

Buffalo Law Review

Volume 46
Number 3 *Symposium on Law, Sovereignty and
Tribal Governance: The Iroquois Confederacy*

Article 12

10-1-1998

Echoes of a Native Revitalization Movement in Recent Indian Law Cases in New York State

John C. Mohawk

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

John C. Mohawk, *Echoes of a Native Revitalization Movement in Recent Indian Law Cases in New York State*, 46 Buff. L. Rev. 1061 (1998).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol46/iss3/12>

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.

ESSAY

Echoes of a Native Revitalization Movement in Recent Indian Law Cases in New York State

JOHN C. MOHAWK†

Around 1700, a band of Sewee (or Seawee) Indians built a small fleet of dugout canoes and paddled en masse into the Atlantic Ocean.¹ These Indians had carefully observed the activities of the English at Charleston, South Carolina, which was about sixty miles from their home. They engaged in trade in furs, skins and other items, and we can assume that, like other Indians in similar circumstances, they had become dependent on this trade. Through contact with the traders they learned that the goods they purchased at Charleston came from England and that the price of those goods was far lower at the source than the prices they had been paying. They also learned that the furs and skins they sold in Charleston brought a price in England many times greater than that which they were paid by the local traders.

Some of their members had noticed the ships from

† B.A., 1968, Hartwick College; M.A., State University of New York at Buffalo, 1990; L.H.D., 1992, Hartwick College; Ph.D., 1994, State University of New York at Buffalo. This Essay is based on a speech delivered on March 21, 1998 at the *Buffalo Law Review* Symposium on Law, Sovereignty and Tribal Governance: The Iroquois Confederacy. Unreferenced observations within this essay are based on my own experiences and observations. I would like to dedicate this essay to the memory of Chief Bernard Parker of the Tonawanda Seneca.

1. See JAMES H. MERRELL, *THE INDIANS' NEW WORLD: CATAWBAS AND THEIR NEIGHBORS FROM EUROPEAN CONTACT TO THE ERA OF REMOVAL* 49 (1989). See also CHARLES M. HUDSON, *THE CATAWBA NATION* 40-41 (1970).

England first appeared on the horizon coming from the same direction every time, and they assumed that England must lie beyond the horizon in that direction. The Sewee reasoned that the local English traders were unscrupulous profiteers and that the Sewee would greatly profit by eliminating them as middlemen. The answer was to trade directly with England.

They held a public discussion and arrived at a plan. They would build canoes, fill them with goods to trade and embark for England. It was a group decision arrived at in a public meeting and was probably executed with great enthusiasm. Operating on the limited information available and, apparently, unwilling or unable to consider the dangers inherent in the fact that much critical information was not available, they proceeded with their bold but ill-advised plan. Almost all able-bodied adults of the group boarded the canoes, leaving behind some old people and young children. Not far into the Atlantic a storm came up. The Sewees' canoes were no match for the waves and soon capsized. Most of the Sewee drowned. The few survivors were "rescued" by a passing English ship and carried off to Jamaica where they were sold as slaves. In a single day a band of Indians had taken a major step toward their own extinction.

Over the past three hundred years many Indian groups have become extinct, most from warfare, pestilence or a combination of the two. This disaster involving the Sewee, however, cannot be attributed to the European (except, perhaps, for the fates of those sold into slavery). The victims brought about their own demise. Given enough information, the disaster could have been predicted and avoided.

Such uninformed and ultimately tragic behavior is not as uncommon as one might think. Many groups have thrown common sense to the wind to follow a plan about which they knew too few details, only to face overwhelming dangers which they had initially thought were neither overwhelming nor dangerous. This type of group behavior is known in anthropology as a revitalization movement.

Revitalization movements are common. They exist on every continent, and probably occur in virtually every culture. They are so common that it is thought that nearly every adult has been touched by one at one time or

another.² A revitalization movement "is defined as a deliberate, organized, conscious effort by members of a society to construct a more satisfying culture. Revitalization is thus, from a cultural standpoint, a special kind of culture change phenomenon: the persons involved in the process of revitalization . . . must feel that this cultural system is unsatisfactory."³

For a movement to fit within this definition, it must be an organized and conscious effort undertaken with enthusiasm or fervor by a group which shares a common culture. Identified revitalization movements include: (1) nativistic movements, wherein the group rejects everything of an alien culture; (2) revivalistic movements, where the group seeks to revive customs and values of past generations, (3) cargo cults, who emphasize the importance of the values and practices of another culture and expect such items to arrive as a ship's cargo; (4) vitalistic movements, in which the group also seeks to import the values and practices of other cultures, but does not expect such benefits to arrive via a ship; (5) millenarian movements, which usually involve references to the supernatural and apocalypse; (6) and messianic movements, wherein the group anticipates the appearance of a divine savior.⁴ Though in recent years popular culture has branded these kinds of movements as cults, it is clear that revitalization movements encompass a large class of behavioral phenomena.⁵

Revitalization movements have existed throughout the world during many historical periods. Author Anthony F.C. Wallace classified John Wesley and the early Methodism, Ikhnaton's monotheism in ancient Egypt, the Xosa Revival in South Africa, the origins of Christianity, Muhammadanism, and Sikhism and the cargo cults of Melanesia as examples of revitalization movements.⁶ In fact, it is possible that most, if not all, ancient myths and modern religions originated from revitalization movements. Furthermore, and importantly, "[]most denominational and sectarian groups and orders budded or split off after failure to revitalize a traditional institution. One can ask whether a

2. See Anthony F.C. Wallace, *Revitalization Movements*, 58 AM. ANTHROPOLOGIST 264, 267 (1956) [hereinafter Wallace, *Revitalization Movements*].

