

KINZUA DAM: A STUDY IN THE CONGRESSIONAL DISRUPTION,
RELOCATION-RESETTLEMENT, AND REHABILITATION
OF THE SENECA NATION OF INDIANS

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PREFACE

The study of a current topic presents problems which usually do not confront researchers in earlier periods, such as the accessibility to records and a general unwillingness of participants to respond directly and impartially to questions on controversial subjects. For this study the author was indeed fortunate in persuading many persons involved in the events discussed to speak freely and openly.

The history of the rehabilitation of the Seneca Nation of Indians is the story of vested interests. An accurate conclusion of a controversial subject such as portrayed in this study becomes increasingly difficult when one confronts so many sides to a single event. Regardless of conclusions, the professed reason for action by all groups seeking to dominate the affair seemed to have been fair treatment of the Seneca Indians.

TABLE OF CONTENTS

LIST OF TABLES	v
LIST OF ILLUSTRATIONS	vi
Chapter	
I. INTRODUCTION	1
II. LIEU LANDS	9
III. RECREATION	14
IV. SPECIAL DAMAGES	26
V. RELOCATION AND RESETTLEMENT	54
VI. CONCLUSIONS	64
BIBLIOGRAPHY	74

LIST OF TABLES

Table	Page
I. The Seneca Nation Educational Trust Fund, 1964-1983	29-30
II. Administrative Expenses of the Seneca Nation, 1957-1964 . .	33
III. Original Estimates of Indirect Damages of the Seneca Nation and Corps of Engineers	49
IV. Schedule of Charts for Relocation of Housing	60
V. Educational Award Schedule of the Seneca Nation	68

LIST OF ILLUSTRATIONS

Map	Page
I. The Allegheny Reservoir Area	2
II. The Proposed Allegheny River Reservoir and the Existing System	3
III. The Proposed Cattaraugus-Conewango Diversion Plan and the Allegheny Reservoir	5

CHAPTER I

INTRODUCTION

Historically, the Allegheny River has been both a boon and a curse to the residents of the Allegheny Valley. This stream heads in northwestern Pennsylvania, cuts across the southwestern corner of New York, and then flows windingly southward until it joins the Monogahela River to form the Ohio River at present-day Pittsburgh, Pennsylvania. Although the mighty Allegheny has been important to the economy of the region it traverses, it occasionally becomes a raging torrent when swollen by flood waters; causing disastrous results. A large number of floods have been recorded from 1762 to 1956, with the most destructive flooding occurring in 1936. At that time the river crested at forty-six feet, or twenty-eight feet above a safe level for low lying industrial and commercial areas. The area around Pittsburgh alone suffered damages of \$282,000,000 in addition to the loss of seventy-five lives.¹

To curb the flooding, the United States Army Corps of Engineers, between 1938 and 1952, constructed six low-level dams and reservoirs on the tributaries of the Allegheny River.² Substantial flooding by the Allegheny during 1952 and 1954 brought the people of the Valley to the realization that additional flood control was needed.

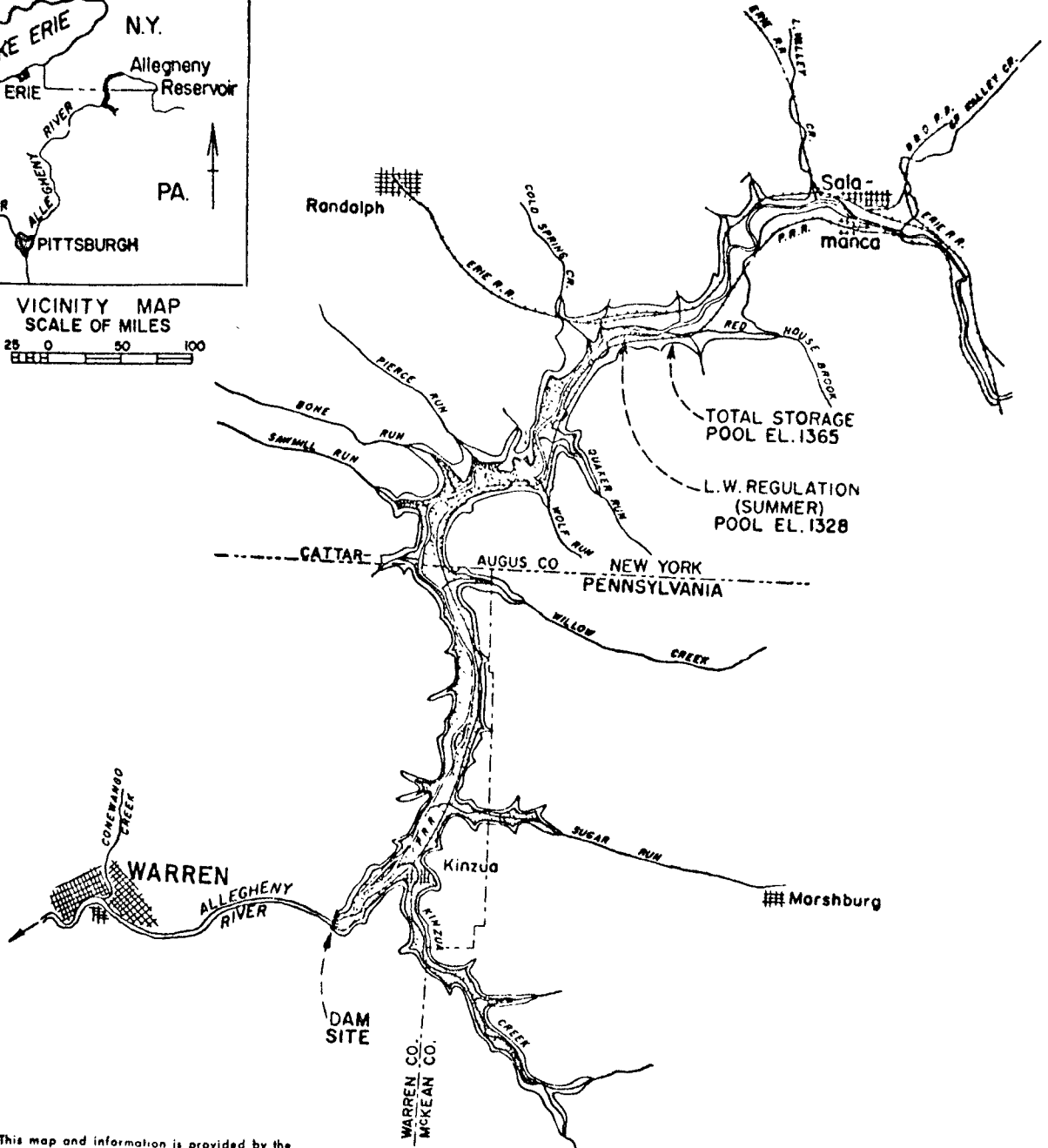
¹See Map I, p. 2.

²The six dams are on the East Branch of the Clarion River, the Conemaugh River, Crooked Creek, Loyalhanna Creek, Mahoning Creek, and Tionesta Creek. See Map II, p. 3.

MAP I



VICINITY MAP
SCALE OF MILES
0 25 50 100

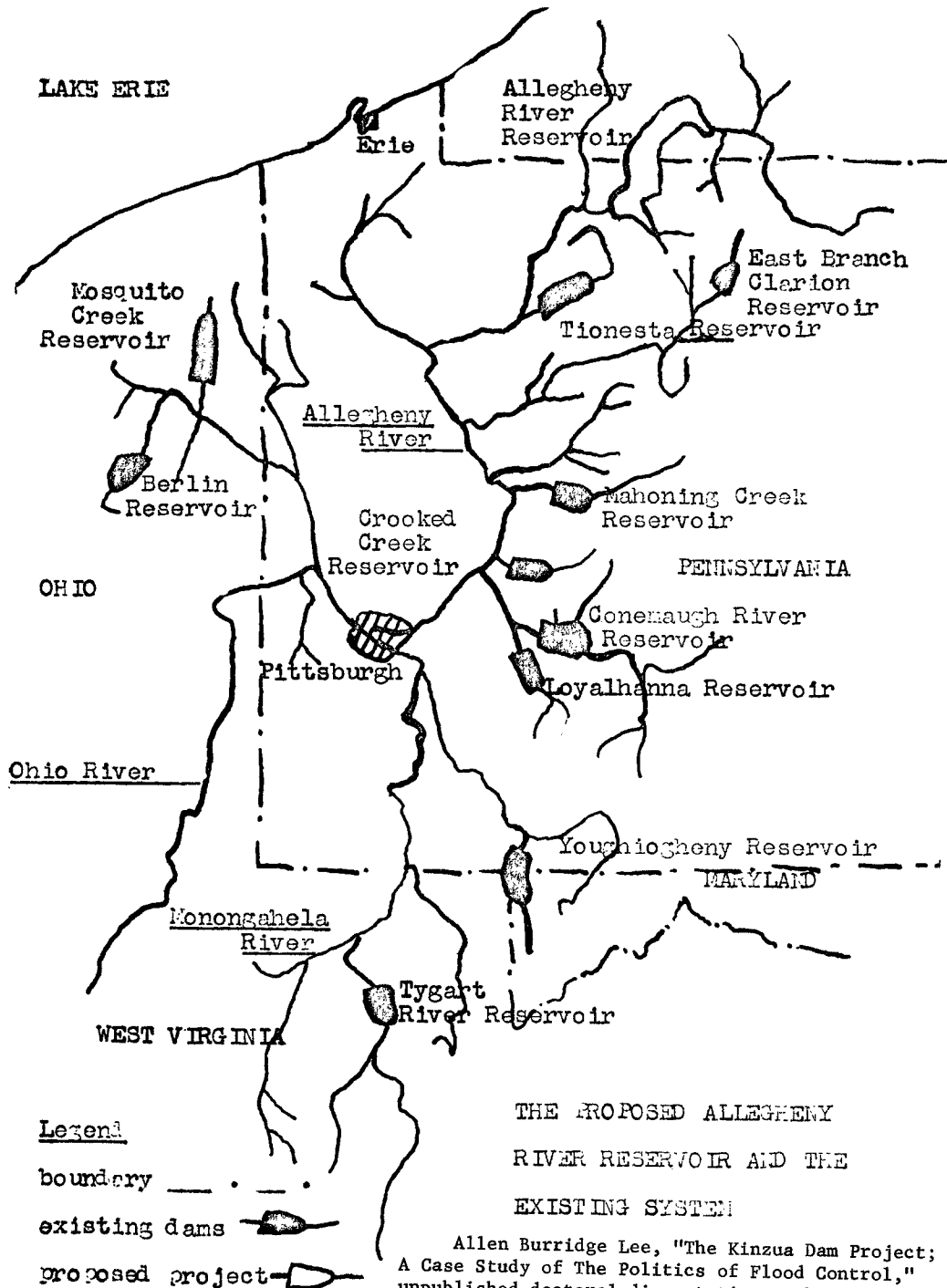


This map and information is provided by the U.S. Army Engineer, Pittsburgh District, Corps of Engineers, June, 1962.

U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., facing p. 503.

ALLEGHENY RESERVOIR

SCALE OF MILES
0 2 4



Allen Burrige Lee, "The Kinzua Dam Project; A Case Study of The Politics of Flood Control," unpublished doctoral dissertation, School of Political Science, University of Pittsburgh, Pittsburgh, Pennsylvania, 1959, p. 56.

Three plans calling for additional low-level dams, a diversion channel to Lake Erie (the Conewango-Cattaraugus Alternate), and Kinzua Dam were studied by the Corps of Engineers to cope with the continued flooding. The first proposal called for constructing as many as seventeen supplemental low-level dams. Prohibitive cost and the need to relocate heavily populated areas were major drawbacks of the proposal. Support for the small dams came chiefly from the Seneca Nation of Indians of southwestern New York.

