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ABSTRACT

The status of American Indians in the State of New York and the public services made available to them through various units of state government are outlined. For more than a century and one-half the State of New York, with Federal acquiescence, assumed responsibilities for Indian welfare corresponding to those undertaken by the Federal Government in states west of the Mississippi. Services in the areas of health, education, highways, social services, mental hygiene, and so on are rendered by the New York State departments in accordance with their regular functions and responsibilities. Included in the pamphlet are a summary of the responsibilities and services the state has voluntarily assumed toward its Indian inhabitants, a background of the Indians themselves, and a description of the social services administered by the State of New York toward its Indians. A bibliography and a list of Indian reservations and Indian officials are also furnished. A related document is ED 032 960. (FF)

THE INDIAN TODAY IN NEW YORK STATE

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Commissioner of Social Services
Superintendent of Public Works
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Director of Indian Services for the Committee: John R. Hathorn

Cover Courtesy of Rochester Museum of Science

Painting by Ernest Smith, Seneca Indian.

INTRODUCTION

This pamphlet has been prepared to answer a wide range of inquiries about the status of Indians in New York State and the public services made available to them through various units of government.

Obviously this publication is not intended to be definitive. A bibliography has been included for readers who would pursue this interesting subject further.

Albany, New York

John R. Hathorn

September 21, 1970

Office of Coordinator of Indian Affairs
New York State Department of Social Services
1450 Western Avenue, Albany, New York 12203

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CONTENTS

	PAGE
I. Summary.....	1
II. Background: The Indians Themselves.....	3
III. Services.....	7
IV. References and Suggested Readings.....	13
V. Indian Reservation Leaders and Officials..	17

THE INDIAN TODAY IN NEW YORK STATE

I. SUMMARY

New York State is unique among the States in the responsibilities it has voluntarily assumed toward its Indians and in the services which it provides them. After the adoption of the United States Constitution in 1787, this State never ceded any of its territory to the Federal Government, as did some of the other states, thus its Indian lands have never at any time been Federal territory. Partly as the result of this fact and partly in consequence of this State's history of direct dealing with Indians, dating back to the colonial period, Federal authority over New York Indians has been rarely exercised. For more than a century and one half the State of New York, with Federal acquiescence, assumed responsibilities for Indian welfare corresponding to those undertaken by the Federal Government in States west of the Mississippi. This division of responsibility was weakened by the lack of clear definition of the extent of State legal jurisdiction which increasingly handicapped efforts of the State to give Indians the same advantages and opportunities as other citizens.

This handicap was largely removed by enactment in 1948 and 1950 of Federal laws intended to confirm New York State's criminal and civil jurisdiction over reservation Indians. Both measures pioneered in the field of Indian legislation.

The Criminal Jurisdiction Act (62 Stat. 1224) and Civil Jurisdiction Act (64 Stat. 845) are designed to promote these normal governmental and social relationships which the Act of June 2, 1924 (43 Stat. 253) granting citizenship to all Indians born in the United States had opened to our Indian minority.

There are today in New York State approximately 15,000 Indians, of whom nearly 10,000 live on 80,000 acres of Reservation land. In 1965 the Allegany Reservation was reduced in size by approximately 10,000 acres due to the Kinzua Dam and Reservoir project. The number of Indians has increased ever since official census data have been available, although intermarriage may have reduced the proportion who are full-blooded. Taking into consideration the known population of New York Indian tribes who have settled outside New York State, the present total probably exceeds the all time peak population, estimated at under 15,000 persons.

When living on their tribal lands the Indians are now distinguishable primarily by their legal status as member-owners of tax-free property, and their consequent dependence upon the State for services commonly provided by tax-supported local governments.

Services pertaining to health, education, highways, social services, mental hygiene and the like are rendered by State Departments in accordance with their regular functions and responsibilities.