3. *Id.* at 265.

4. See *id.* at 267.

5. See *id.*

6. See *id.* at 264.

large proportion of religious phenomena have [sic] not originated in personality transformation dreams or visions characteristic of the revitalization process."⁷

Examples of revitalization movements abound in the American Indian culture. Anthropologist James Mooney identified the Pueblo Uprising in 1680, the Tupac Amaru movement in Peru, the Winnebago Prophet, the Delaware Prophet and the Pontiac Rebellion, Tenskwatawa the Shawnee Prophet and Tecumseh's resistance, Kanakuk the Kickapoo prophet, Smohalla the prophet of the Columbia region, the Shakers of Puget Sound and, of course, the Paiute prophet Wovoka, who inspired the Ghost Dance Religion, as examples of revitalization movements.⁸ The Seneca prophet Handsome Lake could be included within this group as well.⁹

Most North American Indian revitalization movements have ended with tragic episodes. Among the most notable of these were the Ghost Dance, which played a role in the massacre of Lakota Indians at Wounded Knee, South Dakota in 1890, and the movement inspired by Tenskwatawa which was ultimately a factor in Tecumseh's resistance and the Red Stick Rebellion of the Creek Nation. However, not all revitalizations have led to fatal results. For example, the Seneca prophet Handsome Lake can be credited with preserving Indian culture. The difference between successful and unsuccessful movements could center around the fact that the followers of the more successful movements avoided military conflicts they could not win, instead concentrating on accomplishable economic and cultural activities.¹⁰ Also, successful movements must change over time to adapt to new conditions and altering political realities; unless they do so, are not likely to survive.

7. See *id.* at 267.

8. See JAMES MOONEY, *THE GHOST DANCE* (1996). Another study of these kinds of movements is found in VITTORIO LANTERNARI, *RELIGIONS OF THE OPPRESSED: A STUDY OF MODERN MESSIANIC CULTS* (Lisa Sergio, trans., Alfred A. Knopf 1963).

9. See Wallace, *Revitalization Movements*, *supra* note 2, at 264. Wallace was inspired to extend his research on revitalization movements based on his research into the Handsome Lake movement among the Seneca. See *id.*; see also ANTHONY F.C. WALLACE, *THE DEATH AND REBIRTH OF THE SENECA* (1970) [hereinafter WALLACE, *DEATH AND REBIRTH*].

10. See generally WALLACE, *DEATH AND REBIRTH*, *supra* note 9.

In the twentieth century, revitalization movements have remained prominent. The most famous, or infamous, of these was Hitler's Nazi movement. The Nazi movement is categorized as a revitalization movement because it constituted a conscious effort to create a more satisfactory culture, sought to glorify and regain a past represented by the culture of the *volk*¹¹ and offered a strategy for the establishment of a "utopia," the Thousand Year Reich. It was similar to other unsuccessful revitalization movements because it sprang up in an atmosphere of desperation following a great conflict (World War I), and its goals and strategies were entirely unrealistic. This unsuccessful revitalization movement caused tragedy in Germany, Europe and the world at large, resulted in the mass murder of millions of people, reduced Germany to rubble and led to the execution of most of the Nazi leaders.

Contemporary revitalization movements tend to be more secular than those of the past.¹² Their leaders do not call upon the power of visions or claim special insights into the desires or will of the supernatural. Rather, they often claim that their group consists of special people, that they have been oppressed or betrayed by some other group and that it is within their rights to take that which rightfully belongs to them and assume their place among the world's peoples.

I. THE MOHAWK WARRIOR SOCIETY

The most prominent of the revitalization movements among North American Indians during the second half of the twentieth century has been the Mohawk Warrior Society. The Warrior Society was founded in 1971 at Kahnawake, Quebec.¹³ Its initial purpose was to drive all

11. The German term *volk* signifies the connection of a group of people to a "transcendental 'essence.'" See GEORGE L. MOSSE, *THE CRISIS OF GERMAN IDEOLOGY: INTELLECTUAL ORIGINS OF THE THIRD REICH* 4-5 (1964).

12. See Wallace, *Revitalization Movements*, *supra* note 2, at 277 ("Human affairs around the world seem more and more commonly to be decided without reference to supernatural powers.").