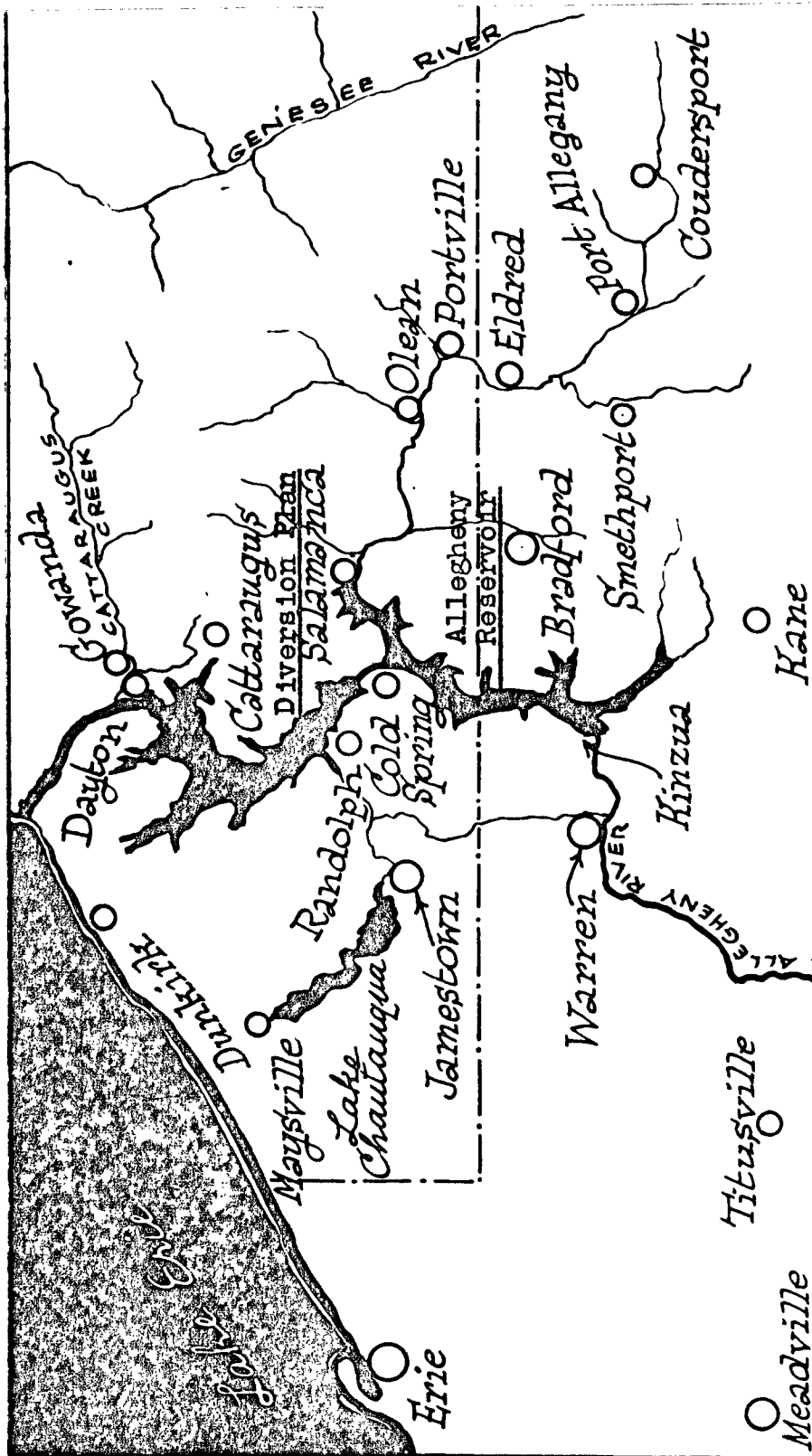
The second plan, originating in the Corps 308 Report of 1928, called for digging a diversion canal from the Allegheny River to the Conewango Creek Valley. The Valley was to serve as a storage reservoir which, when full, would divert its waters through an outlet canal to Lake Erie.³ If implemented, the plan would periodically change the course of the Allegheny River from a south to a northwestern direction.⁴

Agreeable to any alternative to Kinzua Dam, the Seneca Nation hired Dr. Arthur E. Morgan, former director of the Tennessee Valley Authority, to study the Conewango-Cattaraugus Plan. Morgan had been fired from the directorship of TVA by President Franklin D. Roosevelt for disagreements with the Corps of Engineers. Probably still displeased with the Corps, Morgan vociferously pleaded that the Lake Erie diversion plan was practical and less costly than Kinzua Dam. To disprove Morgan's contentions,

³See Map III, p. 5.

⁴The information in the first three paragraphs is found in Allen Burrige Lee, "The Kinzua Dam Project; A Case Study of The Politics of Flood Control," unpublished doctoral dissertation, School of Political Science, University of Pittsburgh, Pittsburgh, Pennsylvania, 1959, pp. 1-48, passim.

MAP III



Allen Burridge Lee, "The Kinzua Dam Project: A Case Study of The Politics of Flood Control," unpublished doctoral dissertation, School of Political Science, University of Pittsburgh, Pittsburgh, Pennsylvania, 1959, p. 50. The Maysville, New York, at the northern tip of Lake Chautauqua should be Mayville.

and to halt the excellently organized clamoring of the Seneca Nation, the Army Engineers hired the engineering firm of Tippetts, Abbett, McCarthy, and Stratton of New York City to do a survey and analysis of the project. After a five-month study they concluded that Kinzua Dam would provide greater benefits at less cost while disturbing fewer residents than any of the other alternate plans.⁵

Kinzua Dam, the authorized project, was first recommended in 1936 as part of the overall flood control system for the Allegheny River Basin. Renewed in 1938, the scheme lacked funds to construct both the large dam and the six low-level dams, and died in spite of an additional authorization in 1941 when World War II channeled attention and money to other areas. In 1956 the dam's supporters suffered new frustration when President Dwight David Eisenhower vetoed a River and Harbors Bill of which the plan was a part. The following year Eisenhower separately recommended Kinzua and reasserted this recommendation in his 1958 budget message. The Congressional appropriations committees provided \$1,000,000 to complete the planning and initiate construction. Owing to court action initiated by the Seneca Nation, this latest amount was withheld along with the remaining 1958 money. The Senecas had organized

⁵Don Neil felt that Morgan was leading the Senecas ". . . down the garden path . . ." because of his hatred of the Corps of Engineers. He also believed Dr. Morgan was ". . . milking the Indians for a nice sum. . . ." Interview with Don Neil, reporter for the Warren (Pa.) Observer, Warren, Pennsylvania, June 5, 1968. Armando C. Lardieri called Morgan a crusader who was proved wrong by sound engineering practice. Interview with Armando C. Lardieri, Project Engineer on Construction, Office, Corps of Engineers, Pittsburgh, Pennsylvania, May 30, 1968. Roy B. Campbell said Morgan's plan would have wiped out two or three ". . . sizeable communities." Interview with Roy B. Campbell, Director of Planning for Cattaraugus County, Little Valley, New York, June 6, 1968.

little protest prior to 1956 and lost their court battle. The Senate refused to withhold the necessary funds any longer and Congress appropriated another \$1,365,000 for the dam.⁶

Seneca Nation opposition to Kinzua Dam basically rested upon the land factor. In 1768 the Iroquois Confederacy or Six Nations, which included the Senecas, in the Treaty of Fort Stanwix relinquished considerable territory to the ministers of Great Britain.⁷ In 1794 Timothy Pickering, United States Secretary of War, negotiated the Treaty of 1794 establishing the Seneca Nation within the confines of the Oil Springs, Cattaraugus, and Allegany reservations in southwestern New York State.⁸ Authorization of Kinzua Dam threatened the Seneca's Allegany Reservation with a loss of another 10,000 acres situated along the course of the Allegheny River. By 1960 the 10,000 acres of scrub infested river valley contained about 127 Indian families⁹ or approximately 482 individuals¹⁰ of the Seneca Nation enrollment of 4,132. Of this number 1,103 lived on the Allegany Reservation, 1,873 inhabited the Cattaraugus Reservation,

⁶U.S. Congress, Senate, Subcommittee on Indian Affairs, Hearing, on S. 1836 and H.R. 1794, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., p. 197, cited in letter from Senators Jacob K. Javits and Kenneth B. Keating of New York to the Senate Subcommittee on Indian Affairs, March 12, 1964.

⁷Mann Butler, A History of the Commonwealth of Kentucky (Louisville Kentucky, 1834), pp. 378-379.

⁸U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964) 88th Cong., 2nd Sess., pp. 16-18, cited in "A TREATY Between the United States of America, and the Tribes of Indians called the Six Nations." Hereafter cited as House Seneca Indian Relocation Hearings.

⁹New York Times, February 25, 1964, p. 28.

¹⁰Ibid., June 2, 1964, p. 34; New York Times, September 2, 1964, p. 19.

and the remainder resided off the reservations.¹¹

Although the Seneca Nation's highly sophisticated opposition slowed the start of Kinzua's construction for six years, their final attempts proved futile. The Senecas realized and admitted this when President John Fitzgerald Kennedy sent a letter on August 9, 1961, to President Basil Williams of the Seneca Nation. The President's communication indicated that the dam should be constructed and that he had directed the executive agencies of the federal government to give their utmost attention to the plight of the Seneca Indians.¹²

This thesis embraces four major topics coinciding with the four considerations designated in President Kennedy's letter and the reactions to those items generated during numerous hearings of the House Subcommittee on Indian Affairs between May 18, 1963, and December 10, 1963; the hearing of the Senate Subcommittee on Indian Affairs of March 2, 1964; and the House-Senate compromise conference on House Resolution 1794 that culminated in Public Law 88-533, 88th Congress, House Resolution 1794, August 31, 1964. The four topics covered in the President's letter include the possibility of acquiring adjacent property, commonly referred to as "in lieu of" lands, to replace the Indian real estate taken for the Allegheny Reservoir; a review of the reservoir's recreational potential for the benefit of the Seneca Nation; special damages accruing to the Senecas for the loss of their land; and relocation and resettlement.

¹¹Senate Reports, 88th Congress, 2nd Sess., No. 969 (Washington, 1964), p. 38, cited in a letter from Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget, to Henry M. Jackson, Chairman, Senate Committee on Interior and Insular Affairs, February 28, 1964.

¹²House Seneca Indian Relocation Hearings, p. 145, cited in a letter from John F. Kennedy to Basil Williams, president of the Seneca Nation of Indians, Salamanca, New York, August 11, 1961.

CHAPTER II

LIEU LANDS

President John F. Kennedy's directive to the executive agencies of the United States Government, accompanying his recommendations for their attention to the Allegheny River project, broached the subject of land to be exchanged in lieu of approximately 10,000 acres of the Seneca's 30,000-acre Allegany Reservation in southwestern New York that would be inundated by the waters of the future Allegheny Reservoir. On May 18, 1963, Representative James A. Haley of Florida, chairman of the House Subcommittee on Indian Affairs, held a hearing at Salamanca, New York, in which he gave the citizens of Cattaraugus County, New York, an opportunity to express their views on lieu lands and other subjects related to the project.¹ These citizens, having opposed Kinzua Dam, believed the Senecas should be paid sufficient compensation for their loss and, in the process, hoped the federal government would not overlook their county.²

The Planning Board's conception of compensation did not include the

¹The majority of the citizens who testified before the House Subcommittee on Indian Affairs were members of the Cattaraugus County Planning Board. The forty-nine member board, with a professional staff for thirteen months from the date of the hearings at Salamanca, was appointed by the Cattaraugus County Board of Supervisors. The duties of the board were legislative in that they designated, levied, and disbursed tax money. The Planning Board lacked Indian membership at the time of the New York hearing. U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., pp. 30, 33-34. Hereafter cited as House Seneca Indian Relocation Hearings.

²Ibid., p. 22.

granting of lieu lands to become part of the Indian's non-taxable reservation and, thereby, further narrow the county's constricting tax base. They argued that the county, being classified as a distressed area, could little afford the additional tax loss.³

Arthur Lazarus, Jr., General Counsel for the Seneca Nation of Indians from the Washington, D.C., law firm of Strasser, Spiegelberg, Fried, Frank and Kampelman, countered that the ". . . 800-or-so . . ." acres taken off the tax roles was low value woodland. He said the minimal tax loss would be greatly offset by future recreational and industrial establishments developed by the Seneca Nation and would tremendously generate increased real estate and business values for the county. Lazarus believed the small tax loss could be paid from the Brill Engineering Corporation's recreation budget without changing the economics of that proposal ". . . one bit."⁴ He failed, however, to foresee the possibility of Congressional rejection of the Brill study.

Loney W. Hart, Chief, Legislative Services (Real Estate), Office of the Chief of Engineers, stated that the Corps did not oppose lieu lands if such property did not become part of Kinzua's project costs.⁵ Hart

³Ibid., pp. 23, 27-29, 38. Cattaraugus County's tax base had been narrowed by the loss of acreage from abandoned farms being acquired by New York State whenever they were no longer taxable up to their previous value. Ibid., pp. 24, 33, 34, 46.

⁴Ibid., p. 381.

⁵This same type of reasoning by the Corps of Engineers was found throughout the Corps' testimony before both the House and Senate and, understandably, they wanted to keep the cost-benefit ratio of the dam down to make the overall costs look more attractive. Congress took the opposite view, also understandably, that all expenses should be considered part of the overall project costs since it was all tax money regardless of what category it came under. Pittsburgh Post Gazette, July 16,

contended that, since the Department of the Interior regulated Indian Affairs, the department had the responsibility to condemn⁶ and deduct the price of private land from the direct damages granted to the Indians.⁷

The Indians who testified before Haley's Subcommittee, including Seneca President George Heron, presented a memorial to Congress expressing a desire for lieu lands. Basil Williams, chairman of the Seneca's Lieu Lands Committee,⁸ and former President of the Seneca Nation, presented figures in support of this appeal. He disclosed that of the 30,469 acre Allegany Reservation the Senecas would lose 10,210 acres to Kinzua Dam while the rented Congressional Villages and city of Salamanca⁹ accounted for another 10,000 acres in addition to 2,000 acres for rights-of-way. Williams asserted that the remaining 8,459 acres, since the dam had taken the best lands,¹⁰ consisted only of hillsides and isolated, unconnected parcels of real estate.¹¹

1963, p. 4; U.S. Congressional Record, 88th Cong., 1st Sess. (Washington, 1963), CIX, Part 16, 20885-20886; Armando C. Lardieri said Congress had many projects to approve and would first consider the project with the lowest cost-benefit ratio and he said Congress thought all funds should be part of the project costs. Interview with Armando C. Lardieri, Project Engineer on Construction, Corps of Engineers, Pittsburgh District, Pittsburgh, Pennsylvania, June 4, 1968.

