"We Are an Independent Nation": A History of Iroquois Sovereignty

Mary Druke Becker
Iroquois Indian Museum

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/buffalolawreview
Part of the Indian and Aboriginal Law Commons

Recommended Citation
Available at: https://digitalcommons.law.buffalo.edu/buffalolawreview/vol46/iss3/8

This Symposium Essay is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.
"We Are an Independent Nation":
A History of Iroquois Sovereignty

MARY DRUKE BECKER†

The Iroquois have asserted their sovereignty continuously throughout history. Despite this, much ambiguity surrounds Iroquois sovereignty. For example, during the period of British and French colonialism, each power claimed dominance over the Iroquois.¹ During the modern period, attempts have been made to relegate them to a quasi-sovereign status.² Throughout their history, the Iroquois have been considered free and independent people,

† Mary Druke Becker is a Research Associate of the Iroquois Indian Museum in Howes Cave, New York. She serves as an independent research consultant and writes for publication. She received her Ph.D. in anthropology from the University of Chicago in 1982, and is Associate Editor of *Iroquois Indians: A Documentary History*, the microfilm compilation of documents pertaining to Iroquois treaties published through the Newberry library in 1985. This Essay was originally delivered as a speech on March 20, 1998 at the Buffalo Law Review Symposium entitled Law, Sovereignty and Tribal Governance: The Iroquois Confederacy.


subjects, protectorates of other powers, dependent domestic nations, wards and equal to "the most powerful nation in the world [the United States] and the richest state in the union [New York State]." This Essay will explore Iroquois assertions of sovereignty within the context of international relations.

Although much has been written about Iroquois sovereignty, my intent is not to repeat prior work. I hope to cast a different light on the subject by focusing on its cultural background.

The ambiguity surrounding Iroquois sovereignty results from the many reconfigurations of players among both the Iroquois and Euro-Americans. One must understand the nature of Iroquois' relationships with other nations in order to establish a framework of Iroquois sovereignty assertions and Euro-American reactions to them.

Prior to the arrival of Europeans in North America, individual Iroquoian nations had been interacting internationally. They formed a League, commonly referred to as the Haudenosaunee. This was initially a confederation of five individual, independent nations: the Mohawk, the Oneida, the Onondaga, the Cayuga and the Seneca. The Tuscarora joined the League sometime during

---


5. Players include the Iroquois confederate council, each of the individual nations—Mohawk, Oneida, Onondaga, Cayuga, Seneca, Tuscarora—individual villages and communities, Dutch, English, French colonial governments, individual colonial or provincial governments, federal governments of the United States and Canada and individual states and provinces.

6. There is much controversy over the date of the origin of the League of the Iroquois. Dating ranges from 1142 to the early to mid-sixteenth century. There seems to be agreement, however, that it was in place before contact with Europeans. See DEAN SNOW, THE IROQUOIS 57-60 (1994).
the first two decades of the eighteenth century. Each nation of the League, despite its common origins and its eventual alliance with the others, is in essence distinct, not only in language, but in national experience. The fact that the six nations were at one time completely independent, even to the point that they warred with one another, contributed a unique characteristic to the nature of the confederacy they later formed. In entering into the alliance, none of the six nations lost its identity as an individual nation. Segmentation allows independence to be maintained while unity is fostered.

The segmentation in Iroquois culture has its bases in local kinship relations, traditionally within the matrilineal clan. Clans are then intertwined with one another in reciprocal relationships. A number of clans form one half (one moiety) with reciprocal relations to members of the remaining clans who form the other half (the other moiety) of the local entity. These relationships are then extended from one village to another within a nation and from one nation to another on the confederate level. Members of a clan are kinsmen of members of the same clan within the village, the nation and the confederacy.

These relationships provide interlocking links among units. At the same time, each retains its distinctiveness. This can best be seen on the confederate level in cases where all nations do not agree or in those cases in which one nation insists that it cannot negotiate for others. It can also be seen in the segmentation of council procedures. It is necessary for the members of one clan, village or nation to decide an issue for themselves, before joining into

8. The present tense is used, except when discussing specific historical data, to describe processes that have been used by traditional Iroquois through time.
negotiations with other clans, villages or nations in the League.

