPUTATIONS OF THE UNITED STATES TO THE INDIANS OF
NEW YORK

S. 1687

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

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COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HUGH BUTLER, Nebraska, *Chairman*
 CARL A. HATCH, New Mexico
 JOSEPH C. O'MAHONEY, Wyoming
 JAMES E. MURRAY, Montana
 SHERIDAN DOWNEY, California
 ERNEST W. McFARLAND, Arizona

HUGH R. BROWN, *Chief Clerk*

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 Thompson, Elmer B., St. Regis, Cattaraugus
 Wade, Leighton T., counsel, Joint Legislative Committee on Indian
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 Waterman, Cecelia, Onondaga Reservation, N. Y.
 Webster, Ross, chief, Onondaga Reservation, Syracuse, N. Y.
 White, Alec, chief, St. Regis Mohawk Reservation, N. Y.
 White, Moses, Mohawk Indian, Hogsburg, N. Y.
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NEW YORK INDIANS

TUESDAY, MARCH 9, 1948

UNITED STATES SENATE,
 COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
 SUBCOMMITTEE ON INDIAN AFFAIRS,
 Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m., in the committee room 224 Senate Office Building, Senator Arthur V. Watkins (chairman) presiding.

Present: Senators Watkins (presiding) and Ecton.

The present: Senator Butler (committee chairman).

The committee will resume hearing.

The committee is now considering S. 1683, 1686, and 1687.

S. 1683, 1686, and 1687 are as follows:

[S. 1683, 80th Cong., 1st sess.]

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

Enacted by the Senate and House of Representatives of the United States in Congress assembled, That the courts of the State of New York shall have jurisdiction over offenses committed by or against Indians and other persons on Indian reservations within the State of New York to the same extent and in the same manner as the courts of the State shall have jurisdiction over offenses committed elsewhere within the State as defined by the laws of the State.

[S. 1686, 80th Cong., 1st sess.]

To provide for the settlement of certain obligations of the United States to the Indians of New York

Enacted by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Interior is authorized to enter into negotiations with the tribal councils of the Six Nations of New York with a view to the settlement, by lump-sum payment, of the obligation of the United States to pay to the Indians of the Six Nations of New York a permanent annuity in clothing and other useful articles under the provisions of article 11 of the treaty of November 11, 1794, with such Indians.

1854. The Secretary is further authorized and directed to enter into negotiations with the tribal council of the Seneca Nation of New York with a view to the settlement, by lump-sum payment, of the obligation of the United States to pay to the Indians of such nation a permanent annuity in lieu of interest on stock under the provisions of the Act of February 19, 1831 (4 Stat. 442).

Upon the conclusion of the negotiations authorized under this Act the Secretary shall make a report to the Congress concerning the results thereof, and the making of an appropriation therefor by the Congress, shall deposit in the Treasury of the United States to the credit of the Six Nations of New York and the Seneca Nation of New York, respectively, the amounts agreed upon pursuant to such negotiations.

in interest shall have the right to appear in person or by counsel and argue the merits of the case.

In every action in Peacemakers' Court, such action shall be brought in the name of the real party in interest.

The Surrogate's Court shall be composed of one person for each of the Allegany and the Cattaraugus Reservation, to be elected from the residents of the respective reservations at the next annual election after the adoption of this constitution.

They shall hold their office for the term of two years, and be elected every two years thereafter.

They shall be known as Surrogates, and shall have jurisdiction of all matters on each reservation for which they are respectively elected, the same as Surrogates of the different counties of the State of New York have, and the same process, and proceedings now adopted and in force among the Surrogates of New York State shall be the forms, process, and proceedings in use and to be adopted in the courts hereby created, with the right of appeal from all decisions and determinations by said courts, to the council of the Seneca Nation the same as from Peacemakers' Courts.

Section 5. The power of making treaties shall be vested in the council, subject to the approval of at least three-fourths of the legal voters and the council of three-fourths of the mothers of the Nation.

Section 6. There shall be a clerk and a treasurer of the Nation. The rights, duties, and liabilities of such shall be as defined by law.

Section 7. There shall be two marshalls for the Nation; one shall reside on the Cattaraugus and one on the Allegany Reservation. The rights, duties, and liabilities of each shall be as defined by law.

Section 8. The council may provide for the election of Highway Commissioners, Overseers of the Poor, Assessors and Policemen for each of the reservations, their duties to be defined by law.

Section 9. All officers of the Nation named in this constitution shall be elected biannually for the term of two years.

All officers of the Nation named in this constitution may be impeached and removed for such cause as is recognized by law, in such manner and forms as prescribed by this constitution.

Section 10. Every male Indian of the Seneca Nation of the age of twenty years and upwards, residing upon either of the reservations of the Nation, and who shall not have been convicted of a felony shall be competent to vote at all elections and meetings of the electors of the Nation and shall be eligible to any office in the gift of the people of the Nation.

Section 11. The compensation of all officers of the Nation named in this constitution shall be such as prescribed by law and the salaries shall not be increased or diminished during their term of office.

Section 12. The council shall meet annually on the first Tuesday of December of each and every year.

The president shall have power to convene the council in extra session as often as the interests of the Nation in his judgment requires.

Section 13. The council shall have power to make laws not inconsistent with the laws of the Constitution of the United States or of the State of New York or of this constitution.

Section 14. The laws and regulations heretofore made and adopted by the council and not inconsistent with this constitution shall continue in full force and effect as heretofore until repealed or amended, to the extent and in the manner, as the council shall deem lawful and proper.

Section 15. The present officers of the Nation shall hold their offices respectively until the first Tuesday of November, 1899, or until others are elected in their places in accordance with the terms of this constitution, unless removed for cause.

Section 16. It shall be unlawful for the council in their discretion by a quorum vote to appoint a committee of three for revision of the constitution. The duty of the committee shall be on ten days' notice of their appointment to prepare amendments or alterations of the constitution as in their judgment seems necessary and proper, and to report the constitution as amended to the council.

It shall be the duty of the council to submit the same to the electors of the Nation for their approval or objection, to be determined by a majority vote of the qualified electors at a meeting called for that purpose on the Cattaraugus and Allegany Reservation, respectively. In case the proposed amendment is

If committees are rejected, no action shall be taken by the council or the electors before to amending this constitution within one year from the date of said meeting and rejection.

WILLIAM C. HOAG,
ALFRED L. JAMESON,
Committee.

Senator WATKINS. The next witness will be Mrs. L. G. Stillman, of Troy, N. Y.

STATEMENT OF MRS. L. G. STILLMAN, TROY, N. Y.

Senator WATKINS. You may give your full name and address for the record.

Mrs. STILLMAN. Mrs. L. G. Stillman, of Troy, N. Y.

Senator WATKINS. Do you represent anyone besides yourself in this matter?