⁶House Seneca Indian Relocation Hearings, p. 170.

⁷Ibid., p. 163.

⁸Ibid., pp. 47-49.

⁹There are six Congressional Villages. In addition to the city of Salamanca they are West Salamanca, Vandelia, Carrolton, Great Valley, and Red House. Senate Seneca Indian Relocation Hearing, p. 115, cited in a letter from Arthur Lazarus, Jr., to Dr. J.L. Taylor, Consultant on Indian Affairs, Committee on Interior and Insular Affairs, House of Representatives, April 18, 1963.

¹⁰Williams' figures contain an error of an extra 200 acres. This overestimate is reasonable since the exact acreage of the Allegany Reservation is unknown.

¹¹House Seneca Indian Relocation Hearings, p. 59.

Walter Taylor, representative to the Seneca Nation from the Indian Committee of the Philadelphia Yearly Meeting of Friends, supported the Senecas' wish for lieu lands when he expressed his belief that they could reasonably request a few thousand acres. He doubted that such an appeal would be forthcoming except for a few acres to protect the Nation's future recreational developments.¹² At a meeting on October 13, 1961, Woodrow L. Berge, Acting Director of Real Estate, Office of the Chief of Engineers, announced at a joint meeting of the Corps of Engineers, the Bureau of Indian Affairs, and the Seneca Nation that the Nation would notify the District Engineer at Pittsburgh of the amount of lieu lands desired.¹³

During 1961 the Senecas professed a desire for lieu lands. They showed political finesse in opposing the taking of their own reservation lands, but appeared willing to have the Corps of Engineers take private land to compensate them for their loss. Finding themselves in this contradiction or ". . . discrimination in reverse . . .,"¹⁴ the Indians said little on the subject after 1961.¹⁵ The Senecas adroitly realized that the opposition generated against them would only jeopardize their position in future efforts to get the best settlement possible from the federal government.¹⁶

¹² Ibid., p. 260.

¹³ Ibid., p. 169.

¹⁴ Interview with Armando C. Lardieri, Project Engineer on Construction, Corps of Engineers, Pittsburgh District, Pittsburgh, Pennsylvania, May 30, 1968.

¹⁵ House Seneca Indian Relocation Hearings, p. 313; House Reports 88th Cong., 2nd Sess., No. 1128 (Washington, 1964), p. 13, states that the Indians were still considering lieu lands.

¹⁶ Interview with Helmer Hansen, Project Engineer, Pittsburgh District, Corps of Engineers, Pittsburgh, Pennsylvania, May 30, 1968.

Haley's extremely pro-Seneca Subcommittee, also greatly influenced by the same opposition, did not fall into the Indian contradiction. Being adverse to granting lieu lands, the Subcommittee proclaimed a lack of an overriding public necessity to condemn these lands.¹⁷ Haley and the House Subcommittee had been trying to get out of a very difficult situation without alienating anyone with their approval or disapproval of lieu lands.

Regardless of the reasons for the Seneca silence or for the hesitations of the House Subcommittee on Indian Affairs, the Senecas quietly dropped the lieu lands issue. They did, however, purchase 440 acres of land at their own expense.¹⁸

Design, Corps of Engineers, Pittsburgh District, Pittsburgh, Pennsylvania, June 4, 1968; Don Neil presented an interesting angle that the Senecas were only paying lip-service to lieu lands. He felt they did not want additional lands. Neil's point of view is difficult to fathom especially when the traditional Indian love of land is considered. Interview with Don Neil, reporter for the Warren (Pa.) Observer, Warren, Pennsylvania, June 5, 1968.

¹⁷House Seneca Indian Relocation Hearings, pp. 171, 314.

¹⁸Interview with Calvin John, president of the Seneca Nation of Indians, Jimersontown, Allegany Reservation, New York, April 15, 1968.

CHAPTER III

RECREATION

Vaguely hidden in Cattaraugus County's opposition to the substitution of real property lay the desire to profit from the recreational potential of the future Allegheny Reservoir. Hinting that the Senecas were lazy, the county's citizens reasoned that the Indians did nothing to improve or benefit their 30,000 acre reservation.¹ The non-Indian never fully understood that his conception of land greatly differed from that of the Indian.²

The Seneca Nation also desired to share in the Allegheny Reservoir's recreational potential. For this purpose, and under the chairmanship of Wayne Printup, a Seneca Indian, the Nation established a Recreational Development Committee.³ The objectives of the committee were to improve and rejuvenate the Seneca social and economic status through the creation

¹U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), pp. 27, 29, 33, 42-44. Hereafter cited as House Seneca Indian Relocation Hearings.

²Ibid., pp. 274, 344, 393; U.S. Congress, Senate, Subcommittee on Indian Affairs, Hearing, on S. 1836 and H.R. 1794, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), pp. 86, 110. Hereafter cited as Senate Seneca Indian Relocation Hearing.

³The Corps of Engineers, the National Park Service, and the Forest Service had already started a number of recreation studies for the federal government. House Seneca Indian Relocation Hearings, p. 332; Roy B. Campbell said the U.S. Government overdid its studies. Interview with Roy B. Campbell, Director of Planning for Cattaraugus County, Little Valley, New York, June 6, 1968; U.S., Congressional Record, 87th Cong., 2nd Sess. (Washington, 1962), XVIII, Part 16, 21315.

of full employment. The committee hoped to instill a sense of pride in the Indian by creating a commendable recreation site that would extend the Seneca culture and heritage to tourists and guests. On June 9, 1962, to begin implementing these objectives, the Seneca Recreational Development Committee submitted preliminary plans to the Seneca Council. The primary interest of these plans, centered around land, water, and nature-oriented activities, embodied Seneca culture and history.⁴

On February 20, 1963, the Department of the Interior awarded the Brill Engineering Corporation of New York City a \$50,000 contract to make a feasibility study of each unit of commercial recreation proposed by Printup's Committee.⁵ The Corps of Engineers and the Bureau of Indian Affairs jointly financed the study that had been requested by the Seneca Nation.⁶ Brill's major objective, arrived at in conjunction with the recreational planning consultants of Child and Waters, Incorporated, of New York City, was the exploration of ways to improve the Seneca Nation's economy by instituting a commercial tourist and recreational project competing with similar projects in the area. Brill's other objectives, as proposed, resembled those of the Seneca's Recreational Development Committee.⁷

⁴House Seneca Indian Relocation Hearings, pp. 67-70.

⁵Ibid., p. 70; The Brill Engineering Corporation's ". . . experience has been in the design and supervision of construction of engineering projects . . ." and general consultants on programs involving ". . . all phases of self-liquidating enterprises from the inception to the legislative authorizations, estimates of income and operating costs, as well as the capital costs necessary to produce the facilities that will in turn produce the revenue required." Ibid., pp. 225-226.

⁶Ibid., pp. 136, 162, 297.

⁷

Peter R. Stark, assistant to the president of the Brill Engineering Corporation, emphasized the need for a ". . . completely integrated tourist destination complex capable of attracting and holding a tourist for an average of at least 2 days. . . ." He testified that such a plan could only be accomplished through ". . . a many-faceted, historic and education, living museum. . . ." The need for the historic and educational exhibit arose because of limited water-oriented recreational activities on the Allegany Reservation. The seasonal release of the reservoir's water for downstream flood control and low-flow regulation restricted these activities on the reservation.⁸

The overall purpose of the historic and educational exhibit, to be called Iroquoia, was to dramatize the history and culture of the Iroquoian Tribes.⁹ Brill planned to accomplish this by emphasizing the influence of the Iroquois way of life on the British, French, Canadians, and Americans. Physically, the 250-acre layout, spreading its economic benefits throughout southwestern New York and northwestern Pennsylvania, would contain seven sections.

Whenever funding permitted, two of the seven sections, State Line Run and Hotchkiss Plateau, would be constructed, while the remaining and less imaginative five sites waited for future development.¹⁰ State Line

⁸Ibid., pp. 227, 339-340.

⁹The Iroquoian Tribes refers to the six tribes of the former Iroquois Confederacy or Six Nations. In addition to the Seneca, the remaining five tribes consisted of the Mohawk, Cayuga, Onondaga, Oneida, and Tuscarora Indian tribes..

¹⁰House Seneca Indian Relocation Hearings, pp. 227-228, 232-233.

Run, costing an estimated \$861,857,¹¹ and the lesser of the two sites, was to be located at the Pennsylvania and New York state line on the one remaining outcrop of real estate on the Allegany Reservation. Brill Engineering Corporation's representatives, Peter Stark, Somerset Waters, and Ralph Anoushian, testifying before the House Subcommittee on Indian Affairs, recommended that wood-oriented facilities be constructed at State Line Run. On the New York side, the planners envisioned a beach area with small fishing and camp sites on the hillsides overlooking the beach with a marina, motel, restaurant, snack shops, bars, boat sales agency, and launching ramp serving the public on the Pennsylvania side. Since the Indian reservation was in New York, the Senecas would have to acquire Pennsylvania land to complete the southern structures.

The need for Pennsylvania land again brought up the subject of lieu lands. The Brill representatives said the project required 859 acres of lieu lands, 183 of which were in Pennsylvania.¹² For the protection of their recreational project from cheaper establishments, they asked that Cattaraugus County, the Corps of Engineers, and the Seneca Nation control another 511 acres through restrictive zoning.¹³

Although House Resolution 1794 gave full power to condemn land for recreational purposes, a proper constitutional action according to Arthur Lazarus, Jr., general counsel for the Seneca Nation, opposition to the proposal again came from the Corps of Engineers and Cattaraugus County.¹⁴

¹¹Ibid., p. 507, cited in a letter from Strasser, Spiegelberg, Fried, Frank and Kampelman to James A. Haley.

¹²House Seneca Indian Relocation Hearings, pp. 232-234.

¹³Ibid., pp. 235, 313.

The Brill representatives placed their project in double jeopardy by asking for both lieu lands and protection. The American idea of free enterprise probably made the request for these lands politically unwise. Even though he attempted to get the largest amount of money possible for the Senecas, Democrat James A. Haley of Sarasota, Florida, chairman of the House Subcommittee on Indian Affairs, definitely believed in private enterprise and competition. The quest for lieu lands, therefore, was again quietly dropped because the arguments of those for protection against competition fell on unsympathetic ears.¹⁵

The Brill Engineers, although deterred in their search for lieu lands, planned to build at Hotchkiss Plateau, the major site, a completely self-contained Colonial Williamsburg type exhibit.¹⁶ Ralph Anoushian, project manager for the Brill Engineering Corporation, referred to Hotchkiss Plateau as the only suitable location on the Allegheny Reservation capable of housing this educational exhibit. An impoundment,¹⁷ if soil conditions permitted, was recommended by Brill for the creation of a lake. If it were found that the soil conditions would not allow the impoundment, Brill would then request the construction of three terraced, low-level dams. Plans also called for ordinary and luxury campsites.¹⁸

¹⁵ House Seneca Indian Relocation Hearings, pp. 231-232, 234, 238, 242; Senate Seneca Indian Relocation Hearing, p. 99.

¹⁶ Reference is made to the \$61,000,000 Colonial Williamsburg, Virginia, begun in 1927 and constructed with Rockefeller Foundation funds. House Seneca Indian Relocation Hearings, p. 311.

¹⁷ The purpose of the planned impoundment, the collection of water in a reservoir, was the creation of a lake whenever the Allegheny Reservoir became too shallow to provide enough water for recreational purposes at Hotchkiss Plateau.

¹⁸ House Seneca Indian Relocation Hearings, pp. 233-234, 243.

The total estimated cost of Hotchkiss Plateau, \$7,110,000,¹⁹ included exhibit and service facilities. Bureau of Indian Affairs Commissioner Dr. Philleo Nash stated that an additional \$500,000 to \$1,000,000 would be ". . . required annually to keep the enterprise active and dynamic after the initial 10-year development period."²⁰

The Brill study also included the construction of a 268-acre industrial park on the Senecas' Cattaraugus Reservation.²¹ The underlying objectives of the industrial park were to create employment and improve the Seneca economy and tribal development.²² Officials chose the Cattaraugus Reservation rather than the Allegany owing to its nearness to the excellent transportation lines and markets of Buffalo, New York. Anoushian argued that many of the Buffalo industries operated in ". . . obsoleted multifloor cramped quarters . . ." and that the trend toward automation and private industrial parks made the Cattaraugus industrial park feasible.²³ Brill also suggested that two industrial zones be prepared for possible future use on the Allegany Reservation.

¹⁹Ibid., p. 507; cited in a letter from Strasser, Spiegelberg, Fried, Frank and Kampelman, to James A. Haley.

²⁰Ibid., p. 311.