In Iroquois politics, the process of careful deliberations in the search for consensus facilitates the identification of valued alternatives, as individual clans, villages and nations deliberate matters before proceeding to decide with others. Historically, the ideal of consensus is achieved after alternatives for action have been considered and are reconciled. In cases where consensus is not achieved, the council fire is temporarily covered, negotiations on the matter cease and each party withdraws to act as it sees fit.¹¹

While it is clear that the confederacy has existed in some form throughout history, data on the autonomy of individual nations within it¹² is often disturbing to people who either gloss over them or claim that the League was a fractured political system.¹³ However, the autonomy or independence of the individual nations within the confederacy is an integral part of the confederate structure that allows for diversity as well as unity and autonomy as well as confederation and must be recognized as such.

The meshing of autonomy with confederation is a fundamental characteristic of the League. It is important in appreciating Iroquois assertions of sovereignty and realizing their full import within multinational contexts in which non-Iroquois, particularly non-Indians, were involved. It also allows one to see the historical bases for relations among Iroquois people. Today, Iroquois communities rest claims of sovereignty over land on treaty relations

¹¹ See Mary A. Druke, Structure and Meanings of Leadership Among the Mohawk and Oneida During the Mid-Eighteenth Century 251-52 (1981) (unpublished Ph.D. dissertation, University of Chicago) (on file with author and the University of Chicago). The Iroquois who have an elective system of government, such as the Seneca Nation after 1948, table the matter, rather than cover the council fire.

¹² See generally THE LIVINGINSTON INDIAN RECORDS, 1661-1723; MORGAN, supra note 9, at 93-106; Jack Campisi, National Policy, State's Rights, and Indian Sovereignty: The Case of the New York Iroquois, in IROQUOIAN STUDIES, supra note 2, at 97-98 (noting examples from the seventeenth and eighteenth centuries).

of the late eighteenth century confederacy, notably those at Fort Stanwix in 1784 and Canandaigua in 1794, as they should. The deep historical roots of Iroquois policy in the confederacy have contributed toward fostering the diversity now found among the Iroquois.

There are fifty chiefs in the Iroquois confederacy, commonly called sachems. Ideally, these men are matrilineal descendants of the fifty people who were chiefs during the formation of the confederacy. A grouping of wampum strings which are formed from shell beads strung together symbolizes the sachems. Each string represents one of the chiefs of the League, and each is linked to the others. It is significant that this symbol is not simply a circle of wampum. Instead, it consists of distinct strings, one for each chief, which are linked together to form a circle, the confederacy. Another symbol of Iroquois alliance is the linking of arms, the adding of another's power to oneself. This image of linked arms symbolizes relationships within the Iroquois confederacy, as well as those between the confederacy and other nations. Therefore, when contact with Euro-Americans began, the Iroquois had a model for establishing working relationships between the two cultures.

One of the earliest written accounts of treaty councils between the Iroquois and other nations is that of the transactions at Three Rivers in July and September 1645. At this conference the Iroquois speaker

took hold of a Frenchman, placed his arm within his, and with his other arm he clasped that of an Algonquin. Having thus joined themselves to them, 'Here,' he said, 'is the knot that binds us inseparably; nothing can part us .... Even if the lightning were to fall upon us, it could not separate us; for, if it cuts off the arm that holds you to us, we will at once seize each other by the [other] arm.' And thereupon he turned around, and caught the Frenchman and Algonquin by their two arms—holding them so


15. See J.N.B. Hewitt, Orenda and a Definition of Religion, 4 AM. ANTHROPOLOGIST 33, 41 (1902).

16. 27 JESUIT RELATIONS AND ALLIED DOCUMENTS 247-305 (Reuben G. Thwaites ed., 1898) [hereinafter JESUIT RELATIONS].
closely that he seemed unwilling ever to leave them.\textsuperscript{17}

This is an image that is echoed in Iroquois international relations during the seventeenth and eighteenth centuries. Note that the speaker caught the arm of the Frenchman and Algonquin separately, treating them as equal parties in the negotiation.

The imagery of linking units, each distinct and equal, is also seen in references to chains of friendship. The Covenant Chain between the English and Iroquois is an example.\textsuperscript{18} It was an ongoing alliance between the English (comprised of individual colonies) and the Iroquois and allied Indians. The colony of New York attempted to dominate other colonies such as Virginia and Maryland by negotiating on their behalf, or insisting that officials of the other colonies come to Albany to trade with the Iroquois. Moreover, the colonies tried to negotiate for Indians allied with them. These efforts were unsuccessful, largely because the Iroquois insisted that the parties be independent. They negotiated when convenient with Virginia, Maryland, Pennsylvania and Massachusetts separately from New York, and in almost every case insisted that Indian nations themselves meet with the Iroquois to renew the Covenant Chain.\textsuperscript{19} Although the imagery allowed for two ends of a chain, each of which might be held by one party, the relationship between these two parties and other links in the chain were not ones of subservience, but of the nature of “first among equals.”\textsuperscript{20} This is a traditional Iroquoian concept personified by the first of the fifty sachems, To-do-dä-ho. As Lewis Henry Morgan wrote while discussing To-do-dä-ho, “… the first sachemship was named after him, and was dignified above the others by special marks and honors, but such, however, as were in perfect consistency with an equal distribution of power among all sachems as a