Mrs. STILLMAN. Well, I have worked with the Mohawks mostly and with various divisions of the Six Nations since the second Indian commission was established by the State of New York; the first was in 1880.

Senator WATKINS. Wait a minute. Are you in an official capacity representing—

Mrs. STILLMAN (interposing). I have been asked by different Indians of the members of the Six Nations, particularly the Mohawks and various other ones, that I come in and try to help them.

Senator WATKINS. I notice you have a prepared statement, haven't you?

Mrs. STILLMAN. I have.

Senator WATKINS. We are going to have to limit the time on the witnesses from here on. You can file your written statement, and we will limit you to 15 minutes for the oral contribution.

Mrs. STILLMAN. Yes, I will try.

Mr. HASS, you raised a point with which I agree. You said that the Six Nations ceded land to the United States. In other words, they retained what they didn't recede as their own tribal property. Can you tell me if that has been sold to the United States?

Senator WATKINS. Just a moment. The committee procedure doesn't permit the witnesses to cross-examine anybody.

Mrs. STILLMAN. Oh, excuse me. I just wondered if he can tell me.

Senator WATKINS. You see, we are just a little jealous of our rights.

Mrs. STILLMAN. Excuse me. Will anybody tell me if this land has been sold to the United States? In other words, I just want to try to establish the point that that still remains separate territory, distinct from United States land, just as distinct as is Canada or Mexico.

Senator WATKINS. Our Federal Government when this occurred promised the Six Nations that they should be protected in the peaceful occupancy and government of their own people on their own lands. That I believe, is what the issue is here. As far as these Indians are concerned to explain it to me, they want to retain their sovereignty of a nation.

Senator ECKON. In other words, they are a nation within a nation; that is?

Mrs. STILLMAN. I don't like to admit that. That would be contrary to our constitution. But if you will grant me that, this territory was

not ceded, is not a part of the United States any more than Canada. We have a nation within a nation. That territory has never been ceded. It has never been sold to the United States, and it is just as distinct from Mexico as is. Do you understand? We have only the right of discovery. If you will read First Peter, 5:15, I think it is, it is equitably stated in there that that territory is distinct from ours, irrespective of the citizenship act. These people have continued to operate under their own government.

Again, do you want to admit that you have a government operating within our government? No. We don't want that, do we, as long as you have allowed them and have promised them the protection in the peaceful occupancy and government for their own people, on their own territory.

My point is, how can this legislation be passed by Congress, any more than you could pass legislation affecting Canada or Mexico, without the consent, voluntary consent of the Six Nations, except you conquer them, if you want to send the Army on and just tell these people, "Shush, get off this country, it is our country." That is not the honor of our nation nor the integrity of the United States. And when you come to pass legislation over a people whom you have not conquered and who are not voluntarily submissive to your laws, until the time arrives, if it ever does, that they want to become assimilated and then want to join with us and become a part of our country, shall we disgrace ourselves before the foreign governments today? Do you want them to stand up before the UNO and say, "Well, the United States is marvelous. It is protecting all small democracies." Is it?

I wrote to President Roosevelt: "Do you mean that to cover all small democracies? What about your nearest neighbor here whom you promised protection forever, not just for today—until these people wish to become submissive to us, until they desire to become amalgamated with us?"

The honor of our country rests on the fact that we protect them in the peaceful occupancy and government of their own people. Are we going to be Hitler? Another point—pardon me. Go ahead.

Senator ECTON. Mrs. Stillman, I want to ask you a question. You say if and when the Indians want to be assimilated. Take S. 1686 for instance. In section 2, it says, "The Secretary is further authorized and directed to enter into negotiations with the tribal council of the Seneca Nation of New York, with a view to the settlement. That is up to the Secretary and the tribal council of the Seneca Nation. That is up to the Secretary and the tribal council of the Seneca Nation."

Mrs. STILLMAN. Does that cover the other nations or just the Seneca Nation? These bills purport to be for the Six Nations, do they not?

Senator ECTON. I think they cover all of New York.

Senator WATKINS. But my understanding of it was where there was a nation and you had a tribal council, nothing would be done until you all agreed to it.

Mrs. STILLMAN. Maybe this is diverting. I am not a lawyer, you understand.

Senator WATKINS. I thought you were.

Senator ECTON. I would say you are a pretty good lawyer.

Mrs. STILLMAN. Thank you.

Maybe this is diverting for a minute, but irrespective of those bills, we recently had a case at St. Regis Reservation in which the surrogate

attempted to adjudicate between two Indians on Indian lands. I said to the Indians in Mohawk—and I went up there twice—I said, "Pay no attention to the surrogate subpoena." I called Mr. Manley in the attorney general's office and he told me I would be cited in contempt of court. I said, "What court? Where is the court?" The New York is asking for jurisdiction in those bills, admitting that there isn't any jurisdiction, and yet that judge sits up there and tries to tell them what they can do on their own reservation, when the Federal Indians in 23 Federal—

Senator WATKINS. It doesn't make any difference. We will never let it up.

Mrs. STILLMAN. I don't know. There is a whole lot of them. You can't interfere with the internal affairs of Indians living on reserved lands. I wrote the protest for those men and told the court that he couldn't act, that he hadn't any jurisdiction.

Senator WATKINS. What did he do to you?

Mrs. STILLMAN. He went right ahead and acted—sold the land. But wait a minute. He hasn't gone any further. It is held in abeyance until a determination is made by this committee.

Now you can't say that these reservations or these Indians are New York Indians. When you say that those reservations are within the State of New York, the point the gentleman raised, you have a government within our government, contrary to our constitution.

Senator WATKINS. What do you want us to do about it?

Mrs. STILLMAN. I want you to let them alone. Let them in peace. They don't ask anything more than to be left in peace and to work out their own affairs. They seem to have managed to live a hundred years. Are they any worse than some of the slums of our cities? I have stayed on the reservations. I have slept in their houses. I have eaten of their foods. I have never been molested. I have never had an Indian insult me, and I can't say that of our own white men [applause].

Senator WATKINS. I can understand your feelings when you get a response like that, but it is contrary to the rules of the committee for any demonstrations of any kind. We will overlook this one, but please don't do it again.

Mrs. STILLMAN. I am sorry I caused it.

Senator WATKINS. That is all right. You go ahead. Your time is running out, I am warning you.

Mrs. STILLMAN. Well, I believe that Washington had intended that these people should be protected; that no matter what New York State has done, remember, it has not been in the spirit of giving something, but it has been in the spirit of paying for something and with the intention of getting something more.

I want to say that in 1945, this gentleman down here, Mr. Wade, was supposed to advise me of a meeting to be held in Albany. I wasn't advised. At any rate, I went.

Does that report that Mr. MacKensie submitted state the opposition made by the delegates at that meeting? Not one word of opposition is reported.

Mr. WADE. I beg your pardon, madam.