²¹Dr. Nash described an industrial park as ". . . a tract of land which has been set aside by a municipality, . . . which would provide water, fire protection, police protection, and the ordinary community services, and would lease land on the site to manufacturing concerns which desired to set up plants on the sites, making use of the community services provided by the industrial development corporation, and paying rent for the property." House Seneca Indian Relocation Hearings, p. 313. The Cattaraugus Reservation lies approximately forty miles north of the Allegany Reservation and is one of the three Seneca Reservations. The third reservation is the Oil Springs Reservations.

²²Ibid., pp. 228-229.

²³Ibid., p. 247.

The estimated cost of the Cattaraugus industrial park totaled \$4,379,000 including \$2,000,000 for the construction of industrial buildings for rental purposes. It would employ sixty persons with an approximate annual salary of \$330,000 after five years of operation. Another 3,300 jobs would be created with salaries ranging from \$10,000,000 to \$18,000,000 annually. Brill hoped to obtain \$4,000,000 from federal government sources and another \$20,000,000, the price of the forty-four parcels of land, through private banking. The Brill engineers also believed the industrial park might be handled similar to Colonial Williamsburg if money were unobtainable through government or private sources.²⁴

The creation of employment for the largest number of unemployed Senecas was the most important object of the Brill study. Of the approximately 800 Indians in the labor force on all three Seneca reservations, approximately 240 were unemployed. Echoing senatorial opposition, Dr. Nash noted that the 800 represented less than 25 per cent of the proposed jobs that would be created by the Hotchkiss project.²⁵ Lazarus mentioned that the unemployment rate was approximately 25 per cent²⁶ and George Heron, president of the Seneca Nation, testified that employment fluctuated with the seasons. Heron added that during the summer many Indians

²⁴ Ibid., pp. 229-230; New York Times, August 10, 1963, p. 19; Senate Reports, 88th Cong., 2nd Sess., No. 969 (Washington, 1964), p. 15, cited in a letter from John A. Carver, Jr., Assistant Secretary of the Interior, to Senator Henry Jackson, chairman of the Senate Committee on Interior and Insular Affairs.

²⁵ House Seneca Indian Relocation Hearings, pp. 312, 440.

²⁶ Dr. Nash said the unemployment rate was 35 per cent, or 280 unemployed Senecas, for both the Allegany and Cattaraugus Reservations. Senate Seneca Indian Relocation Hearing, p. 161.

did seasonal construction work lasting only two or three months.

Assuming that approximately 500 persons represented the Indian labor force, Senator Frank Church, Democrat of Idaho, and chairman of the Senate Subcommittee on Indian Affairs, saw no correlation with the Indian employment possibilities and the basic idea of an industrial park. Heron countered that Church's figures failed to take into consideration some 1,000 Senecas who had moved to the larger cities of Chicago, Buffalo, and New York seeking employment. He said 75 per cent of these never find employment but stay in the cities and become public welfare charges. The Seneca president hoped the industrial park would bring them back to the reservation.²⁷

Aside from the number of employable Senecas a large amount of discussion and debate arose over the feasibility of the Brill study and the best method of financing that project. All parties generally agreed it could not be financed through the regular commercial channels.²⁸ Senator Church agreed with Dr. Nash that funds could be obtained from the Area Redevelopment Administration.²⁹ Anoushian noted that, because of his discussions with representatives of the ARA and the Job Development Authority, he believed the project could expect to receive \$2,200,000 from the Area Redevelopment Administration.³⁰

²⁷Ibid., pp. 103-104; New York Times, August 10, 1963, p. 19.

²⁸House Seneca Indian Relocation Hearings, pp. 227, 230, 239, 240, 244.

²⁹Senate Seneca Indian Relocation Hearing, p. 157.

³⁰House Seneca Indian Relocation Hearings, p. 249.

Dr. Nash emphasized that the overall cost of \$34,000,000 for the Brill project would be marginal without a government grant.³¹ He called it extraordinary compensation and grandiose while Dr. A. Heaton Underhill, Assistant Director of the Bureau of Outdoor Recreation, Department of the Interior, questioned its justification in terms of the small number of Senecas it would benefit.³² Senator Peter H. Dominick, Colorado Republican, and member of the Senate Subcommittee on Indian Affairs, believed recreation had little to do with Indian rehabilitation.³³

In addition to the project's extreme cost, location became a drawback. The Pennsylvania side of the reservoir contained the conventional³⁴ and best type of recreational potential, which caused Senator Joseph S. Clark of Pennsylvania to declare:

It is unfortunate, but the Seneca Reservation is so far upstream on the reservoir that the Senecas will not gain the maximum benefits of the water based recreational development which will occur further downriver in Pennsylvania.³⁵

Senator Church worried that the federal government might be liable for the future conduct and operation of the Senecas' recreational facilities. Arthur Lazarus assured him that the last thing the Senecas

³¹Ibid., pp. 311, 314.

³²Ibid., p. 335; U.S., Congressional Record, 88th Cong., 2nd Sess. (Washington, 1964), CX, Part 7, 9777; Roy B. Campbell agreed that the Brill plan was grandiose. Interview with Roy B. Campbell, Director of Planning for Cattaraugus County, Little Valley, New York, June 6, 1968.

³³Senate Seneca Indian Relocation Hearing, p. 81.

³⁴The conventional type of recreation is swimming, boating, and fishing. House Seneca Indian Relocation Hearings, p. 340.

³⁵Senate Seneca Indian Relocation Hearing, p. 74, cited in a statement submitted by Senator Joseph S. Clark to the Senate Subcommittee on Indian Affairs.

wanted was a ". . . permanent Federal bureaucracy on the Allegany Indian Reservation." Church, still concerned, said things usually started out with the right intentions but often ended with the federal government having to step in and take over such operations at great expense to the American taxpayer.³⁶

The extravagant \$34,000,000 Brill engineering study had little chance of passage. All of the parties who testified before Haley's Subcommittee on Indian Affairs, even representatives for the Seneca Nation, refused to urge Congressional authorization of the huge grant. The importance of the Brill study lies not in its rejection but in the fact that other less elaborate studies have been patterned after it.

Foreseeing that the Congress might not accept the financial feasibility of such a huge expenditure for recreation, Haley wisely suggested that somebody should come up with an alternate recreation plan.³⁷ George Heron professed that \$29,000,000 for recreational development posed too high a cost, and said the Seneca Nation had finished its own study. The price of the Seneca recreation plan, scaled down to \$7,971,875, was set by nonprofessionals in the field of recreation. Heron suggested going to the State of New York or the Rockefeller Foundation, if necessary, for additional funds. Although the Seneca president believed the lesser sum to be practical, he said the Seneca Nation would probably ask for a professional study of the feasibility of their program.³⁸

³⁶Senate Seneca Indian Relocation Hearing, p. 98.

³⁷House Seneca Indian Relocation Hearings, p. 250.

³⁸Ibid., pp. 436-437; Senate Seneca Indian Relocation Hearing, p. 97; Senate Reports, 88th Cong., 2nd Sess., No. 969 (Washington, 1964),

Arthur Lazarus, Jr., believed the Seneca Nation of Indians did not have the personnel with the necessary experience and skills to operate a recreational program of this magnitude. Concurring in this opinion, George Heron stated that the governing of the development would not consist entirely of Senecas. He said people interested in conservation and recreational development, possibly from the Department of the Interior, might be asked to serve on these commissions.³⁹

The Seneca Nation, as George Heron thought they might, had professionals in the field of recreation make a new recreational feasibility study of the Allegheny Reservoir. Child and Waters, Incorporated, who had worked earlier in conjunction with the Brill engineers, made the new investigation for the Seneca Nation. The Child and Waters study followed somewhat the historical-educational type Iroquoia exhibit proposed by Brill Engineering Corporation. The major aspects of the new study included a \$2,000,000 motor lodge, an Iroquois theater, an amphitheater, a cafeteria, and a lake.

The Child and Waters report placed proper emphasis on people and extensive involvement by the Seneca Indians. Roy B. Campbell, Director of Planning for Cattaraugus County, however, considered several questionable points in the \$8,240,950 plan. He believed the Seneca Nation could only afford approximately \$6,000,000 and,⁴⁰ therefore, over \$2,000,000 would have to be cut to make the proposal workable.

pp. 14-15, cited in a letter from John A. Carver, Jr., Assistant Secretary of the Interior, to Senator Henry M. Jackson, Senate Committee on Interior and Insular Affairs.

³⁹Senate Seneca Indian Relocation Hearing, p. 98.

⁴⁰Roy B. Campbell, "A Critique of Preliminary Iroquoia Report," unpublished mimeographed report of the Cattaraugus County Planning Board,

Campbell suggested that \$1,000,000 be cut from the proposed \$2,000,000 motor lodge by erecting \$10,000 units instead of the proposed \$20,000 units. He believed this procedure would yield more money compared to the initial outlay because the Senecas could charge \$15.00 a night for the \$10,000 units and bring in additional guests than would the more expensive \$25.00 a night accommodations. The Cattaraugus County Planning Director suggested other cuts that,⁴¹ together with the \$1,000,000 would bring the plan down to a more practical \$6,572,950 to \$6,522,950.⁴²

October, 1965, p. 1, in possession of Roy B. Campbell, Little Valley, New York.

⁴¹Ibid., pp. 1-6.

⁴²These figures were calculated by the writer from those given by Campbell and would probably be lower because Campbell suggested several other areas be cut but did not give any figures. The \$50,000 difference between the \$6,572,950 and \$6,522,950 figure arose over Campbell's recommendation to eliminate a bar facility at the Iroquois Theater at a savings of \$150,000 to \$200,000. Ibid., pp. 25; two and one-half years after his critique Campbell said the Child and Waters study would have to be reduced to \$4,000,000 rather than to \$6,000,000. During the three year interval he must have felt the Seneca Nation did not have the necessary capital for a \$6,000,000 project. Interview with Roy B. Campbell, Director of Planning for Cattaraugus County, Little Valley, New York, June 6, 1968.

CHAPTER IV

SPECIAL DAMAGES

Maribel Printup of Salamanca, New York, a Seneca Indian, and chairman of the Seneca Nation Education Committee, made a survey during 1962 of the number of Senecas who had finished high school. The survey showed that of those 41 years of age and over, 10.3 per cent had completed high school, compared to 41.2 per cent in the 31 to 40 age group and 54 per cent in the age group 30 and under. Printup defended the fact that no Senecas had a college education because the nature of the work around the reservation did not require a technical or college education. The situation, however, had changed because of the trend to automation and, the unskilled Seneca laborers, including many high school dropouts, had fewer job opportunities.

A second Education Committee survey, encompassing Seneca children in grades seven through twelve from four schools on the Allegany and Cattaraugus reservations, showed that an overwhelming majority of those surveyed indicated a desire to continue college or vocational education. A lack of necessary finances constituted the only drawback for this continuance. The funds available from the State of New York and the annual \$500 from the Peter Doctor Scholarship Foundation for thirty Indian students from New York insufficiently carried out the educational demands of the Seneca Nation. Printup said the Senecas needed a program encompassing college education, vocational training, and adult education to solve

their educational dilemma.¹

The Education Committee believed their plan for a \$2,300,000, twenty-year, self-liquidating education fund of scholarship loans, grants, and counseling services would solve the problem. The plan, based on the anticipated costs of higher education and vocational training, corresponded to the number of Senecas planning to continue their education.² It was intended to finance and educate a generation of Senecas beginning with 55 youngsters in the first year of operation and gradually increasing to 115 in 20 years.³ Seneca President George Heron believed that in 20 years 970 Senecas would have completed college and 519 vocational education and another 28 would have completed post-high training.⁴

The government grant, endorsed by the Bureau of Indian Affairs, would provide each college student with \$2,000 a year. This amount, based on need, was the 1962-1963 average annual expense of college education in New York State. If funds permitted, the twenty-year limit would be extended, but the Education Committee believed that after 1983 the child's parents would be able to provide the finances for their children's education. Funds from the Nation's commercial enterprises would

¹U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), pp. 71-72. Hereafter cited as House Seneca Indian Relocation Hearings.

²Ibid., p. 301.

³House Reports, 88th Cong., 2nd Sess., No. 1128 (Washington, 1964), p. 9. Hereafter cited as House Reports, No. 1128.

⁴New York Times, October 19, 1964, p. 24.

also be available in 1983 for the parents who could not provide the necessary amount.

The adult assistance section of the education plan, extending over a five year period, would provide one year of vocational education or an additional year in college. The Education Committee estimated that \$1,000 an adult would cover this cost.⁵

The opposition against the Seneca Education Committee proposal resembled all the discussions over special damages.⁶ Reflecting this opposition, Senator Frank Church, chairman of the Senate Subcommittee on Indian Affairs, argued that education was indirectly related to the Kinzua Dam project. He saw no need for vocational education since his Senate Subcommittee had extended and enlarged vocational education to all Indians. Arthur Lazarus, Jr., general counsel for the Seneca Nation, countered that no Bureau of Indian Affairs education programs operated in New York State⁷ and Dr. Philleo Nash, Commissioner of Indian Affairs, said the reason the Senecas had not taken advantage of higher education or adult training reflected the Bureau's departure in 1949 from the southwestern New York area.⁸ Church found it difficult to understand how anyone could justify the Seneca Indians' getting \$1,200 more than

⁵House Seneca Indian Relocation Hearings, p. 73. See Table I, pp. 29-30.

