

PROTECTING THE LINE: CLINTON RICKARD, BORDER-CROSSING AND
HAUDENOSAUNEE TRANS-INDIGENEITY

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Protecting the Line: Clinton Rickard, Border-Crossing and Haudenosaunee Trans-Indigeneity

Abstract

After a century of working to solve the “Indian problem” through assimilation, the United States shifted toward the ultimate policy of absorption: citizenship. In the early 20th century, this became the primary issue between the American settler-state and Native nations. As the former demonstrated its commitment to settler-colonialism by eliminating Indigenosity as a distinct sociopolitical and ethnic identification, Native people repudiated this erasure through Indigeneity. This assertion of sociopolitical Otherness, rooted in land and attachment thereto, combatted the unilateralism of federal legislation and the abrogation of treaties. Among the Haudenosaunee (Six Nations or Iroquois), these protests occurred in relation to the border-crossing rights inherited in the Jay and Ghent Treaties. After the passage of the Indian Citizenship Act in 1924, Tuscarora chief Clinton Rickard organized resistance through the Indian Defense League of America. Along with securing the ability to freely cross the international boundary between the United States and Canada, he fought for the recognition of Haudenosaunee sovereignty, respect toward Haudenosaunee culture, and the preservation of Haudenosaunee land. By focusing on peace, unity, and treaties, Rickard “protected the line,” meaning both the international boundary and the cultural integrity of the Haudenosaunee and all Indigenous people.

1 Introduction

The Haudenosaunee (Six Nations or Iroquois) Confederacy is a political and sociocultural alliance historically located in what is presently New York. After the American Revolution, portions of this group that supported the British relocated to lower Ontario and Quebec. Despite the international boundary between the United States and Canada, the Haudenosaunee maintained their collective national identity. This was reflected in the preservation of their right to cross the border freely in the 1794 Jay Treaty and reinforced by the 1812 Treaty of Ghent.¹ The independence of the Haudenosaunee people was enshrined by international law. However, when the political power of the Confederacy was reduced through 19th century federal policies like removal, reservations, and allotment in the United States, this sovereignty was threatened. Under these assimilationist conditions, the Haudenosaunee way of life suffered the constraints of settler-colonialism.

This term describes an ideology that seeks to control everything — culture, society, economy, and governance — within its boundaries. According to theorist Patrick Wolfe, the formation of the hegemonic settler-state is predicated upon the subjugation or destruction of everything aboriginal. This means that “invasion is a structure not an

event,” an ongoing process of dispossession and disappearance informed by the belief that the settler is superior to the Native.² Indeed, “the Western view of power and human relationships is so thoroughly entrenched,” writes Mohawk scholar Taiaiake Alfred, “that it appears valid, objective, and natural.”³ As Indigenous people were deemed incongruous with dominant objectives of aggrandizement and homogeneity, the American settler-state attempted to eradicate Indigenosity as a distinct sociopolitical and ethnic identification.

The Haudenosaunee persistently rejected this prejudicial logic of elimination, most notably through annual border-crossing ceremonies and attempts to have their sovereignty recognized. Moreover, because these actions contravened the hegemonic policies of the United States, I argue that such persistence engendered Haudenosaunee Indigenity. I define this as a continuous and adaptive exercise of culture that refuses to be subordinate to the agendas of settler-colonialism. Or, in the words of Mohawk scholar Audra Simpson, Indigenity is the “maintenance of culture, treaty, history, and self with the historical and ongoing context of settlement.”⁴ Starting from the 1920s, I situate border-crossing and the internationalization of the Haudenosaunee Confederacy as defiant expressions of autonomy and treaty-based rights. Indigenity in this instance was a response to American and Canadian control of the international boundary, which imperiled the economic, political, and cultural continuity of the Native nations affected by its arbitrary emplacement.⁵ An examination thereof demonstrates the transnational nature of Indigenity, which is not anchored to settler-colonial conceptions of time, space, or place, as Chadwick Allen has argued.⁶ Rather, Indigenity asserts its own culturally specific epistemologies as a means of survival and reclamation. Though there were (and are) many Indigenous people who subverted settler-colonialism in both obvious and subtle ways in the 20th century, this article posits the actions of Tuscarora chief Clinton Rickard as representative of Haudenosaunee resistance and decolonization.

Rickard first became a community leader in his role as advisor to the Everett Indian Commission in 1920, and later expanded to focus on border-crossing rights, judicial issues, and improvements to reservation education and healthcare with the creation of the Indian Defense League of America (IDLA) in 1926.⁷ This organization also protested the transference of federal jurisdiction to New York State in 1930, the imposition of settler-governmental standards with the 1934 Indian Reorganization Act, the drafting

of Haudenosaunee men during World War II, and the violation of treaty rights by the New York State Power Commission during the 1950s. Whether it was through civil disobedience, awareness campaigns, or courtroom battles, Rickard focused on preserving the imperiled political and cultural integrity of the Six Nations and other Indigenous peoples.⁸

2_Clinton Rickard and a Message of Peace

Each year, Niagara Falls State Park receives approximately eight million visitors.⁹ Between the Cave of the Winds, tours on the Maid of the Mist, and the spectacular views from the Rainbow Bridge, the oldest state park in the United States is a popular destination. Away from the falls, close to the tourist shops and hotels, is a bronze statue of Clinton Rickard. It is not marked on the park's official map, and most people are likely to find it by accident on their way through the Great Lakes Gardens. The placard at the base reads:

The one message I wish to leave for my people everywhere is to work for unity. We speak different languages, but we are of one blood and we have the same problems throughout the country. I want to see Indians help themselves, and carry on their own affairs, and be independent. This we can do if we all pull together. While we are working to advance ourselves we should also spread peace wherever we go. Our hand is open in friendship. We do not seek hostility. We do not want to be forced into it, but we are determined to protect our rights. My experience through more than eighty years has taught me that people of goodwill, of all races, can work together to bring about justice for all and the betterment of mankind. May the Great Spirit help us all.¹⁰

The call for the unification of Indigenous people to protect themselves and their autonomy, with peace as the objective, was exemplified by Rickard as a leader among the Tuscarora, one of the Six Nations of the Haudenosaunee. Known as *Ro-wa-da-gah-ra-deh*, or Loud Voice, he worked to defend his people from rights violations by the American and Canadian settler-states. His advocacy fits squarely into a legacy of Haudenosaunee activism, evoked in myriad ways since the American Revolution, aimed at securing their sovereignty.