Mrs. STILLMAN. But Mr. White, who was not a delegate, he and Mr. Vickberle, who wasn't there, was reported, and, as far as I can tell in here, I don't see where the opposition, the men who did op-

pose—there is no name mentioned that I can read; maybe I can't read, I don't know.

Mr. WADE. May I interpose?

Senator WATKINS. Just a moment. We will permit you to say anything you would like to. We will just let the lady have her time and when she gets through, then we will give everybody else—the can help us—an opportunity to be heard. So that if there are matters that any witness takes exception to, you will have your opportunity when your turn comes, if you are one of the witnesses we are going to hear from. That doesn't mean everybody. Go ahead.

Mrs. STILLMAN. If these people object to bills and do not want them, I cannot understand why Congress should be so anxious to force legislation over them. In fact, we were told at that meeting in 1945 that it wasn't the State that wanted this jurisdiction, but it was the United States that wanted New York to have jurisdiction.

All right, what jurisdiction can the United States give to the State of New York?

Senator WATKINS. We will find out if we pass this bill.

Mrs. STILLMAN. I certainly would like to know, because what jurisdiction has the United States at this moment? You have got a separate people whom the United States promised to protect in their peaceful occupancy and government of their own people. The only thing you have are those seven major crimes which was an agreement between the Indians and the Federal Government, and I believe that they only hold when they are between a white man and an Indian on the reservation or when Indians are off the reservation, but they don't hold if the Indians are on the reservation. I don't like to tell them that, because I don't want them going around murdering each other, but I think that is probably the law, and I don't find any treaty prior to 1871 that was ever abrogated.

I can't see how Congress can pass the citizenship act under article 3, section 8, paragraph 4, without amending the Constitution, because you admit that you have to have a uniform rule of naturalization. Congress, I think, was forced—pardon me, not forced, but I know how that was pushed through Congress. The Department of the Interior had no policy to inquire as to whether the Indians wanted citizenship or not. I am not against their having citizenship if they want it, but I say, if I don't want to be a citizen of Canada, you are not going to push me over here and send me to Canada and make a citizen of me. Have we any right to force these people to be citizens of the United States against their will?

Senator WATKINS. The Supreme Court says yes.

Mrs. STILLMAN. Well, I don't agree with it.

Senator WATKINS. That is just a difference of opinion between you and the Supreme Court.

Mrs. STILLMAN. I think it is the difference of opinion that should be brought before the United Nations Organization. We don't have anything to do with it but what our status should be. Do you think that they respect us when we force legislation over a race and a nation with whom we have a treaty to protect forever in the peaceful occupancy and government of their own people?

Senator ECKON. This Indian business gets deeper and deeper all the time.

Mrs. STILLMAN. Absolutely, sir; and it is not a part of New York State, but New York State surrounds it. The treaty was made. That will be in here. I don't want to talk too much about it. If you will read the public papers of Governor Clinton, you will find the attitude of New York State. I am a New Yorker, but I am ashamed sometimes to have to admit it when I read the past history of my own State. You will find volume 8 of the public papers of Governor Clinton; take around page 329—it will be in here—and see if you wouldn't be ashamed to admit that you are a New Yorker and resorted to the things that New York State resorted to over these people who couldn't understand. We use the term "ally" and "subject" as synonymous. We use the term "allied" and "reserved" as synonymous. We know that they are not. They were allies—these people. I don't care whether they get a cent from the Congress of the United States, and I don't care anything else, except that if they want to retain their peaceful occupancy of their own country and their own territory, under their own tribal form of government, they have a right to, and we as citizens of the United States are bound in honor to protect them, as we have promised them, not for today, not for tomorrow, but the treaty says forever, and the treaty hasn't been abrogated.

Even though Congress passed the citizenship act, it didn't amend the Constitution and it didn't abrogate any treaty. Even the act of March 1871 definitely says that no prior treaty was thereby abrogated. They drafted these Indians. They wrote to me and wanted to know what to do. I said, well, when I wrote to the Department of Justice and they said, "Well, under the citizenship act, of course, they have to be drafted." I wrote back to the Indians and I said, "It is my country; I have to respect its laws, but if I were an Indian, I wouldn't be drafted." If they wanted to put me in jail, I would stay there. And if I wanted to go and serve the country, for my own country's protection—I mean for the Indians' country—I would file a statement that I would serve, but I was not serving as a citizen of the United States. How could they be a citizen of the United States when they were still operating under their own tribal form of government? How can you? Can you have a citizen of the United States operating under another government, and that has been going on right along?

Senator ECKON. Let me ask you this. Just suppose that we understood as a Congress to suddenly pass legislation saying that no Indian residing within the boundaries of the United States is considered a citizen of the United States. If we did that, Mrs. Stillman, we would have the biggest uproar in this country you ever heard.

The Indians in my State are citizens of Montana. We let them vote. We recognize them as citizens. They can run for office. I have served in the State legislature with the Indians. And you say they are not citizens of the United States. They want to be citizens.

Mrs. STILLMAN. Do they want to? Has a poll ever been taken of the Six Nations? I am not talking about your Indians. I am talking about the Six Nations that are involved in these bills before the committee today. Now if certain ones want citizenship, I say all right. They understood and I understood in 1924 that that was a voluntary citizenship, that we couldn't force citizenship under our Constitution. Why did that act lie dormant from '24 until the last war? Why

wasn't it enforced during all of this period when these Indians were operating under their own separate government? They didn't operate under our Government as citizens of the United States.

You have got a complex matter before you, and I think the easiest and simplest way to solve the problem is to kill those bills. Let the Indians that want to be citizens move off of their reservation and live with the white people. They can go to college or do whatever they want, but those that want to remain in business on their own territory under their own tribal form of government, whatever that form of government might be—it might need some improvement, but I think if you give them a chance, they will improve it—let them live in peace. Can't we do that much to save the honor of our country?

Senator WATKINS. Well, I think we have covered the 15 minutes and you can file your written statement.

(The statement above referred follows:)

EXHIBIT 11

To The Members of the Eightieth Congress of the United States Public Lands Committee:

WASHINGTON, D. C., March 9, 1907.

GENTLEMEN: In protest against legislation pending before this honorable standing ambassadors of the Six Nations. Confederacy with whom our Federal Government entered into treaty relations. The citizens of the United States believe that our country was founded on the principle of liberty and justice for all, have marshaled to the aid of this now weakened confederacy, which retains its separate, independent, democratic form of government in spite of the Citizenship Act of June 2, 1924.

Under the Articles of Confederation, the treaty of 1784 was executed between the United Colonies and the Six Nations—two separate governments occupying separate territory to which each owned the allodial or fee simple title. This was reaffirmed, under our present constitution in 1789, through the regular channels required by Congress for the execution of a treaty with any foreign nation.