\textsuperscript{18} \textit{See generally} 8 James Romeyn Brodhead, Documents Relative to the Colonial History of the State of New York 622 (E.B. O'Callaghan ed., 1857) (describing Iroquois accounts of the Covenant Chain).


The Iroquois might be viewed as first among the Indians in the Covenant Chain alliance and New York the first among the colonists, but neither should supersede, or dominate, the other parties.

Iroquois relations with New Netherlands during the seventeenth century from 1609 to 1664 and from 1673 to 1674 centered primarily on trade. During this time, the Dutch clearly recognized the sovereignty of the Iroquois. For example, the Dutch West India Company charter granted the company authority to "enter into treaties and alliances with the princes and natives of the country." Although no territorial title to Iroquois land was claimed by New Netherlands, land grants were made by the Dutch after Indian title to the land had been extinguished. Great Britain followed this practice after its defeat of New Netherlands. France also negotiated with the Iroquois for title to land. There were, however, many disputes that arose from the failure of the colonial powers and the Euro-Americans to understand what the Iroquois meant by specific land transactions. Many of these touched directly upon the issue of sovereignty.

For example, the English insisted on ownership of lands as far west as the Ohio region during negotiations with the French because the lands had been given to them by the Indians during a large "cession" in 1701. The Iroquois, on the other hand, regarded this land as having been placed under the protection of the English. In September of 1726, three of the five nations, the Onondagas, Cayugas and Senecas, carefully explained the nature of the supposed cession, when they confirmed the 1701 grant. Sachems of the three nations attested that it was made for "... all the Said land and Beaver hunting to be Protected & Defended by his Said Majesty his heirs & Successors to and for the use

---

21. See MORGAN, supra note 9, at 68.
22. See Howard Berman, Perspectives on American Indian Sovereignty and International Law, 1600-1776, in EXILED, supra note 1, at 135-39.
23. See id. at 145.
24. See id. at 140-45.
The Iroquois explained a different type of transaction in 1710; however, this still involved the expectation of aid and protection. When meeting with Colonial Governor Hunter of New York, the Iroquois were asked if they wanted English protection against their enemies, the French and the Indian allies of France. Governor Hunter promised to send garrisons for this purpose. As he phrased it, "I desire to know... if you will be satisfied to have a Garrison Planted in one or more of your Castles, and a Chapel or Chapells built there & ye place fortified for your defence and Protection." The Indians wholeheartedly agreed. Conflict arose in some cases where these garrisons turned out to be English outposts, with English expansion rather than the welfare of the Indians in mind. This occurred despite what was articulated by both sides at the conference, that is, that garrisons would provide military aid to the Indians as English allies. As Howard Berman has written, "[I]t is quite clear that the Haudenosaunee regarded 'protection' as a strictly consensual arrangement for a particular purpose." Despite verbal assertions to the contrary, Indian control over land was generally accepted by Euro-Americans for roughly 150 years, well into the 1840s. They continued to negotiate with the Iroquois for the same land that they maintained was theirs by virtue of the 1701 cession.

Beginning in the late 1670s, the English and French began seeking territorial domination over larger and larger areas of land vis-à-vis one another. Each nation argued with the other that the Iroquois had agreed to become their children or subjects. The Iroquois had agreed to use the Iroquoian term for "father" when addressing Euro-Americans. This term was used because within the matrilineal Iroquois society a father was an indulgent, not

26. See 5 JAMES ROMEYN BRODHEAD, DOCUMENTS RELATIVE TO THE COLONIAL HISTORY OF THE STATE OF NEW YORK 800 (E.B. O'Callaghan ed., 1855). Throughout the article, the author quotes language in its original usage.
27. See Howard Berman, Perspectives on American Indian Sovereignty and International Law, 1600-1776, in EXILED, supra note 1, at 221.
28. See id. at 222-23.
29. Id. at 159.
an authoritarian, figure. The term was commonly used among Iroquois nations and by Iroquois for other nations with whom they were in alliance. It implied a reciprocal relation in which care and aid were provided. It was not one which implied subordination.

