

As a means of persuading the Cherokee, Choctaw and Chickasaw Nations to move West in the 1830s, the United States offered them large tracts of land in what is now Oklahoma. Treaties between the Indian Nations and the United States granted the Nations title to their new lands, and guaranteed to them the perpetual right to self-government.

In the 1890s and early 1900s, most of the tribal lands were allotted to individual members of the Tribes, and the remaining land sold as "surplus" to white settlers. This allotment of lands resulted in loss of land, both by the Nations, and later by individual members. The bed and banks of the Arkansas River were excluded from allotment.

At the time of their forced removal to Oklahoma, these Nations had already begun to adopt a constitutional form of government similar to that of the United States. Despite the TRAIL OF TEARS, the Nations survived to reestablish their governments, language and a school system. During the allotment period, the school systems were dismembered by act of Congress. Around the time of statehood, the constitutional governments were dismembered by the BUREAU OF INDIAN AFFAIRS without Congressional authorization. Nevertheless, Eastern Oklahoma is still the second largest Native language speaking area in the country!

When Oklahoma was admitted to the Union in 1907, the SECRETARY OF THE INTERIOR determined that the Riverbed (Arkansas) belonged to the United States and had passed to the State!

1966-Cherokee Nation brought suit against the State of Oklahoma and various corporations to which the St. had leased oil, gas and other mineral rights.

1970-The United States Supreme Court quieted the fee title and right to possession of the bed of the Arkansas River from the confluence of the Grand Neosho River in Oklahoma to the western boundary of the State of Arkansas, a distance of approx. 96 miles, in the Cherokee, Choctaw and Chickasaw Nations.

1975-April, the ownership of the land within the Arkansas Riverbed was determined as among the Cherokee, Choctaw, Chickasaw Nations.

1973-1975 BIA determined the valuation by use of studies.

Riverbed is 22,763.93 acres

Total appraised value if \$177,024,468.00.

Coal reserve are estimated to be 50 million tons. Water rights were not included in the appraisal.

There is also the question of Trespass value, which has to include the changes in the Arkansas River.

The legislation, and the entire Arkansas Riverbed transaction, has been negotiated entirely between the executive officers and the United States. It does not represent the wishes of the Tribal members. The Principal Chief of the Choctaw Nation was elected on an anti-sale platform. A large number of Choctaw, Chickasaw, and Cherokee people hope to develop the interests they presently hold in the Riverbed so they will never be required to rely upon federal aid.

Passage of the ARKANSAS RIVERBED BILL would authorize the Secretary of the Interior to enter in agreements with the Cherokee, Chickasaw, and Choctaw Nations to lease or purchase the natural resources of the Arkansas Riverbed.

---Friends Committee on National Legislation.

The Department of Interior is an agency of a foreign government. Native Nations must study the Dept. of Int. and the B.I.A. They do not follow directives to give advantage to Native Nations. They work in conjunction with the majority government and protect its interest. (Shenandoah 3/

Mayor Herbert Brewer, Oneida, New York, making comments about the Oneida Nation in New York said it is unfair for "the rest of the citizens of the United States to provide services" to Indians when the Indians "are not contributing anything."

(I want you Oneida (Indian) to understand this. You are being told that you have contributed nothing to this country. This is your country. All the minerals, water, air and the preservation of the land and all the animals were because of your way of belief and existence. The invaders destroy and corrupted their own countries and introduced their type of destructive living and enslavement on your land and people. When a European person decides to talk about your contributions, remember This is your homeland. They are the invaders.)

Mayor Brewer also said the Duryea Bill (a bill to provide fire protection for Indians living on reservations throughout the state of New York) appeared to be part of a nationwide trend "to make them (Indians) a special class of citizen, above and beyond the Constitution of the United States."

(The Indian is not a citizen of the United States or Canada. This is our country. It belongs to us, the Native owners of this part of the world. Every time, any action to make us citizens, there has been language to take land away from us and destroy our ability to exist as sovereign independent nations.

The European has to understand that the Treaties and Aboriginal rights are above the Constitution. It is that inability to realize the rights of Native people and their differences, and that right to be different, that shows the mental weakness of European expansionism. That inability is also the reason we, the Native-American, First American, American-Indian, Aborigine, are not given credit for all the contributions in Government, Sports, Food, Medicine, Child-rearing, etc.)

Mayor Brewer said he felt the Indians should have equal rights and opportunities but also equal responsibilities.

