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# FROM THE GREAT LAW OF PEACE TO THE CONSTITUTION OF THE UNITED STATES: A REVISION OF AMERICA'S DEMOCRATIC ROOTS

*Gregory Schaaf, Ph.D.\**

In his concluding statement at the Iran-Contra hearings, Chairman Daniel Inouye, the senator from Hawaii, challenged people to look to the United States Constitution to understand conflicting views of our form of government:

Much as the Constitutional Convention was presented with different views of the relationship of government and its citizens two hundred years ago . . . I think these hearings will be remembered longest, not for the facts they elicited, but for the . . . extraordinary frightening views of government they exposed. . . . I see it as a chilling story. . . . It is a story of how a great nation betrayed the principles that made it great, and thereby became hostage to hostage takers . . . our form of government is what gives us strength.<sup>1</sup>

Perhaps in the wake of our most recent constitutional challenge and upon the eve of the Bicentennial of the Constitution, a revision of America's democratic roots may prove valuable.

A recent search into the origins of the Constitution revealed remarkable parallels with the Great Law of Peace, the ancient Iroquoian constitution. This respected code of justice united the Haudenosaunee ("People of the Long House"), which was a sovereign confederation of first five and then six Indian nations. By comparing and contrasting the two systems of constitutional law, the original forms of government become more clear.

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The author testified in support of U.S. Senate Resolution 76, which recognized the basis for the U.S. Constitution provided by American Indian political systems. S.R. 76 passed the Senate by a vote of 100 to 0.—*Ed.*

1. D. Inouye, U.S. Senator, Hawaii, "Iran-Contra Hearing" (CBS television broadcast, Aug. 3, 1987).

GREAT LAW OF PEACE  
Kaianerekova  
of the Haudenosaunee  
Iroquois Confederacy  
(Founded by the  
Great Peacemaker,  
Time Immemorial)

U.S. CONSTITUTION  
Constitution of the  
United States of  
America  
(In Convention,  
September 17, 1787)

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Opening Oration  
(Wampums, 1,2,3)

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Preamble

I am [the Peacemaker]. . . with the statesmen of the League of Five Nations, plant the Tree of Peace. . . . Roots have spread out. . . . There nature is Peace and Strength. We Place at the top of the Tree of Peace an eagle. . . . If he sees in the distance any danger threatening, he will at once warn the people of the League. . . . The smoke of the Council Fire of the league shall ever . . . pierce the sky.<sup>2</sup>

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.<sup>3</sup>

This article explores evidence of Iroquoian influence on the founding document of the United States of America. For two hundred years, scholars have often pointed to European institutions and philosophers to explain America's democratic model. Benjamin Franklin, Thomas Jefferson, and other Founding Fathers were

2. For an introduction to the Iroquois Great Law of Peace, see the accounts compiled by Seneca scholar Arthur C. Parker. A. PARKER, *THE CONSTITUTION OF THE FIVE NATIONS OR THE IROQUOIS BOOK OF THE GREAT LAW* (1916). This version of the Opening Oration was gathered and prepared by Seth Newhouse, a Canadian Mohawk, revised by Albert Cusick, a New York Onondaga-Tuscarora, and edited by Parker in *Great Law*, *supra*, at 30-31. A new comparative analysis has been prepared by this author. SCHAAF, *THE GREAT LAW OF PEACE AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA* (special edition, Tree of Peace Society, c/o Chief Jake Swamp, Box 188C, Cook Road, Mohawk Nation, via Akwesasne, N.Y. 13655) (1987).