The Iroquois made their definition of these terms clear to both the French and the English, who acknowledged the definitions. This can be seen in reports from Iroquoia in the late winter and early spring of 1699, during which time the English were trying to prevent the Iroquois from negotiating with the French. The Iroquois reported to the English that the French were chiding them because an Englishman had reportedly called them children and referred to them as little better than slaves. The Iroquois were looking to the English at the time for aid in obtaining prisoners held by the French. The English had promised to be able to expeditiously secure the release of the prisoners. Since the English were not able to do so, the Iroquois proceeded to secure the release. They clearly stated, through their speaker Teganissorens, how they had expected it to have gone:

[L]ast summer when we made our publick proposition to his Excellency we did expect that His Excellency would have propounded that we should have brought all our French prisoners here, and that we then joyntly should have gone to Canada to release our prisoners, but this was not done which grieved us, we would faine have gone hand in hand and loosed the prisoners.

Although the Iroquois wanted help in getting the prisoners back, they did not want it done for them. They were not children in the Euro-American sense, nor were they subjects.

Euro-Americans were aware that this was a sensitive matter. In 1749, New York Governor Clinton informed William Johnson that he must:

33. See *Brodhead*, supra note 31, at 492-95, 567-73.
34. See id.
35. *Id.* at 569.
Let them [the Iroquois] know that my calling them Subjects of the Great King of Great Britain cannot in any Sense be construed to their Prejudice since all the Gov'" of New York are the King’s Subjects, & they have always acknowledged themselves to be Brethren to the English and Children of the Great King...  

Use of the term “subject” was acceptable to the Iroquois so long as they were children or subjects on their own terms. European efforts to interpret it differently were to no avail. Moreover, both the English and the French refused to recognize the others’ claims that the Iroquois were subjects of the other.  

Meanwhile, the Iroquois were also making their position vis-à-vis other nations known in still other ways. A declaration of sovereignty was made in 1684 by an Iroquois speaker to the Governor of Virginia. After confirming that the Iroquois had put part of the Susquehanna River under the protection of the King of England in order to preserve it, the speaker stated “wee having noe other land to leave to our Wives and Children, and lett your Friend that lives over the great Lake [King Charles of England] know that wee are a free People uniting ourselves to what Sachem we please ...”  

In 1701, the Iroquois asserted their sovereignty again, by their actions in negotiating separately with the French and English for neutrality. The Iroquois did not consider themselves to be subjects of any nation.  

As the numbers of Europeans on the North American continent increased, the Iroquois were anxious to form alliances. These alliances would provide the Iroquois with

37. The Iroquois sense of the relationship was made especially clear by the Seneca chiefs in a speech delivered in Philadelphia, December 1, 1790. Blackstone stated “When you gave us peace, we called you father, because you promised to secure us in the possession of our lands.” CHAINBREAKER: THE REVOLUTIONARY WAR MEMOIRS OF GOVERNOR BLACKSNAKE AS TOLD TO BENJAMIN WILLIAMS 238 (Thomas S. Abler ed., 1989) [hereinafter CHAINBREAKER].  
38. See Howard Berman, Perspectives on American Indian Sovereignty and International Law, 1600-1776, in EXILED, supra note 1 at 141-42, 150, 171-73.  
39. Proposition of the Onondaga and Cayuga sachems made at the town hall of Albany before Lord Howard of Bingham, Governor of Virginia and Colonel Thomas Dunquoin, upon the 2d day of August, 1684; Gwynn Diary (July 30, 1684 to Aug. 5, 1684) (on file with the Buffalo Law Review).  
40. See AQUILA, supra note 25, at 45-69; Brandão & Starna, supra note 25, at 209-44.
military aid against their enemies, make trade goods more easily accessible, and bury hostilities between them and the newcomers. In 1694, the Iroquois attempted to mediate between the French and the English in an effort to get both to join in chains of friendship with them. As the speaker Teganissorens stated in 1694 in a message from the Five Nations to the French,

The Iroquois desire their message to be transmitted over the sea, and carried even to the Kings of France and of England, particularly to the King of France, in order that he, himself, may . . . grant them, if in his power, such a peace as they desire, that is, generally; not only between all the Indians but between all their relations, especially between the Kings of France and England; and they request that they may have an answer as soon as possible.