II. BACKGROUND: THE INDIANS THEMSELVES

With the exception of the Tuscaroras, New York State Indian Nations are indigenous to New York, whereas most other Indian tribes have been relocated by the Federal Government from their native areas of residence under the pressures of white settlement.

The Indians of central, western, and northern New York share the renowned history of the Six Nations of the Iroquois League or Confederacy, which was founded by the leaders Deganawida and Hiawatha about the middle of the 16th Century as the Five Nations - the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas. The related Tuscaroras, driven from their North Carolina home by the white settlers and neighboring Indians, migrated to New York at the beginning of the 18th Century and in 1712 or 1714 were admitted by their kinsmen of the Five Nations into the Iroquois Confederacy, thereafter known as the Six Nations. The Onondagas were the keepers of the central fires as founders. The Mohawks held the eastern portal and the Senecas the western. The Oneidas and Cayugas were located between the Onondagas on the East and the Western Senecas.

Although formed chiefly for mutual defense, this League grew to be a broad and strong Indian empire and evolved into a highly developed republican federal government, only to begin its decline two centuries later mainly as the result of involvement in the American Revolutionary War.

The Indian name of the League, Ho-De-No-Sau-Nee, signified a people dwelling in a longhouse, which is a reference to the characteristic structure of their early bark assembly halls, council houses and composite family dwellings, all symbolic of the fundamental democracy of their society. They were skilled in framing log cabins and tilling the soil, 1/ as well as in military enterprise. But their highest claim to superiority is now acknowledged to have been in the moral caliber and effectiveness of their social-political government and ideals.

Out of their dual emphasis on the dignity of the individual and the power of the clan, combined with their customary hospitality and plan for mutual aid, they seem to have produced a creative and civilizing society in which local self-rule was maintained under a central government and a limited defensive alliance was developed.

The league was generally allied to the English and in the long-fought contest between the French and the English for supremacy in North America it is not too much to say that this friendship turned the scale in favor of England.

1/ They introduced tobacco, maize, white potatoes, pumpkins, buckwheat, squash, lima and string beans, peanuts and melons.

The Reverend Asher Wright, one of the earliest and most effective Christian missionaries, wrote 2/ "It was a standing rule that all action should be unanimous. Hence, the discussions were always, without any known exception, continued till all opposition was reasoned down or the proposed measure abandoned. Hence the great and constantly increasing power of the Confederacy. . ."

Among the Six Nations, with the exception of the St. Regis Mohawks, the lineage follows that of the mother; that is, if the mother is an enrolled Seneca and the father is a white man, the children are enrolled Seneca Indians and have a right to Seneca annuities and to inherit title to Seneca land. If the father is a Seneca and the mother is a white woman, the children would be considered white, would not be enrolled as Indians, nor entitled to inherit Seneca land. If a member of one tribe marries a member of another tribe, the lineage follows that of the mother in the same manner, except with the Mohawks, among whom it follows that of the father. If a Mohawk woman marries a Seneca man, the children are not recognized by either tribe. Such disinherited offspring are referred to as "non-Treaty Indians."

The Mohawks, who had sided with the English, moved to Canada and settled upon land given them by the British Government and ceded to the State of New York all lands within the State. In 1888 their place in the Six Nations Confederacy was taken by the St. Regis Tribe, descendants of the Mohawks who, until the French and Indian War, had been united with them. About one-third of the St. Regis Reservation, comprising 38,390 acres, located on the south bank of the St. Lawrence River at Hogansburg, lies in New York, the remainder being in Canada. This reservation, in Franklin County, is between Massena and Malone on Route 37. Its enrolled membership is 2,222.

The Oneidas sold all of their land with the exception of 350 acres which was divided in severalty under authorization granted by an 1843 statute and ceased to have reservation character. Some of the tribe moved to Wisconsin, where they occupy a reservation purchased from the Menominees. Those remaining in New York State live on tax exempt land on the original site of the Oneida Reservation or have moved to the Onondaga Reservation where they have intermarried with the Onondagas. There, enrolled membership is 469.