(This statement about EQUAL RIGHTS AND OPPORTUNITIES is used quite often by Senators, House of Representatives, Governors, Backlash Groups, some well meaning people, BIA people and all people that are attempting to undermine the Tribal structures. Basically this can be done by the United States honoring all the Treaty and Territorial rights of all Native Nations. When the Native Nations have the responsibility of their own education, culture, control of minerals and establishment of their own form of government, then they (the Native People) will have equal rights and opportunities.

When the government or other people talk about accepting a foreign form of government, a different culture, a different religion, allowing indoctrination of their children, and pretending all of this to be equal rights and opportunities when it is paternalism, is not only illegal, immoral, and illogical, but it is also an attack against the Human Rights of Native Peoples.

(Shenandoah March 1978)

Washington State told the Supreme Court Monday January 9, 1978, that Indian Tribes have no legal right to try non-Indians in Tribal courts, even for crimes committed on a reservation.

"The Indian Tribes do not depend on the United States for the creation of their sovereignty...which predates establishment of the United States"

---H. Bartow Farr

TECUMSEH, 1812

"Each year, our white intruders become more exacting, oppressive, demanding, and overbearing. "ants and oppressions are our lot. Are we not being stripped day by day of the little that remains of our ancient liberty? Unless each tribe unanimously combines to give a check to the avarice and oppression of the whites, we will become conquered and dis-united and we will be driven from our Native Lands and scattered like Autumn leaves before the wind."

ROBERT BURNETTE, 1972

"In spite of federal law and the Indian Re-organization Act of 1934, the Government has acted illegally and has turned tribal leaders loose with unprecedented powers. They're pawning Indian land, bouncing checks all over the country, while the Bureau of Indian Affairs takes the three monkeys position--hear no evil, see no evil, speak no evil."

"TRAIL OF BROKEN TREATIES" 1972

We ask the physical, moral and spiritual participation of all concerned Native Americans of the Western Hemisphere...we ask especially the presence of our spiritual leaders...

We ask the moral, physical, and financial participation of Indian interest groups...

We ask the moral and financial support from bona-fide human and civil rights groups, as well as the labor Movement...

We ask financial and spiritual support from all church-administered Indian Mission Boards and caucuses of the major Christian denominations of this country...

We invite the support of all the minorities of America who have been oppressed psychologically, racially, economically, and religiously by the larger society as alien and unequal cultures.

We ask financial and spiritual support of environmental groups who demand with us that the devastation of our Mother Earth cease and Her wounds be healed...

We urge the support of all citizens of conscience who have a stake in a sane common future of justice in this hemisphere.

PAUL SKENANDORE, 1972

"Since the invasion of this country by the european people. We have been cheated and pushed till all that lasts are the crying of the spirits of our forefathers. The Indian welcomed them onto their land, taught them to grow food, taught them to build homes, taught them to navigate the wild territories, taught them a new form of government, and taught them a beauty of land that the European people had destroyed thousands of years before the discovery of our home, our land, and our culture. Now our country is in danger of becoming what they left, because of greed, unequal distribution of wealth, taxation, unequal representation, destruction of individualism, creating bureaucratic authoritarian government."

JUSTICE IS A BLEND OF Truth and pressure held in abeyance by the will of the majority. This can do nothing for the minority, unless they hold together and gain knowledge and a means to communicate.
(Shenandoah 1974)

CLAIMS OF THE SIX NATIONS

remé 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; the 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 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 Onondagus 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 in utter contempt of Federal authority.
6. That 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 1786 in destroying to a great extent their solidarity and integrity.
7. That prior to 1876 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 of 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'.

of 1788, the State of New York recognized and acknowledged that the Oneida Nation had the right of permanent occupancy of the lands forever. But more important the defendant also acknowledged the plaintiffs' ownership of the land in question by Article II of the Treaty of November 11, 1794, 7 Stat. 44. Article II stated:

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

Since this Commission has determined that the defendant acknowledged title to the plaintiffs' land in question, our next determination will be concerned with the responsibility on the part of the United States in connection with the sale of the plaintiffs' land to the State of New York.

The Indian Claims Commission Act, 60 Stat. 1049, provides a forum for redress of Indian grievances against the United States and not for injuries done by others for which injuries the United States had no responsibility. *SIX NATIONS v. UNITED STATES*, 173 Ct. Cl. 899, 904 (1965). In 1790, the United States assumed certain responsibilities with respect to the Indians. The Trade and Intercourse Act of July 22, 1790, 1 Stat. 137, 138, and successor statutes forbade the sale or conveyance of Indian lands without the consent of the Federal Government.