13. See RICK HORNING, *ONE NATION UNDER THE GUN* 21 (1991). I am willing to accept this date as the origin of the Warrior Society. Although others may think it existed a few years earlier during protest actions at Onondaga, the actual organization of the Warrior Society probably occurred in or around 1971. See *id.*

non-Indians—many of them spouses of Mohawk members—from Kahnawake territory. This effort produced powerful tensions within Kahnawake and helped initiate a plan to expand Mohawk territory beyond the boundaries of the Mohawk reservations. On May 13, 1974, a group of Mohawk Warriors led by Arthur Montour, Louis T. Hall and Paul Delaronde began an occupation of a former Girl Scout Camp at Moss Lake in the Adirondack Park near Eagle Bay, New York. They renamed the camp Kanienkeh, a Mohawk word meaning Land of the Flint. This designation had ancient Mohawk origins; the Mohawk word for their people, Ganienkiah, is literally translated to mean People of the Flint.

The Warrior Society occupation at Moss Lake did not produce satisfactory results because the occupiers found themselves isolated and marginalized. In 1977, the Ganienkiah Council Fire, as the Mohawk Warriors called themselves, negotiated a move to a parcel of more than 5000 acres on Miner Lake near Plattsburg, New York.¹⁴ The land at Miner Lake, situated in the Champlain Valley directly between the Mohawk communities of Akwesasne and Kahnawake, was named Ganienkiah as well.

In 1979, Akwesasne came under siege. Traditional Mohawk Chief Loran Thompson was arrested in a dispute with the rival elected system. Chief Thompson opposed the rival elected system's plan to build a fence around the Akwesasne territory, and he resisted arrest. The situation developed into a standoff in which Chief Thompson, and his supporters remained at Thompson's home on Raquette Point near the western border of Akwesasne. Mohawk Warrior Society members, led by Arthur Montour, joined the standoff.

The standoff at Raquette Point continued for approximately thirteen months. During that time, the New York State police surrounded the Mohawk enclave. Some occupants were able to ferry supplies into their camp because it was located adjacent to the St. Lawrence River which serves as the border between the United States and

14. RICHARD DEAN CAMPBELL, *THE PEOPLE OF THE LAND OF THE FLINT* 68 (1985). The Warriors of Ganienkiah caused the Turtle Island Trust to be created and overcame a complex set of obstacles to obtain use of this land. For an account of the history of Ganienkiah, see GAIL LANDSMAN, *SOVEREIGNTY AND SYMBOL: INDIAN-WHITE CONFLICT AT GANIENKIAH* (1988). At this point in time the Warrior Society was able to conclude a successful negotiation.

Canada. On several occasions, New York officials threatened invasion, but the Mohawks, including the Mohawk Warrior Society, held their ground. The Raquette Point standoff proved to be the last time the Mohawk traditionalists and the Mohawk Warrior Society would work together.

The standoff was fueled in part by New York State's support of an Akwesasne police force and the elected faction's use of that police force against, Loran Thompson, a political enemy. A vigilante group organized by Bill Sears, an elective system supporter, was pressuring the New York State police to take more direct action against the encampment surrounding the Thompson home.

The Warrior Society experienced a similar situation in Kahnawake, a Mohawk reservation near Montreal, Quebec, approximately sixty miles northeast of Akwesasne.¹⁵ In the early 1980s, Sureté du Quebec (SQ) officers were attacked in riots during which police cars were destroyed and the SQ was forced to abandon patrols on Kahnawake. As soon as police enforcement ceased, individuals in Kahnawake began opening smokeshops. Canadian cigarettes are exported tax-free to the United States.¹⁶ Because of the high taxes on retail sales of cigarettes, the smokeshop owners realized significant profits when they purchased cigarettes in the United States and transported them back into Canada, usually through Akwesasne.¹⁷ The cigarette trade became a major component of the Kahnawake Mohawk economy. Though the Mohawk Warrior Society did not create this situation, it certainly took advantage of it.

In Akwesasne, once New York State forces withdrew, former supporters of the elected system began building privately-owned commercial bingo halls which, within a short time, developed into gambling casinos. These operations were illegal under New York State and federal laws, but because New York had obtained passage of Public Laws 232 and 233 some thirty years earlier, jurisdiction over criminal and civil Indian matters in New York State was now the responsibility of the state government rather than

15. See BRUCE E. JOHANSEN, *LIFE AND DEATH IN MOHAWK COUNTRY* 23 (1993).

16. *See id.*

17. *See id.*

the federal government.¹⁸ These laws provided the Warrior Society with a great advantage because it would be dealing with New York State police rather than federal forces in most circumstances. The New York State police were unwilling to enter Akwesasne to enforce gambling laws, and an underground economy based on gambling and cigarette smuggling quickly developed.¹⁹

Bill Sears had organized a vigilante posse to pursue traditionalists during the siege at Racquette Point. He and a few armed men had threatened to do the violence the State Police seemed unwilling to undertake, much as private militias were organized to follow the United States Military into African-American communities during the urban riots in the late 1960s. In the early 1980s, Sears built a bingo hall with an agreement with the St. Regis Tribe.²⁰ In 1984, Guilford White and Buddy Cook, members of the St. Regis Mohawk Tribe (as named by United States and New York Officials) undertook construction of a much better financed, larger and more modern enterprise, the Mohawk Bingo Palace.²¹ High stakes commercial bingo had arrived and soon gambling machines appeared in these bingo halls.²²