The Onondagas, keepers of the central council fire, the seat of the Iroquois Confederacy, retain about one-fourth of the lands owned by them at the close of the Revolution. The lands then included the present City of Syracuse, the remainder having been sold by 1822. The present reservation is about six miles south of Syracuse on Route 11A, Nedrow, New York, Onondaga County and comprises about 7,300 acres. Its enrolled membership is 1,132.

2/ Quoted by Dr. Fenton from the record of the American Board of Commissioners for Foreign Missions, containing Wright's original reports as a Quaker Missionary on the Cattaraugus Reservation, 1845 - 1875.
(It is of interest to note here that the Quakers - Society of Friends - who have since colonial days been intimately concerned with Indian welfare and culture, are themselves committed to the principal of unanimity or consensus. See "The Quaker Way Wins New Adherents," by Morris Llewellyn Cooke, in the New York Times Magazine, June 17, 1951.)

The Cayuga Nation of Indians also disposed of their lands in New York, after which some of the members located in Ohio, later moving to Oklahoma, where they now make their home. Some Cayugas never left the State, instead choosing to remain with the Senecas on the Cattaraugus Reservation and in nearby communities where approximately 303 still reside, some having inter-married with Senecas, while 30 have moved out of the State.

The Tonawanda Reservation, near Batavia, lies partly in the Counties of Erie, Genesee and Niagara (Route 267 out of Akron passes through the reservation) and comprises 7,549 acres. It is occupied by the Tonawanda Band of Senecas, who separated from the parent tribe after the sale of their original reservation in 1838 by Seneca Chiefs. In 1857 the present reservation was repurchased with funds realized from the sale of lands in Kansas which had been allotted to these Indians. Title was taken originally in the name of the Secretary of the Interior, who in 1863 conveyed the same to the Comptroller of the State of New York "in trust and in fee for the Tonawanda Indians." Its enrolled membership is 824, of whom about 189 live in western New York.

The Senecas, who since 1849 have had a constitutional form of government incorporated under the State of New York with the consent of Congress, have three separate reservations: The Cattaraugus, consisting of 21,680 acres, lying partly in the Counties of Cattaraugus, Chautauqua and Erie, northwest of Gowanda (Route 62) and south of Irving (Route 5). Route 438 passes through the Reservation; the Allegany, comprising approximately 22,000 acres a mile wide, is located on both sides of the Allegany River for a distance of 40 miles from the Pennsylvania boundary (Route 17); and the Oil Spring Reservation, of 640 acres, at Cuba Lake. The last of these is not inhabited by Indians. The enrolled membership of the Seneca Nation is 4,373. The City of Salamanca as well as the Villages of Vandalia, Carrollton, Great Valley, West Salamanca and Red House are situated almost entirely within the Allegany Reservation. Salamanca is occupied under 99-year leases from the Seneca Nation, expiring in 1991, but with the provision for renewal. Rentals due the Seneca Nation are collected by the City of Salamanca simultaneously with the taxes, and payment is made annually in a lump sum to the Seneca Nation. The villages pay rents directly to the Nation.

The Tuscarora Reservation, containing 5,700 acres, is located in Niagara County at Sanborn and Lewiston, New York, about nine miles northeast of Niagara Falls. (The Upper Mountain Road passes through the reservation. Route 31 also passes nearby.) Slightly more than one-third of this area, the north end of the reservation, was acquired by gifts of 640 acres from the Senecas and of 1,280 acres from the Holland Land Company. The remainder was purchased from the latter company with money received for the release of their former lands in North Carolina. Recently, approximately 550 acres were taken by the State Power Authority for use as a reservoir. A sum of approximately \$850,000 was paid to the Tuscarora for the land acquired.