⁶Special damages was the term used by President John F. Kennedy and all the parties concerned with Seneca compensation involving damages usually not covered under ordinary compensation.

⁷U.S., Congress, Senate, Subcommittee on Indian Affairs, Hearings, on S. 136 and H.R. 1794, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), p. 106. Hereafter cited as Senate Seneca Indian Relocation Hearing.

⁸Senate, Seneca Indian Relocation Hearings, p. 154.

TABLE I

THE SENECA NATION EDUCATIONAL TRUST FUND, 1964-1983**

Year	College				Total	Vocational			Adult	Total
	1	2	3	4		1	2	3		
1964	8	7	-----	-----	15	9	5	14	26	55
1965	8	5	4	-----	17	10	5	15	20	52
1966	10	6	5	4	25	12	6	18	14	57
1967	10	6	5	5	27*	12	6	18	10	55*
1968	12	7	6	5	31*	13	6	19	10	60*
1969	13	9	6	6	35*	14	7	21	-----	56*
1970	14	11	8	6	39	15	7	22	-----	61
1971	15	11	10	8	44	16	8	24	-----	68
1972	16	12	10	10	48	17	8	25	-----	73
1973	17	12	11	10	50	18	9	27	-----	77
1974	18	13	11	11	53	19	10	29	-----	82
1975	19	13	12	11	55	20	10	30	-----	85
1976	20	14	12	12	58	20	10	30	-----	88
1977	20	14	13	12	59	20	10	30	-----	89
1978	22	14	13	13	62	21	10	31	-----	93
1979	22	16	13	13	64	21	10	31	-----	95
1980	23	16	15	13	67	22	11	33	-----	100
1981	23	17	15	15	69*	22	11	33	-----	102*
1982	24	17	16	15	72	23	12	34	-----	106*
1983	24	17	16	16	80*	23	12	35	-----	115*

*Several errors exist that do not offset the purpose of the table.

**U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., p. 74.

TABLE I (cont.)

THE SENECA NATION EDUCATIONAL TRUST FUND, 1964-1983**

Year	Partici- pants	Yearly cost	Adminis- trative cost	Total yearly cost	Balance	Interest annually at 4 percent	Balance
1964							\$2,300,000
1964	55	\$ 84,000	\$ 8,400	\$ 92,400	\$2,207,600		2,207,600
1965	52	84,000	8,400	92,400	2,115,60*	\$88,304	2,203,504
1966	57	100,000	10,000	110,000	2,903,504	88,140	2,181,644
1967	55	100,000	10,000	110,000	2,071,644	87,266	2,158,910
1968	60	110,000	11,000	121,000	3,037,910	86,356	2,124,266
1969	56	112,000	11,200	123,200	2,001,066	84,971	2,086,037
1970	61	122,000	12,200	134,200	1,951,837	83,441	2,035,278
1971	68	136,000	13,600	149,600	1,885,678	81,441	1,967,089
1972	73	146,000	14,600	160,600	1,806,489	78,684	1,885,173
1973	77	154,000	15,400	169,400	1,715,773	75,407	1,791,180
1974	82	164,000	16,400	180,400	1,610,780	71,647	1,682,427
1975	85	170,000	17,000	187,000	1,495,427	67,297	1,562,724
1976	88	176,000	17,600	193,600	1,369,124	62,509	1,431,633
1977	89	178,000	17,800	195,800	1,235,833	57,265	1,293,098
1978	93	186,000	18,600	204,600	1,088,498	51,724	1,140,222
1979	95	190,000	19,000	209,000	931,222	45,609	976,831
1980	100	200,000	20,000	220,000	756,831	39,073	795,904
1981	102*	204,000	20,000	224,000	571,904	31,836	603,740
1982	106*	212,000	20,000	232,000	371,740	24,150	395,890
1983	115*	230,000	20,000	250,000	145,890	15,835	161,725

*Errors exist in the above table similar to those in Table I on the preceding page.

**U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., p. 74.

what other Indian tribes received for higher education from the Bureau of Indian Affairs.⁹ Senator Peter H. Dominick of Colorado, member of the Senate Subcommittee on Indian Affairs, questioned the possibility of the BIA going back into southwestern New York since they left the area fourteen years ago. Nash told Dominick he did not believe the education program would require a large Bureau establishment or interference in the Seneca Nation's affairs.¹⁰

Regardless of the arguments for the educational program the Committee on Interior and Insular Affairs did not feel that \$2,300,000 reflected an equitable sum when compared with previous settlements.¹¹ This opposition to the educational authorizations of House Resolution 1794 failed to halt the appropriations of funds and, in the spring of 1967, seventy-five Seneca children applied for scholarship aid.¹² One year later 80 per cent of the Seneca high school children had also applied for future aid.¹³

The Seneca Nation, apart from education, estimated and requested a maximum reimbursement of \$250,000 for attorney's fees and administrative expenses. Basil Williams, former president of the Seneca Nation, and chairman of the Lieu Lands Committee, presented the Nation's arguments before Haley's Subcommittee. Williams told why he felt the federal

⁹Ibid., p. 107.

¹⁰Ibid., pp. 156-157.

¹¹Senate Reports, 88th Cong., 2nd Sess., No. 969 (Washington, 1964), p. 7. Hereafter cited as Senate Reports, No. 969.

¹²Pittsburgh Press, July 25, 1967, Sect. 2, p. 25.

¹³Interview with Calvin John, president of the Seneca Nation, Jimersonstown, Allegany Reservation, New York, April 15, 1968.

government committed itself to compensate the Indians for this expense. He said that the yearly income of the Seneca Nation, earned mainly through the rentals of rights-of-way easements to public utilities and rents collected from the Congressional Villages, had never exceeded \$100,000, a sufficient amount before 1961 to run the Nation's business.

Williams explained that the Nation's business office, before the beginning of Kinzua Dam's construction, had consisted of only one single large room with one salaried full-time deputy clerk. The dam's construction made it necessary to enlarge the office space to five rooms with an office staff of three including a full-time administrator. Added to these expenses, the Indians faced increased cost of rental, heating, lighting, and the publishing of a tribal newsletter to keep the tribe informed on all meetings involving the construction of the Allegheny Reservoir. Basil Williams felt that the federal government was liable for the differences between the 1961 and 1962 administrative expenses and for all other expenses incurred by the Nation because of the government's construction of the dam.¹⁴

The Senecas' largest administrative expense represented an outlay of \$48,700 for 1962 appraisals with the largest slice, \$45,000, going to Empire Appraisal Associate of Jamestown, New York. The second largest sum, \$40,531.49, went for the engineering of the Conewango-Cattaraugus Alternate to Kinzua Dam; Dr. Arthur Morgan, former director of the Tennessee

¹⁴The administrative expenses included travel and lodging, Kinzua Planning Committee meetings, clerical and administration, facilities (utilities), and conferences in Washington, D.C., Albany, New York, and Pittsburgh, Pennsylvania. House Seneca Indian Relocation Hearings, pp. 50-58. See Table II, p. 33.

Valley Authority, and engineering adviser to the Seneca Nation, received \$27,685.22 of the total figure. A whole range of other expenses made up the total amount requested by the Seneca Nation.¹⁵

The Bureau of Indian Affairs concurred in the Senecas \$250,00 figure saying this type of expense compared to that paid by the Corps of Engineers in the Missouri River Basin projects¹⁶ and reflected standard procedure in the legislation approved by James A. Haley's Subcommittee on Indian Affairs. The greater Seneca expenses stemmed from a substantial expenditure for appraisers and for conducting a long fight to halt Kinzua Dam. If the total expenses did not amount to \$250,000, it being a maximum figure, the remainder would revert back to the United States Treasury.¹⁷ The Nation's disbursement would first be checked by the Bureau of Indian Affairs before any money came out of the Treasury.¹⁸

The second part of the Seneca's request, attorney's fees, arose from the Nation's contract with the law firm of Strasser, Spiegelberg, Fried, Frank and Kampelman of Washington, D.C. Based on a minimum fee of 5 per cent and a maximum fee of 10 per cent for the recovery of lands of interests in lands taken by the Allegheny Reservoir project¹⁹ the attorney's

¹⁵House Seneca Indian Relocation Hearings, p. 53. According to the New York Times, October 9, 1962, p. 38, the office had seven rooms.

¹⁶House Seneca Indian Relocation Hearings, p. 308. The Missouri River Basin projects affected the Cheyenne, Standing Rock, Crow Creek, and Lower Brule Indians.

¹⁷Ibid., p. 390.

¹⁸Ibid., p. 467.

¹⁹Senate Seneca Indian Relocation Hearing, p. 122, cited in attorney's Contract No. 809, Strasser, Spiegelberg, Fried, Frank and Kampelman, with the Seneca Nation of Indians, October 17, 1959.

contract was set by the courts with the approval of the Secretary of the Interior;²⁰ Unlike recreation and lieu lands, this amount aroused no opposition from either the House or Senate.

The Seneca Nation also requested two community buildings under special damages to serve the two communities of the Cattaraugus and Allegany Reservations.²¹ The proposed structures would provide the Nation with tribal offices, a meeting place, a dining hall, and a gymnasium. The Senecas said the new buildings, together with their recreational facilities, would help to restore Indian community life,²² and would become ". . . focal points of the Seneca Reservation, . . ." for their children. Faced with the problem of how to challenge school dropouts and juvenile delinquency, the Seneca leaders hoped the community buildings would be places for their children to congregate²³ under adult supervision. This seemed even more reasonable since the Allegheny Reservoir, for the first time in the reservation's history, clustered the Senecas closer together at Jimerstown and Steamburg.²⁴

The Indians argued that the two reservations were too far apart for the citizens of both reservations to use the same building. They said the difficulty was increased because of the Seneca's custom of alternating

²⁰Senate Seneca Indian Relocation Hearing, p. 120.

²¹House Seneca Indian Relocation Hearings, p. 52.

²²Ibid., p. 301.

²³Ibid., pp. 384-385.

²⁴Interview with Tessie Snow, stenographer and bookkeeper for the Seneca Nation Housing Authority, Jimersontown, Allegany Reservation, New York, June 6, 1968.

their council meetings between the Cattaraugus and Allegany Reservations.²⁵ The need for the community buildings became more urgent with the danger of possible occasional flooding of the Allegany Indian courthouse basement. In addition, the situation became even more pressing when in 1960 the Cattaraugus courthouse suffered destruction by fire.²⁶

The cost of each building including furnishings was \$485,000. The Community Facilities Administration required 25 per cent reimbursement of \$235,000 if they granted the Seneca Nation's \$940,000 request.²⁷ The CFA refused the request because they had planned to supply the Nation with \$206,000 for water development at Steamburg and Jimersontown.²⁸ Recognizing the need for restoring the Senecas' community life, Congress granted the necessary money²⁹ for construction of the Saylor Building on the Cattaraugus Reservation and the Haley Building on the Allegany Reservation.

The resurvey of leased Indian land was another way in which the Seneca Nation hoped to improve and propagate their community. It, too, was considered a special damage, and was most unusual when compared with the usual procedures in projects similar to the Allegheny Reservoir.

²⁵House Seneca Indian Relocation Hearings, p. 385.

²⁶Senate Seneca Indian Relocation Hearing, p. 105.

²⁷House Seneca Indian Relocation Hearings, p. 384.

²⁸Senate Seneca Indian Relocation Hearing, p. 159.

²⁹U.S., Congress, An act to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York . . ., Public Law 88-533, 88th Cong., 2nd Sess., 1964, p. 3.

The problem began in 1875, when, to protect Indians³⁰ and non-Indians found by the courts to be illegal residents within the Allegany Reservation, Congress, at the request of the New York State Legislature, passed the Act of February 19, 1875, to govern Seneca leasing within the territories designated as Congressional Villages.³¹ On September 30, 1890, two years before the second leases were to expire, Congress renewed them for ninety-nine years.³² In 1940 the United States successfully brought suit to cancel the leases of non-payers. New leases involving a rent increase were then negotiated with the prior tenants with rents fixed at two and one-half per cent of the assessed property value or 75 per cent of real property value. The Seneca Nation, then, received approximately 2 per cent of the real property value for their land under lease.³³

The Seneca Leasing Act of August 14, 1950, authorized the Senecas, under New York State law, and without approval of the Secretary of the Interior, to grant leases for a maximum term of ten years.³⁴ The 1950

³⁰House Seneca Indian Relocation Hearings, p. 307; most references refer to the government protecting the Indians but it also protected and held the leased land in trust for the Indian. Interview with Halsey Harman, Project Engineer, Pittsburgh District, Corps of Engineers, Pittsburgh, Pennsylvania, June 4, 1968.

³¹Six Congressional Villages exist. In addition to the city of Salamanca they are West Salamanca, Vandelia, Carrolton, Great Valley, and Red House. Senate Seneca Indian Relocation Hearing, p. 115, cited in a letter from Arthur Lazarus, Jr., to Dr. J.L. Taylor, Consultant on Indian Affairs, Committee on Interior and Insular Affairs, House of Representatives, April 18, 1963.

³²House Seneca Indian Relocation Hearings, p. 61.