"Congress in 1783 waived any right of conquest and recommended proffered peace and friendly treaty for the purpose of receiving them into our favor and protection—the 1779 terms of peace were as with a public enemy, not as with a subject. Under the 1776 Treaty of Neutrality, we agreed not to employ them in our armed service without the consent of the tribe or nation, affirmed by the National Council and the consent of Congress." (20 Johns. Rep. 695-713.) "What act of government could more clearly and strongly designate the Indians as totally detached from our body politic and as separate and independent communities?" (20 Johns. Rep. 697.)

Under the terms of the treaty, 1784-89, our Federal Government promised to protect the Six Nations forever in the peaceful occupancy and government of their own race and nation on their own reserved territory, separate and distinct from the lands ceded by England at the close of the Revolutionary War. We did not learn that in 1790 President Washington reiterated that promise, verbally, to Indian delegates who went to Washington to protest aggressions by New York State. As late as 1871, the Government stated that no treaty prior to the year March 3, 1871, was thereby abrogated. To date, there appears no record whereby Congress has repealed any treaty. Therefore, it still remains the supreme law of our land and is so considered by the traditions of the Six Nations.

Although Congress in 1945 refused to pass S. 1179, New York persists in its effort to secure control of the Six Nations, by presenting similar legislation under bills S. 1683 and S. 1687.

Today, the members of the Six Nations are appealing to the President and honorable Members of this Congress to protect them against further encroachments by the State of New York. They beg us to fulfill our agreement of protection of their rights and interests as confirmed in United States Code, title 25.

The Six Nations object to the passage of Senate bill 1683 as they feel that the fulfillment of the stipulations of that 1794 Treaty we evidence our desire under an obligation. It is not the money involved, but the principle.

Their objection to bill S. 1683 and S. 1687 is twofold: fear of loss of what remains of their separate country; and fear of losing their independent government.

Under the terms of cession by England, the United States secured the title to lands purchased by Great Britain and occupied and governed by England plus the right of discovery. This right of discovery is ably defined as the pre-emption right (now designated as our territorial limits) in 20 Johnsons Reports (45 and in 6 Peters 515). Therefore, until the Six Nations sell to the United States (45 Hun 346) what little remains of their original territory, they are under their original rights as owners of the soil, by fee simple or allodial title, a separate body politic whom we recognized as a nation, ranking as any foreign nation, with whom we executed a treaty. When extinguished, the title remains in the United States.

Many members of the Six Nations have received some education in our schools and as their ability increases in grasping our records in contrast to their traditions a growing repugnance and fear of New York State is developed.

What New York? Why in 1945, at the meeting held in Albany at the Ten Eyck Hotel, the State officials told the Indian delegates that it was the Federal Government, not the State, seeking the passage of legislation by Congress to confer jurisdiction on New York. This is strange since Federal adjudications have refused to allow New York State jurisdiction over these Indians when living on reserved lands in tribal relations if matter involves only Indians. That again indicates the separate, national domain of these Indians as distinct as Canada or Mexico over whom New York could not adjudicate.

In the report of the Honorable Mackenzie, chairman of the Joint Legislative Committee of New York, you will find the protest of the authorized delegates of the Six Nations reported. But, the remnants of a nondelegate (Moses White) who cannot live on the reservation and of Nick Bailey (not present) were recorded. He is not now, while seeking jurisdiction, the Surrogate Court adjudicated in the State of a deceased Indian on reservation land, ignoring the written protest which the Chiefs filed with the judge. Herewith is submitted a copy of that protest. While admitting that it lacks any civil or criminal jurisdiction, the State continues to function without power or authority. What an insult to this Congress and to the Constitution of the United States.

We hear so much of the New York State Indian problem. Gentlemen, perhaps we will agree that it should be designated "The United States Problem With New York State."

The following is a brief outline to show that the lands over which New York claims jurisdiction are not a part of that State.

If you will read the Public Papers of Governor Clinton, volume 8, pages 328, 329 and 330, it will be clear to you that the State was definitely antifederalistic and irrespective of Congress used every effort to consummate the 1784 treaty. The spirit of the Six Nations was to be broken and they to be dependents of the State. Finally, the Federal commissioners wrote the Indians that Congress had not authorized the State to enter into treaty negotiations. On page 328; Congress, therefore, on the ninth article of the Confederation claims the exclusive right to make the peace; and, if the tribes are to be considered as independent nations, detached from the State, and absolutely unconnected with it, the claim of Congress would be uncontrovertible.

Definitely, when Congress executed that treaty of 1784, under the 9th article, established the assertion of the Six Nations that their land or territory, therein reserved by them, was not a part of the colony of New York. In reaffirming that treaty in 1789, we know that what are today called "New York Reservations" are not a part of New York State. Even the 1796 treaty with the Mohawks was merely an affirmation of what they already owned, occupied and governed before New York was a colony or State. It was a means of appeasing those Indians for millions of acres sold to Macomb by the Land Board of New York apparently without the knowledge or consent of the Indians or the Federal Government. (Hugh's History of St. Lawrence and Franklin Cos.)

Treaties and laws contemplate them as separate from State and all interference is exclusively in the Government of the Union." (6 Peters 519.)

Various decisions indicate the land is not held by State or Federal power. "Separate from State." (160 U. S. 204-189 U. S. 331-6 Peters 533-20 Johns. 1875.)

Mr. Rockwell. Thank you. I wish I had a day with you. Senator Ecton. I wish you could, too. I wish there were more than just 24 hours in the day and night here.

COUNCIL HELD AT THE ORCHARD RESERVATION OF THE ONEIDA NATION

We, the Oneida Nation of Indians, appoint William H. Rockwell to represent our interest in the matter of our nation's heritage and Government connections. We, the undersigned, fully back the written conclusions of our council held Saturday, March 6, 1948.

Avenida George, Pierre George, Irene Burdick, Vera Hanyoast-Giesinger, Nelson Jarman, Elsie M. Eckhard, Bill Eckhard, Don Johns, Emily Johnson, Homer John, Anna Scandaonah, Lydia John, Grace Johns, Nelson Scandaonah, Lyman Johns.

COUNCIL OF ONEIDA NATION, MARCH 16, 1948

Because of disturbance in our international relations with the United States of America, makes it necessary to assemble here on our home lands for the purpose of delegating a member of our Oneida Nation, to a hearing to be held in Washington, D. C., on the 9th day of March 1948. Members of Oneida Nation assembled. Council called to order by _____

Chairman

Secretary

Our discussion in matters relating to the New York State unauthorized jurisdiction to deal with our ancestors' lands us to come to the conclusion that it is our best interest to avail ourselves with the power of our treaty with the Federal Government to continue.

The records of the New York State's dealings with our ancestors is an unfortunate disaster to the Oneida Nation.