The Iroquois were never successful in establishing such a broad reaching alliance. Meanwhile, they attempted to cultivate separate alliances with both the French and the English. This proved difficult, as neither nation understood that an alliance was a living relationship which needed to be frequently renewed. The French attempted twice, once in 1665 and again in 1687, to assert dominance over the Iroquois by conquest. Other times, the French did their best to ensure Iroquois neutrality. The English were a source of continual frustration to the Iroquois. They professed to be allies, yet frequently failed to live up to the expectations that the Iroquois had of them. For example, the English failed to provide cheap and abundant trade goods, to aid them in wars against their enemies and to protect their borders. As a Mohawk Chief stated in 1702 after renewing the Covenant Chain,

[W]e must beg leave to inform you that we have had but little assistance from our Brethren during ye 6 late warr, we have been


42. Id.


44. See 7 JAMES ROMEYN BRODHEAD, DOCUMENTS RELATIVE TO THE COLONIAL HISTORY OF THE STATE OF NEW YORK 189 (E.B. O'Callaghan ed., 1855).
forced to wage war alone & lost many of our people but see none of
our Brethren either to assist us or to revenge the blood of those we
had lost by ye French. 45

He went on to say:

You demand the reason why our Indians goe to Canada, that is
easily answered, for in ye first place the goods are cheaper there
than here, & ye Elk & mouse skins are a better commoditie there
than here... and we are oftentimes not fairly dealt with by ye Traders... And in answer to what you say, which wd be the best
means to Retrive our Indians bak from Canada, lett ye Goods be
cheaper and then there is no doubt, but they will return very
speedily. 46

This expresses the Iroquois' expectations of an alliance. Allies were to strengthen each other, to open doors and to bring about results.

Evidence of misinterpretations by Euro-Americans of the nature of their relationships with the Iroquois is strewn throughout history. In the case of the sovereignty claims by France and Great Britain over the Iroquois, the postures taken by both were clearly facades which they were not able to sustain. 47 Claims of sovereignty over the Iroquois did not end with the cessation of the Seven Years War in 1760, nor did they end with the disappearance of French government from Northeastern North America. Rather, these claims have continued to the present day. 48 Each of the governmental bodies interacting with the Iroquois have recognized the relations as ones of alliance. 49 However, they often interpret that alliance as being skewed. The Iroquois, along with other American Indian nations, are often considered to be domestic dependent nations or wards. 50

45. BRODHEAD, supra note 31, at 987.
46. See id.
47. See Howard Berman, Perspectives on American Indian Sovereignty and International Law, 1600-1776, in EXILED, supra note 1, at 149-52, 175-86.
48. See UPTON, supra note 2, at 142-61; Jack Campisi, National Policy, State's Rights, and Indian Sovereignty: The Case of the New York Iroquois, in IROQUOIAN STUDIES, supra note 2, at 95-108.
49. See Howard Berman, Perspectives on American Indian Sovereignty and International Law, 1600-1776, in EXILED, supra note 1, at 128-29; Mary Druke Becker, Iroquois and Iroquoian in Canada, in NATIVE PEOPLES: THE CANADIAN EXPERIENCE 323-46 (R. Bruce Morrison & C. Roderick Wilson eds., 1986) [hereinafter NATIVE PEOPLES].
50. See Jack Campisi, National Policy, State's Rights, and Indian Soy-
the other hand, the Iroquois characterize the alliance as being one of independent parties, equal in stature and moral authority, if not in military power. Over time, the Iroquois have persistently put forth their position. They have consistently pushed for a renewal of the chain of friendship. Euro-Americans, however, have not listened, or have chosen not to listen.

After the Seven Year's War, the British became even less reliable allies. They still used the term subjects to refer to Indians and continued to regard them as children. The Iroquois rejected these designations, except under specific terms exemplified in the following speech of the English Superintendent of Indian Affairs, William Johnson, delivered for him by a Kahnawake Iroquois speaker to the Western Indians:

Regard the King of England as our Common Father, who is willing to Live in Peace, and Friendship, with all his Children the Indians, and intends to Establish a fair, and reasonable Trade with all Indian Nations in His American Dominions.—He does not mean to claim your Lands as His Property; and desires no more Privileges than the King of France had, which is, to carry on the Trade among You, for your own Good, and Welfare . . . .