Though the term “sovereignty” is problematic because of its colonial and Western origins, it is also useful in establishing the parameters of Indigenous governance. To ensure it is applied appropriately, sovereignty for Indigenous people must be relayed through Indigenous ways of knowing. Generally, it is a fluid and complex system rooted in a “sense of place and ownership.”¹¹ Therefore, when Indigenous territory is threatened by dispossession, the identity of the corresponding Native nation is likewise

endangered. With this understanding, I examine the context and effect of Rickard's communally-directed action, centered around the IDLA, that sought to preserve the sovereignty of the Haudenosaunee against federal and state encroachments from 1924–1960. He denounced attempts by the United States to force citizenship upon the Haudenosaunee, to deny or abrogate the treaties of Jay, Ghent, and Canandaigua, and to eliminate Indigenous lifeways. He was dedicated to protecting the interests of his family, friends, and brethren. Rickard's endeavor took up the torch of predecessors like Deskaheh, and also lit the way for future Indigenous activists into the 21st century.

3_Early Life and the Issue of Citizenship

From an early age, Clinton Rickard desired to help others. He traced this quality to his childhood on the Tuscarora reservation near Niagara Falls in Lewiston, New York. Rickard's father was an alcoholic and frequently abusive. As a result, the family was impoverished, and the children's education was irregular at best. Young Clinton prayed for the strength to save his family and extended that toward his community at large.¹² This formative period set Rickard down a path of protectiveness, as he espoused a variety of causes after reaching adulthood. His time in the U.S. Army had a similar effect, particularly as he witnessed how the British treated Boers and South Africans during the Second Boer War in 1901. He observed that the British Empire had risen and fallen during his lifetime, and such degeneration was the natural consequence of mistreating other populations. He predicted the same fate would befall the United States if it continued to oppress Indigenous people.¹³

To cope with the death of his wife in 1913, Rickard became involved in community affairs for the first time. Because of his mother's position in the Beaver clan of the Tuscarora, he had the opportunity to take an even greater leadership position on the reservation. He declined because he was disgusted with Tuscarora governance, citing the alleged corruption of two brothers, Frank and Grant Mt. Pleasant.¹⁴ This disillusionment kept Rickard from politics until 1920, when New York commissioned a committee to resolve the murky legal status of the Haudenosaunee. This stemmed from the fact that both the state and federal government asserted jurisdiction over the Six Nations, leading to confusion over land, treaties, and sovereignty. The Haudenosaunee contended that they were independent; this position helped Rickard realize the potential impact such a study would have for his people, and so he began researching treaties

and jurisdictional matters for the committee's chair, Edward A. Everett. When Everett's report was completed, Rickard described it as "highly favorable to the Six Nations."¹⁵ Indeed, it was the first time a governmental official traveled to each of the reservations in New York and interviewed the Haudenosaunee.¹⁶ However, when the final version was submitted to the New York State Assembly for review, it was soundly rejected. The evidence suggests that state officials did not even actually review the document before quietly suppressing its findings.¹⁷ Rickard felt this was because acknowledging its conclusions would have forced New York to admit that eighteen million acres of the Empire State had been obtained illegally.¹⁸

In the wake of this disappointing outcome, Rickard opted to become a chief in the Tuscarora Beaver clan. He took the position seriously, vowing to adhere to old customs and work for the benefit of his people. One of his first accomplishments was the building of a gymnasium that doubled as a community center, which he said united the Tuscarora reservation around a central location. Rickard was also cognizant of his external responsibilities, and sought to remedy the overreach of state and federal jurisdiction and Haudenosaunee political power. His primary concern was "protecting the weak and the oppressed and seeking justice at all times."¹⁹ Addressing the imposition of U.S. citizenship upon the Haudenosaunee in 1924, he wrote that "the Six Nations Confederacy spoke with one voice on this issue" and protested Congress accordingly. His steadfastness against enfranchisement was so firm that the Assistant Commissioner of Indian Affairs was concerned it might negatively influence other Haudenosaunee.²⁰

Rickard strongly objected to the federal paternalism directed toward the Haudenosaunee and other Indigenous people who did not want to become "imitation whites." He considered the 1924 Indian Citizenship Act a *coup d'état* that unilaterally ended Haudenosaunee independence, disregarded multiple treaties, and continued the dispossession and assimilation of previous decades.²¹ U.S. citizenship

was just another way of absorbing us and destroying our customs and our government. How could these Europeans come over and tell us we were citizens in our country? We had our own citizenship. We feared citizenship would also put our treaty status in jeopardy and bring taxes upon our land. How can a citizen have a treaty with his own government? To us, it seemed that the United States government was just trying to get rid of treaty obligations and make us into taxpaying citizens who could sell their homelands and finally end up in city slums... The Citizenship Act did pass in 1924 despite our strong opposition. By its provisions all Indians were automatically made United States citizens whether they wanted to be so or not. This was a violation of our sovereignty. Our citizenship was in our

own nations. We had a great attachment to our style of government. We wished to remain treaty Indians and preserve our ancient rights.²²

Sovereignty and Indigeneity were the cornerstones of Rickard's stance. The late 1910s and early 1920s placed all Indigenous people into a dilemma vis-à-vis citizenship: They could remain subjects of apparently indeterminable political status, a sort of un-personhood, or they could be enfranchised as human beings. Both options were framed by what Kevin Bruyneel calls "imperial binaries": inside or outside the dominant body politic, dependent or independent.²³ These dyads were not sustainable, however, in the sense that a persistent Indigenous presence — embodied by Rickard — counterpoised, even threatened, settler identity, and thereby comprised a problem that reinforced the need for assimilation. In other words, the settler-colonial mission could only be concluded by homogenizing Indigenous people and creating a cohesive national identity that appeared legitimate, just, and supreme.

