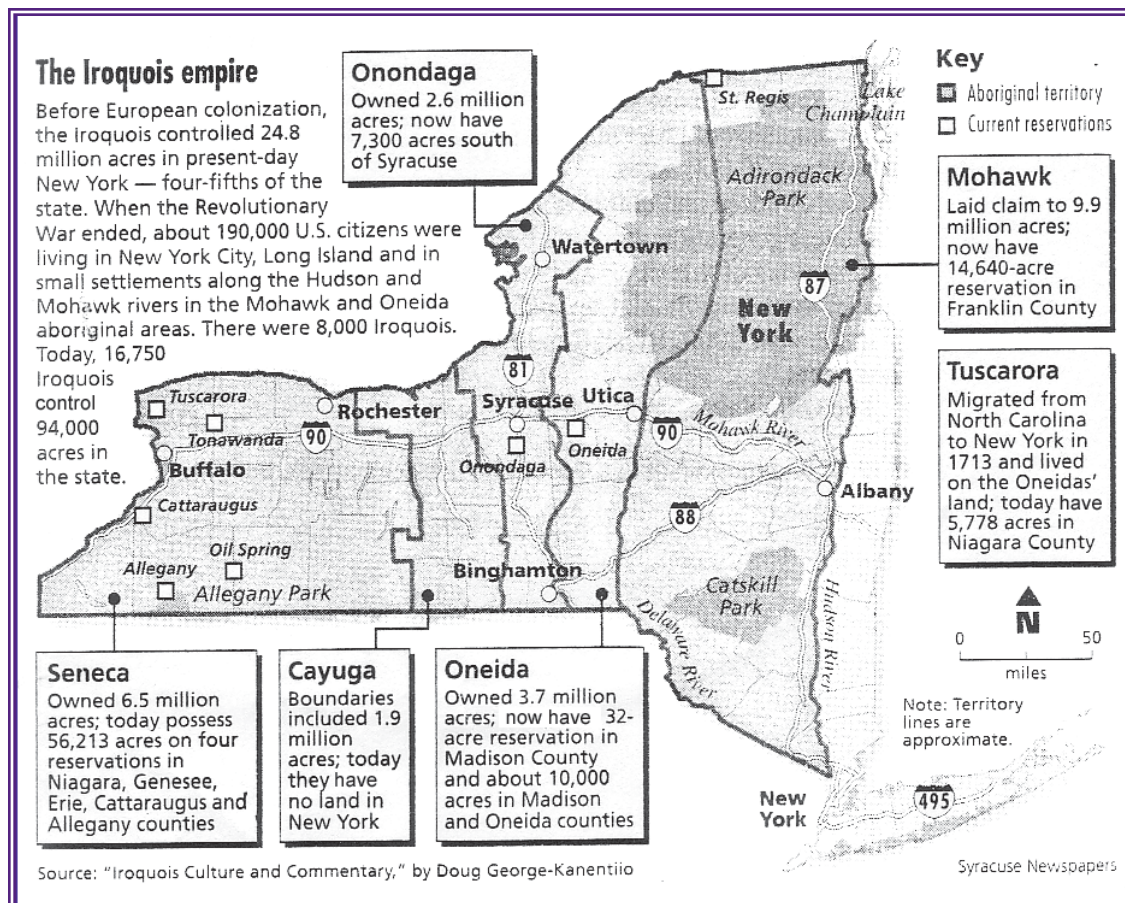


History of the Onondaga Nation and Origins of its Land Rights Action

The Onondaga Nation is a member of what is now commonly referred to as the Haudenosaunee (translated as “People of the Long House”), an alliance of native nations united for the past several hundred years by complementary traditions, beliefs, and cultural values. Sometimes referred to as the Iroquois Confederacy or Six Nations, the Haudenosaunee originally consisted of the Mohawk, Oneida, Onondaga, Cayuga, and Seneca nations. The Tuscarora migrated from the south and peacefully joined the Confederacy in the early 1700s, bringing to six the number of nations united by Haudenosaunee traditional law.

HISTORY OF THE HAUDENOSAUNEE

Established centuries before European contact, the Haudenosaunee predates the founding of the United States. It also existed prior to contact with Europeans, making it one of the world’s earliest and longest-functioning democracies. Guided by the Great Law, complete with a sophisticated system of checks and balances, the Haudenosaunee system influenced early American governments far more than it was influenced by them.