Akwesasne was already a community which felt under siege. In addition to the long police action, the Mohawk community had felt the impact of a declining building trades industry which threw hundreds out of work and made entry into those professions by young people very difficult. In addition, Akwesasne was the focus of a series of studies of the environmental impacts of the industries—including aluminum and paper mills and a General Motors factory—which offered the Mohawks more pollution than

18. See Act of July 2, 1948, ch. 809, 2 Stat. 1224 (codified at 25 U.S.C. §§ 232, 233 (1983)).

19. See JOHANSEN, *supra* note 15, at 23.

The "bottle-ging" (cigarette smuggling) trade followed, beginning in the early 1980s, as Canada's national government imposed high luxury taxes on tobacco products, making untaxed cigarettes purchased on U.S. or Canadian Indian reservations much cheaper Once the cigarette pipeline got underway, other illegal or illicit goods were added, such as liquor, drugs, and weapons, including AK-47s and other semiautomatics.

Id.

20. See *id.*

21. See *id.* at 24.

22. See *id.*

employment.²³ Economic pressure, ecological devastation and internal political dysfunction combined to create a sense of hopelessness especially among the young males.

The Warrior Society first emerged as a player in the gambling dispute at Akwesasne in 1987 when Francis Boots, one of the many supporters of Billy's Bingo Hall and a former traditionalist stated: "Any attempt taken by outside police forces will be considered as a military expedition against a people at peace with the United States."²⁴ This is arguably the first evidence that the Warrior Society, which had been Sears' bitter enemy during the Racquette Point standoff, had changed sides and had joined with members of the former vigilantes who had previously insisted that state law must prevail on Akwesasne. This change in politics hinted at the future direction of the Warrior rhetoric: gambling is an exercise of Mohawk sovereignty and the assertion that the Warrior Society represents the interests of "the Mohawk people."²⁵ This statement, like the body of Warrior Society statements, does not recognize the possibility that there may be Mohawk people who dissent from such views. Loran Thompson, the chief during the Raquette Point standoff, was removed from office ("de-horned," in Iroquois parlance) for allegedly borrowing money in the name of the Akwesasne Longhouse to construct a "Bingo Jack" hall without obtaining the permission of the Longhouse. In a strange twist of events, Mr. Sears and Mr. Thompson, leaders of opposing factions at Raquette Point, found themselves allies in a rapidly emerging economy which included gambling, smuggling, cigarettes and motor fuels.

Early on the morning of December 16, 1987, New York State police raided six of these establishments, seizing 293 machines which the state estimated provided a total of about \$7 million in untaxed profits to their owners.²⁶ The next day the casino owners ordered new machines.²⁷ Despite the fact that the St. Regis Tribal Council and the traditional Mohawk Nation council considered commercial casino gambling at Akwesasne illegal, more casinos such as

23. *See id.* at 1-19.

24. *Id.* at 25.

25. *Id.*

26. *See id.* at 26.

27. *See id.* at 26.

Hart's Palace and Tony Vegas International were quickly built. Individual Indians were forbidden to own commercial gambling casinos either under the Indian Gaming Regulatory Act or New York State laws. As such, Tony Vegas International was equipped with armed guards to protect against robberies and to resist the police raids which seemed inevitable.

In June 1988, some two hundred Royal Canadian Mounted Police raided Kahnawake and arrested seventeen Mohawks and seized \$400,000 in contraband cigarettes and \$284,000 in cash. During that same month, the casinos on the American side at Akwesasne unseated anti-gambling tribal officials and installed pro-gambling "chiefs."²⁸ Meanwhile, non-Indians invested heavily in some of the "Indian" casinos along route 37, a road running through the Akwesasne Reservation. Tension between supporters and opponents of the casinos continued to increase over the next year until, on June 6, 1989, four hundred people were involved in a brawl at Tony's Vegas International.²⁹ The State Police finally intervened, arresting Tony Laughing and seizing one slot machine.³⁰ Mr. Laughing was released on bail,³¹ and the gambling continued with little interruption.

More raids followed, and both gambling supporters and opponents set up barricades on roads. Groups of armed masked men, supporters of the casinos, patrolled the roads at night and harassed gambling opponents. There was a report of a public referendum in which the pro-gambling forces claimed to have won by a margin of nine to one, but such reports are not credible because most of the Mohawk people declined to participate in the referendum.³² The home of traditional Chief Ron La France was burned to the ground, and other opponents' windows were shot out.

By late August, Akwesasne was in a state of civil war. Gambling opponents set up roadblocks to keep non-Indian customers away, and a crowd set fire to the Lucky Knight Casino. Press releases by the Warrior Society reiterated

28. *Id.* at 29.

29. *See id.* at 31.