³³Ibid., p. 387.

³⁴Ibid., p. 297.

Act did not permit the Nation to spend more than \$5,000 annually of the Nation's income from the leased lands. On January 11, 1961, Senator Kenneth B. Keating of New York, who believed the Seneca Leasing Act was outdated, introduced Senate Resolution 344 to amend the act. He felt the elected Council of the Seneca Nation was capable of honestly and fairly handling the money for the Nation's welfare.³⁵ On April 13, 1961, a similar bill, House Resolution 6298, was introduced in the lower chamber.

Prior to the introduction of both measures, the Nation's Council had favorably resolved to support the removal of the monetary limitation. House and Senate committees amended the two bills to eliminate the requirement that unexpended lease money had to be paid out in per capita payments. The bills were further amended to allow the Seneca Nation the right to grant easements and rights-of-way without prior approval of the Department of the Interior.³⁶

The Bureau of Indian Affairs executed and managed the Salamanca long-term leases through their agent in Salamanca. A BIA administrative order closed the Salamanca office in 1949 and records pertaining to Allegheny Reservation leases were immediately sent to Washington. Salamanca leases were turned over to the Nation in chaotic condition. The Indians said they were left with inadequate data for determining the rent and

³⁵U.S., Congressional Record, 87th Cong., 1st Sess. (Washington, 1961), CVII, Part 1, 533.

³⁶U.S., Congressional Record, 87th Cong., 1st Sess. (Washington, 1961), CVII, Part 14, 18220.

lands under leases. The Nation believed the poor records deprived them of income from the Salamanca leases.³⁷

The Nypenn Realty Corporation of Jamestown, New York, estimated that a resurvey of 3,344 parcels of land would cost \$194,000, if surveyed by their Corporation. They said a more complete study would cost an added \$83,325, or \$25.00 more per parcel.³⁸ House Resolution 1794 provided for the appropriation of funds to conduct the resurvey of the boundaries of the Congressional Villages and for a title search to determine the current status and extent of all leases issued by the Seneca Nation. The Nation believed the federal government should pay for the resurvey since it was the government's fault that the records were in such terrible condition.³⁹

The Seneca Nation's representatives presented many excellent arguments for the boundary resurvey. They testified that valuable properties were being leased in Salamanca for only \$1.00 a year.⁴⁰ It was pointed out that Salamanca paid a single sum of \$12,000 to \$13,000 annually for leases,⁴¹ while the city collected \$12,000,000 to \$13,000,000 yearly in taxes from property having a fair market value in excess of \$16,000,000.⁴²

³⁷House Seneca Indian Relocation Hearings, pp. 61-62.

³⁸The \$83,325 is an error. It should be \$83,600. Senate Seneca Indian Relocation Hearing, p. 117, cited in letter from Nypenn Realty Corp., to Arthur Lazarus, Jr., Seneca Nation Office, Salamanca, New York, June 7, 1963; House Seneca Indian Relocation Hearings, p. 307.

³⁹House Seneca Indian Relocation Hearings, p. 62.

⁴⁰Ibid., p. 307.

⁴¹Ibid., p. 386; Pittsburgh Press, October 5, 1957, Sect. 2, p. 9; New York Times, July 17, 1962, p. 22.

⁴²House Seneca Indian Relocation Hearings, p. 386.

The House Committee on Interior and Insular Affairs stated that the leases paid a ". . . pittance in revenues to the nation . . ."43 and Dr. Nash recommended going ahead with the resurvey to identify trespassers and to increase the Nation's income.44

Senator Church, presenting the arguments of the opposition, said the resurvey had nothing to do with the Kinzua project. Lazarus agreed that although the Senator was correct, he said the leasing procedures was an ancient injury that needed remedied.45 Church countered that since the Seneca Nation would greatly profit from the leases, a government loan should be made for the resurvey instead of a federal grant. The Senator argued that the Senecas were being given preferential treatment. Dr. Nash weakly answered that the good name and honor of the United States and the greater damage and destruction that occurred to the Senecas compared to that of other tribes were reasons for the grant.46 The Senate Committee on Interior and Insular Affairs, voicing Senator Church's arguments, felt the resurvey was out of line and had little connection with the taking.47

Direct damages, similar to the resurvey of the Congressional Villages, were considered by the House Subcommittee on Indian Affairs as part of special damages. Senator Kenneth B. Keating of New York helped to devise

⁴³House Reports, No. 1128, p. 10.

⁴⁴House Seneca Indian Relocation Hearings, p. 307.

⁴⁵Senate Seneca Indian Relocation Hearing, p. 118.

⁴⁶Ibid., pp. 162-163.

⁴⁷Senate Reports, No. 969, p. 7.

a \$6,000,000 compensation bill of direct damages. Keating believed the Allegany Reservation to be of ". . . high quality, considerably better, in fact, than that of the average reservation."⁴⁸ Empire Appraisal Associates of Syracuse, New York, contracted by the Seneca Nation, placed a \$5,898,886 value on Seneca land, homes, barns, fences, wells, and other structures and improvements in the project area.⁴⁹ This amount, including severance damage for 800 acres, was based on the fair market value of each individual tract of land in the reservoir area.⁵⁰

The Seneca Nation held title to Allegany Reservation land; individual Indians who had constructed the buildings and lived on the land owned all the structures and improvements.⁵¹ The Seneca Nation wanted \$4,735,168 of the \$5,898,886 as the Nation's share in the land and the remainder, \$1,163,718, as the individual's interest for improvements.⁵²

The Corps of Engineers felt Empire's appraisal was entirely excessive. The differences between the Corps and Empire arose over their respective appraisal and classification techniques. The Nation objected to the Corps discounting land under flowage easements or restricted use rights down to 5 per cent of fair market value. Lazarus said the Engineers penalized the Nation with this discount. The Seneca lawyer, citing the case of the

⁴⁸U.S., Congressional Record, 88th Cong., 1st Sess. (Washington, 1964), CIX, Part 9, 12213-12214.

⁴⁹House Seneca Indian Relocation Hearings, p. 298.

⁵⁰Ibid., p. 298; interview with Halsey Harmon, Project Engineer, Pittsburgh District, Corps of Engineers, Pittsburgh, Pennsylvania, June 4, 1968.

⁵¹House Seneca Indian Relocation Hearings, p. 360.

⁵²Ibid., p. 298.

Crow Creek and Lower Brule Indians involved in Missouri River Basin projects, testified that these Indians had been given full fair market value plus grazing rights.⁵³ Loney W. Hart, Chief, Legislative Service (Real Estate), Office of the Chief of Engineers, stated that because the government did take a flowage easement and since the Corps placed restrictions on the use of the land, these restrictions were taken into consideration when compensation for direct damages was paid.⁵⁴

Representative James A. Haley's Subcommittee, as recommended by the Corps of Engineers, provided for a division of compensation for surface direct damages between the Nation and the individual allottee. The Seneca Nation was granted \$666,285, a sum considerably reduced from that requested by Senator Keating and Empire Appraisal Associates, as the Nation's share in the land and, \$522,775, for the individual Indian's improvements. The Nation was to distribute a sum not to exceed \$511,675, to be deducted from the \$666,285, to individual Indians for their interests in lands in the project area.⁵⁵

The individual Indian who rejected the amount of compensation for structures and improvements offered by the Corps of Engineers had recourse to the United States District Court for the Western District of New York. He could then present evidence to the court of the value of his holdings and the reasons he thought the court should provide him with

⁵³Ibid., pp. 360-361.

⁵⁴Ibid., p. 179.

⁵⁵U.S., Congress, An act to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York . . ., Public Law 88-533, 88th Cong., 2nd Sess., 1964, pp. 1-2.

additional compensation.⁵⁶ The fact that the Corps of Engineers and the Seneca Nation came to complete agreement on the \$666,285 amount for the surface value of all land within the project area ended any need for the Corps or the Nation to go to court. Lazarus, for the same reason, thought that very few individual Senecas would make use of the courts.⁵⁷

Although the Corps of Engineers and the Senecas readily reached an agreement over surface damages, they ran into great difficulty when trying to come to terms on the subsurface value of the land in the project area. The Corps spokesman, Loney W. Hart, understood the problem when he said the Corps could come up with an estimate but that it would probably be difficult to come to an agreement with the Indians. The Nation and the Corps were millions of dollars apart on oil, gas, sand, and gravel, and Hart doubted if they could ever get together on a mutual figure for these minerals.⁵⁸

The Corps estimated the subsurface rights of the Indians to be worth \$10,000 for the 10,000 acres in the reservoir area. Lazarus testified the minerals were worth \$5,000,000 but added that the Senecas were willing to accept a legislative minimum guarantee of \$500,000. Representative Wayne N. Aspinall, Democrat of Colorado, and chairman of the House Interior Committee, wondered about the disparity between the two estimates when he protested that he did not ". . . understand this 100-to-1 ratio."⁵⁹

⁵⁶House Seneca Indian Relocation Hearings, p. 165.

⁵⁷Ibid., pp. 449-450.

⁵⁸Ibid., p. 166.

⁵⁹New York Times, November 1, 1963, p. 66.

The Corps of Engineers said \$500,000 was excessive.⁶⁰ In defending his figure, Lazarus explained that the Nation's mineral leases, based on his actual operations for 1959-1963, aided him in arriving at the \$500,000 figure. He stated that sand and gravel royalties alone amounted to \$300,000. The Seneca lawyer said his \$500,000 was a conservative and compromise figure because many of the leases, soon to expire, would be renegotiated at a larger sum. He testified that the minerals on the reservation, because of their tax-free status, were even more valuable than minerals in areas surrounding the reservation.

Arthur Lazarus pointed out that the Nation did not receive royalties from gas and oil production because that production was underdeveloped. He blamed this lack of activity on the Allegheny Reservoir project which deterred a leaser from drilling and then having the wells flooded. The Nation also received income, in addition to the fifty cents an acre paid for 10,000 acres, amounting to \$5,000, from the rental of oil and gas rights.

Loney W. Hart testified that the wide differences between the Corps and the Nation arose over the mineral's market value and commercial feasibility. He said ample, even ". . . too much . . .," sand and gravel existed, but doubted if large reserves of gas and oil were present in the reservoir area.⁶¹ Representative Wayne Aspinall wondered how anyone could set a price for gas and oil if the amount of the gas and oil deposits were unknown. Hart answered that the amount of deposits would

⁶⁰House Seneca Indian Relocation Hearings, p. 452.

⁶¹Ibid., pp. 408-410.

have to be determined through cross-examination in the courts.⁶² Lazarus said the one gas well on the reservation was capped because of the lack of a pipeline.⁶³

Jarvis B. Hurley, president of the Devonian Oil and Gas Company of Pittsburgh, Pennsylvania, reported that not one but two capped and complete wells on the reservation awaited the installation of a pipeline. Both were commercial gas wells, one at the northern end of the reservation at a depth of 2,000 feet and one at 4,600 feet near the Pennsylvania-New York line. These first two wells cost Devonian \$60,000 each to drill and Hurley said to test the area would require drilling one well for every 160 acres. He said Devonian planned to drill sixty wells with an expected return of between \$6,000,000 and \$9,000,000 at a drilling cost of \$4,000,000. The sixty wells were to be drilled at the 4,600 foot level and would be purely speculative.⁶⁴

The Corps of Engineers, following this testimony, still thought the \$500,000 for subsurface minerals to be excessive. They believed, however, that if the Seneca Nation held to their \$500,000 figure the Indians would probably receive it plus what they had already been paid for the surface loss. The Engineers believed that payment for both surface and subsurface was a duplication of payment. Lazarus countered that if the Nation recovered an additional sum for sand and gravel in addition to the amount already paid for the surface value the United States would be entitled to

⁶²Ibid., p. 453.

⁶³Senate Seneca Indian Relocation Hearing, p. 119.

⁶⁴Ibid., pp. 143-145.

a reimbursement. Lazarus criticized Hart for saying that the amount paid for surface values should be immediately deducted from the \$500,000.⁶⁵

Hart hoped the Senecas would not be paid for the minerals; instead he believed the government should only pay for the increased difficulty of exploiting the minerals.⁶⁶ Arthur Lazarus, Jr., said the lands under easement below elevation 1,365 feet above mean sea level was really taken from the Seneca Nation even though the Nation retained title to the property and subsurface minerals because most of the area up to elevation 1,365 feet would be covered by the reservoir's water. He added that the increased difficulty of exploiting the minerals caused the minerals to lose their economic value.⁶⁷

Hart objected to the Seneca Nation's reservation of minerals in House Resolution 1794 since the government would only take a flowage easement⁶⁸ and leave the owner with the land and minerals.⁶⁹ The only difference was that the exploitation of the minerals was subject to reasonable regulation by the Secretary of the Army. The Corps asked that the Seneca Nation be allowed to exploit the minerals or make use of the land in the project area only on the written authority of the Army representative in charge of the project. Hart said the Corps' only recourse

⁶⁵House Seneca Indian Relocation Hearings, pp. 451-454.

⁶⁶Ibid., p. 202.

⁶⁷Ibid., p. 389.

⁶⁸Ibid., p. 163.