3. U.S. CONST. preamble. See also text prepared by the Legislative Reference Service of the Library of Congress (E. Corwin ed. 1952), S. Doc. No. 208, 82nd Cong., 2d Sess. (1952).

impressed by the Iroquoian political structure, which featured three branches of government and a system of checks and balances, as well as many of the freedoms now protected by the Bill of Rights. Recognition of American Indian democracies illuminates a broader understanding of America's original democratic heritage.<sup>4</sup>

From the first encounters between Europeans and American Indians, knowledge of native manners, customs, and governments was crucial. Through the colonial era, superintendents of Indian Affairs conducted daily relations with the Indian nations, especially the Iroquois Confederacy, which had asserted its rights in the geopolitical struggle for power. In 1775 the Continental Congress established a Department of Indian Affairs led by Commissioners Benjamin Franklin and George Washington, who negotiated privately with ambassadors from the Haudenosaunee, Lenni Lenape, Shawnee, Ottawa, Wyandot, and other Indian nations. For centuries these American Indian people were organized as sovereign, independent nations governed by democratic principles. Through wampum diplomacy, their traditional philosophy of liberty and justice was advanced in a series of peace talks focused on the law of the land, the balance of power, and the rights of the people.<sup>5</sup>

In the spring of 1776, the Continental Congress decided to retrace the "White Roots of Peace" by appointing the first Indian agent, George Morgan, to promote peace among the Indian nations.<sup>6</sup> Before taking the bold step to declare independence, Congress directed Morgan to invite the Indian nations to the first U.S.—Indian peace treaty in 1776. John Hancock, the president of the Congress, instructed Morgan to take a "great peace belt

4. Two main schools of thought have dominated scholarly interpretation of original influences on American democracy and the national character. The Imperial school looked east, primarily to John Locke and British institutions, as well as to French philosophers. Jean Rousseau's ideas on natural rights reflect strong influence from reports on Iroquoian and Algonquian customs distributed by French Catholic missionaries. *THE JESUIT RELATIONS AND ALLIED DOCUMENTS* (R. Thwaites, ed. 1896-1901). The Frontier school, led by Frederick Jackson Turner, looked west to sectional influences. This study draws a focus on the influence of American Indians, particularly the Iroquoian and Algonquian nations, known collectively as the Eastern Woodland cultures.

5. 2 J. BUTLER, *INDEX: THE PAPERS OF THE CONTINENTAL CONGRESS: 1774-1789* (1978) (transcripts of meetings between the United States and Indian ambassadors during the American Revolution).

6. Letter from John Hancock to George Morgan (Apr. 19, 1776), reprinted in G. MORGAN, *MORGAN PAPERS*, Doc. No. 2 (1776) (preserved by Colonel George Morgan Document Co., Santa Barbara, Cal.).

with 13 diamonds and 2,500 wampum beads," following the custom of the peacemaker when inviting the Indians to attend the first U.S.—Indian Peace Treaty.<sup>7</sup>

The details of the wampum diplomacy, which featured the philosophical roots of the Great Law of Peace and the U.S. Constitution, came to light with the discovery of the *Morgan Papers*.<sup>8</sup> Found in an old trunk in the attic of 94-year-old Susannah Morgan, the collection features original documents by George Washington, Thomas Jefferson, John Hancock, and Morgan's private journal. These documents prove that the Iroquois Confederacy advocated peace and neutrality early in the Revolution. Morgan's diplomatic responsibilities demanded an intimate knowledge of the cultures, social structures, and governments of the American Indians. He witnessed societies, such as the Haudenosaunee, where people were endowed with the right to speak freely, the right to assemble, and religious freedom, as well as the separation of governmental powers.<sup>9</sup>

The U.S.—Indian peace treaty of 1776 took place beneath a Tree of Peace, where the elders promoted peace during the Revolutionary War.<sup>10</sup> To symbolize the American promise that Indians would never be forced to fight in the wars of the U.S. and that Indian land rights would be respected, the American Indian Commissioners presented the chiefs and clan mothers with the 13-diamond wampum belt. Symbolically, the war hatchet was then buried beneath the Tree of Peace, and prayers of peace were offered through the sacred pipe.<sup>11</sup>

Morgan was educated in Indian affairs in part by his neighbor, the elder statesman Benjamin Franklin. More than three decades before the ratification of the U.S. Constitution, Onondaga Chief

7. For an account of the origin of wampum, see Mitchell, *The Birth of the Peacemaker*, in *TRADITIONAL TEACHINGS* 22-28 (1984).