30. *See id.*

31. *See id.*

32. *See* HORNUNG, *supra* note 13, at 283 (presenting as facts mere allegations made by the Warrior Society). In some cases, eyewitness accounts fail to verify Mr. Hornung's reports. *See* JOHANSEN, *supra* note 15, at 102.

their defense of Mohawk sovereignty and the Great Law, but skirmishes and assaults continued to break out. Tony Laughing used press conferences to defend the casinos as a source of much-needed employment, claiming that blackjack dealers earned up to \$1200 per week, but one gambling opponent reported that most of the jobs went to non-Indians and that Mohawks were left with menial jobs.³³

In January 1990, gambling opponent Jerry McDonald entered Tony's Vegas International and sprayed the room with a shotgun.³⁴ A few days later five Mohawks received jail terms up to two years in federal court for gambling-related crimes, and six other Mohawks were indicted.³⁵ In February, Tony Laughing was sentenced to twenty-seven months for gambling offenses,³⁶ but violence on Akwesasne continued to escalate as more homes were riddled with bullets and more assaults were recorded.³⁷ In March, Arthur Montour, the Warrior Society leader at Ganienkeh, went on trial for interfering in a state police raid the previous July.³⁸ On the Canadian side, the Mohawk Council of Akwesasne began to evacuate residents because of the rising violence.³⁹ On March 29, a military medical helicopter was hit by gunfire while flying over Ganienkeh, a doctor was wounded and fist fights erupted between anti-gambling forces and Warrior Society members at Akwesasne.⁴⁰

Throughout April, anti-gambling forces erected more sophisticated barricades to keep non-Indian gamblers away from the casinos and the level of violence escalated.⁴¹ Warriors complained of assaults by "antis," actions which provoked them to a massive action to trash the barricades during the last week in April.⁴² On April 23, the North American Indian College, an institution associated with the anti-gambling forces, was fire-bombed.⁴³ A live hand gre-

33. *See id.* at 41 (quoting Barbara Barnes, director of the North American Indian Traveling College at Akwesasne during the 1980s).

34. *See id.* at 49.

35. *See id.* at 53.

36. *See id.*

37. *See id.*

38. *See id.* at 63.

39. *See id.* at 62.

40. *See id.* at 63.

41. *See id.* at 68.

42. *See id.* at 69-70.

43. *See id.* at 74.

nade launched by Warriors injured three people in the Akwesasne police station.⁴⁴ Three days later the (Canadian-side) Mohawk Council of Akwesasne asked people to evacuate the territory.⁴⁵ More houses were riddled with bullets and by April 28 at least 2000 people—more than one quarter of the population—were refugees.⁴⁶

People fled to Cornwall, Ontario. Despite pleas from anxious Akwesasne residents, New York's Governor Cuomo refused to intervene and responded that the problem was not as serious as the anti-gambling forces were reporting.⁴⁷ Figures who were pivotal in opposing the warriors were Doug George, editor of the nationally-distributed publication *Akwesasne Notes*, and his brother David George.⁴⁸ By 9 p.m. on the evening of April 30, the shooting intensified.⁴⁹ By the following morning, "Junior" Edwards and Mathew Pyke had killed in major firefight in which thousands of rounds were fired.⁵⁰ Diane Lazore, a Warrior Society leader and frequent spokesperson, provided shelter to snipers who poured fire into anti-gambler Dave George's home.⁵¹ On May 1, the Lazore home was burned.⁵² New York State Police finally entered Akwesasne and brought order.⁵³ They closed the gambling casinos and patrolled the roads; Akwesasne was now an occupied territory. On July 10, Art Montour was sentenced to ten months in prison for obstruction of a federal search warrant.

II. THE WARRIOR MANIFESTO

Louis T. Hall wrote the manifesto which outlines the Warrior Society's basic philosophy. During the conflict between traditionalists and casinos, Hall's words provided the motivation for the Warriors who were defending the latter: "When masked Mohawks with assault rifles blocked entrances to the St. Regis Reservation . . . Louis Hall was

44. *See id.* at 75.

45. *See id.* at 82.

46. *See id.* at 84.

47. *See id.* at 85.

48. *See id.* at 86.

49. *See id.* at 91.

50. *See id.* at 91-93.

51. *See id.* at 96.

52. *See id.*

53. *See generally id.* at 97.

behind them—not physically, but his words put them there.”⁵⁴

Hall urged a seductive fantasy which appealed to young men, especially men of mixed ancestry, that the Mohawk Warrior Society could regain North America for the Indian nations through violence: “There will come a day . . . when the Indian will put the white man in a boat and send him back to Europe where he belongs and keep him there.”⁵⁵

Hall recalled that in the early 1970s he met a former Nazi army officer who inspired him: “He was 6 foot 2 and weighed 320. He came here to see one of our chiefs. He believed in the dictatorship. Hitler was one of his major war heroes.”⁵⁶ Hall was inspired. “He’s the one who told me, ‘If you are going to do anything, write a manifesto, tell what you are and what your aims are. Write it all down.’ So I wrote a manifesto.”⁵⁷