There have been different revisions of the Act, the most recent of which in effect as section 2116 of the Revised Statutes, codified at 25 U.S.C. sec. 177, but federal consent under all versions has always been required in any disposition of Indian real property. The legislation has been interpreted as giving the Federal Government a supervisory role over conveyances by Indians to others. In *FEDERAL POWER COMMISSION v. TUSCARORA INDIAN NATION*, 362 U.S. 99, 119 (1960), the Supreme Court said:

"The obvious purpose of that statute is to prevent unfair, improvident or improper disposition by Indians of lands owned or possessed by them to other parties, except the United States, without the consent of Congress..."

Therefore, under the Indian Claims Commission Act, the United States could be held liable if, after 1790, there were any transactions involving the plaintiffs' lands in which there was an "unconscionable consideration" paid or there was a lack of "fair and honorable dealings" by virtue of the fact that the United States did not act to protect the rights of plaintiffs.

In *SENECA NATION OF INDIANS v. UNITED STATES*, 173 Ct. Cl. 917, 925 (1965), the Court of Claims as follows:

...The Trade and Intercourse Act created a special relationship between the Federal Government and those Indians covered by the legislation, with respect to the disposition of their lands, and that the United States assumed a special responsibility to protect and guard against unfair treatment in such transactions. Cf. *THE ONEIDA TRIBE OF INDIANS v. UNITED STATES*, 165 Ct. Cl. 487 (1964), cert. denied, 379 U.S. 946.

Both the plaintiffs and the defendant agree, and we have so found, that,

Menominees, 7 pages explaining the termination of the Menominee
Melting Pot Myth, examination of the fallacy, 3 pages
Oneida Tribe of the Iroquois Nation Always Here (3), (1) 4 pages
Education--Indian 2 pages questioning the system
Force against Force=Nothing 1 page
Out of Control, 1 page
Who uses the Media, 1 page
Cancer the Incurable, 1 page
Continuing the Trampling of Human Rights, 1 page
Morality And Legality, 2 page
The Oneida Nation/ Six Million Acres 1 page

Discrimination, 3 pages
Prejudice,---Indian, Known or unknown discrimination 3 pages
Drugs, drugs--Some Thoughts 2 pages
I Begin to Wonder, 1 page
Why??, 1 page on drinking
Education of the Whites, 1 page
One Day, Freedom, Pride, 1 page
My View and Outline, 1 page
why Vote? 1 page
Are We Receiving A good Education 3 pages
Land or Money, Docket 301/Sovereignty, 1 page
Need for Land, 1 page
Quest for Education, 1 page
Individualism, 1 page

The above articles are available at 20¢ per page; Minimum order 60¢
Send your check or money order to;

Shenandoah
736 W. Oklahoma St.
Appleton, Wisc. 54911

If someone or any organization would like to have a lecturer, to speak on Indian issues, have them contact me at the above address and set-up arrangements.

---Shenandoah

According to the Mother Jones issue for Feb./Mar. 1978, at the time of the earthquake in Guatemala of 1976, the country had just harvested its largest crop in years just before the quake.

Two organizations, CARE and Catholic Relief Services, pushed for P.L. 480 which was responsible for shipping surplus grain to the country, when the need was not for grain.

Benito Sicajan Sipac, an Indian leader from the highlands said, "When all that food came in, there was no longer a market for corn, and the farmers lost out."

A chain of small mountain cooperative farms had been patiently building over the years, the trust of the locals. With farm income falling, these fragile experiments suddenly found themselves dangerously weakened.

Moreover, many leaders, who still dominate isolated communities, stiffened their resistance to handouts, fearing that the outside aid would create a welfare mentality among its recipients.

But the pressures of falling prices, and hopes, weakened the authority of these traditional leaders; a new leadership, based on patronage and the manipulation of relief supplies, slowly began to supplant that of the older authorities. According to one long-time observer, six to eight months after the earthquake this new leadership was still parlaying handouts into a new power structure among the despairing Natives.

---Mother Jones Feb.-Mar. 1978

Does the above sound familiar? Do you really understand the art of paternalism? How long could I control you, if I gave you control over your total existence? As long as I want to control you, will I be able to let you educate your children, set up your own studies, or decide what you want?

Did you realize that organizations that want to control by fear, will send you information to feed the fear, and in many cases become extremely wealthy.