8. Thompson, *Historian Gregory Schaaf Strikes a Mother Lode of History Among a Neighbor's Keepsakes*, *PEOPLE MAGAZINE* (Jan. 24, 1977), at 20-22.

9. George Morgan's eyewitness account of Indian affairs during the American Revolution is the subject of G. SCHAAF, *THE MORGAN PAPERS: NATIVE AMERICANS AND THE REVOLUTIONARY WAR* (Fulcrum, Inc., 350 Indian St., Suite 510, Golden Colo. 80401) (available Summer, 1990).

10. *MORGAN PAPERS*, *supra* note 6, Doc. No. 8.

11. During the 1776 Peace Treaty negotiations, U.S. officials promised Indian leaders that Indians would never be forced to fight the U.S. wars. This promise recently has been recalled over the issue of young Indian men being denied college scholarships because they have refused to register for the draft.

Cannassatego advised Franklin and other colonial representatives: "Our wise Forefathers established Union and Amity. . . . This made us formidable. . . . We are a powerful Confederacy, and if you observe the same methods . . . you will acquire fresh Strength and Power."<sup>12</sup>

After meeting with representatives of the Six Nations in the summer of 1754, Franklin first proposed the creation of a colonial Grand Council in the "Albany Plan of Union": "one General Government may be formed in America . . . administered by a president General . . . and a grand Council to be chosen by the representatives of the people of the several colonies."<sup>13</sup> The clever statesman challenged the colonists to create a similar united government. If the American Indians could create and sustain a democratic union, Franklin assumed the American colonies could also unite: "It would be a strange thing if (the) Six Nations . . . should be capable of forming . . . such a union . . . and yet a like union should be impracticable for . . . a dozen English colonies."<sup>14</sup> The result of Franklin's challenge was the creation of the United States of America with a Bill of Rights and the Constitution based on the Great Law as symbolized by the Tree of Peace. Franklin's plan for a Grand Council of United Colonies clearly resembled the Grand Council of the united Iroquois Six Nations.

Two generations ago, Dr. Paul Wallace, a respected ethnohistorian in Iroquoian and Algonquian studies, traced the *The White Roots of Peace* to the original sources relating how the first "United Nations" was born.<sup>15</sup> Dr. Wallace began the story by recognizing the Iroquois as the "famous Indian confederacy that provided a model for, and an incentive to, the transformation of the thirteen colonies into the United States of America."<sup>16</sup>

In the shade of the great Tree of Peace, the three branches of the Haudenosaunee have met since time immemorial around the Grand Council fire. The council of chief statesmen and clan mothers was designed to serve the best interests of the people.

12. Cannasatego to Colonial Officials, Treaty of Lancaster, in Pennsylvania Colonial Archives.

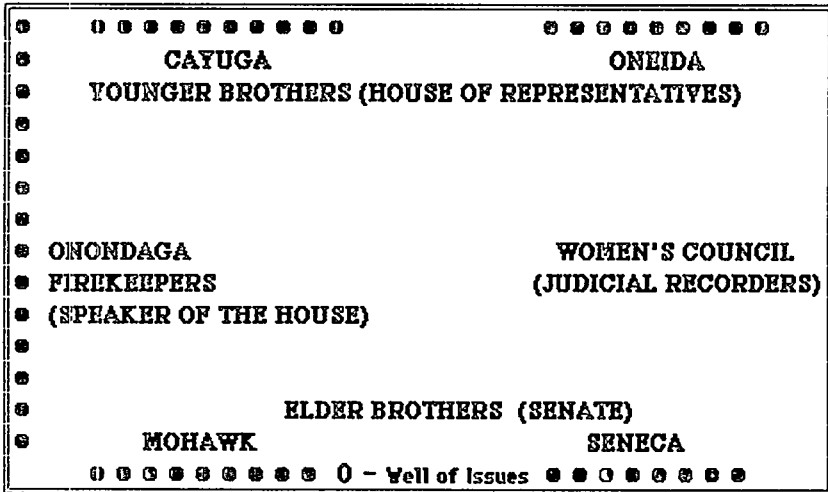
13. B. FRANKLIN, ALBANY PLAN OF UNION (1754); 6 NEW YORK PAPERS 853-92 (E. Callaghan ed. 1855).