His manifesto was entitled “Rebuilding the Iroquois Confederacy,” and has also been dubbed the Warrior’s Bible. He designed a flag—a warrior with long hair, feathers and blue eyes on a red background (Hall had blue eyes)—one of the most well-known pieces of artwork done by a Mohawk artist this century. The flag has been compared to Hitler’s swastika, one of the most identifiable pieces of artwork done in the twentieth century. Hall’s manifesto contains passages with strong racial undertones. He claims, for example, that Europeans are descended from monkeys: “One account has it that Cain fell in with a tribe of monkeys which explains why the immigrants from Europe have a lot of hair all over their bodies.”⁵⁸

Hall’s anger focused on two targets: the white man and the Iroquois followers of the Handsome Lake religion. The traditional chiefs of the Six Nations Iroquois Confederacy are, for the most part, followers of that religion, generally believing in peaceful approaches to problems. The chiefs argue that the warriors were abolished early in the nineteenth century, and because they, and not the Warrior, represent those communities of Iroquois people who in fact preserved the customs and traditions of the Iroquois

54. M.C. Burns, *Warrior’s Words Call for Execution*, SYRACUSE HERALD-J., July 4, 1990, at A1.

55. *Id.*

56. *Id.* at A4.

57. *Id.*

58. *Id.*

Confederacy, including its government, their existence offers a particular contradiction to the Warrior Society's claims to legitimacy as a revitalization agent of the culture. Hall urged that because the chiefs were unwilling to support a program of violent insurrection, they were traitors and should be executed: "They should be executing the traitors . . . [b]ut they would have to do it the way the mafia do it—in secret and never see the victim again. No body. No case."⁵⁹

Francis Boots was head of the Warrior Society at Akwesasne in 1990. Boots kept a copy of the manifesto nearby and he defined Hall's position in the movement: "[i]t is his actual presence that inspires us He has the message, and he knows how to articulate it."⁶⁰

The method to achieve the revitalization of the Iroquois Confederacy was outlined in Hall's manifesto. "Dump bridges into rivers—which are now sewers—and into the seaway canceling all traffic, knock out powerhouses, high tension power lines, punch holes in the reactors of nuclear power houses."⁶¹

To sympathetic non-Indian observers, the Mohawk Warrior Society Movement was a kind of nationalism. "The driving force behind the movement is an ideology of nationalism, or Mohawk sovereignty. It is an ideology that is embraced by every Mohawk territory, symbolized by their flying of the Mohawk Warrior Movement's red-and-yellow flag."⁶²

In this context, the use of violence is justified. Three high-ranking female members of the movement—Dale Dion, Diane Lazore and Minnie Garrow—are quoted in support of this use of violence. Dale Dion said, "Violence has given us bargaining power."⁶³ According to Minnie Garrow, "[W]e will never be able to achieve legal recognition of Mohawk nationhood through negotiation."⁶⁴ Diane Lazore noted, "We have accomplished many things through violence."⁶⁵

59. *Id.*

60. *Id.*

61. *Id.* at A1.

62. LINDA PERTUSATI, IN DEFENSE OF MOHAWK LAND: ETHNOPOLITICAL CONFLICT IN NATIVE NORTH AMERICA 53 (1997).

63. *Id.* at 55.

64. *Id.*

65. *Id.* at 54. For the authority to commit violence, the Warrior Society looks

The combination of an offer of power, nationalism, action and plunder proved virtually irresistible to alienated, acculturated young people, especially young men. Hall couched his rhetoric in an appeal to tradition, albeit a false one.

III. THE IMPACT OF THE WARRIOR SOCIETY

At this point in the conflict, during the Spring of 1990, thousands of Mohawks were living as refugees in Cornwall, terrorized by their experiences at Akwesasne, people's homes and cars were riddled with bullet holes or burned, two young Mohawk men were dead, dozens people had been assaulted, over a dozen Mohawks were facing prison terms for gambling offenses, and the police occupied Akwesasne and had brought charges against numerous individuals for assault and property damage. Summer would prove to be equally trying.

The community of Oka, Quebec lies some twenty-six miles to the west of Kahnawake. A dispute had arisen there because the municipality wanted to build a golf course on land claimed by Mohawks which some individuals claimed was a burial ground.⁶⁶ A number community members had erected an informal barricade to protect an area known as the Pines and were protesting the construction plans. A court had sided with the (mostly non-Indian) town, and early on the morning of July 11 a force of Sureté du Quebec opened fire on the little Oka barricade with tear gas and automatic weapons and charged up the hill.⁶⁷ Seconds later a Quebec police officer lay dead and police forces began to converge on the area.⁶⁸

Members of the Mohawk Warrior Society appeared in Oka and occupied a building which had served as a community rehabilitation center. Their leader was Loran Thompson, the former (now disgraced) Akwesasne Mohawk chief whose home had been the site of the 1979 Racquette Point standoff. Thompson and the Warrior Society conducted a negotiation and standoff which lasted all

to sections of the Great Law identified here as Wampum 37, Wampum 80 and Wampum 91. *See id.* at 57.