In general, Indians objected to the outcome of the Treaty of Paris between France and England at the end of the Seven Years War. As frontiersman George Croghan reported, "[T]hey say the French had no Right to give up their Country to the English." Reports that the Indians received about the subsequent Proclamation of 1763, placing substantial restrictions on settlements westward of borders defined by Indian treaties, gave them some confidence that the onslaught of encroaching settlers would be slowed, if

ereignty: The Case of the New York Iroquois, in IROQUOIAN STUDIES, supra note 2, at 97-100, 103.
51. See Druke, supra note 17, at 33.
52. See Howard Berman, Perspectives on American Indian Sovereignty and International Law, 1600-1776, in EXILED, supra note, 1 at 131-34; Druke Becker, supra note 49.
53. 10 THE PAPERS OF SIR WILLIAM JOHNSON 678 (James Sullivan ed., 1965) [hereinafter JOHNSON PAPERS].
54. 12 THE PAPERS OF SIR WILLIAM JOHNSON 994-95 (James Sullivan ed., 1965); 8 PUBLIC PAPERS OF GEORGE CLINTON, FIRST GOVERNOR OF NEW YORK, 1777-1795, 1801, 1804, at 328-32 (1910).
55. JOHNSON PAPERS, supra note 53, at 793.
56. Id. at 690.
not stopped. The 1768 Treaty at Fort Stanwix, defining a boundary between the Iroquois and the English, was an active step taken by the Iroquois to stem the tide of encroaching Euro-Americans.

Domestic problems grew among Euro-Americans. The Iroquois were gradually faced with deciding who held the other side of the Covenant Chain, the British or the Americans. During the American Revolution, the Iroquois could not come to one opinion about whom to aid. Therefore, they covered the council fire, temporarily suspending negotiations, leaving each nation to act as it saw fit.

At the end of the war, the Iroquois, especially those who supported the British, were enraged over the Treaty of Paris and firmly denounced it. In 1783, Allan Maclean wrote to Sir Frederick Haldimand:

The Indians from the Surmises they have heard of the Boundaries, look upon our Conduct to them as treacherous and Cruel; they told me they never could believe that our King could pretend to Cede to America What was not his own to give, or that the Americans would accept from Him, What he had no right to grant... that the Boundaries... Settled... [at the Treaty at Fort Stanwix in 1768] were agreeable to the Indians & the Colonies, & never had been doubted or disputed since—That the Indians were a free People Subject to no Power upon Earth, that they were the faithful Allies of the King of England, but not his Subjects—that he had no right Whatever to grant away to the States of America, their Rights or properties without a manifest breach of all justice and Equity, and they would not Submit to it... they would not be the Aggressors, but they would defend their own just Rights or perish in the attempt to the last Man...  

With the end of the American Revolution, pressure for Iroquois land increased significantly. Despite the Treaty of Paris, the United States determined it necessary to

57. DOROTHY JONES, LICENSE FOR EMPIRE: COLONIALISM BY TREATY IN EARLY AMERICA 45-47, 74 (1982) (noting that when issuing the Proclamation of 1763, the English entertained notions of empire, but recognized that they could not keep the Indians from becoming hostile unless land was guaranteed to them). See generally Philip Raphals, Nations Waiting, 69 CAN. F. 10, 10-14 (1991); JACK M. SOSIN, WHITEWALL AND THE WILDERNESS 27-51 (1961).
58. See BRODHEAD, supra note 18, at 111-137.
59. See 5 PETER FORCE, AMERICAN ARCHIVES 1104 (1844).
negotiate with the Six Nations for their land.\textsuperscript{62} At the Treaty of Fort Stanwix of 1784 and the Treaty of Canandaigua of 1794, the Iroquois were under tremendous pressure to cede land.\textsuperscript{63} Their rights to their land base, however, were acknowledged insofar as cession of land was negotiated. In a speech to the President of the United States during January 1790, the Seneca chiefs’ Cornplanters, Half-Town and Big-Tree clearly expressed their sense of alliances between nations as living, working relationships. They stated,

When we saw that we were deceived [by the British], and heard the invitation which you gave us to draw near to the fire which you kindled [at Fort Stanwix, 1784], and talk with you concerning peace, we made haste towards it. You then told us that we were in your hand, and that, by closing it, you would crush us to nothing, and you demanded from us a great country, as the price of that peace which you had offered us, as if our want of strength had destroyed our rights; our chiefs had felt your power, and were unable to contend against you, and they therefore gave up that country. What they agreed to, has bound our nation; but your anger against us must, by this time, be cooled; and, although our strength has not increased, nor your power become less, we ask you to consider calmly, Were the terms dictated to us by your commissioners reasonable and just?\textsuperscript{64}