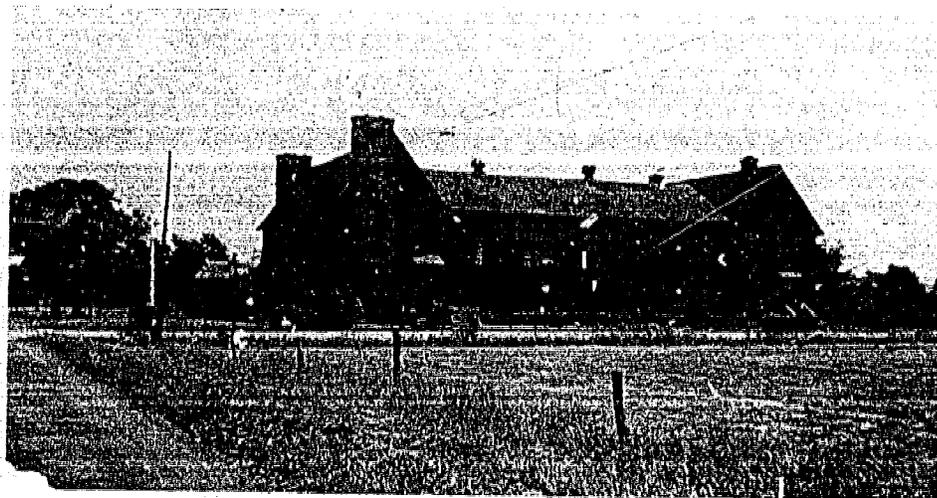
Title to the two principal reservations of the Seneca Nation and the Tuscarora Reservation is somewhat clouded by reason of an outstanding pre-emption right or rights to purchase in the event that the Indians elect to sell, dating back to 1786, when conflicting ownership claims of New York and Massachusetts to that part of the State west of Geneva were settled. At that time the rights of sovereignty, government and jurisdiction were ceded to New York while to Massachusetts was yielded "the right of preemption of the soil of the native Indians and all other estate, except of sovereignty and jurisdiction." By intermediate transfers these latter rights are claimed by representatives of the Ogden Land Company, which a century ago was active in the acquisition and sale of Indian lands.

Annuities now paid by the State represent part of the consideration received by Indians for the sale of lands by the Onondagas, Senecas, Cayugas, and St. Regis Mohawks.

The Shinnecock and Poospatuck Tribes, presumably of Algonquin Indian origin, have occupied or retained land in Suffolk County on eastern Long Island as grants made by the Colonial Government in the name of the King to them and their posterity. New York State recognizes these as reservations, although the United States Bureau of Indian Affairs does not.

Their history is uncertain; they are believed in the early days to have had tribal and commercial relationships with Algonquins in Connecticut, via Long Island Sound, and to have engaged primarily in fishing and whaling. It was on one of these whaling expeditions that many of the male Shinnecoeks are alleged to have been lost.

The population of the Shinnecock Reservation is approximately 300, living on 400 acres of land. The Poospatuck Reservation has about 75 residents living on 60 acres.



Tonawanda Community House.

III. SERVICES

New York State Department of Social Services

All of the Department of Social Services' programs of public assistance and care apply to needy Indians, on or off the reservation, as to all other indigent persons. These programs are administered by the local public welfare departments, who are reimbursed in full by the State for the cost of services rendered to reservation Indians.

County administration of these programs helps the Indian to feel he is part of the community and encourages the counties to recognize equal responsibility to the Indians as to other residents.

Services to reservation Indians consist of home relief, old-age assistance, aid to dependent children, assistance to the blind, aid to the disabled, child welfare, adult institutional care, hospitalization, removals and burials. 3/

A specially skilled State social worker helps Indian families to help themselves; advising and guiding them in educational and vocational planning, and in the use of various State, Federal and local resources available to them; encouraging the formation of community organizations and self-help groups; obtaining needed services in connection with problems of health, employment, property rights, recreation, domestic and social relations, and so forth. He consults regularly with the Director of Indian Services for New York State who is the official coordinator of these services through the several State Departments and Divisions. He also works with the Counsel for the Joint Legislative Committee on Indian Affairs and with the Tonawanda Community Association in connection with the maintenance and programs in the building.