66. *See Chronology of Main Events at Oka Dispute*, GLOBE & MAIL, Sept. 2, 1990, at A3.

67. *See id.*

68. *See id.*

summer.⁶⁹ The Warrior Society at Kahnawake showed its support by blockading the Mercier Bridge thus interrupting commuter traffic from Montreal suburbs.⁷⁰ As the summer wore on, friction between Kahnawake and Chateaugay, the predominantly French-speaking community next door, became increasingly heated.

The standoff at Oka and Kahnawake, known in Canadian journalism circles as the Oka Crisis, made national headlines in Canada and occupied the airwaves there in a way and to a degree unprecedented in the United States for a Native issue. Not even Wounded Knee in 1973 attracted as much press. As the negotiations pressed on through the summer, it became clear the Warrior Society did not have a realistic agenda and could not come to any kind of agreement. A major impediment to working out some kind of settlement was the belief among some of its members that Canada understood only violence and that it could not be trusted to hold to an agreement. Some of the demands of the Warrior Society—such as the demand that Canada sign the 1794 Canandaigua Treaty between the Six Nations and the United States—were simply anachronistic.

As the impasse wore on and the Canadian public opinion gradually changed from sympathetic to increasingly impatient, the Warriors revealed a serious weakness in their position. None of their demands could be realistically accommodated. They demanded complete sovereignty for Mohawk territories, some of which were in the United States, and they wanted their underground cigarette economy to continue to flourish without the kind of regulation which would come with agreements between Indian governments, Canada and the provinces. Further, they demanded that they be given police powers in the territories and that any disputes would be heard by the World Court. The Canadian government, politically unable to meet these demands, was under tremendous pressure from the public to reopen the Mercier bridge. On August 8, Canada announced that army personnel would replace the Quebec Police.⁷¹ By the end of August, armored personnel carriers and tanks had encircled Kahnawake and were

69. *See id.*

70. *See id.*

71. *See id.*

moving into attack position.⁷²

The Warrior Society urged Mohawks on the Mercier Bridge barricade to hold out and, if the army approached, to open fire. They believed that after a short firefight Canada would back down and come to the negotiating table. As with other revitalization movements, the Warrior Society's ability to remain rational was seriously impeded. The possibility that tanks and artillery would quickly clear the barricades and the consequences which could follow were not strongly considered. On September 26, 1990, the Mohawks at Kahnawake finally allowed the Canadian army to remove the barricades.⁷³ The Warrior Society, it is said, felt betrayed. In actual fact, a tragedy such had befallen the Sewees and the Ghost Dancers had been narrowly avoided. At the end of the summer, Kahnawake and Oka were under military occupation, much contraband had been seized, many firearms were confiscated, the cigarette trade was at least temporarily damaged and, in Kahnawake, the Warrior Society influence was at least temporarily considerably diminished.⁷⁴

IV. RECENT WARRIOR SOCIETY ACTIVITIES IN NEW YORK STATE

Following the Oka crisis, the action moved to New York State and the Seneca, Onondaga and Tuscarora countries. In the Seneca country a number of privately-owned cigarette shops were selling tax-free cigarettes at considerable profit, and cases in state and federal courts were pending to determine whether state taxation strategies were legal. In 1992, a state court determined that the state was within its legal powers to collect sales taxes on sales to non-Indian customers on the Indian country.⁷⁵ The state took steps to collect the tax. On the Seneca Nation, protesters blocked

72. *See id.*

73. *See* André Picard, *Mercier Bridge Reopening to Traffic*, GLOBE & MAIL, Sept. 6, 1990, at A4.

74. Wallace had predicted that a revitalization movement would grow in strength until it was met by an equal or overwhelming force. *See* Wallace, *Revitalization Movements*, *supra* note 2, at 279 ("If the organization cannot predict successfully the consequences of its own moves and of its opponent's moves in a power struggle, its demise is very likely.").

75. *See* Milhelm Attea & Brothers, Inc. v. Dep't of Taxation & Fin, 585 N.Y.S.2d 847 (N.Y. App. Div. 1992), *rev'd*, 615 N.E.2d 994 (N.Y. 1993).

the New York State Thruway near Silver Creek and Route 17 at Salamanca.⁷⁶ After a short confrontation, the state agreed to delay collection of sales taxes pending a ruling by the Supreme Court. That ruling came in 1994, giving New York State full authority to collect the sales tax.⁷⁷

In 1996, Governor Pataki announced plans to collect the tax from the non-Indian distributors of motor fuels and tobacco products on those Indian territories which did not have a tax agreement with the State.⁷⁸ The traditional governments at Onondaga, Tonawanda, Tuscarora and Akwesasne formed a negotiating team and reached a tentative agreement whereby the State would collect no taxes and the Indian governments would regulate all sales to non-Indians within their territories.⁷⁹

The individual Indian retailers on the Seneca Nation and other territories organized opposition to this proposed agreement which culminated in a demonstration on Route 81 at Onondaga in May 1997.⁸⁰ Two of the prominent leaders at this demonstration were Arthur Montour of the Mohawk Warrior Society and Ross John of the Seneca Party. The demonstration resulted in a number of injuries but generated widespread support and sympathy across the state in favor of the Indians.⁸¹ Shortly thereafter, Governor Pataki announced he would cease trying to collect these taxes.