Accordingly, within the American settler-state, citizenship was treated as a positive development for Indigenous people because it integrated them into society and thus freed them from the bondage of their lingering "savagery."²⁴ Therefore, the passage of the 1924 Indian Citizenship Act was permissible because it purportedly benefitted everyone, and it was gracious because it did not "impair or otherwise affect that right of any Indian to tribal or other property."²⁵ Notably, the Act was passed despite the federal government's awareness that most Haudenosaunee were opposed to compulsory citizenship.²⁶ The outcome was the creation of a paradoxical dual reality, wherein Indigenous people were now American citizens who simultaneously retained membership within their own nations. The assertion of American political dominance had an unintended consequence that Bruyneel describes as "the fissure in U.S. colonial/settler-state authority."²⁷ It was here that Indigenous people like the Haudenosaunee generally and Rickard specifically found the space necessary to enunciate their sovereignty through land claims, cultural revitalization, and treaty rights. Per Frederick Hoxie, the status of Native people as "marginal Americans" allowed them to gather the strength they needed to rebuild and continue their "war with homogeneity."²⁸ Thus, even though the Haudenosaunee were forced into citizenship, they regrouped shortly thereafter, as with the Six Nations Revival meeting in Hogansburg, New York in the fall of 1927.²⁹

In practice, Indigenous citizenship in the United States was generally restrictive, and informed by racially-driven notions of disparity between the settler and the Native. For

the latter, enfranchisement was a constraint, not a liberation. The federal government maintained control over Indigenous land, defined acceptable expressions of cultural identity, and allowed states to discriminate against Indigenous people through limited voting rights, restricted alcohol consumption and interracial marriage, and compulsory school attendance.³⁰ Each policy was guided by racialized paternalism, which held that federal and state governments must lead Indigenous people because they could not lead themselves. Giorgio Agamben usefully demonstrates that imposed citizenship was violent, though it was not perceived as such by settlers because it was presented as the *nomos* of political rule: valid, just, and binding. He further expounds on how settler-colonialism was a political irruption upon Indigenous people. The bulk of the American citizenry willingly relinquished their natural rights for the protection of the state and accepted normative sovereignty. Settler-colonialism, on the other hand, asserted its untestable authority over all Indigenous groups largely absent their consent.³¹ In the United States, this is evident in the plenary power of Congress, which remedied the *imperio in imperium* status of Native nations as the settler-state engulfed them. Despite, and in part because of, the totalitarian assertion of settler authority, Indigenous defiance occurred. This is evident in the actions of Clinton Rickard after 1924.

4_Honoring Deskaheh by Protecting the Line

Before the Indian Citizenship Act, Rickard's activism was limited to state politics. However, the scope of his efforts broadened and intensified because of his relationship with a Cayuga chief named Levi General, better known by the hereditary title of Deskaheh. A summary of the latter's activism is worth reviewing here, as his dissent against settler-colonial authority inspired Rickard and many other Native people to fight for their rights. From 1923 to 1924, he petitioned the League of Nations in Geneva, Switzerland for the recognition of Haudenosaunee nationhood. Despite sponsorship from member nations, and despite several treaties that affirmed Haudenosaunee independence, Canada and Great Britain colluded to deny Deskaheh's claims and prevent them from reaching the League's adjudicating committee. The entire project was brushed aside "an impertinent and frivolous complaint."³² Because of this treatment and dwindling finances, Deskaheh dejectedly returned to his home in Grand River, Ontario in January of 1925.³³ There, he found that Duncan Campbell Scott, assistant commissioner of Indian Affairs in Canada, had overthrown the traditional tribal council with

the help of the Royal Canadian Mounted Police and a minority group of co-opted Haudenosaunee. Scott justified his coup by arguing that most Haudenosaunee did not approve of Deskaheh and in fact accepted their role as British subjects, but this was clearly a reprisal.³⁴ David S. Hill (Mohawk), who collaborated with Rickard and Sophie Martin (Mohawk) in 1926 to form the Indian Defense League of America, informed Deskaheh that he suspected the objective was the installation of a shadow government run by Canada and “sustained by force.”³⁵ Exiled from his own community, which was now a police state, Deskaheh fled for Rochester, New York.

Given his own views on sovereignty and treaty rights, Rickard identified with Deskaheh’s plight and offered him refuge in his home. Further underscoring his belief in the importance of the Cayuga chief’s mission, Rickard secured three speaking engagements for Deskaheh in 1925.³⁶ With his health declining due to pneumonia and pleurisy, Deskaheh made what proved to be his last speech on March 10 of that same year, expressing dismay at Canada’s lack of commitment to the historic British promise of a perpetual nation-to-nation relationship with the Haudenosaunee. Deskaheh and the Haudenosaunee were “tired of calling on the governments of pale-faced peoples in America and in Europe. We have tried that and found it was no use. They deal only in fine words — we want something more than that. We want justice from now on.”³⁷ He continued in this vein as he denounced American and Canadian governmental collusion forming a “silent partnership of policy [...] aimed to break up every tribe of red men so as to dominate every acre of their territory.”³⁸ He then pointed out the discrepancies of settler-state actions toward Indigenous people, noting that the so-called benevolent policies of “Indian advancement” and assimilation were tyrannical and ruinous.³⁹ In this way, Deskaheh identified the similarities between American and Canadian settler-colonialism and, by extension, settler-states everywhere.