A review of the New York State's broken promises is on other pages attached. We the Oneida Nation of Indians feel that we have a legitimate reason to require our right to continue to live under the status agreed upon, as granted to our ancestors by treaties in which many tracts of land was released to the white man's government. Practically no payment for our Oneida Nation's freedom to live in a distinctive community, under a self-government and never to be disturbed. Copies of the treaties made between the New York State and the Oneida Nation in which there were to be a semiannual payments amounting to nearly \$8,000 annually, ceased many years ago. Though the treaties were made to be in full force forever. The Oneida Nations of Indians agreed to the loss of figure of semiannual payments because they expected the force of the treaties would continue forever as guaranteed by the New York State Government.

The Oneida Nation's religion was that they claimed no right to sell or release lands in such a way as to disinherit the unborn generation rights as they came into the world like all of the other Indians have been coming in for many years. It was therefore the Oneida Nation's religious act of providing for their posterity in this instance the Oneida Indians' religious heritage was ignored and destroyed by the New York State government's disloyalty to its treaty obligations with the Oneida Nation. Whereas the Federal Government does not interfere with any one's religion. Our rights to our ancestors' religion should command due respect from the Federal Government as well as it does other people's religion and government. The homeless situation of the Oneida Nation is in part caused by the acts of unauthorized jurisdiction over the Oneida Nation by the New York State government.

It is a shameful situation, to destroy almost completely a nation of Indians, then, after so many years ask the Federal Government for a full jurisdiction over a nation of people that has been robbed of everything. Not only their homes but the freedom to hunt and fish as it was guaranteed to them by a treaty. Above all other rights, we have been denied our right to choose our sovereignty by forcing us into citizenship in the law passed in 1924. A bill of which we the Six Nations chiefs, vigorously opposed such legislation but to no avail.

The United States Government requested a favor from the Six Nations of the Iroquois when the young new country realized the urgent need of alliance with a nation of people like the Iroquois. By the request of the Federal Government for an agreement with the Six Nations to not sell any of their land without the

consent of the Federal Government, was quickly made into a treaty. That is the treaty of 1784. The treaty that removed all danger to the Six Nations selling their large holdings of land to any enemy nation, or to any one without the Federal Government's consent.

It was not the Indians fault if he sold any land to a buyer if he didn't get the proper consent of the purchase.

So, in every case where the New York State bought land from the Oneida Nation without the Federal Government's consent was in defiance of the law contained in the treaty of 1784. Many treaties were made between New York State and the Oneida Nation, in which the treaties were to be in force "forever." None are in force now, New York State violated all the promises contained in the contracts known as treaties.

We the people of the Oneida Nation feel the loss of our heritage provided by our ancestors.

The Indian Department has denied the enrollment of Indians who are eligible according to the wording of the peace treaty of 1794. The distribution of cloth to all Indians within the borders of New York State and to those who are living friendly with them. I want to say that this was faithfully carried out by the Oneida Nation years ago. Indian person with a white mother and an Indian father was an Indian as well as the Indian with an Indian mother and a white father. How can we expect peace if we favor one and deny the other? Equality was the religion and law of the Oneida Nation. Our ancestors dealt with white people. So many homeless, Oneida is the absolute proof of the above statement.

We will next hear from Chief Frank Terrance, St. Regis N. Y. Will you give your name to the clerk, and your residence?

STATEMENT OF CHIEF FRANK TERRANCE, MOHAWK RESERVATION, REPRESENTING ST. REGIS TRIBE OF INDIANS

Mr. TERRANCE. I live on the Mohawk Reservation, Rooseveltown, N. Y.

Senator Ecton. Are you familiar with these bills which are up for consideration?

Mr. TERRANCE. Yes.

Senator Ecton. Do you have written testimony, Mr. Terrance? You may proceed.

Mr. TERRANCE. Now gentlemen, I am one of the confederate chiefs, the unit of Six Nation Iroquois, being duly chosen in accordance with the customs of the Six Nation confederacy. Now last fall along about September or October I received these bills, several of them, and I let some of the Indians have them to study over, these three bills, and I looked into these three bills, studied them over carefully and separately. Now the bulk of the tribe has been holding council right along since I have been at this, for about 15 years. We have been holding meetings, council, and going into this Indian problem, looking into it thoroughly to find out what is the status of the Six Nations.

These people have come to me now and then complaining about what the New York State people are doing to the Indians, complaining to the authorities of the St. Regis Tribe of Indians, the so-called elective chiefs. The State Indian agent goes down there on the reservation and holds election according to the State law by ballot, going into a booth and dropping the ballots in the presence of the New York State Indian agent.

These people, these authorities or the elective chiefs, any time that there is any difficulty arising among the Indians of our tribe they go to these chiefs to make their decision when any difficulty arises about

I know that the laws and customs of the Indians are not too important to the white man, but they are very sacred to the Indian, and if the New York State law is imposed on the reservation, the laws and customs of the Indians will end.

23. The Indians have expressed to your committee their opposition to the laws. These drastic changes should not be made as contemplated in the bill without a further study from the Indian standpoint, and the Indians given a nonportunity to carry out the plans for criminal procedure that they expressed before the committee.

There must be law and order. There must be clear jurisdiction. But, some place in this picture, must be provision so that the rights of the Seneca Indians are not annihilated. Many questions must be studied. Can citizenship be conferred upon the Indians by an act of Congress without a formal acceptance by the Indians? Is this not unconstitutional? Many other questions suggest themselves, from my experience in dealing with the Indians, but I think properly the Federal Government—the guardian of the Indians—through the services of their qualified attorneys general should consult with the Indians and have time and opportunity to formulate the plans and purposes of the Indians in regard to the legal procedures and legal questions raised by the bills.

For the present, these bills should not be passed.
Respectfully submitted.

ROBERT P. GALLOWAY,
Attorney, Silver Creek, N. Y., March 29, 1948.

STATEMENT OF CORNELIUS PLUMMER

Senator Ector. Give the reporter your name and your residence and then in your own words tell us what you want to tell us.

Mr. PLUMMER. My name is Cornelius Plummer from the Cattaraugus Reservation, Seneca Indian. I was picked up kind of on an eighth-hour schedule. I didn't have any time to get anything ready, to pick up anything, so I guess I will have to kind of talk from one thing to another to the best of my recollection.

I didn't come prepared. I didn't expect to be called to come down here, but I am here to make the best of it and try to help my people. Now there are some things that I don't think are just exactly right in the administration of Indian affairs at home. I have been thinking of how much better the State of New York will be to us if we accept their jurisdiction, if we come under their exclusive jurisdiction. I wonder how much better they will treat us than they are now.

I have a little fault to find with the Federal Government as well as the State government, that is, I think there are chances for repairs on both governments.

Now we had a Federal Government medical dispensary, for example, on the reservation near the Thomas Indian School. The doctor there was maintaining that office twice a week, and any time between those 2 days if you were sick or any of your folks were sick, you would go to that doctor's house and get treatment, get anything you wanted at Government expense.

