

**A BRIEF HISTORY OF HAUDENOSAUNEE  
TREATY MAKING  
AND  
THE OBLIGATIONS OF THE UNITED  
STATES TO PROTECT HAUDENOSAUNEE  
LANDS  
AND TO NOT DISTURB THE FREE USE AND  
ENJOYMENT THEREOF:**



March, 2012

In Article VI, the United States Constitution clearly mandates that: “[A]ll Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land. . . .” The United States Senate has recognized that the Constitution was heavily influenced by and modeled after the Haudenosaunee Confederacy’s founding principles, contained in the Great Law of Peace.

Before reviewing a more complete history of Haudenosaunee treaty making, we will begin with the most recent treaty: the 1794 Treaty of Canandaigua, which was pursued by President Washington, because he very much needed to ensure that Haudenosaunee warriors would not join in the Ohio Indian wars, in which his armies were being defeated. Washington summoned the Six Nations Chiefs to Canandaigua by sending out wampum strings, as required by Haudenosaunee diplomatic protocol. He also had Congress appropriate the funds necessary to create a wampum belt to commemorate the Treaty.

In Article IV of Canandaigua, after recognizing and affirming the territory of the Haudenosaunee Nations, the United States unequivocally committed to: “never to claim the same, not to disturb them, or any of the Six Nations, or their Indian Friends residing thereon, and united with them, in the free use and enjoyment thereof . . . .”

This commitment by the fledgling United States to not disturb the Six Nation, or the free use and enjoyment of their territories, was absolutely consistent with the history of Haudenosaunee treaty making with the European colonial powers and with the 13 colonies in the mid to late 18<sup>th</sup>

century.

The first treaty that the Haudenosaunee entered into with a European power was the Guswentha, or the Two Row Wampum, which was signed in 1613 with the Dutch, near Albany, New York. As with all treaties, it was fundamentally about trade and it clearly established an equal relationship, with both sides committing not to interfere with the other's government or laws; and it was commemorated with the making of a wampum belt.

The message of the Two Row Wampum Belt is important, as it contains two rows of purple wampum beads ruling parallel across a background of white beads. These two rows symbolize the two governments and cultures on an equal footing and their mutual commitment to respect each other and not to pass laws that would interfere with the other.

The Two Row is the fundamental basis of all Haudenosaunee diplomacy and treaty making which continued from 1613 right up to 1794 and Canandaigua. The Two Row also established a "covenant chain" to bind the two governments, cultures and peoples in peace, with the commitment to periodically polish this chain of peace and friendship, as the Haudenosaunee did in 1701 and 1768 with the British.

From the start, the Haudenosaunee unity of several Nations into one unified government was reflected in the thinking and actions of the Americans. In 1754 Benjamin Franklin proposed the Albany Plan of Union, which was one of the first salvos in the colonies' struggle for independence from British colonial rule. Franklin had visited the Haudenosaunee in 1744 and 1753 and the unification of the thirteen separate colonies proposed in the

Albany Plan of Union was modeled after the Haudenosaunee Confederacy, to the extent that Franklin proposed to call the new, unified legislature the “Grand Council.”

The importance of the Haudenosaunee to the Americans’ revolutionary struggle for independence and unity was again clearly reflected in 1775 in the Articles of Confederation and Perpetual Union, which Franklin proposed on May 10, 1775. This was after blood had been shed in Boston and after it was clear that independence would only be won with unity and with armed struggle. So, as the colonies prepared for this inevitable war with Britain’s colonial army, Franklin proposed this first version of the Articles that were later modified and adopted in 1777. In his 1775 proposal, Franklin included this statement in Article XI:

*A perpetual alliance, offensive and defensive, is to be entered into as soon as may be with the Six Nation; . . . their land not to be encroached on, nor any private or Colony purchases make of them hereafter to be held good; nor any contract for lands to be made, but between the Great Council of the Indians at Onondaga and the General Congress.*

So, we see clearly that these principles of peace and friendship and non-interference into the Haudenosaunee territories were fundamental parts of the formation of the United States, and these principles remained the basis for the treaties with the Haudenosaunee after independence: the 1784 Treaty of Fort Stanwix, the 1789 Treaty of Fort Harmor and the 1794 Treaty of

Canandaigua. The oft repeated commitment by the young United States to the Haudenosaunee, not to disturb them in their territories and to protect their territories, was also the focus of President Washington's December 29, 1790 speech to Cornplanter and other Seneca Nation leaders. Washington was responding to an earlier speech by Cornplanter, and to statements made that summer to Timothy Pickering at Tioga by Haudenosaunee Chiefs, about the on-going disturbance caused by attempts to take and settle upon their land:

*I the President of the United States, by my own mouth, and by a written Speech signed with my own hand Speak to the Seneka Nation, and desire their attention, and that they would keep this Speech in remembrance of the friendship of the United States. . . . That in future the United States and the Six Nations should be truly brothers, promoting each other's prosperity by acts of mutual friendship and justice. . . .*

*"Here then is the security for the remainder of your lands. No State nor person can purchase your lands, unless at some public treaty held under the authority of the United States. The general government will never consent to you being defrauded. But it will protect you in all your just rights.*

*Hear well, and let it be heard by every person in your Nation, That the President of the United States declares,*

*that the general government considers itself bound to protect you in all the lands secured you by the Treaty of Fort Stanwix. . . .*

*If however you should have any just cause of complaint . . . the federal Courts will be open to you for redress, as to all other persons. . . .*

*Remember my words Senekas, continue to be strong in your friendship for the United States, as the only rational ground of your future happiness, and you may rely upon their kindness and protection.”*

Given all this history and all of these promises, how is it that

- the United States have not protected the treaty lands of the Haudenosaunee?
- the United States courts have refused to live up to the treaties and find justice for the illegal takings of Haudenosaunee lands?
- the United States continues to disturb the Haudenosaunee by passing laws that interfere with their trade and free use and enjoyment of their lands?

Honor the treaties.

Let us put our goods minds together to find solutions that are good for all and for the generations yet to come.