As he continued his final commentary, Deskaheh’s links with Rickard became more apparent. They both believed that the Haudenosaunee on either side of the international boundary were sovereign, but they did not oppose external influence outright, only its imposition. The complete adoption of settler values, however, especially when nonconsensual, was viewed as detrimental to the Haudenosaunee. Deskaheh had witnessed firsthand the destruction wrought when the United States and Canada thrust their cultural and political views upon Indigenous people. They were so dispossessed and disempowered that Deskaheh feared for their cultural identity. If such erasure continued,

it was only a matter of time before all Haudenosaunee people were “scattered and lost to each other and lost among [settler society].”⁴⁰ Finally, Deskaheh asked his audience if you “claim the right to live together and govern yourselves — and you ought to — and if you do not concede the same right to other peoples [...] you will be tyrants, won’t you?”⁴¹ Again, it was not that Deskaheh, Rickard, or other Haudenosaunee were antagonistic toward settler culture as such. The elder chief stated emphatically that “we want none of your laws and customs that we have not willingly adopted ourselves.”⁴² Mutual consent was foundational to any positive political relationship. Accordingly, Deskaheh only wanted Haudenosaunee culture to be preserved and respected, and for Western values to remain at an appropriate distance, to be integrated at his people’s discretion and not by compulsion.

Deskaheh thus promoted Haudenosaunee sovereignty by rejecting the impositions of settler government. Rickard adhered to the same belief, and was especially adamant about not voting, which he viewed as an imbalanced *quid pro quo* measure. The only reason Indigenous people were “granted” this right by the settler government was “because they are after something they want for themselves. There is a certain pale face element that is trying to take advantage of our people.”⁴³ Most Haudenosaunee recognized this ulterior motive. Accordingly, they refused this “gift” because they did not want it in the first place, and because they believed they were completely independent, and certainly above the state. “Our treaty was made between nation and nation — the Iroquois and the United States. What has the State of New York to do about it?” Rickard asked.⁴⁴ The federal government, for its part, was to be a guardian, not an overseer.

Sadly, Deskaheh did not live to see his vision of political symbiosis and Indigeneity come to fruition. Succumbing to the sickness that had begun in Geneva, he passed away near Niagara Falls on June 27, 1925. Inspired by Deskaheh, Rickard’s leadership took on a distinctly international character afterward. Of immediate concern was the 1924 Immigration Act, which prevented Deskaheh from returning to Grand River and kept his family from visiting him in New York while he was still alive. Rickard was additionally spurred to action by Deskaheh’s final request to “fight for the line.”⁴⁵ This meant protecting the recently impinged right of Indigenous people to pass freely over the U.S.-Canadian border in accordance with the 1794 Jay Treaty, reinforced by the 1812 Treaty of Ghent. Thereafter, Rickard felt “obliged to protest to the government this prohibition of our free movement across the border,” especially since he perceived

the behavior of border officials as both discriminatory and racially prejudicial.⁴⁶ This injustice drove Rickard to form the IDLA in 1926 with David S. Hill. The organization strove to “guarantee unrestricted passage which is considered an inherent right on the continent of North America for Indian people as evidence of sovereignty.”⁴⁷ A crossing was held each July as an act of Indigeneity, and in this way the last wishes of Deskaheh were fulfilled.⁴⁸ Furthermore, free passage was vital to the Haudenosaunee who resided on either side of the U.S.-Canada border and traveled for work, family, or ceremonial events.

The IDLA’s first major cause was the case of Paul Diabo, a Mohawk steelworker from Canada who, like many of his fellow Mohawk, frequently traveled to New York City to help construct buildings. Diabo was arrested in Philadelphia in 1925 for being an “illegal alien” per the terms of the Immigration Act, though he had traveled back and forth across the international border without issue since 1912. To avoid litigation, Rickard petitioned Congress directly for the recognition of Haudenosaunee border-crossing rights.⁴⁹ They did not oblige, and the case went to trial in 1927. Rickard and the IDLA provided Diabo’s defense team with documentation concerning the legal right of Indigenous people to cross the border unimpeded. At the same time, Rickard combined forces with a Seneca artist named Jesse Cornplanter to publicly draw attention to the infringement of Haudenosaunee treaty rights.⁵⁰ In this way, the Diabo case became symptomatic of larger problems, as the United States continued to erode the sovereignty of the Six Nations. Presiding Judge Oliver B. Dickinson ruled in favor of Diabo, and by proxy all Indigenous people, concluding that the Immigration Act did not override the Treaties of Jay and Ghent. Dickinson also stated that, from the Indigenous perspective, the U.S.-Canada border was nonexistent. More pointedly, he concluded that “neither Great Britain nor the Dominion of Canada have denied to the Indians of the Six Nations resident in the United States passage across the boundary line, and if the Jay Treaty is in force, as we find it to be, good faith and the observance of the treaty calls for the same course of conduct by the United States.”⁵¹

This affirmation of Indigenous treaty rights galvanized the IDLA and the Haudenosaunee.⁵² At the Second Annual Conference of the Society for the Propagation of Indian Welfare in New York State in 1927, Rickard convened with other prominent members of the Six Nations to plan their next move. Attendees included Louis Bruce (Mohawk),

William David Owl and John Snyder (Cattaraugus Seneca), and Dr. P.G. Johnson (Tuscarora). Held at Onondaga Historical Association in Syracuse, the conference focused on obtaining greater security for Indigenous people's border-crossing rights to prevent another arrest like Diabo's, and concluded that a bill exempting Indigenous people from the Immigration Act was their best option.⁵³ This addressed the issue directly without having to rely on the settler-state's interpretation of treaties. The group's efforts were rewarded in 1928, when S. 716, written by Senator William King of Utah, was officially signed into law by President Calvin Coolidge.⁵⁴