The State has done away with that and they have got another arrangement. They have got a hospital there now for the Indians. It seems to be just a place to examine people. I don't know of any person being kept there for any length of time. It is just a doctor's office the same as the other one was, only it is much better. It is a new building now and running at the expense of a doctor's fee of about \$1,500 a year, the last I knew about it, and the Federal doctor gives medical treatment to the Indians for \$500 a year.

We could go day or night. I have been there to his office for sick people between 12 and 1 o'clock at night without any grouch or grumbling. He got up and waited on me. Now as it is we have got a doctor that is worth \$1,500 a year and we can't be sick only 1 day in a week, I am told, so there is a chance for a little repair there, I believe.

The Government of the United States in the early days had a preparation for our Indian Service, law service near our reservation. We didn't have to go to the State to ask for a council. We had one right in the little town near us called Cattaraugus. There was an office there. When went under the title of Colonel Nash in that office and if we wanted service and law at any time, then that is where we went.

If some white person wanted to beat an Indian out of his rights in any way, the Indian would go and report his claim to that office and he got service without any delay.

Senator Ector. Was that a Government office or a New York office? Mr. PLUMMER. Government, Federal. We were not hampered at all for service that way. It was very handy.

Now I went into Buffalo here a little while ago and went into the new post-office building there. The thing of it was I had sold a fat calf to the market, sent it into the Buffalo market and the calf weighed 230 pounds, and it should have sold for between 58 to 61 or 62 dollars, according to the market price, and I got a check for \$25.61.

I returned it to the Commission office. I didn't want that. I said there must be a mistake. Well, I waited about 2 weeks and he sent that same check back and said that was the best he could do, so I put this mail back in the post office and sent it to the United States Commissioner in Buffalo and it is there now. I don't know how we are coming with it, but that is another thing, you see.

Senator Ector. That was the Indian agent, was it?

Mr. PLUMMER. No.

Senator Ector. Who sent you that check?

Mr. PLUMMER. That is the commission merchant, but I went before the United States attorney, one of the attorneys to have him look it over whether I got a square deal or not. I didn't think I did. In fact, I know of many others that thought they didn't have a square deal before that.

Now this young lawyer asked me how I figured that it involved the Federal Government in this case. I said, "I am a Seneca Indian under Federal protection by treaty." That is the reason I said I thought I was subject to Federal protection if it involves the Government in that way. "Oh, yes," he said, "That's right."

Well, on a few occasions they had given some service. Now I believe that the Federal Government should make up with the Indians, sort out the different branches of the Government. Now, in the first place, we used to do our business with the headquarters in the War Department instead of the Indian Bureau. In the early days our headquarters were in the War Department here in Washington, and now it is in the Indian Bureau.

Senator Ector. You don't want to go back to the War Department, do you?

Mr. PLUMMER. Why we had good service there. I don't know what difference there would be. We had good service then.

Senator Ecton. Well, aren't you getting good service now under the Indian Service?

Mr. PLUMMER. Well, now, I hadn't thought so much about the particular part of it, but I was just naming the routine of our relationship with the Federal Government.

Senator Ecton. I see. Mr. Plummer, will you tell us why you would have objection to the State of New York looking after the crimes and the criminal offenses on the reservation. Do you object?

Mr. PLUMMER. Yes, I do.

Senator Ecton. You want to leave it the way it is?

Mr. PLUMMER. Yes. I want it according to the treaty, protection by the Federal Government; try to rebuild it where the Government might be a little bit lax in our affairs, to fix it up and not turn it over to the State jurisdiction altogether, because I think it is not the healthiest thing for the Indian. I don't believe it is.

Around 1920, '21 perhaps, the State legislature was called upon to organize a committee. The then Governor at that time wanted to know the status between the New York Indians and the State of New York and wanted everything dug up where the light would shine and that was done and they worked 2½ years with this committee and at the end of that time the committee submitted its report to the State legislature and they all dropped their heads to their breasts and never approved of it or denied it. They just went numb and never said a word to approve of it or disapprove of it when they found out 18,000,000 acres of land was due to the New York Indians that the State was utilizing at that time.

Now they haven't done anything about trying to pay the Indians for it, and if we came under their jurisdiction I wonder if they would then.

Senator Ecton. In other words, it all boils down to this. You think that you have a future claim against somebody, somewhere, sometime. Is that it?

Mr. PLUMMER. Well, what would it be if they never paid for the property? What would it be?

Senator Ecton. I suspected that. You have hope anyway and I want to thank you, Mr. Plummer. I think that is being honest. I think that really is the bottom of all of the objection to these bills because I assure you that we as a committee do not wish to take anything away from you. Don't you see that?

Mr. PLUMMER. I see, yes.

Senator Ecton. We don't want to do that, but we were wondering if you wouldn't be better off and be better satisfied if you were under the laws of New York State instead of under the jurisdiction of the Indian Bureau in all these matters. You would still be under the Indian Bureau, but New York would be permitted to do certain things according to their Indian laws.

Mr. PLUMMER. I wouldn't have it that way.

Senator Ecton. You don't want it that way?

Mr. PLUMMER. Claim or no claim, I wouldn't have it that way.

Senator Ecton. All right, thank you very much. We were glad to have you.

Now our time is getting away from us and we are supposed to have three witnesses yet, I would like to call all three of them.

and let them elect one of their members as a spokesman. We must get away from here soon.

Chief George Thomas, chief of the Six Nations, Rev. Livingston Crouse, secretary of the Six Nations, and David Green, secretary, Onondaga Council.

For identification purposes, will you gentlemen give your names to the reporter?

STATEMENTS OF CHIEF GEORGE THOMAS, CHIEF, SIX NATIONS;
REV. LIVINGSTON CROUSE, SECRETARY, SIX NATIONS; AND
DAVID GREEN, TREASURER, ONONDAGA COUNCIL

Mr. GREEN. My name is David Green.

Senator Ecton. You are the secretary, aren't you?

Mr. GREEN. No; treasurer.

Mr. CROUSE. I am Livingston Crouse.

Senator Ecton. And you are Reverend Crouse. And you, sir, are Chief Thomas?

Mr. THOMAS. That's right.

Senator Ecton. Which one of you wants to speak for the others?

Mr. THOMAS. Well, that is immaterial to me, but I think in view of the matter, that is now under consideration, that they expect me to be the spokesman.

Senator Ecton. All right, sir, we will be glad to hear from you.

Mr. THOMAS. I have voluminous evidence here that relates to everything in these bills, which I do not intend to read.

Senator Ecton. We will be glad to receive it and make it a part of the record on file with the committee.

Mr. THOMAS. I am sure that you have a copy of this that was introduced at yesterday's meeting. That simply substantiates our contentions in regard to these bills, and I want to say a few words in regard to these protests.