The Tonawanda Indian Community House near Akron, New York (adjoining the Tonawanda Reservation), is New York's only State-directed community house and represents a unique achievement. It was constructed as a Department-sponsored WPA project at the instance of the Tonawanda Indian Reservation Community Association, Inc. This building is maintained by the Department for use by young and old as a cultural, social, educational and health center. It contains club-rooms, offices, game rooms, showers, a workshop, a library, a clinic, and a spacious auditorium with a stage and motion picture projection room. The Tonawanda Indian Community Association is run by an all-Indian board of directors, which plans, directs and supervises programs for the residents of the reservation and other interested groups, both Indian and non-Indian. Programs include recreation, bands, dramatics, veteran, church and community activities, home bureau meetings, health, education, and so forth.

3/ Also providing care to Indians, as to others, are the following units of the State Department of Social Services: State training schools for delinquents; Woman's Relief Corps Home, for veterans; and the Commission for the Blind.

stitution for Indian children, located on the Cattaraugus Reservation, was formerly administered by the New York State Department of Social Services. Because of the integration of Indian children into the public school system and into local child-caring institutions, it was closed September 1957 when the buildings reverted to the Seneca Nation of Indians. These buildings are now leased by the Seneca Nation to the New York State Department of Mental Hygiene for the care of convalescent patients. The use of the hospital for clinics for these reservation Indians has been retained. The swimming pool is also used in connection with the reservation's summer recreational activities.

In accordance with various treaties and the State Indian Law, the Social Services Department pays the following annuities to the Indian tribes annually:

Cayugas	-	\$2,300
Onondagas	-	2,430
St. Regis Mohawks	-	2,132
Senecas	-	500

In addition the Cayugas receive annual interest of 5 percent on a principal of \$433,447.66 held in trust for them in settlement of a claim based on land sales prior to 1800, and the Onondagas in addition to their annuity receive 150 bushels of salt annually in fulfillment of certain treaty agreements made by the State. 4/

These payments are disbursed either directly by the State to individual Indians, to officials of Indian tribes or through certain agents appointed by the Department as provided by the State Indian Law. There are at present two agents assigned to the Onondagas and one attorney to the Tonawanda Band of Senecas, at nominal salaries, for part-time duties which may include preparing and certifying the annuity rolls, handling tribal monies, reporting on the distribution of the payments, protecting the rights and interests of the tribes and advising them in relation to their affairs and controversies.

4/ The United States Government also makes certain annual payments to New York Indians pursuant to treaties and other agreements. These include a \$4,500. annuity for distribution of cloth to the Six Nations, except the St. Regis Mohawk Tribe; and \$16,250. annual interest to the Senecas on trust funds held for them in the U.S. Treasury.

New York State Department of Health

Public health supervision is provided on the reservations by the State Department of Health through the staff of the district State health offices and county health departments in which the reservations are situated. Public health nurses visit patients upon the request of health officers and physicians, arrange immunization and other clinics, promote health education, and organize other public health activities.

Local physicians are employed part-time by the Department to conduct general medical clinics and to make home visits in emergencies on the medically indigent. Some special clinics such as child health consultations, eye clinics, and dental clinics are also conducted on some of the reservations.

Sanitary engineers conduct inspections of public or quasi-public water supplies and sewage disposal. Hospital and laboratory services are furnished through facilities of nearby communities.



A public health clinic.

New York State Department of Education

The State Education Department is responsible for carrying out the compulsory school attendance laws for Indians and for providing Indian children with educational opportunities equal to those of other children. Accordingly, it has in the past provided teachers and conducted elementary schools on all the populated reservations. High school education has been provided in the public high schools of nearby communities at State expense.