14. Benjamin Franklin, *quoted in* P. WALLACE, THE WHITE ROOTS OF PEACE (1946, reprint, J. Fadden 1986).

15. *Id.*

16. *Id.*

The United States government was structured surprisingly similar to their Grand Council.<sup>17</sup>



(Seating Pattern of Iroquoian Grand Council)

The Onondaga, led by Tatadaho, the firekeeper at the heart of the confederacy, paralleled the presidency of the executive branch. Their legislative branch was divided into two parts. The Mohawk and the Seneca, united as “Elder Brothers,” formed the upper house of a traditional Senate. The Oneida and the Cayuga, joined in 1710 by the Tuscarora, composed the “Younger Brothers,” similar to the House of Representatives.<sup>18</sup>

The Haudenosaunee have preserved a story of the origins of the confederacy. At the planting of a Tree of Peace at Philadelphia, Mohawk Chief Jake Swamp explained through interpreter Chief Tom Porter:

In the beginning of time . . . Our Creator asked only one thing—never forget to be appreciative of the gifts of Mother Earth. . . . But at one time, during a dark age in our history perhaps over 1000 years ago . . . there was so much crime, dishonesty, in-

17. Mitchell, *supra* note 7, at 36. The chart was developed by this author to include the Women’s Council. The comparison with U.S. branches of government was first explained to the author by the late Onondaga historian Lee Lyons.

18. For an introduction to the founding of the confederacy, see the accounts in A. PARKER, *supra* note 2, at 7-109.

justice and so many wars. So our Creator sent a Great Peacemaker with a message to be righteous and just and to make a good future for our children seven generations to come. He called all the warring people together, and told them as long as there was killing, there would never be peace of mind. . . . Through logic, reasoning and spiritual means, he inspired the warriors to bury their weapons [the origin of the saying to "bury the hatchet"] and planted atop a sacred Tree of Peace.<sup>19</sup>

An eagle soared from the heavens and perched at the top of the tree, clutching the arrows to symbolize the united Indian nations. (The U.S. National Seal, pictured on the back of the one dollar bill, features thirteen arrows for the thirteen original United States.<sup>20</sup>) Upon learning how the warriors were inspired to "bury the hatchet," Dr. Robert Muller, former Assistant Secretary-General of the United Nations, responded, "This profound action stands as perhaps the oldest effort for disarmament in world history."<sup>21</sup>

The peacemaker provided the people with a code of justice called the Great Law of Peace.<sup>22</sup> His vision embraced all the people of

19. Tape recording of Chief Jake Swamp, in "The Origins of the Tree of Peace" (Oct. 1985).

20. Dr. Donald Grinde and Paula Underwood Spencer, two scholars who are presently researching parallels between the Great Law and the U.S. Constitution, called to this author's attention that a document has been found in which Jefferson made notations about the symbolic origins of the bundle of arrows.

21. Muller, *A Vision of Peace* (foreword), in G. SCHAAF, *THE MORGAN PAPERS: NATIVE AMERICANS AND THE REVOLUTIONARY WAR* (1987).

22. There are six versions of the Great Law of Peace and the founding of the Iroquoian Confederacy:

(1) The Newhouse version, gathered and prepared by Seth Newhouse, a Canadian Mohawk, revised by Albert Cusick, and edited in *A. Parker, supra* note 2. Parker explained his system of footnotes as follows: "The abbreviations after each law refers to the sections in the original code and their numbers. TLL, means Tree of the Long Leaves; EUC, Emblematical Union Compact, and LPW, Skanawita's Laws of Peace and War. The first number in Roman numerals refers to the original number of the law, the second number, in Arabic numerals, to the section number in the division of the law named by the abbreviation following."

(2) The Chiefs' version, compiled by the chiefs of the Six Nations Council on the Six Nations Reserve, Ontario, 1900. This version appears in *Traditional History of the Confederacy of the Six Nations*, in 5 PROCEEDINGS AND TRANSACTIONS OF THE ROYAL SOCIETY OF CANADA (D. Scott ed. 1911).

