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THE GREAT LAW

THE U.S. CONSTITUTION, A DOCUMENT THAT OUTLINES THE ORGANIZATION OF THE THREE BRANCHES OF GOVERNMENT, DEFINES THE POWERS OF THE GOVERNMENT IN RELATION TO THAT OF INDIVIDUAL STATES. IT WAS FRAMED IN 1787 AND WAS ADOPTED IN 1789. ONE OF THE MOST SIGNIFICANT INFLUENCES ON THIS DOCUMENT WAS THE IROQUOIS CONSTITUTION, ALSO CALLED THE GREAT LAW OF PEACE.

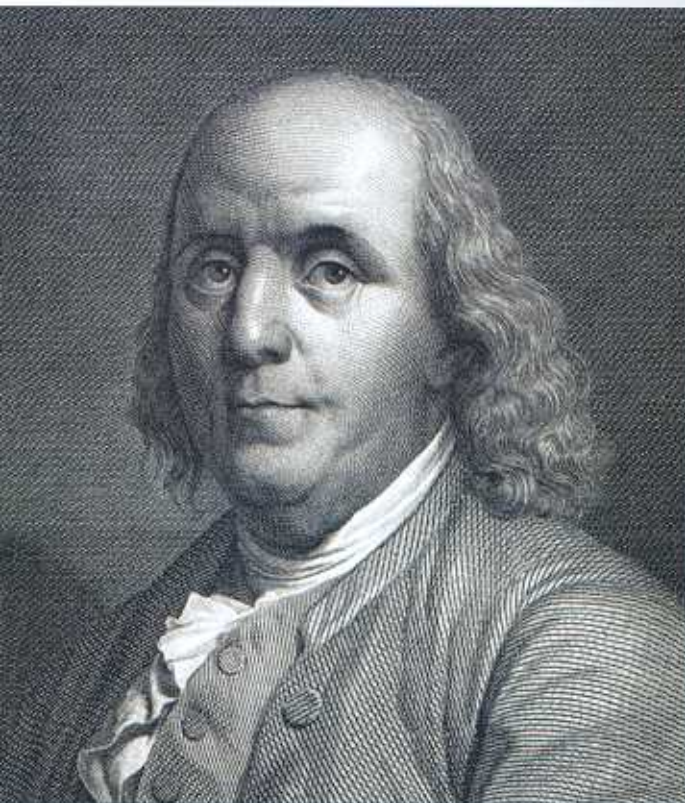
The Great Law of Peace was created by the Iroquois to stop neighboring tribes from fighting. The document, recorded on wampum belts, formed a confederacy among the Iroquois tribes: the Oneida, Mohawk, Cayuga, Onondaga, the Seneca, and later the Tuscarora. The Iroquois place its creation between A.D. 1000 and 1400. Contemporary historians date the document at about A.D. 1450. It was conceived by Deganwidah, a man believed to be of non-Iroquoian ancestry, who traveled the southern shores of Lakes Erie and Ontario as well as up the St. Lawrence River with a Mohawk chief, Hiawatha, in an attempt to bring peace to the warring tribes in the area. Hiawatha served as Deganwidah's spokesperson.

Colonial leaders became aware of the Iroquois Constitution during the French and Indian War from treaty and council meetings they attended with Iroquois tribes that had allied themselves with the British colonists, rather than the French. Many scholars believe the Great Law was the longest international constitution until that time. The only possible exception to this was the unwritten English Constitution, which had its origins in the English Magna Carta. Certainly in fifteenth century Europe nothing existed to rival this

American Indian constitution.

In July 1744 at a meeting between Indians and British in Pennsylvania, the Onondaga chief Canassatego aired a concern that his people had about the colonial system of government. He complained that it was virtually impossible for his Iroquois Confederacy to deal with the colonies. Each one had its own policy, administration, and way of doing things. He encouraged the colonies to form their own union, which would be stronger than the existing confederacy. He suggested that the colonists who drafted the document use the constitution of the Iroquois as an example.

The Iroquois Constitution prevented government interference in everyone's daily lives and enhanced individual freedom. It also separated the civilian government from military and religious affairs; allowed many different religions and faiths to coexist; and recognized the importance of one's religious belief, no matter what its content or origin. Section 99 of the Iroquois Constitution stated outright the guarantee of religious freedom: "[t]he rites and festivals [religious practices] of each nation shall remain undisturbed and shall continue as before because they were given by the people of old times as useful



AS HIS CONTACT

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Benjamin Franklin became familiar with the Iroquois political system and its leaders as the official Pennsylvania colony printer. In that capacity he printed the minutes of their meetings. As a result of this, he began to develop an interest in Indians. The Pennsylvania colony asked him to be their first Indian commissioner. This became Franklin's first diplomatic job, a position he held through the 1750s. From that time he became a staunch advocate of the Iroquois Constitution. In 1754 he asked colonial delegates at the Albany Congress to follow the example of the Iroquois and their constitution. They ignored his advice for some 30 years.