In 1930 the Department inaugurated a plan for integrating Indian education completely with the regular local public school system by closing its schools on the Tonawanda Reservation and transporting the Indian pupils to the public schools in the neighboring Village of Akron. In 1944 the Poospatuck Reservation children were admitted to the public school in Bellport, and in 1950 the Shinnecock Reservation children entered the Southampton public schools.

The Indian enthusiasm for ending segregated education helped secure the passage of a State Law in 1954 enabling the Department to make certain special financial and administrative arrangements for placing all of the remaining reservation children in the neighboring school districts. Pending the necessary enlargement of their public school facilities to accommodate some lower grades, the respective school districts have taken over operation of the remaining reservation schools. As of 1970 only three separate Indian schools were in operation with a student enrollment of 683, while some 1,797 Indian students attended the district schools in nearby communities.

Besides being financially responsible for the education of reservation Indians at the elementary and secondary school levels, the Education Department also includes reservation Indians in its program of assistance to local boards of education for adult education work. In addition, it administers student aid to Indian youth to qualified high school graduates for attendance at approved colleges or technical schools in the State. Each student is allowed a maximum grant of \$1,100 per year for four years.

New York State Department of Commerce

The Department of Commerce concerns itself primarily with the relationships between the best interests of the Indians and the best utilization of the lands he controls as related to business and industry.

Other State Agencies and Local Subdivisions

Indians also receive service from many of the other agencies of State Government performing routine or auxiliary functions. Of especial note is the Department of Public Works which constructs and maintains highways and bridges on the reservations to facilitate commerce, communication and access to employment, schools and medical care, and also acts as a consultant in connection with maintenance of State structures on reservations and cooperates in necessary surveys. The Department of Conservation cooperates in forest fire control and prevention, apportions water supply resources, and enforces the Fish and Game Law on Indian reservations. The Department of Mental Hygiene provides child guidance and clinic services on reservations, and the Division of State Police provides necessary protection and law enforcement services. The Department of Labor's Division of Employment serves reservation residents among its other clients in those field offices which are adjacent to reservations. The State Youth Commission has a part-time recreation worker assigned to the Cattaraugus Reservation. Cornell University conducts a State-sponsored program of Indian Extension Work in agriculture and home economics. The Attorney General (Department of Law) advises various State officials and renders legal opinions on many matters pertaining to Indian Affairs. The State court system handles all litigation involving Indians. The above are examples of the widespread official concern of New York State with Indian welfare.

In addition, many units of local government adjoining several reservations exercise an active community interest in Indian welfare. In addition to administering State-reimbursed health, welfare, and educational programs, they provide voluntary and other local services through home and farm bureau organizations, 4-H Clubs, offices of town clerks where reservation births and deaths are registered, and sheriffs' offices and fire-fighting units that provide emergency safety services.

Joint Legislative Committee on Indian Affairs

The Joint Legislative Committee on Indian Affairs was established in 1943 and consisted of four Senators and five Assemblymen. The determined efforts of its members to find a solution for the confused and paralyzing legal status of New York Indians were a decisive influence in the enactment by Congress of the Criminal and Civil Jurisdiction Laws. Subsequent studies carried on by the Committee have resulted in recommending State laws designed to bring all Indian children into non-segregated schools (Chap. 387, Laws 1954), removal of restrictions on enforcement of contracts with certain Indians (Chap. 670, Laws 1953), permitting State courts to handle all litigation involving Indians (Chap. 671, Laws of 1953), legislation granting to St. Regis Indians increased authority over internal affairs (Chap. 75, Laws of 1956), and a plan for settlement of a fifty-year old claim of Cayuga Indians. The Committee passed out of existence on April 1, 1964.

Interdepartmental Committee on Indian Affairs

This Committee was established in November 1952 for evaluation and integration of Indian services provided by State agencies, and for recommending necessary changes in the Indian Law and other statutes, in cooperation with the Joint Legislative Committee. It consists of representatives of Education, Health, Social Services, Mental Hygiene, Commerce, Conservation, Public Works and the State Police. The staff of the Committee is headed by the Director of Indian Services, who acts as coordinator of the various services represented.