The cases addressing Indian sovereignty and sales taxes which have come before the courts have illustrated the problems of the Warrior Society as a revitalization movement. The Warrior Society finds the contemporary culture unsatisfactory and seeks to change it. One of the elements of current traditional government that the Warrior Society despised was the unwillingness of leaders

76. See Anthony Cardinale & Donna Snyder, *Senecas Demand Meeting with Cuomo; Indians Close Section of Highway in Sales Tax Protest*, BUFF. NEWS, July 17, 1992, at A1.

77. See *New York Dep't of Taxation & Finance v. Milhelm Attea & Brothers, Inc.*, 512 U.S. 61 (1994).

78. See Jon R. Sorensen, *State to Collect Levies on Reservation-Bound Cigarettes, Gas*, BUFF. NEWS, Feb. 21, 1996, at B5.

79. See Gene Warner, *Chief Sees Pluses in Deal with State*, BUFF. NEWS, Apr. 13, 1997, at B1.

80. Erik Kriss, *Ongoing Tensions Seen as Factor in Pataki's Decision on Tax; "It Was Reaching a Crisis Point," Assemblyman Says*, SYRACUSE HER.-J., May 23, 1997, at A8.

81. See *id.*

to resort to force. However, the Warrior Society has recently changed its tactics by not using or threatening to use armed force during confrontations. Instead, the Warrior Society appealed to public pressure and, as a result, enjoyed great success. This change in strategy could be a reaction to the events at Akwesasne, Oka and Kahnawake in which use of arms was woefully unsuccessful.

In the later part of the nineteenth century, a threat to the survival of Indian nations emerged due to a focus on the so-called the "Indian problem." Non-Indian policy-makers and social reformers moved aggressively to forcibly assimilate the Indian into American and Canadian societies.⁸² They sought to destroy the Indian but "save the man," and their strategy included relieving the Indians of the responsibility of managing whatever lands were left in their possession.⁸³ Among the tactics to accomplish this goal were: (1) plans to extend state jurisdiction, including the power to collect taxes, into the Indian country, laws which would subject Indian government to non-Indian oversight, and (2) the replacement of laws and customs of the Indians with state law. Many variations of these initiatives were undertaken, and many are the subject of the legal contests which produce the body of contemporary Indian law.

The cases involving the Warriors and their allies paralleled the efforts of earlier assimilatonists in they endangered to Indian sovereignty in New York. In one case, in an effort to sustain power on the Seneca Nation, Ross John and other members of the Seneca Party brought suit in state court intending to put the President of the Seneca Nation in jail and to allow the Court to supervise the operations of the Nation. Moreover, a gasoline retailer on the Tuscarora Nation petitioned to be allowed to pay the New York State tax in order to circumvent the proposed tax agreement with the Indian nation. On another occasion, petitioners in state court urged the court to ignore Onondaga sovereignty to protect the property rights of a citizen of New York State where the citizen was a member of an Indian nation and the property was part of that Indian nation. Such actions, which may threaten the legal

82. See DAVID WALLACE ADAMS, *EDUCATION FOR EXTINCTION: AMERICAN INDIANS AND THE BOARDING SCHOOL EXPERIENCE, 1875-1928* (1995).

83. See *THE AMERICAN INDIAN EXPERIENCE: A PROFILE, 1524 TO THE PRESENT* (Philip Weeks ed., 1988).

existence of Indian nations, are consistent with the strategies adopted by revitalization movements that led to misfortunate results. The Mohawk Warrior Society's goal is to rebuild the Iroquois Confederacy, but its members take steps which sometimes place the movement in great danger, ignoring information which suggests that the chances of success are minimal. By taking actions which threaten the interests of the majority of Indians, the movement is likely to remain controversial within Iroquois communities.

The 1997 Warrior movement victory over New York State was important to the future survival of the movement. In May, a demonstration at Onondaga in which State Police and protestors were injured caused New York's Governor Pataki to abandon attempts to obtain tax agreements with Indian governments or to collect taxes on sales to non-Indians of motor fuel and tobacco products. Demonstrators had not used guns during the encounters with the State police, although arson had been used against at least two of the people who had negotiated a proposed agreement on taxation. The movement can be expected to re-emerge at Akwesasne in 1998 because several dozen warriors are charged in federal court under racketeering statutes for actions taken in support of privately-owned commercial casino gambling in 1990. Wallace observed such movements advance until they met a threat of insurmountable force. The continued existence of the movement depends upon how well its members can determine the extent to which their enemies are willing to use such force. The decisions of the Warrior Society seem destined to be the continuing subject of court battles centered on sovereignty since the movement bases its survival on remaining independent of both Indian and non-Indian governments and characterizes its interests as those of the people, even when those interests are contradictory to the people's wishes.