We have a body of the Iroquois Confederacy known as the Six Nations, and they hold councils from time to time to discuss any national questions affecting any of these Six Nations.

Senator Ecton. You are all members and representatives of the Six Nations, are you not?

Mr. THOMAS. Yes. Well, we are all representing the Onondaga. That are here. I represent the Six Nations because I have that position, in the holder of that position as the head chief of the Six Nations, and so, therefore, the duties and powers of the Onondaga Council. Here are the fire keepers of the whole Six Nations. That means they have a council at each nation. This is a hereditary chieftainship form of government which was originated a long time before the United States ever formed its Government, so it is very old.

I wish to make known that we had this government a long time prior to the time when the United States was formed. Therefore we have maintained this form of government, and I am proud to say to you that you have patterned after our form of government. The United States did pattern this form of government that we have established.

There are other things that you have patterned after these things. This angle that you have in your flagpoles and your silver dollars, that

is the emblem of the Six Nations; so we are very proud that you have patterned after that.

Senator Ecton. We are too.

Mr. Thomas. Yes; and another thing. The people whom I meet in my travels often ask me this question. "What has your form of government ever done for the people of this world?" It strikes me greatly when they ask me that question, when I know this fact. I am proud to say what our form of government has done to the world is so unique, and I have every reason to feel proud that it made the Western Hemisphere civilization possible because of the fact that the United States went to work and patterned after this form of government.

Now you can see today they have 48 States, and that is just exactly what our Six Nations started originally to do—to colonize all the Indians throughout the West. That was the plan when the form of government was established, to colonize all the Indians throughout the West, but we did not go only just that far.

When we entered this agreement with the United States we were six nations. We were five originally and later we added the sixth. That was the Tuscaroras. Today we are here particularly to make known that we have entered, we have unanimously passed this resolution protesting against all these three bills which are now before you, and we feel by this legislation it has no weight whatever in the matter what way you look at it, to solve these Indian problems which are now before us.

Forced legislation is bad. We all admit to that, but if the Six Nations ever want to make any legislation affecting them by right of their treaty, they should get their heads together and make this form of legislation that they wish to make.

They should get their heads together and sponsor this bill, and then they should have both representatives, Federal Government and the Six Nations government. If they want new legislation, they must agree, both parties concerned.

We understand that these bills as created were not sponsored by these two parties. It originated from some outside source, so for that reason we are reluctant to pass upon this, under those circumstances. When we are dealing with a treaty commission, we will have to be very careful when we make any kind of change.

That has been the theory of the whole Six Nations that they have been reluctant to come to any kind of terms which might, to a certain extent, impair the terms of our treaties, but at the same time you people have explained that no part of these bills would mean it was going to infringe upon our treaties as they are today, but as I said, legislation is not going to remedy this situation.

The whole thing in a nutshell is this, and that is that we have been trying to ascertain. The claims that we have against the State of New York are enormous, probably one of the biggest cases in the whole history of Indian relations, and we have been beating around the bushes so much, I notice, and we all point to this fact that we have this tremendous claim.

Therefore we do not feel it is justified to accept any legislation until such time as we have made some kind of a settlement on these claims, but before that time it would not be logical according to our standpoint, because of the fact that we feel that just like if you want to buy

horse, a wagon and a harness, so you can get around and do something, you would not want to buy the harness first. You would be working backward.

That is the same thing with our case here. We would be working backward. We won't be able to progress toward the things that we want.

Senator Ecton. How long have you known that these claims were identical between you and New York?

Mr. Thomas. We have gone into this thing, if I recollect rightly. We have a fellow by the name of E. A. Everett in Potsdam, N. Y., who is a member of the assembly at Albany at the time, and he was chairman of the conservation committee at the time. He was appointed to make the investigation to find the legal status of these Indians, the Iroquois Confederacy.

Senator Ecton. How long ago was the act?

Mr. Thomas. That was in early 1920, along about that time. That must have been over 26 years ago. I have been studying these claims all that time, and we have gone so far that we think we have established this claim.

Senator Ecton. You haven't tried to collect?

Mr. Thomas. No, we haven't. That is the reason why I say that we would be working backward by trying to pass this legislation, and by doing so the result would be that it would hamper the transmission of the negotiations for a settlement of these claims if we transfer the jurisdiction. That would be the most dangerous weapon that they could use against us, and we are not going to allow that to happen, if we can help it. I think I have explained this matter. As I said, we have been sort of beating around the back bushes there. We didn't come to the point where we could say now this is the reason why we do not accept wholly this legislation. I therefore wish to introduce the members of the Iroquois chieftains. I wish you would rise. These are the men; the duly constituted chiefs of the Iroquois Confederacy.

Senator Ecton. I think we heard all of you yesterday.

Mr. Thomas. I merely wished to introduce them. Now I want to give the reason why I want to introduce these men. Perhaps some of the delegates here do not believe that we have a body of the Six Nations here, a duly constituted body of chiefs of the Six Nations.

We have some of these reservations where they have some opposition along the line of establishing our Indian rights and it is sometimes very alarming. Sometimes we feel that maybe we are not going to survive as the Six Nations, but I proved to you today that we have a substantial amount of men here that are solely 100 percent of this Iroquois Confederacy which is now before you, and I am glad that they have been able to be heard here and they presented themselves quite fully.

Senator Ecton. I am sure they have, Mr. Thomas, and we are very pleased to have all of these chiefs here with us this afternoon.

Mr. Thomas. Thank you.

Senator Ecton. I want to thank you on behalf of the committee for your fine presentation.

Mr. Thomas. Thank you. I will introduce Mr. Crouse here, if he would like to say a few words, if time permits.

Senator ECTON. As I told you before, we would like to hear each one of you, but I don't see how we will be able to since it is so late. It is a quarter to five, and there is one man who says he thought he was on the list and has asked for just 5 minutes additional time. Unless Reverend Crouse has something extraordinary to say in addition, I think we will have to say that time is over.

I do not want to omit anybody, you understand. If you can give us a few words for the record, I will be glad to have you do so. Please make it as brief as possible.

Reverend CROUSE. In reference to these bills that are now pending this bill takes over jurisdiction in the State. That is what these bills are for, to give the State full jurisdiction, both criminal and civil. It is not, and if that is the case, then you are breaking up the entire confederacy or the treaties. You are taking your obligation and dumping it over into the State of New York to legislate over us. Just of course it is a very beautiful way of setting up. These gentle men who are for the State are only people that are educated and have no Six Nations' capacity whatever and have no jurisdiction. In other words, the only men that you saw here were of the Six Nations that made these treaties which were handed down to this generation.

We have carried on these traditions and laws, and it is being carried on continually. You have called on different men from every source, white men and all. I understand that this question was to be asked of the Six Nations. Now you are asking the State of New York. You are asking other men when this question relates only directly to the Six Nations, and here are the men that are officially opposed to this question.