In short, the long-range program is to help Indians to help themselves by providing them with the same services as are available to other groups, thereby assisting them to take their rightful place in the community and to make their cultural contributions to the community.



Indian girls demonstrate sign language.

IV. REFERENCES AND SUGGESTED READINGS

Reading of the very short annual reports, 1944 to 1962 of the Joint Legislative Committee on Indian Affairs is recommended for a comprehensive summary of the problems of administering Indian Affairs as well as of the practical and emotional problems facing Indians as individuals and groups, especially their ambivalent desires for independence and equality of citizenship on the one hand, and for retention of special privileges and cultural traditions on the other.

The following list includes some basic documentary references, specialized and general literature and sources for extended reading lists for those seeking fuller appreciation of Indian culture, history, needs and problems.

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Reading Lists

Association on American Indian Affairs, Inc., 475 Riverside Drive, New York 27,
New York.

Indian Rights Association, 1505 Race Street, Philadelphia, Pennsylvania.

National Congress of American Indians, 1346 Connecticut Avenue., Washington, D.C.

New York State Museum, Department of Education, Albany, New York.

U.S. Bureau of Indian Affairs, Department of the Interior, Washington, D.C.



Transportation—the new and the old.

INDIAN RESERVATION LEADERS AND OFFICIALS

CAYUGA

President Franklin Patterson
Cattaraugus Reservation
Gowanda, New York

ONEIDA

President Jacob Thompson
R.F.D. #1 - Rt. 11A
Nedrow, New York

ONONDAGA

Chief Leon Shenandoah
Chief Irving Powless, Jr.
Onondaga Reservation
Nedrow, New York

Non-Indian Agent: Mr. Walter N. Liddiard
R.D. #1
Lafayette, New York

POOSPATUCK

Head Trustee Junie Langhorn
Second Trustee Ronald Bell
Third Trustee Barry Langhorn
Poospatuck Reservation
P. O. Box 235
Mastic, Long Island, New York

Treasurer: Mrs. Abbie Langhorn

Secretary: Mrs. Loretta Bell

SENECA NATION

President James George
Haley Community Building
Allegany Reservation
Salamanca, New York

Clerk: Miss Winifred Kettle

Treasurer: Barry Snyder

SHINNECOCK

President Harry K. Williams
Shinnecock Reservation
Box 1347
Southampton, Long Island, New York

Secretary: Walter Wise, Jr.

Treasurer: Charles K. Smith

ST. REGIS MOHAWK

Chief John Cook
Chief John Jacobs
Chief Lawrence Lazore
St. Regis Reservation
Hogansburg, New York