As his contact with the League of the Iroquois continued, Franklin became convinced of the uniqueness and genius of their government compared to those of Europe. He recognized that the Iroquois Constitution contained many features absent in other governments at the time, including a ban on the forced entry by the government into citizen's homes, the freedom of political and religious expression, recall and impeachment of corrupt leaders, and the insurance that elected officials were never masters but remained servants of their constituents. Impressed by the Iroquois model, he publicly advocated that a federal union of the colonies be based on the principles of their constitution. Thomas Jefferson also acknowledged that he preferred the American Indian concept of liberty over the European monarchy system. (However, the colonial leaders did not completely agree with the Iroquois provisions for the fair distribution of wealth or participation of women in politics, concepts that would later be adopted by Frederick Engels in his blueprint for communism and socialism.)

At the Albany convention that convened in 1754, the colonists were faced with the task of forging an agreement that would help them to retain their individuality and at the same time operate as a unified whole. James de Lancy, the acting governor of New York, invited Tiyanoga, an Iroquois leader, to inform the delegates about the structure of the Iroquois Confederacy. At the two-week convention's end Benjamin Franklin was requested to write a formal plan based on the discussion that had occurred there.

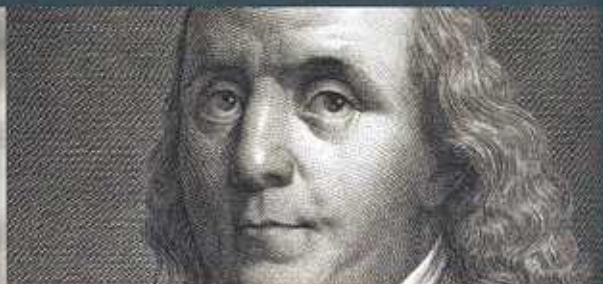
When he later presented his plan, which would form the basis for the Articles of Confederation, he expressed admiration for the Iroquois form of government, pointing out “the strength of the League which has bound our Friends the Iroquois together in a common tie which no crisis, however grave, since its foundation has managed to disrupt.”

In fact, Franklin's plan contained many of the core concepts in the Iroquois Constitution, including how power would be wielded and ceded and how each colony would maintain sovereignty and at the same time retain an equitable federal union that would operate in a just manner for all parties involved. The influence of the Iroquois was evident in the Articles of Confederation that were ratified in 1781 and later the U.S. Constitution, which grew out of these articles.

The story of the influence of the Iroquois Constitution on the founding fathers and the United States Constitution is one that is still not generally known. On September 16, 1987, the U.S. Senate passed a resolution officially stating that the U.S. Constitution was modeled after the Iroquois Constitution, the Great Law of Peace. In truth, without the Iroquois, the U.S. government might be far different.

SIMILARITIES AND DIFFERENCES

The Iroquois Constitution is much older than the U.S. Constitution and its amendments. Because the authors of the U.S. Constitution borrowed many principles from the Iroquois document, the two share many similarities. There are differences as well. The following chart uses portions of both constitutions to show how they are alike and different.



CONSTITUTION AS SUPREME LAW OF THE LAND

"Before the real people united their nations, each nation had its council fires. Before the Great Peace their councils were held. The five Council Fires shall continue to burn as before and they are not quenched. The Lords of each nation in the future shall settle their nation's affairs at this council fire governed always by the laws and rules of the council of the Confederacy and by The Great Peace." (Art. 25)

"The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same." (Art. 7)

AUTHORITY OF THE FEDERAL GOVERNMENT

"Five Arrows shall be bound together very strong and each arrow shall represent one nation. As the five arrows are strongly bound this shall symbolize the complete union of the nations. Thus are the Five Nations united completely and enfolded together, united into one head, one body and one mind. Therefore they shall labor, legislate and council together for the interest of future generations." (Art. 57)

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (Art. 6)

HOUSE AND SENATE

"All the business of the Five Nations Confederate Council shall be conducted by the two combined bodies of Confederacy Lords. First the question shall be passed upon by the Mohawk and Seneca Lords, then it shall be discussed and passed by the Oneida and Cayuga Lords. Their decisions shall then be referred to the Onondaga Lords, (Fire Keepers) for final judgment." (Art. 9)