They were, in essence, requesting a new negotiation of the terms of the 1784 Fort Stanwix treaty. United States President Thomas Jefferson dismissed this, saying that it was not in his power to nullify a treaty. However, one of the purposes of a subsequent treaty between the United States and the Iroquois, the Treaty at Canandaigua in 1794, was to address the issue of restoring Seneca land ceded at Fort Stanwix in 1784.\textsuperscript{65}

\begin{itemize}
  \item \textsuperscript{62} Proceedings of the Commission of Indian Affairs, Appointed by Law for the Extinguish of Indian Titles in the State of New York (1861) (on file with author).
  \item \textsuperscript{63} See Treaty with the Six Nations at Fort Stanwix, \textit{supra} note 14.
  \item \textsuperscript{64} CHAINBREAKER, \textit{supra} note 37, at 215.
  \item \textsuperscript{65} See \textit{id.}; Fenton, \textit{supra} note 7, at 622-706. It has been argued that the Treaty at Canandaigua in 1794:
  \begin{itemize}
    \item [M]arked a shift in the relationship between the Iroquois and the United States. After Canandaigua, the tribes were never in a position to threaten the nation. The change that had occurred was a transition from independent indigenous nations, to what Justice Marshall was to call, some forty years later, domestic dependent nations.
  \end{itemize}
\end{itemize}
In 1790, the United States Congress passed the Trade and Intercourse Act “federally guaranteeing Indian land.”

However, New York State insisted on exempting itself from the Act and negotiated directly with Iroquois for land, much to the dismay of United States federal officials. The Iroquois continued to evaluate Americans and British as allies and pressed them to honor their alliances, specifically to uphold treaties made with them. For example, Red Jacket, a Seneca, chastised the United States in February 1810 for its failure to honor treaties. By acting as allies, the Iroquois continued to assert sovereignty and expected aid and assistance from their allies in return.

In 1810, Red Jacket acknowledged this by recognizing the rising conflict between the British and Americans and emphasizing the potential role of the Iroquois in it. He noted that the Iroquois had sent wampum belts to Western Indian nations requesting that they would keep “their minds strong in their friendship with your Nation, and in the event of a war between the white people to sit still on their seats, and take no part on either side. So far our voice has been heard, they have agreed to harken to our counsel, and remain at peace with your Nation.” Again, one sees the working of alliance as a multifaceted linking of nations.

By October 1813, the policy of neutrality had been forsaken by at least some Iroquois. Red Jacket, while speaking at the time for Indians of Buffalo Creek, expressed dissatisfaction over the handling of Iroquois recruits in the War of 1812. He stated that should anyone be unsure, “we are an Inde-

---

Campisi, supra note 2, at 64. I would argue that this may have been so, according to United States officials. Iroquois, however, although they were well aware of, and willing to acknowledge, the fact that they were no military match to the United States government, they were not willing to concede equality in moral authority and nationhood. Within Iroquois frameworks, nationhood and alliance are not dependent upon military power and might.


67. 24 JOURNALS OF THE CONTINENTAL CONGRESS 262-64 (1784).

68. See RED AND WHITE ON THE NEW YORK FRONTIER 40-43 (Charles M. Snyder ed., 1978) [hereinafter RED AND WHITE].

69. See id. at 36, 40-43.

70. See id. at 42.

71. Id.

72. See id.
pendent Nation. He added that as an ally, "[w]e have taken up arms in your favor."

As the eighteenth and nineteenth centuries passed, New York State became more aggressive in asserting control over Indian affairs. After the Treaty at Canandaigua in 1794, the United States government turned its attention westward. This left New York free to try to push its way into Iroquois affairs. The Iroquois protested to United States representative Erastus Granger in 1806, when their rights to free ferrying were ignored by the New York State Legislature. Reports from the late eighteenth and early twentieth century newspapers in communities surrounding Iroquois reservations provide evidence of Iroquois efforts to assert their position of independence from state and federal authority. In a collection of such reports, one chapter is titled "They Heed Not the Law." One article, dated July 21, 1899 with the title "Indian Right to Hunt and Fish," begins, "[m]any of the Indians on the New York Reservations have an idea that the state game and fish laws do not apply to them—that they can hunt and fish as they please, regardless of state restrictions."

