


# EXHIBIT A



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20245

APR 11 1974

NOV 22 1974

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

To the Chiefs of the Six Nations:

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

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

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



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

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

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

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

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

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

Sincerely yours,

*[Signature]*  
Commissioner of Indian  
Affairs

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# **EXHIBIT B**

100TH CONGRESS  
2D SESSION

## H. CON. RES. 331

To acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 11, 1988

Mr. UDALL (for himself, Mr. CAMPBELL, and Mr. LAGOMARSINO) submitted the following concurrent resolution; which was referred to the Committee on Interior and Insular Affairs

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## CONCURRENT RESOLUTION

To acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.

Whereas the original framers of the Constitution, including, most notably, George Washington and Benjamin Franklin, are known to have greatly admired the concepts of the Six Nations of the Iroquois Confederacy;

Whereas the confederation of the original Thirteen Colonies into one republic was influenced by the political system developed by the Iroquois Confederacy as were many of the

democratic principles which were incorporated into the Constitution itself; and,

Whereas, since the formation of the United States, the Congress has recognized the sovereign status of Indian tribes and has, through the exercise of powers reserved to the Federal Government in the Commerce Clause of the Constitution (art. I, s.2, cl. 3), dealt with Indian tribes on a government-to-government basis and has, through the treaty clause (art. II, s.2, cl. 2) entered into three hundred and seventy treaties with Indian tribal Nations;

Whereas, from the first treaty entered into with an Indian Nation, the treaty with the Delaware Indians of September 17, 1778, the Congress has assumed a trust responsibility and obligation to Indian tribes and their members;

Whereas this trust responsibility calls for Congress to "exercise the utmost good faith in dealings with Indians" as provided for in the Northwest Ordinance of 1787, (1 Stat. 50);

Whereas the judicial system of the United States has consistently recognized and reaffirmed this special relationship: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring), That—*

3            (1) the Congress, on the occasion of the two hun-  
4        dredth anniversary of the signing of the United States  
5        Constitution, acknowledges the contribution made by  
6        the Iroquois Confederacy and other Indian Nations to  
7        the information and development of the United States;

8            (2) the Congress also hereby reaffirms the consti-  
9        tutionally recognized government-to-government rela-

1        tionship with Indian tribes which has been the corner-  
2        stone of this Nation's official Indian policy;

3            (3) the Congress specifically acknowledges and re-  
4        affirms the trust responsibility and obligation of the  
5        United States Government to Indian tribes, including  
6        Alaska Natives, for their preservation, protection, and  
7        enhancement, including the provision of health, educa-  
8        tion, social, and economic assistance programs as nec-  
9        essary, and including the duty to assist tribes in their  
10       performance of governmental responsibility to provide  
11       for the social and economic well-being of their mem-  
12       bers and to preserve tribal cultural identity and herit-  
13       age; and

14           (4) the Congress also acknowledges the need to  
15       exercise the utmost good faith in upholding its treaties  
16       with the various tribes, as the tribes understood them  
17       to be, and the duty of a great Nation to uphold its  
18       legal and moral obligations for the benefit of all of its  
19       citizens so that they and their posterity may also con-  
20       tinue to enjoy the rights they have enshrined in the  
21       United States Constitution for time immemorial.

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