The IDLA succeeded in preserving the border-crossing rights of all Indigenous people. The tenacity required for this victory was not lost on government officials: For instance, W.W. Husband, Second Assistant Secretary of Department of Labor, congratulated Rickard for his work in amending immigration law.⁵⁵ Rickard did not rest on his laurels, however. To ensure the integrity of Haudenosaunee sovereignty and Indigeneity, David S. Hill and Rickard made border-crossing an annual affair. These transnational passages were designed to drum up membership, maintain a public profile for the IDLA, and "educate our own and the white people as to our history, customs, and rights."⁵⁶ In terms of practical results, scholar Bruce Johansen attributes the composition of the Meriam Report, which assessed the efficacy of the federal Indian policies of the 19th century, to pressure exerted by the IDLA between its inception and 1928.⁵⁷ Additionally, high-profile issues such as the 1930 Snell bill, which proposed transferring jurisdiction of the Haudenosaunee to New York, and the case of Lila Jimerson and Nancy Bowen, who were on trial for witchcraft and murder, kept the IDLA active and in the public eye.⁵⁸ In the Jimerson case, Rickard rallied both Native and non-Native supporters with help from Alice Lee Jemison, a Seneca reporter and activist, and Ray Jimerson to combat what they perceived to be a racist attack on Haudenosaunee culture.⁵⁹ The IDLA used the publicity from both events to expose the poor condition of reservation schools. As with the case of border-crossing rights, Rickard acquired sponsorship from New York Senator Nelson W. Cheney, who helped pass multiple bills increasing funds for reservation schools.⁶⁰ In this way, the IDLA followed a broader strategy of protecting Indigenous rights, pursuing justice, and promoting sociocultural growth. These deeds did not go unpunished in the settler-state, however, especially as Rickard's popularity increased. The following year, while exercising his right to freely cross the border, he was arrested and held indefinitely in a Canadian jail. He claimed

that this was a retaliatory move with no legal basis, for the Canadian government “would throw my people into jail when they complained too much in order to shut their mouths.”⁶¹ He further said such mistreatment was a direct result of his Indigeneity. Thanks to Rickard’s own legal savvy and the aid of his friends, he was eventually released.⁶²

Rickard was now intimately familiar with the injustices inflicted upon his people, and it became clear that his leadership role was not without its hazards. Aside from governmental contentiousness, he also dealt with criticism and opposition from his own people, which further complicated the efficacy of the IDLA. For example, Tuscarora ethnologist J.N.B. Hewitt and Mohawk chief Chauncey Garlow both believed that Rickard was reckless and might make things worse for the Haudenosaunee.⁶³ Rickard was not dissuaded, however, and continued to fight for his people. In the short term, this meant protesting the Indian Reorganization Act of 1934, which sought to reformulate Indigenous government into constitutional democracies. Rickard felt that Haudenosaunee governance was satisfactory, making alteration unnecessary. Moreover, he stressed that if any change did occur, it would be on Haudenosaunee terms. “We would do so according to our needs,” he wrote, adding that “we did not tell the white man how to run his government.”⁶⁴ Rickard’s views clearly echoed Deskaheh’s, and were shared by the Tuscaroras as they voted overwhelmingly against the Act, 132 to six.⁶⁵ The other five nations followed suit. This was a significant result, because when the legislation was initially proposed, the Haudenosaunee had been split between progressive and traditionalist factions.⁶⁶ In conjunction with the IDLA and in accordance with his personal philosophy on sovereignty, Rickard helped convince the majority of the Six Nations to reject the Act.

After the United States entered World War II in 1941, the Tuscarora chief denied the applicability of the draft to the Haudenosaunee. This was not because the Haudenosaunee wished to abstain from fighting — they had fought in every war since the American Revolution — but because the law only affected U.S. citizens, a status they rejected. Rickard stated that the draft “was a violation of our sovereignty as Indian nations.”⁶⁷ Accordingly, the IDLA took up the test case of Eldreth Green, who challenged the Selective Service Act of 1940 by claiming he was solely a citizen of the Haudenosaunee Confederacy. The case was decided against the Onondaga man, and his people by extension.⁶⁸ Rickard explained that “the courts refused to recognize treaties of our

sovereignty in this regard.”⁶⁹ Unfazed, the Haudenosaunee continued to express their autonomy by officially declaring war on the Axis Powers in 1942, repeating a similar practice from World War I.⁷⁰ The fight against the conscription of Native men by the Selective Service continued through at least the Vietnam War, indicating the determined nature of the IDLA’s position.⁷¹ This served the twofold purpose of exercising Haudenosaunee Indigeneity and dispelling the notion that they were cowards.

Beginning in 1945, Rickard engaged on a regular basis with the United Nations. In one instance, he traveled to a U.N. conference in San Francisco with a group of Haudenosaunee from Grand River. Border-crossing rights were once again under duress because of a recent arrest, and their goal was to compel the Canadian, British, and U.S. delegations there to acknowledge the tenets of the 1812 Treaty of Ghent.⁷² This echoed the basic objectives of Deskaheh in Geneva over twenty years before, and the results were unfortunately the same. Nonetheless, the seeds had been planted for a more permanent Indigenous presence in international politics, which came to fruition with the passage of the 2007 United Nations Declaration on the Rights of Indigenous Peoples.⁷³ One need look no further than the first ten articles of the UNDRIP, a sort of Indigenous Bill of Rights, to observe the immediate correlation between its ideals and those of the IDLA. In any case, Rickard characterized the period from 1945–1961, the Truman and Eisenhower presidencies, as one of the “most severe assaults against [Indigenous] sovereignty.”⁷⁴ During those years, in the era of the termination policy, the federal government renewed the push to transfer jurisdiction of the Haudenosaunee to New York. Rickard countered this by advocating for his people’s sovereignty in Washington, D.C. Observing the irony of settler-colonialism, Rickard declared that “the white man is always talking about making the Indian self-reliant but he refused to let them govern themselves.”⁷⁵ Furthermore, he was concerned that the Haudenosaunee were now subject to “legislation without representation” because the federal government had forgotten “to keep its promise that we should be secure in our territories [*sic*] forever.”⁷⁶ By referencing the rallying cry of the American Revolution, Rickard hoped to demonstrate how the United States was undermining its founding ideals by abusing Native people.