During the early twentieth century, New York State attempted to obtain civil and criminal jurisdiction over New York Indians, including the Iroquois. By 1952, it had been granted both by federal statute. This was done without the approval of the large majority of Iroquois, and as a result, these jurisdictions are frequently challenged by the Iroquois. For example, Irving Powless Jr., an Onondaga, in-

73. Id. at 72.
74. Id.
75. See JOURNALS OF THE CONTINENTAL CONGRESS, supra note 61; Jack Campisi, National Policy, State's Rights and Indian Sovereignty: The Case of New York Iroquois, in IROQUOIAN STUDIES, supra note 2, at 100. For a complete copy of the Treaty at Canandaigua and subsequent treaties indicating the United States’ attention to westward expansion, see 2 INDIAN AFFAIRS: LAWS & TREATIES (Charles J. Kappler ed., 1904).
76. See RED AND WHITE, supra note 68, at 36.
77. ANDRE LOPEZ, PAGANS IN OUR MIDST 25-72 (1979).
78. Id. at 55.
79. See UPTON, supra note 2, at 139-35.
80. Id. at 155.
sisted in 1970, "[w]e are not citizens of the United States. Our land is not part of the United States and it is not part of New York state. Your laws do not apply and Federal laws do not apply on this reservation [i.e., Onondaga]."

The Iroquois won a definite victory in their "persistent ... concern for their being recognized as a nation," when a bill introduced into the United States Congress in 1948 was defeated. This bill attempted to negotiate a final settlement of treaty obligations. As Helen M. Upton writes in The Everett Report in Historical Perspective: The Indians of New York:

Lafayette Kennedy, a Seneca, insisted that to change the 1794 treaty [the Treaty of Canandaigua, under terms of which annuities are still paid to the Iroquois] both parties must agree. This line of reasoning was, of course, in accord with the premise that each party to a treaty is equally important regardless of their comparative strengths.

The Iroquois were not about to agree to change the 1794 treaty.

During the colonial period, the Iroquois often petitioned the King of England or his direct representatives when relations with individual colonies went awry. After the American Revolution, the federal government in the United States, the British Crown and later, the Canadian federal government, were often approached for help in resolving issues that the Iroquois felt were not being adequately solved in negotiations with state, provincial, or other local forms of government. Euro-Americans replaced the term "subject" with "ward," but the implications were the same. The use of a different term did not change the meaning 'you are under our control.' The Iroquois were aware of these

82. See Howard Berman, Perspectives on American Indian Sovereignty and International Law, 1600-1776, in EXILED, supra note 1, at 166.
83. See UPTON, supra note 2, at 155.
84. Id. at 155-56.
85. Id. at 156.
86. See Minutes of the Provincial Council of Pennsylvania from the Organization to the Termination of the Proprietary Government (Mar. 10, 1682-Sept. 27, 1775). See also UPTON, supra note 2; Druke Becker, Iroquois and Iroquoian in Canada, in NATIVE PEOPLES, supra note 49, at 323-46.
87. See Jack Campisi, National Policy, State's Rights, and Indian Sovereignty: The Case of the New York Iroquois, in IROQUOIAN STUDIES, supra note 2, at 103.
implications, and were careful to qualify the use of the terms in their negotiations. They continued to make their view of the relationship as an alliance known. The Iroquois governments have considered themselves to be independent, distinct entities. Their dependence on their alliances is very important to them. They often request the aid of external governmental bodies in accomplishing their goals. They do so, however, as allies, although requests have often been interpreted as signs of dependency. Euro-Americans have tried to act for, rather than with, the Iroquois. Iroquois words and actions, however, continue to make it clear that they do not accept this interpretation of the relationships.

Throughout history, in the complexity and richness of their relations with other nations, Iroquois have shown that international relations are living, working relationships that merit from being renewed and reevaluated. The image of relations between nations as a linking of arms or as a chain symbolizes the Iroquois sense of these relations as alliances among independent, equal partners. It encapsulates both the independence and the unity of the parties within the alliance. In the United States, individual Iroquois communities in the modern era are resting claims of sovereignty on treaty relations with the confederacy in the late eighteenth century, most notably those at Fort Stanwix in 1784 and Canandaigua in 1794. They might also rest it on the consistency and persistence of Iroquois assertions of sovereignty over time. The historical development of modern Iroquois communities has been varied, yet all base claims to sovereignty on long-standing historical roots that stem from the Iroquois League or Confederacy.

88. See Druke Becker, supra note 49, at 323-46.
89. This paper deals almost exclusively with Iroquois residing within the boundary of the United States following the American Revolution. Although historical experiences have differed between Iroquois living in Canada and those in the United States, a shared cultural heritage means that most, if not all of the same interpretations of interrelationships apply within Canada. For a detailed analysis of interpretations within Canada, see id. at 323-46.