(3) The Gibson version, dictated in 1899 by Chief John Arthur Gibson of the Six Nations Reserve to the late J.N.B. Hewitt of the Smithsonian Institution and revised by Chiefs Abraham Charles, John Buck, Sr., and Joshua Buck, from 1990 to 1914. This version,

the world joining hands in a way of life based on the principle that peace is the law of the land. He created a united government that still meets around the council fire at Onondaga, near present-day Syracuse, New York.

The rights of the people, according to Onondaga Faithkeeper Oren Lyons, include "freedom of speech, freedom of religion, and the rights of women to participate in government. The concept of separation of powers in government and of checks and balances of power within governments are traceable to our constitution. These are ideas learned by the colonists."<sup>23</sup>

Iroquoian elders have long claimed their government served as a model for the United States. To put their tradition to a test, appropriate passages from the Great Law of Peace have been analyzed side-by-side with the Constitution of the United States. The results proved striking. The parallels are unmistakable. Moreover, the differences proved even more interesting. Featuring high qualifications for leadership, political rights for women, and a remarkable system of justice, the Great Law of Peace may inspire people to reconsider the founding principles of America's origins.

One major difference exists between the Iroquoian and the U.S. judicial branches. The Iroquoian Supreme Court was entrusted to Clan Mothers and Women's Councils, who maintained a balance of power in their matrilineal society. Women nominated chief statesmen as political and religious leaders, lending a maternal insight into good leadership qualities, and their standards were very high. Whereas, under the U.S. Constitution, the qualifications for congressmen are limited to age, citizenship, and residency, the Iroquoian women required: "All royaneh [Chief Statesmen] of the Five Nations must be honest in all things . . . men possessing those honorable qualities. . . . Their hearts shall be full of peace and good will and their minds filled with a yearning for the welfare of the people of the Confederacy."<sup>24</sup>

which was translated into English in 1941 by Dr. William N. Fenton of the Bureau of American Ethnology, Smithsonian Institution, with the assistance of Chief Simeon Gibson.

(4) The Wallace version, a compilation of the first three and presented as a narrative in P. WALLACE, *supra* note 14.

(5) The Buck version, by Roy Buck, Cayuga, narrated in Mohawk and translated to English in *The Great Law*, TRADITIONAL TEACHINGS, *supra* note 7.

(6) The Mohawk version, a contemporary interpretation by John C. Mohawk, editor for seven years of *Akwesasne Notes*.

23. O. LYONS, *ELDERS CIRCLE COMMUNIQUE* (1986).

24. Newhouse, *The Council of the Great Peace: The Great Binding Law, Gayanasheagowa*, Wampum 27, cited in A. PARKER, *supra* note 2, at 38.

Women also were empowered to impeach any leader who failed, after three warnings, to serve the best interests of the people. On behalf of the people, women preserved title to the land through families and clans. Iroquoian women also maintained a sort of veto power to stop wars. In contrast, women in the United States were not permitted the right to own land, nor even to vote, much less control the system of justice.<sup>25</sup>

Just as the Constitution established a "uniform rule of naturalization,"<sup>26</sup> the Great Law of Peace insured: "If any man [or woman] or any nation outside the Five nations shall obey the laws of the Great Peace . . . they may trace the [white] Roots . . . and . . . shall be welcomed to take shelter beneath the Tree [of Peace]."<sup>27</sup> Throughout the course of history the Haudenosaunee have opened their arms to many people and many nations. They gave the first colonists food and the skills to survive. They also gave the Founding Fathers a model for unity. As the United States celebrates the Bicentennial of its Constitution, perhaps the time has come to give the "People of the Longhouse" credit for creating and sustaining a democratic form of government—the original source of our strength.

25. The women's suffrage movement finally succeeded. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have the power to enforce this article by appropriate legislation." U.S. CONST. amend. XIX (1920).

26. U.S. CONST. art. I, § 8.

27. Newhouse, *supra* note 24, Wampum 2, cited in A. PARKER, *supra* note 2, at 30.