This was plain throughout the 1950s, as the New York State Power Authority proposed a hydroelectric dam on Tuscarora reservation land. Rickard saw this as proof positive that the federal government was shirking its treaty relationship with Native

nations, as the NYSPA demonstrated the state's push for control over the Haudenosaunee. Indeed, after receiving the approval of the Federal Power Commission, New York sought to obtain Tuscarora land through eminent domain instead of partnering with the tribe. Engineers from the NYSPA began their operations around the town of Lewiston without receiving the consent of the Tuscarora. Rickard strenuously opposed this as illegal and a breach of Haudenosaunee rights, calling a council to unite his people against the state. Rickard and his supporters traveled to Albany to bring the matter before New York's congress, resulting in two legal battles.

In the first, *Tuscarora Nation of Indians v. Power Authority of New York*, the Tuscarora contended that the state had violated the Treaty of Fort Stanwix (1784) and the Treaty of Canandaigua (1794), both of which preserved Haudenosaunee lands in perpetuity.⁷⁷ The district court ruled in favor of the Tuscarora, and this must have seemed like a triumph for Rickard. Any elation was short-lived, however, as the Federal Power Commission, clearly backing the NYSPA, appealed the decision to the U.S. Supreme Court in *Federal Power Commission v. Tuscarora Nation*. The point of contention now shifted away from treaty rights and toward defining a reservation. This tactic was employed by the federal government because the NYSPA was attempting to acquire a parcel of land the Tuscarora had purchased (as opposed to land reserved in trust). It was determined that, because the Tuscarora owned the plot in question, it was not part of the reservation, and was therefore subject to eminent domain laws.

Though the ruling was made against the Tuscarora, the dissenting legal opinion of Justice Hugo Black is worth noting. He wrote that the seizure of Tuscarora land "violates the Nation's long established policy of recognizing and preserving Indian reservations for tribal use, and that it constitutes a breach of Indian treaties recognized by Congress since at least 1794." He added, "I regret that this Court is to be the governmental agency that breaks faith with this dependent people. Great nations, like great men, should keep their word."⁷⁸ That is, the United States, through the Treaty of Canandaigua, was legally obligated to defend the Haudenosaunee against state interests. Instead, they deliberately ignored this directive and supported New York's claim. Observing this, Rickard stated that the Tuscarora homeland "had been wrenched from us by a government that was supposed to protect us."⁷⁹ Having exhausted their legal options, Rickard and his supporters "adopted a policy of Gandhian resistance" by peace-

fully obstructing the creation of the Power Authority's dam.⁸⁰ This was especially important since the state police were sent out to enforce the decision of the Supreme Court, violently if necessary.⁸¹ And although the IDLA did not succeed, the silver lining was that William Rickard, Clinton's son, emerged as a new leader and defender of traditional Haudenosaunee lifeways.⁸² The message of peace, unity, and Indigeneity prevailed.

5_Conclusion

Testifying to the impact of his friend, the Mohawk artist Ray Fadden stated that Rickard was "a real leader, a fighter for the welfare of his people and all of his life. He is a noble man, one of whom the Six Nations should all be proud of [*sic*]." ⁸³ And so, with his impact already cemented, Clinton Rickard and the Indian Defense League of America soldiered forth as champions of Native nations. As the 1960s progressed, they exercised their sovereignty and displayed their Indigeneity by crossing the border between the United States and Canada. Since 1927, cars, marching bands, and people on foot and horseback made the short journey, and the practice has continued into the present.⁸⁴ Jolene Rickard, Clinton's granddaughter, writes that "it takes guts to keep crossing those borders and to not let those barriers become our 'Indian' prison." More poignantly, the "line that [Clinton Rickard] guards is the cultural base."⁸⁵ That is, until his passing in 1971, the Tuscarora chief rebuked the settler-colonialism of the United States and asserted the Indigeneity of the Haudenosaunee. Though the odds were constantly against him, and though he was sometimes considered pejoratively as a "professional Indian" or huckster, he rallied the Haudenosaunee in defense of their treaty-rights and insisted on their political independence through unification.⁸⁶ Barbara Graymont, who edited Rickard's autobiography, contends that the IDLA was so successful because it combined the interests and mentalities of Native people from cities and reservations.⁸⁷ Jolene Rickard adds that the IDLA "was not trying to supplant its leadership over one Indian nation, rather its purpose was to bolster traditional governments and justice for all people."⁸⁸ For his endeavors, he is fondly remembered today as a powerful leader of the Haudenosaunee and Indigenous people.⁸⁹

Though moral victories were more frequent than tangible ones, Rickard held strong in the conviction that his people were not citizens of the United States (or Canada), and that they should cross the border at will to display their intrinsic sovereignty. At the

core of Rickard's action was the notion of consent: The Haudenosaunee were not opposed to aid from the federal government — this was expected per the trust relationship established via treaties — but resented unilateralism for its oppressiveness. Thus Rickard, as a community leader of the Tuscarora and head of the IDLA, articulated a position of Indigeneity that contrasted with the settler-colonial ideologies of the United States. He simply wanted the government to uphold its promises. As his statue reminds visitors to Niagara Falls, he advocated tirelessly for peace and believed it could be achieved if the United States paid equal consideration and respect to Native nations. Only then would settler-colonialism give way to a society in which Indigeneity was valued.