In other words, once the State takes it over, that means we are diminished, absolutely ruined. There is no confederacy any longer.

That is the reason why these gentlemen here, the State officials and Government officials want to take us over there; as though we were criminals, good for nothing, and we ought to have the law. There is no such thing as that. I want to tell you that the Indians are peaceful people living in these reservations.

Furthermore, I want to say that you don't need any special law to legislate over the Indians. The State of New York has passed a law to entertain Indian cases. What more do you want? All we need to do after an Indian gets into trouble, they just take it over into the State court and try it according to the Indian law.

Senator ECTON. After the crime is committed.

Reverend CROUSE. The Federal court is there—the seven major crimes. What more do you want? This instrument is just simply to throw us and dump us into the State. That is all, nothing short of that. That is the way to break up the Indians so they won't have to pay any of these tremendous claims that the Indians have.

Who are the Indians that are going to sign these titles if you don't have the Six Nations? Then if you say that the Indians when we made these treaties, when these treaties were consummated we held all the territory clear to the Ohio Valley, is it not then that your title comes from these treaties?

It specifically states under the treaty of 1784 and gives us this right to maintain in our own territory as a sovereign people. Now you are going to give it over to the State.

Senator ECTON. I don't know, Reverend, whether we are or not. Reverend CROUSE. Well, you better not.

Senator ECTON. We are here to get all the information on both sides. I would like to let you continue, but we must bring this meeting to a close. I am very sorry.

Reverend CROUSE. Here is the State legislature. They say, "You now we have been giving them free roads, education, and so on under that treaty." All of these resources are being brought from the 18,000, 20,000 acres in the State of New York. You know the license which goes into the State treasury amounts to millions of dollars, just feathered game, to say nothing about the fishery, and it is within that territory that these white men are getting rich on and living in that great wealth which belonged to the New York Indians.

Now then, you say that the Indians, the poor Indians, they ought to do something for the Indians. They ought to build roads. They don't build roads for us. They build roads across the reservation for their own use. They go through themselves. I can hardly get onto the road myself because of the stream of white men.

Furthermore I want to say to you that we are living on the reservation just as peacefully and just as good and just as fine as any other community.

Senator ECTON. I am sure you are law-abiding citizens, and we are very glad that you could be here this afternoon, we are pleased to hear you, and I am sorry that the time is up.

I am going to give Mr. Benedict 5 minutes. He has promised to complete his testimony in 5 minutes, so I am going to remind Mr. Benedict when the 5 minutes are up.

This is all very interesting to me. I could go on indefinitely, if we had time, but I am sorry we haven't.

Will you give your name to the reporter?

STATEMENT OF ERNEST BENEDICT, ST. REGIS RESERVATION

Mr. BENEDICT. I am Ernest Benedict, St. Regis Reservation. I wish to say that the Indians, the Mohawks of St. Regis Reservation do not consider themselves as members or a part of New York State. That is the opinion that is held by our chiefs of the Six Nation Confederacy, and so I believe that the chiefs will all object with me to the territory of New York.

Now on the 5th day of January 1948 a general council was held on the St. Regis Reservation at which this resolution was adopted by the members of the reservation:

We, the undersigned, adult members of the Mohawk Nation who recognize there are no signing or Six Nation Confederacy as our legal and sovereign government, strongly oppose the enactment of Senate bills 1683, 1686, and 1687 in the Congress of the United States of America.

Our opinions are contained in the protest which has been adopted by the Grand Council of the Six Nation Confederacy, and that is the protest that you have heard and is on your record. On this protest that the people have signed there are 33 names which have been signed in open council, and there are additional names that would be on this protest if the weather had been less severe.

Senator ECKON. Do you want to file those names, Mr. Benedict, with the committee?

Mr. BENEDICT. I wonder would the committee desire the names? Senator ECKON. Yes; if you want to leave them, or we will begin to file them with the committee as part of your testimony.

Mr. BENEDICT. That is the original and we would like to have them for our files.

Senator ECKON. We will take care of that.

Mr. BENEDICT. Now there have been certain specific questions come up where Indians will lose rights and privileges under these bills.

First, what have the Indians done so very wrong that the State must be given jurisdiction at this time? For over a hundred years the Indians have been living beside the people of New York State and there has been very remarkably little trouble, and those that oppose the bills and those that are in favor of the bills have both testified at this hearing that there has been very little trouble; that the Indians are naturally law-abiding people, and so that there must be other reasons why this 1683 has come up at this time when, as you have heard, the Six Nations are just coming alive to their claims, and also have come aware that there has been a United States bill passed whereby they could make some of those claims.

Now if New York State gets jurisdiction, of course, the State law can apply to the reservations. The Indians would be hampered by the State laws in presenting their case.

Now as far as S. 1686 is concerned, in this treaty, there is a paragraph in article 5 which states: "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 lands for the passing and securing of vessels and boats, and liberty to land their cargoes where necessary for their safety."

And this had been used, and the Indians have abided by this paragraph, this sentence, and I believe that the \$4,500 or so that the Indians are receiving each year is a very small fee to be paid for this privilege of free use of harbors and rivers of the Indians.

Now although S. 1687 says as it stands today, "Provided that nothing herein contained shall be so construed as subjecting the lands within any Indian reservation in the State of New York to alienation of their tribal lands," the bill does say so now, but we do not know what it will say when it comes through the Congress. Congress has a reputation of changing every bill that comes through it.

Senator ECKON. I agree. You never know.

Mr. BENEDICT. There is also no guarantee herein contained, in the wording of this bill, that would prevent the passage of such laws alienating the tribal rights of the Indian by any future Congress. Any future Congress may come along and legislate taxation over the Indians and make it possible to alienate any tribal rights that the Indians may have.

Now the Six Nations also have a constitution and these men know it and abide by it, and one of the provisions of the constitution is that "at any time any other confederate lords choose to submit to the laws and regulations made by other people he is no longer in but out of the confederacy and shall be called alienated themselves. He shall forfeit

his lordship title together with his birthrights and likewise if any of our people submit to the laws and regulations made by other people, he shall forfeit his birthrights. Thereafter he shall have no interest or claim in the confederacy and territory. Be firm so that if a treaty falls before our arms it shall not separate us or cause us to lose. Such will be the strength of the union."

This is the Six Nation Confederacy which claims that. They are not subject to the laws of the State of New York, and as such this Congress has no right to regulate the internal affairs of the Six Nations Indians. Senator ECKON. Thank you, Mr. Benedict. I want to thank all of you for your patience and your good humor and your orderliness.

The committee will now be adjourned until 10 a. m., Thursday. (Whereupon, at 5 p. m., on March 10, 1948, the committee was adjourned, to reconvene at 10 a. m. on Thursday, March 11, 1948.)