"All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." (Art. 1, Sec. 1)

FREEDOM OF RELIGION, SPEECH, AND THE PRESS

"The rites and festivals of each nation shall remain undisturbed and shall continue as before because they were given by the people of old times as useful and necessary for the good of men." (Art. 99)

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (Amend. 1)



THE PASSAGE OF LAWS

"In all cases the procedure must be as follows: When the Mohawk and Seneca Lords have unanimously agreed upon a question, they shall report their decision to the Cayuga and Oneida Lords who shall deliberate upon the question and report a unanimous decision to the Mohawk Lords. The Mohawk Lords will then report the standing of the case to the Fire Keepers, who shall render a decision as they see fit in case of a disagreement by the two bodies, or confirm decisions of the two bodies if they are identical. The Fire Keepers shall then report their decision to the Mohawk Lords who shall announce it to the open council. (Art. 10)

"If through any misunderstanding or obstinacy on the part of the Fire Keepers, they render a decision at variance with that of the Two Sides, the Two Sides shall reconsider the matter and if their decisions are jointly the same as before they shall report to the Fire Keepers who are then compelled to confirm their joint decision." (Art. 11).

"... Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States. If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections at large, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be Law. Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill." (Art. 1, Sec. 7)

NO UNAUTHORIZED ENTRY INTO HOMES

"A certain sign shall be known to all the people of the Five Nations which shall denote that the owner or occupant of a house is absent. A stick or pole in a slanting or leaning position shall indicate this and be the sign. Every person not entitled to enter the house by right of living within it upon seeing such a sign shall not approach the house either by day or by night but shall keep as far away as his business will permit." (Art. 107)

"No soldier, shall, in time of peace be quartered in any house, without the consent of the Owner, not in time of war, but in a manner to be prescribed by law." (Amend. 3)

STATES RIGHTS

"Whenever a specially important matter or a great emergency is presented before the Confederate Council and the nature of the matter affects the entire body of the Five Nations, threatening their utter ruin, then the Lords of the Confederacy must submit the matter to the decision of their people and the decision of the people shall affect the decision of the Confederate Council. This decision shall be a confirmation of the voice of the people." (Art. 20)

"The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." (Art. 4, Sec. 2)

POWERS OF THE UNION VS. STATES

"If a Lord of the Confederacy should seek to establish any authority independent of the jurisdiction of the Confederacy of the Great Peace, which is the Five Nations, he shall be warned three times in open council, first by the women relatives, second by the men relatives and finally by the Lords of the Confederacy of the Nation to which he belongs. If the offending Lord is still obdurate he shall be dismissed by the War Chief of his nation for refusing to conform to the laws of the Great Peace. His nation shall install the candidate nominated by the female nameholders of his family." (Art. 25)

"No state shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility." (Art. 1, Sec. 10)

IMMIGRATION

"The soil of the earth from one end of the land to the other is the property of the people who inhabit it. By birthright the Ongwehohwea (Original beings) are the owners of the soil which they own and occupy and none other may hold it. The same law has been held from the oldest times.

"The Great Creator has made us of the one blood and of the same soil he made us and as only different tongues constitute different nations he established different hunting grounds and territories and made boundary lines between them." (Art. 73)

"The migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person." (Art. 1, Sec. 9)

PRESIDENT AS COMMANDER IN CHIEF

"Skanawatih shall be vested with a double office, duty and with double authority. One-half of his being shall hold the Lordship title and the other half shall hold the title of War Chief. In the event of war he shall notify the five War Chiefs of the Confederacy and command them to prepare for war and have their men ready at the appointed time and place for engagement with the enemy of the Great Peace." (Art. 79)

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment." (Art. 2, Sec. 2)

STATE OF THE UNION ADDRESS

"It shall be the duty of the Lords of each brotherhood to confer at the approach of the time of the Midwinter Thanksgiving and to notify their people of the approaching festival. They shall hold a council over the matter and arrange its details and begin the Thanksgiving five days after the moon of Disko-nah is new. The people shall assemble at the appointed place and the nephews shall notify the people of the time and place. From the beginning to the end the Lords shall preside over the Thanksgiving and address the people from time to time." (Art. 100)

"He [the President] shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States." (Art. 2, Sec. 3)

AMERICAN INDIAN
CONTRIBUTIONS
to the WORLD



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