Endnotes

- ¹ For more on these treaties in a transnational context relative to the Haudenosaunee, see Donald A. Grinde, Jr., "Iroquois Border Crossings: Place, Politics, and the Jay Treaty," in *Globalization on the Line: Culture, Capital, and Citizenship at U.S. Borders*, ed. Claudia Sadowski-Smith (New York: Palgrave, 2002).
- ² Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London/New York: Cassell, 1999), 2.
- ³ Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (London: Oxford University Press, 2009), 87.
- ⁴ Audra Simpson, "Settlement's Secret," in *Cultural Anthropology* 26. 2 (2011), 205–271, here: 208.
- ⁵ Leah Castella, "The United States Border: A Barrier to Cultural Survival," in *Texas Forum on Civil Liberties & Civil Rights* 5.2 (Summer 2000), 196–201.
- ⁶ Chadwick Allen, "A Transnational Native American Studies? Why Not Studies That Are Trans-Indigenous?," in *Journal of Transnational American Studies* 4.1 (2012), <<https://escholarship.org/uc/item/82m5j3f5>>, n. pag. Allen's work also informs the title of this article.
- ⁷ Jolene Rickard, "The Indian Defense League of America," in *Akwesasne Notes* 1.2 (September 30, 1995), 48–53.
- ⁸ J. Rickard, "The Indian Defense League of America."
- ⁹ For visiting information, see Mark Sheer and Philip Gambini, "Counting on 8 Million Annual Visitors to Niagara Falls," in *Niagara Gazette*, September 21, 2015.
- ¹⁰ Transcribed by author.
- ¹¹ Jolene Rickard, "Visualizing Sovereignty in the Time of Biometric Sensors," in *South Atlantic Quarterly* 110.2 (Spring 2011), 465–486, here: 478.
- ¹² Clinton Rickard, *Fighting Tuscarora: The Autobiography of Clinton Rickard*, ed. Barbara Graymont (Syracuse, NY: Syracuse University Press, 1973), 6–10.
- ¹³ C. Rickard, *Fighting Tuscarora*, 16. The official status of the U.S. in the war was neutral, so Rickard and his company were there as observers, not participants.

- 14 C. Rickard, *Fighting Tuscarora*, 37–42.
- 15 C. Rickard, *Fighting Tuscarora*, 49–50.
- 16 Edward A. Everett, *Report of the New York State Indian Commission to Investigate the Status of the American Indian Residing in the State of New York* (Albany, NY: New York State Office of General Services, 1971).
- 17 Laurence M. Hauptman, *An Oneida Indian in Foreign Waters: The Life of Chief Chapman Schanandoah, 1870–1953* (Syracuse, NY: Syracuse University Press, 2016), 77.
- 18 C. Rickard, *Fighting Tuscarora*, 49–50.
- 19 C. Rickard, *Fighting Tuscarora*, 50.
- 20 Letter from C.B. Merritt to John Snyder, September 3, 1924. New York State Archives, Lulu Stillman Papers, Box 5, Folder 6. Hereafter cited as NYSA.
- 21 C. Rickard, *Fighting Tuscarora*, 50–52.
- 22 C. Rickard, *Fighting Tuscarora*, 54.
- 23 Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis: University of Minnesota Press, 2007), 7–9.
- 24 This term denotes the ethnocentric settler perspective of Indigenoussness.
- 25 “Indian Citizenship Act” (June 2, 1924), *United States Statutes at Large* 43, 253.
- 26 U.S. Department of Interior, “Fifty-Fifth Annual Report of the Board of Indian Commissioners to the Secretary of the Interior for the Fiscal Year Ended June 30, 1924” (Washington, DC: Government Printing Office, 1924), 20.
- 27 Kevin Bruyneel, “Challenging American Boundaries: Indigenous People and the ‘Gift’ of U.S. Citizenship,” in *Studies in American Political Development* 18 (Spring 2004), 30–43, here: 42.
- 28 Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880–1920* (Lincoln: University of Nebraska Press, 1984), 244.
- 29 Lyman Johnson to Joseph Keppler, October 4, 1927, Reel 2, Joseph Keppler Jr. Iroquois papers, #9184, Division of Rare and Manuscript Collections, Cornell University Library.
- 30 Hoxie, *A Final Promise*, 231–236.
- 31 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), 37 and 106.
- 32 Letter from Alexander Cadogan to Eric Drummond, April 5, 1924. League of Nations Archive, Dossier 28075: Doc. 35296. Hereafter cited as LONA.
- 33 Letter from George Decker to Robert Skinner, December 18, 1924. Decker MSS, St. John Fisher College.
- 34 For Scott’s referral of the coup, see letter from Duncan Campbell Scott to Joseph Pope, May 22, 1923. Berman MSS, SUNY-Buffalo, Box 24, Folder 1. For Prime Minister Mackenzie King’s decision to act, see Grace Li Xiu Woo, “Canada’s Forgotten Founders: The Modern Significance of the Haudenosaunee (Iroquois) Application for Membership of the League of Nations,” in *Law, Social Justice, and Global Development* (2003), 5–6.
- 35 Telegram from David Hill to Deskaheh, September 18, 1924. Dossier 28075, Doc. 33687, LONA.
- 36 C. Rickard, *Fighting Tuscarora*, 58–67.
- 37 Deskaheh, “The Last Speech of Deskaheh,” in “Deskaheh: An Iroquois Patriot’s Fight for International Recognition,” *Basic Call to Consciousness*, ed. Akwesasne Notes (Summertown, TN: Native Voices, 1978), 26.