Clerk: Maxwell Garrow

TUSCARORA

Chief Arnold Hewitt
5616 Walmore Road
Lewiston, New York

Clerk: Leo Henry
2006 Mount Hope Road
Lewiston, New York

TONAWANDA

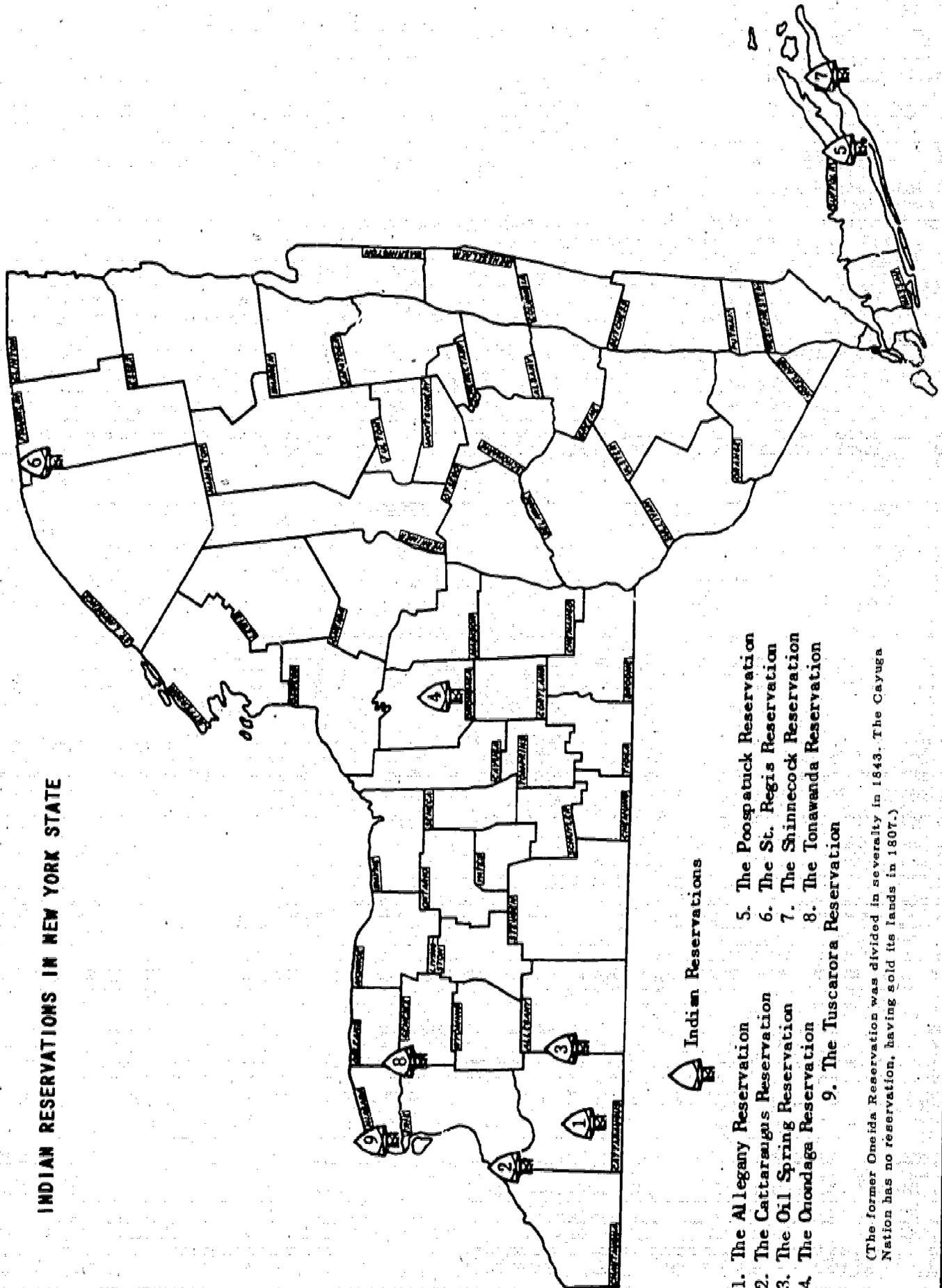
President Chief Ellsworth George
5993 Council House Road
Basom, New York

Clerk: Clarence Blueye

Treasurer: Vincent Charles

Tonawanda Community House Custodian
Mrs. Ramona Charles
Tonawanda Community Building
Bloomingdale Road, Route 267
Akron, New York

INDIAN RESERVATIONS IN NEW YORK STATE



Indian Reservations

1. The Allegany Reservation
2. The Cattaraugus Reservation
3. The Oil Spring Reservation
4. The Onondaga Reservation
5. The Poopatuck Reservation
6. The St. Regis Reservation
7. The Shinnecock Reservation
8. The Tonawanda Reservation
9. The Tuscarora Reservation

(The former Oneida Reservation was divided in severalty in 1843. The Cayuga Nation has no reservation, having sold its lands in 1807.)