⁶⁹Senate Reports, No. 969, pp. 29-30, cited in a letter from Stephen Ailes, Secretary of the Army, to Senator Henry M. Jackson, Chairman of the Senate Committee on Interior and Insular Affairs, February 14, 1964.

to halt the Indians from exploiting the minerals, if this regulation was deleted from House Resolution 1794, would be to declare their structures an obstruction to navigation. The Engineers wanted to regulate construction in the project area because they did not want flimsy structures washing up into their trash rack and causing damage to Kinzua Dam.⁷⁰ Colonel Bert de Melker, District Engineer, United States Army Engineer District, Pittsburgh, Pennsylvania, stated that the Engineers did not permit the exploitation of subsurface oil and gas because of pollution to drinking water and the danger of damaging utilities and endangering human life.⁷¹

The nearest the Seneca Nation and the Corps of Engineers came together in their estimated subsurface damages was \$500,000 and \$50,000 respectively.⁷² To end the impasse, both sides agreed to allow the courts to decide the amount of compensation for sand and gravel. Congress, accepting the advice of Loney W. Hart, separated gas and oil from sand and gravel in providing compensation.⁷³ The Senecas received \$100,000 as full compensation for the increased difficulty of exploiting gas and oil.⁷⁴

⁷⁰House Seneca Indian Relocation Hearings, pp. 201, 203.

⁷¹Ibid., p. 408.

⁷²Ibid., p. 474.

⁷³Ibid., pp. 452-453.

⁷⁴U.S. Congress, An act to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York. . . ., Public Law 88-533, 88th Cong., 2nd Sess., 1964. p. 1.

Considerable disagreement also occurred between the Corps of Engineers and the Seneca Nation over indirect damages.⁷⁵ The Interior Department, the Seneca Nation, and the Corps of Engineers, agreed that the Seneca Nation and the Bureau of Indian Affairs should make a study of indirect damages.⁷⁶ The BIA estimate, \$1,442,350, excluding the value of river bottom sand and gravel deposits, was based on compensation granted in the Missouri River Basin projects.⁷⁷

Reimbursement for indirect damages covered a wide range of topics.⁷⁸ Of the \$1,442,350, the Seneca Nation requested \$691,625 for the loss of timber, feed, medicinal herbs, wildlife products, fish, berries, herbs, and craft material in the project area. DeForest Billy, clerk of the Seneca Nation, and a Seneca Indian, presenting the Nation's side of the issue, said flooding would destroy a substantial part of the resources from which such products are derived. He stated that the two new relocation sites of Jimersontown and Steamburg would probably be less accessible to these products than were the present locations in the reservoir area. Billy said cash would be needed to buy food to replace game, fruits, and wood products used in the household. He testified that the loss of timber would necessitate the buying of new equipment for heating since the Indian's present equipment was unsuitable for burning oil and gas. The Nation's clerk placed a value of \$30,665 on products obtained by Seneca families in the project zone. Billy estimated that other Seneca

⁷⁵U. S., Congressional Record, 88th Cong., 1st Sess. (Washington, 1964), CIX, Part 16, 20885-20886; New York Times, November 12, 1963, p. 38.

⁷⁶House Seneca Indian Relocation Hearings, p. 136.

⁷⁷Ibid., p. 298.

⁷⁸See Table III, p. 49.

TABLE III

ORIGINAL ESTIMATES OF INDIRECT DAMAGES OF THE SENECA NATION AND CORPS OF ENGINEERS*

	Seneca Nation	Corps
Moving and reestablishing a long house, cookhouse, and shed-----	\$ 8,000	-----
Acquiring 450 acres of replacement land in the 2 relocation areas-----	50,000	-----
Cost of domestic water at the 2 relocation sites-----	100,000	-----
(The cost of these facilities has been estimated at \$410,000 by the Community Facilities Administration, which has authorized a \$306,000 grant; and the city of Salamanca also contributed \$10,000.)		
933 acres of river bottom sand and gravel appraised by Empire Appraisals Associates at \$100 an acre but by the corps at \$6 an acre-----	93,300	\$ 5,598
(The corps claimed that the riverbed was under a servitude to the Government and, therefore, compensation was unnecessary.)		
Rough site leveling-----	155,500	-----
Site planning-----	2,000	-----
Staking 1-acre lots-----	7,775	-----
Topographical boundary survey-----	7,000	-----
Loss of timber, wildlife products, fish, berries, herbs, etc., as set forth in table 19 of our Missouri River Basin report-----	691,625	691,625
Individual removal costs and loss of earnings-----	127,050	127,050
(Moving 4 complete sets of farm buildings, \$24,520; moving 3 sets of farm machinery, \$330; earnings loss of self-employed families, \$4,800; wage loss of 102 employed persons, \$71,400; moving 130 sets household equipment and furniture, \$13,000; moving 130 families and personal property, \$13,000.)		
Total-----	\$1,242,250	\$824,273

*Senate Reports, 88th Congress, 2nd Sess., No. 969 (Washington, 1964), p. 6.

families outside the Allegheny Reservoir area acquired similar products amounting to approximately 10 per cent of the \$30,665. Individuals in the project region reported income of \$20,471 from the sale of pulp wood, building logs, posts, furs and other natural products.

These figures represented the total value of products ready for market or household use and were gross values since they did not include costs of gathering, harvesting, or preparing the products. DeForest Billy testified that the 15 per cent of the reservoir area cleared by the Corps of Engineers was more productive of timber, wildlife, and other natural products than the other parts of the Allegheny Reservation.⁷⁹

Carl Zaprowski of Salamanca, New York, a motel owner testifying as a taxpayer, said no basket weavers or medicine men lived on the Allegheny Reservation.⁸⁰ Seneca President George Heron disagreed. Heron said Zaprowski opposed the Indians because he had been an employee of the Corps of Engineers.⁸¹ Lawrence A. Layton, District Counsel, United States Army Engineer District, Pittsburgh, Pennsylvania, said a majority of the Seneca land, although potentially agricultural land, was unfarmed. He added, however, that much of the Allegheny Valley on the reservation was hillsides.⁸² A Bureau of the Budget report of February 28, 1964, stated that only eight Seneca males were employed in occupations directly affected by the Allegheny Reservoir project. Heron took exception to the

⁷⁹House Seneca Indian Relocation Hearings, pp. 60-62.

⁸⁰Ibid., pp. 43-44.

⁸¹Ibid., p. 49.

⁸²Ibid., p. 191.

Bureau's report and said more than eight Senecas were engaged in cutting pulpwood. He added that the Bureau of the Budget report probably referred to eight commercial farms.⁸³

The Corps of Engineers and the Seneca Nation fully agreed on the \$691,625 for loss of wildlife and craft materials as they did on the \$127,050 for expenses, loss of earnings, and costs of resettling individuals.⁸⁴ Disagreement, however, existed over an estimated \$400,000 needed to provide water facilities to the relocation areas.⁸⁵ Lazarus considered the money from surface damages and the Seneca Nation's own money insufficient to construct the water facilities.⁸⁶ Since the Senecas were granted \$306,000 by the Community Facilities Administration for water,⁸⁷ Hart said the Nation should lower their \$400,000 figure to \$93,000 or \$94,000. The Nation complied by lowering the requested \$410,000 to \$100,000 and the Corps did not contest it.⁸⁸

The greatest controversy involving indirect damages arose over the riverbed of the Allegheny River. Lazarus said the Seneca Nation owned the riverbed and would have continued to use it were it not for the

⁸³Senate Seneca Indian Relocation Hearing, p. 104.

⁸⁴House Seneca Indian Relocation Hearings, p. 425; U.S. Congress, An act to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York . . ., Public Law 88-533, 88th Cong., 2nd Sess., 1964, p. 1.

⁸⁵House Seneca Indian Relocation Hearings, p. 307. According to Senate Reports, No. 969, p. 6, the exact figure for water facilities was \$410,000.

⁸⁶House Seneca Indian Relocation Hearings, p. 365.

⁸⁷Senate Reports, No. 969, p. 6.

⁸⁸House Seneca Indian Relocation Hearings, p. 425; Senate Reports, No. 969, p. 6.

Allegheny Reservoir. He stated that his \$600,000 figure for the value of minerals in the project area had been reduced to \$500,000 because he assigned \$193,000 to indirect damages for the loss of riverbed sand and gravel. Lazarus interpreted the United States Constitution as being opposed to paying for the loss of riverbeds. The Seneca lawyer even agreed that the government had a dominant right of navigational servitude to the river. He said, however, that as a practical matter the loss of the riverbed was a real loss to the Seneca Nation.⁸⁹

The Department of the Army, opposed to paying for the riverbed, argued that since the river was a navigable stream, the government had an underlying and paramount right of navigational servitude, and did not need to acquire additional interests in the riverbed. It further argued that the price set by the Seneca Nation was enormous and far in excess of established market values and prior Indian legislation.⁹⁰

Lawrence A. Layton said the ownership of the Allegheny River in the Allegany Reservation could be a litigious question. He said the federal government did not claim title to the riverbed⁹¹ and Loney Hart stated that the Corps did not attempt to obtain title to riverbeds.⁹² The Corps position was that since rivers were navigable waterways of the United States it was needless to acquire title.⁹³ Hart stated that because

⁸⁹House Seneca Indian Relocation Hearings, pp. 426-427.

⁹⁰Senate Reports, No. 969, p. 27, cited in a letter from Stephen Stiles, Secretary of the Army, to Senator Henry M. Jackson, chairman of the Senate Committee on Interior and Insular Affairs, February 14, 1964.

⁹¹House Seneca Indian Relocation Hearings, p. 199.

⁹²Ibid., p. 459.

⁹³Ibid., p. 199.

of the government's navigational servitude the Corps would be unhappy if the government paid for minerals in the riverbed.⁹⁴ He believed that the Nation's \$93,300 figure for 933 acres of riverbed should be reduced to \$5,598 or \$6.00 an acre to bring it into line with compensation paid in the Missouri River Basin projects. Hart said that under the law the Corps did not have to pay anything for the riverbed but that Congress made allowances for Indians because of their peculiar relationship to the United States. He said the Corps would not object to the river bottom payment if it were not charged to the project.⁹⁵

Both the Seneca Nation and the Corps of Engineers agreed, through negotiations, to the amount of \$1,033,275 for indirect damages.⁹⁶ The Senate Committee on Interior and Insular Affairs wanted to change the \$1,033,275 figure to \$824,273, or to the Corps original figure. The Committee believed the reduction of \$209,002 was necessary because some of the Seneca figures were considered double payments.⁹⁷ The Seneca Nation was finally granted \$945,573 for indirect damages and for ". . . full settlement of all other claims, rights, and demands of the nation and its members, . . . and loss of access to the bed of the Allegheny River, . . ." ⁹⁸

⁹⁴ Ibid., p. 204.

⁹⁵ Ibid., pp. 422, 425, 431.

⁹⁶ Senate Reports, No. 969, p. 11, cited in a letter from John A. Carver, Jr., Assistant Secretary of the Interior, to Senator Henry M. Jackson, chairman of the Senate Committee on Interior and Insular Affairs, February 24, 1964.

⁹⁷ Ibid., p. 6.

⁹⁸ U.S. Congress, An act to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York . . ., Public Law 88-533, 88th Cong., 2nd Sess., 1964, p. 1.

CHAPTER V

RELOCATION AND RESETTLEMENT

Relocation and resettlement of the displaced Senecas posed a major problem for Representative James A. Haley and his Subcommittee on Indian Affairs. The project encompassed the transfer of twenty-three cemeteries containing 3,000 graves¹ to the two selected Allegheny Reservation sites of Hillside Haven and Memorial Heights.² Loney W. Hart, Chief, Legislative Services (Real Estate), Office of the Chief of Engineers, estimated the cost to be \$600,000, or \$200.00 a grave to transform two sections of hillsides into presentable cemeteries. The sum included road construction, landscaping, grading, drainage, and reinterment.³

The Seneca Nation, responsible for the perpetual care of the two cemeteries, formed a Cemetery Corporation to care for the graves. The Secretary of the Army provided \$43,200 or \$14.40 a grave for the perpetual care and maintenance of the grounds.⁴ Although this figure seemed

¹U.S. Army, Corps of Engineers, Office of the District Engineer, Pittsburgh, Pennsylvania, Map No. 038-U1-69/33, Allegheny Reservoir and Allegheny River Cemetery Relocation Map, Sheet 2, August 15, 1963.

²U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., p. 163. Hereafter cited as House Seneca Indian Relocation Hearings.

³Ibid., pp. 465-466.

⁴Ibid., p. 163.

small for perpetual care, Wayne N. Aspinall of Colorado, chairman of the House Committee on Interior and Insular Affairs, said \$14.40 would provide ample care for the new graves.⁵ Understanding cemetery removals to be normal project procedure, the House and Senate did not oppose the relocations, which soon became an accomplished fact.