- 38 Deskaheh, "The Last Speech," 26–27.
- 39 Deskaheh, "The Last Speech," 26–27.
- 40 Deskaheh, "The Last Speech," 30.
- 41 Deskaheh, "The Last Speech," 30.
- 42 Deskaheh, "The Last Speech," 27.
- 43 "5,000 Indians Refuse Ballot: Few Redskins to Vote, Chief Asserts Here," in *Courier-Express*, October 28, 1926.
- 44 "5,000 Indians Refuse Ballot," in *Courier-Express*, October 28, 1926.
- 45 C. Rickard, *Fighting Tuscarora*, 68.
- 46 C. Rickard, *Fighting Tuscarora*, 69 and 72.
- 47 J. Rickard, "Indian Defense League of America."
- 48 C. Rickard, *Fighting Tuscarora*, 76–77.
- 49 Carl E. Whitney to Lulu Stillman, December 13, 1926. Lulu Stillman Papers, Box 5, Folder 7, NYSA.
- 50 Untitled article in *Courier-Express*, February 3, 1927.
- 51 *McCandless v. United States ex rel. Diabo*, 25 F.2d 71 (3d Cir. 1928).
- 52 Doug George-Kanentiio, "The Paul Diabo Case Affects Us All," in *News from Indian Country*, April 27, 2008.
- 53 Program for Second Annual Conference of the Society for the Propagation of Indian Welfare in New York State, October 28–29, 1927. Onondaga Historical Association, Society for the Propagation of Indian Welfare, 1927–1928 folder.
- 54 C. Rickard, *Fighting Tuscarora*, 83–87.
- 55 W.W. Husband to Clinton Rickard, April 26, 1928. Princeton University, Mudd Manuscript Library, American Association of Indian Affairs Mss. Series 2, Subseries 2, Tribal, Box 274, Folder 7, Tuscarora (1953–1963). Hereafter MML.
- 56 C. Rickard, *Fighting Tuscarora*, 93.
- 57 "Indian Defense League of America," in *The Encyclopedia of Native American Legal Tradition*, ed. Bruce E. Johansen (Westport, CT: Greenwood Press, 1998), 143–144.
- 58 For the Snell Bill, see Laurence Hauptman, "The Seneca Nation-Salamanca Lease Controversy," in *Iroquois Land Claims*, ed. Christopher Vecsey and William A. Starna (Syracuse, NY: Syracuse University Press, 1988), 107–108. The *Evening News* in Buffalo, NY (April 1, 1930), reported that Rickard and Hill attended the trial in show regalia, meaning they wore buckskin clothes and war bonnets. For more on the case, see Sidney Harring, "Red Lilac of the Cayugas: Traditional Indian Law and Culture Conflict in a Witchcraft Trial in Buffalo, New York, 1930," *New York History* 73.1 (January 1992), 64–94.
- 59 Harring, "Red Lila of the Cayugas," 80–81 and 89.
- 60 C. Rickard, *Fighting Tuscarora*, 100–101.
- 61 C. Rickard, *Fighting Tuscarora*, 112.
- 62 C. Rickard, *Fighting Tuscarora*, 112–113.
- 63 C. Rickard, *Fighting Tuscarora*, 82 and 86.
- 64 C. Rickard, *Fighting Tuscarora*, 125.
- 65 C. Rickard, *Fighting Tuscarora*, 125–126.

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- 67 C. Rickard, *Fighting Tuscarora*, 126.
- 68 *Ex Parte Green* 123 F 2d. 862 (November 24, 1941).
- 69 Rickard, *Fighting Tuscarora*, 127–128. See footnote 59.
- 70 For the Haudenosaunee declaration during World War I, see Edmund Wilson, *Apologies to the Iroquois* (New York: Farrar, Straus, and Cudahy, 1959), 90. For the Haudenosaunee declaration during World War II, see James W. Chichetto, "The Iroquois Declaration of War on Germany, 1942," in *Combat* 4.4 (Fall 2006), <<http://www.combat.ws/S3/BAKISSUE/CMBT04N4/IROQUOIS.HTM>>, n. pag.
- 71 Laurence M. Hauptman, *The Iroquois and the New Deal* (Syracuse: Syracuse University Press, 1981), 9.
- 72 Untitled article in *The Bulletin*, April 21, 1945. Chief J. S. Hill and Jacob Lewis represented the Grand River Reserve in Ontario. Rickard attended later to represent the IDLA with Melvin Johnson. For increased border crossing issues, see information on Dorothy Goodwin in C. Rickard, *Fighting Tuscarora*, 130.
- 73 United Nations, *Declaration on the Rights of Indigenous Peoples* (New York, NY: United Nations, 2008). It is worth noting that the United States, Canada, Australia, and New Zealand — all former British colonies with significant Indigenous populations — refused to endorse the document for several years.
- 74 C. Rickard, *Fighting Tuscarora*, 134.
- 75 C. Rickard, *Fighting Tuscarora*, 131–135.
- 76 Indian Defense League of America to American Association of Indian Affairs, April 20, 1953. MML.
- 77 *Tuscarora Nation of Indians v. Power Authority of New York*, 164 F. Supp. 107 (W.D.N.Y. 1958).
- 78 *Federal Power Commission v. Tuscarora Indian Nation*, 362 U.S. 99 (1960).
- 79 C. Rickard, *Fighting Tuscarora*, 152.
- 80 Wilson, *Apologies to the Iroquois*, 144.
- 81 Wilson, *Apologies to the Iroquois*, 144.
- 82 Barbara Graymont, "Introduction," in *Fighting Tuscarora: The Autobiography of Clinton Rickard*, ed. Barbara Graymont (Syracuse, NY: Syracuse University Press, 1973), xvii–xxviii, here: xxviii.
- 83 Ray Fadden to Paul A.W. Wallace, May 21, 1951. American Philosophical Society, Paul A. W. Wallace Mss., Box 8, Tehaneterons Folder #2.
- 84 *Indian Truth* 42.2 (September 1965). Princeton University, Rare Books Library. For the continued crossings, see <<https://bordercrossingidla.weebly.com>>. According to the website, the last organized event was in the summer of 2015.
- 85 J. Rickard, "Indian Defense League of America," 50.
- 86 Letter from E. Adamson Hoebel to Frances Donnelly, January 13, 1945. MML, Series 2, Subseries 2, Tribal, Box 274, Folder 9, General (1940–1950). Based on the negative opinion of anthropologist William N. Fenton, Hoebel cautioned Donnelly to distance the American Association of Indian Affairs from Rickard.
- 87 Graymont, "Introduction," xxv.
- 88 J. Rickard, "Indian Defense League of America," 52.

- ⁸⁹ Jen Mt. Pleasant, “Chief Clinton Rickard Remembered as Border Crossing Reaches 87th Milestone,” in *Two Row Times*, July 15, 2014, accessed April 25, 2018, <<https://tworowtimes.com/news/local/chief-clinton-rickard-remembered-as-border-crossing-reaches-87th-milestone/>>.