Traditional lands of the Haudenosaunee

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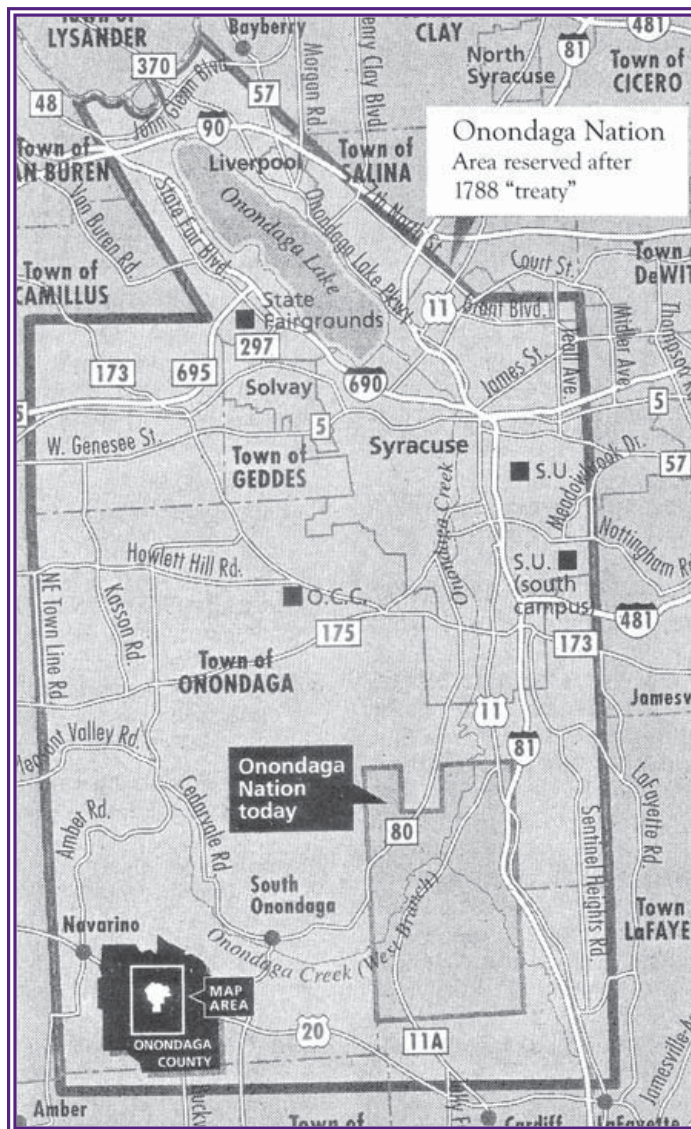
Prior to the American Revolution, the Haudenosaunee inhabited much of what is now New York State, along with parts of Pennsylvania, Connecticut, Massachusetts and Vermont. Like the United States government and the colonial powers before it, the Haudenosaunee occasionally entered into strategic alliances and negotiated treaties with other nations – both native and non-native – covering issues of trade and commerce, and other matters. The first such treaties were with the Dutch, then with the French and British, and finally with the newly-formed United States government.

At the conclusion of the Revolutionary War, the United States decided to give 600 acres of land to each war veteran in lieu of monetary compensation, land which it did not own or possess. In New York State, much of the land earmarked for veterans was owned by the Haudenosaunee. A treaty in 1768 between the Haudenosaunee and the British crown, and carried forward by the United

States, prohibited any white settlement west of Rome, New York. Onondaga territory lies west of Rome, and consists of a 40-50 mile-wide swath of land stretching from Pennsylvania to Canada, bordered to the east by the lands of the Oneida Nation and to the west by the lands of the Cayuga Nation.

TREATIES AND OBLIGATIONS

Onondaga and Haudenosaunee ownership of this land was further confirmed when the newly-formed United States entered into the Treaty of Fort Stanwix in 1784. The Fort Stanwix Treaty reserved for the Haudenosaunee all the land they owned in New York State, with exception of small parcels near Fort Oswego and Fort Niagara and an additional area in the southwestern corner of the state. For their part, the Haudenosaunee agreed to relinquish all claims to lands west and south of their core territory in New York State. This was a strategically important and exceptionally valuable concession for the United States, for it opened the way to new exploration and settlement in the Ohio Valley and, in turn, provided



Onondaga lands after invalid 1788 "treaty"

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protection for the Mid-Atlantic and New England states. Another important treaty was the Treaty of Canandaigua in 1794, which reaffirmed the principles of peace and friendship between the two nations while clarifying the international boundaries between them.

In July of 1788, the State of New York ratified the United States Constitution, which explicitly reserves for the federal government the exclusive power to make treaties with other nations, including native nations. Just two months later, however, New York governor George Clinton convinced an unauthorized group of Onondagas to “sell” nearly two million acres of land to New York, even though he had just signed the Constitution, which prohibited such action, despite the fact that the signatories were not Onondaga or Haudenosaunee representatives. What is more, this taking was done in violation of New York’s own laws. Backed by the force of New York State, this illegal agreement relegated the Onondagas to approximately 108 square miles of territory, including most of present-day Syracuse, the entire town of Onondaga, and portions of the towns of La Fayette, Otisco, Camillus, and Geddes. The treaty also reserved to the Onondagas a one-mile swath of land around Onondaga Lake for the purposes of making salt in common with newly arriving settlers.

In 1790, partly as a result of continuing adverse actions by the New York State government toward Indian nations and at the urging of President Washington, Congress enacted the Trade and Intercourse Act. This legislation, further strengthened in 1793, explicitly forbade the “purchase, grant, lease or other conveyance of land” without the approval and participation of Congress. Yet, despite these federal laws and the illegality of Clinton’s 1788 arrangement, illegal acquisitions of Haudenosaunee land did not end. Over the next thirty-five years, additional “agreements” with New York State, including purported Onondaga cessions in 1793, 1795, 1812, and 1822, took most of what remained of the reserved lands.

These illegal actions and fraudulent takings form the basis for the Onondaga Nation’s current law suit, which seek a declaratory judgment that the lands were taken by New York State in violation of federal law and that the “agreements” purporting to do so are therefore null and void.