The outstanding problem facing Haley's Subcommittee, included with Indian compensation, was getting the living Senecas relocated and into new housing before the closing of Kinzua Dam's flood gates. The Corps of Engineers scheduled June 1, 1964, as Kinzua's closing date and October 1, 1964, as the latest possible date for the complete Indian evacuation of the project area.⁶ They calculated that the reservoir would be full by January 1, 1965.⁷

The Seneca Indians were incapable of moving into the two relocation areas of Steamburg and Jimersontown until compensation to construct the necessary housing was granted. Senator Joseph S. Clark of Pennsylvania emphasized this danger when, late in 1963, he stated that a possible civil rights filibuster might postpone the hearings on Seneca rehabilitation.⁸

⁵Ibid., p. 466.

⁶New York Times, March 22, Sect. 4, p. 8.

⁷Ibid., November 12, 1963, p. 38.

⁸U.S. Congress, Senate, Subcommittee on Indian Affairs, Hearing, on S. 1836 and H.R. 1794, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., p. 74, cited in a statement submitted by Senator Joseph S. Clark of Pennsylvania to the Senate Subcommittee on Indian Affairs.

Opposition to housing compensation, and overall opposition to House Resolution 1794, threatened the Indians with inundation. On at least two occasions, August 19, 1963, and November 1, 1963, Haley warned the Corps of Engineers he would attempt to halt the closing of Kinzua Dam if the Corps of Engineers continued its lack of cooperation.⁹ While suggesting June 30, 1965, as the best date for Indian evacuation of the reservoir area, Haley carried out his warning by introducing House Resolution 8916, "A Bill To protect American Indians from the flooding of their lands by any department or agency of the United States before suitable provision has been made for their relocation;"¹⁰ and the House of Representatives passed the resolution on August 3, 1964.¹¹

The great amount of discussion regarding the need to rush through a compensation bill was probably used to get House Resolution 1794 passed.¹² Members of the Corps, however, said postponement of Kinzua Dam's closing until January 1, 1965, instead of June 1, 1964, arose purely from engineering reasons and had absolutely nothing to do with Haley's House Resolution 8916.¹³

Representative Haley's criticisms of the Corps were inapplicable as far as the Corps handling of the engineering aspects of the Allegheny

⁹House Seneca Indian Relocation Hearings, p. 342.

¹⁰Ibid., p. 419; New York Times, August 13, 1963, p. 33.

¹¹New York Times, August 4, 1964, p. 34.

¹²Senate Seneca Indian Relocation Hearing, p. 130.

¹³Interview with Halsey Harman, Project Engineer, Pittsburgh District, Corps of Engineers, Pittsburgh, Pennsylvania, June 4, 1968; interview with Armando C. Lardieri, Project Engineer on Construction, Office, Corps of Engineers, Pittsburgh, Pennsylvania, May 30, 1968.

Reservoir was concerned. The Corps wasted little time in constructing the dam and condemning a total of 138 Indian dwellings in the reservoir area. Seventy-six or 55 per cent of the 138 dwellings had a fair market value of less than \$3,000 and 15 had a fair market value less than \$1,000.¹⁴ The Pittsburgh Press reported that many of the Indians occupied well-kept homes ". . . but there are others, . . . whose homes are little more than shacks."¹⁵ Most non-Indians said the Senecas lived in shacks.¹⁶ Dema Stoffer, a Seneca woman, and chairman of the Seneca Housing and Relocation Committee, contended that although the Indians had salvage rights to their existing structures, salvage would be extremely limited because of the poor condition of the dwellings.¹⁷

Approximately 482 individuals¹⁸ comprising a total of 127 families in the Allegheny Reservoir area had to be relocated.¹⁹ A June, 1962, survey showed that 107 males and 38 females of the 482 were employable adults of which 80 males and 30 females were employed. The Allegheny project affected only 8 of the 110 employed Indians. Three of the 8 were farmers and 5 Indians were self-employed in jobs utilizing local

¹⁴Senate Seneca Indian Relocation Hearing, p. 101.

¹⁵Pittsburgh Press, October 5, 1957, Sec. 2, p. 9.

¹⁶Interview with A.C. Lardieri, May 30, 1968; interview with Richard Johanides, Project Engineer, Warren, Pennsylvania, June 6, 1968; interview with Reese Campbell, Project Engineer, Warren, Pennsylvania, June 6, 1968; interview with John J. Lesko, steel worker, Oakdale, Pennsylvania, May 5, 1968.

¹⁷House Seneca Indian Relocation Hearings, p. 65.

¹⁸New York Times, September 2, 1964, p. 19.

¹⁹Ibid., February 25, 1964, p. 28.

craft materials.²⁰

Meetings between representatives of the Seneca Nation and United States Government began early in April, 1962, in an attempt to find a solution to the relocation problems facing Indians living in condemned dwellings.²¹ Even though 90 per cent of the displaced Senecas did not come under its coverage, the Public Housing Administration held meetings with the Indians for similar reasons.²² The New York State Division of Housing and Community Renewal also made housing suggestions in concert with an analysis of the Seneca's economic potential.²³ The Seneca Nation, attempting to get the largest amount of benefits for their loss, prepared surveys and studies on the Indian's housing needs.

Dema Stoffer, chairman of the Housing and Relocation Committee, testified that the amount of money the Senecas received from the federal government as direct damages for their structures and improvements in the project area insufficiently covered the cost of constructing new buildings. She argued that the federal government should provide the Indians with new homes as a matter of justice, because only through a government grant could the Senecas avoid going heavily into debt. Stoffer and the Housing and Relocation Committee, hopeful of government aid, set up a table of supplemental housing payments for individual Indian homeowners. They planned to use the money to provide Indians in

²⁰Senate Seneca Indian Relocation Hearing, p. 105, cited from the survey.

²¹New York Times, April 26, 1962, p. 6.

²²Ibid., October 9, 1962, p. 38.

²³Ibid., November 5, 1962, p. 33.

the reservoir area, regardless of the value of their old dwellings, with adequate new homes.²⁴

The Committee's recommendations and table, similar to their educational needs, were based on need. An Indian family, depending on its size, could receive up to a five-bedroom house. A one-bedroom family, receiving \$500.00 for the value of their old home, would be awarded a federal settlement of \$8,000 to construct an \$8,500 home. If the same family wanted a five-bedroom house, it would receive a grant of \$12,900 to construct a \$13,400 home. The table of awards increased until the possible value of an individual's old dwelling increased to \$20,500. Stoffer considered this amount sufficient to construct a one-bedroom or two-bedroom house. This individual would, however, receive an allowance of \$1,100 for a three-bedroom home and \$2,900 for a five-bedroom dwelling. These stipends show that the person having the least received the largest amount.²⁵ The table, however, may be misleading because few dwellings in the project area were valued above \$3,000.²⁶

Unused stipends would become part of a special Seneca Housing Fund to improve dwellings elsewhere on the Nation's Allegany Reservation. Homeless persons and families in the project area would have first priority in selecting a new home. Stoffer said only those Indians relocating on either the Cattaraugus or Allegany Reservations were entitled to a federal award. Indians moving off the reservation would receive only the payment for their dwellings in the reservoir area. Money paid to individual

²⁴See Table IV, p. 60.

²⁵House Seneca Indian Relocation Hearings, pp. 64-65.

²⁶Senate Seneca Indian Relocation Hearing, p. 101.

TABLE IV

Relocation housing--Schedule of grants*

Value of present home	Number of bedrooms in required replacement home				
	1	2	3	4	5
\$500-----	8,000	8,900	11,100	12,000	12,900
\$1,500-----	7,500	8,400	10,600	11,500	12,400
\$2,500-----	7,000	7,900	10,100	11,000	11,900
\$3,500-----	6,500	7,400	9,600	10,500	11,400
\$4,500-----	6,000	6,900	9,100	10,000	10,900
\$5,500-----	5,500	6,400	8,600	9,500	10,400
\$6,500-----	5,000	5,900	8,100	9,000	9,900
\$7,500-----	4,500	5,400	7,600	8,500	9,400
\$8,500-----	4,000	4,900	7,100	8,000	8,900
\$9,500-----	3,500	4,400	6,600	7,500	8,400
\$10,500-----	3,000	3,900	6,100	7,000	7,900
\$11,500-----	2,500	3,400	5,600	6,500	7,400
\$12,500-----	2,000	2,900	5,100	6,000	6,900
\$13,500-----	1,500	2,400	4,600	5,500	6,400
\$14,500-----	1,000	1,900	4,100	5,000	5,900
\$15,500-----	500	1,400	3,600	4,500	5,400
\$16,500-----	-----	900	3,100	4,000	4,900
\$17,500-----	-----	400	2,600	3,500	4,400
\$18,500-----	-----	-----	2,100	3,000	3,900
\$19,500-----	-----	-----	1,600	2,500	3,400
\$20,500-----	-----	-----	1,100	2,000	2,900

*U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, On H.R. 1794, H.R. 3343, and H.R. 7354, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., p. 67.

Senecas for their improvements and structures, if and when they decided they wanted a government award, would be used to construct the new home. A homeowner was entitled to one new home or government grant regardless of how many buildings he had in the reservoir area. If desired, and if practical, he could have his old home removed to another area of the reservation, and the federal money would be used to move, repair, and improve the home. It was recognized by Dema Stoffer that few, if any, of the houses were physically or economically capable of being moved.²⁷

The architectural firm of Sargent, Webster, Crenshaw, and Folley of Syracuse, New York, designed and determined the cost of constructing new homes for the Senecas. Their estimated \$1,029,000, in addition to the money paid to the individual Indians for their structures and improvements in the reservoir area,²⁸ encompassed the construction of roads, utilities, sanitation facilities, houses, and related structures.²⁹

Jimersontown and Steamburg, constructed on 200 and 250 acres of reservation land respectively,³⁰ were built on what Walter Taylor, Representative to the Seneca Nation of Indians from the Indian Committee of the Philadelphia Yearly Meeting of Friends (Quakers), referred to as the most suitable land remaining on the reservation.³¹ Both sites had been held under twenty-three separate allotments granted to individual Senecas

²⁷House Seneca Indian Relocation Hearings, pp. 65-66, 305, 384.

²⁸Ibid., pp. 297, 302.

²⁹Ibid., p. 462.

³⁰Ibid., p. 51.

³¹Ibid., p. 326. Jimersontown was located just west and within walking distance of Salamanca, New York; Steamburg was established approximately ten and one-half miles southwest of Jimersontown and next

by the Seneca Nation. The Seneca Council purchased the right to these allotments and hoped to recover the money from the \$945,573 granted for indirect damages.³²

The Public Housing Authority made \$12,000 available to the Seneca Nation to make a study of the future road system for Jimersontown and Steamburg.³³ The Corps of Engineers agreed to design and construct 5.5 miles of access roads, and the State of New York, in a letter dated July 10, 1963, advised the Corps that it would maintain the roads.³⁴

The Community Facilities administration estimated the cost to be \$410,000, of which it authorized a \$306,000 grant to provide water for the two sites. The city of Salamanca, New York, contributed \$10,000 to pipe Salamanca water to Jimersontown,³⁵ while a tank was constructed for Steamburg.³⁶ Water at the two sites became a community facility, while individual septic tanks and drainage fields were used for sewage disposal because Sargent, Webster, Crenshaw, and Folley thought community sewers would be too expensive.³⁷

Haley's concern for the displaced Indians proved unwarranted. Before the Allegheny Reservoir inundated their old lodgings, the Senecas

to the old village of Steamburg. This writer determined these distances by walking and by driving on the only existing road between Jimersontown and Steamburg on April 15, 1968, and June 6, 1968.

³²House Seneca Indian Relocation Hearings, pp. 51, 60, 63.

³³Ibid., p. 192.

³⁴Ibid., p. 163.

³⁵Senate Reports, 88th Cong., 2nd Sess., No. 969 (Washington, 1964), p. 6.

³⁶House Seneca Indian Relocation Hearings, p. 51.

³⁷Ibid., pp. 306, 381.

moved into modern ". . . new ranch-style houses with integral garages, each on more than an acre of land."³⁸ A reporter for the New York Times probably overemphasized the new semi-urban housing when he wrote that the Senecas lived like executives in their new dwellings. Although former Seneca President George Heron said the New York Senecas had the best housing of all United States Indians,³⁹ the houses resemble moderate middle-class residences.

³⁸Pittsburgh Press, July 25, 1967, Sec. 2, p. 25; Pittsburgh Press, July 18, 1965, Sec. 3, p. 3; New York Times, June 12, 1966, p. 19.

³⁹New York Times, March 1, 1964, p. 66; January 24, 1966, p. 1.

CHAPTER VI

CONCLUSIONS

On March 2, 1964, Senator Frank Church, Chairman of the Senate Subcommittee on Indian Affairs, scheduled hearings before his subcommittee on House Resolution 1794 and Senate Resolution 1836.¹ At the first and only hearing New York Senators Jacob Javits and Kenneth B. Keating urged haste in accepting the house resolution. Other senators questioned a rehabilitation plan of \$16,931,000 tied to the overall \$20,000,000 sum requested in House Resolution 1794.² The Senate Subcommittee cut the House's proposed appropriation to \$9,127,000, most of which came from the \$16,931,000 rehabilitation funds.

Although a Bureau of the Budget letter dated February 28, 1964, did not recommend a cut, it states ". . . that in two previous settlements to Indians displaced by a dam project, a per capita rehabilitation figure of \$2,250 was used." The letter concluded that

We would urge the committee in arriving at a legislative settlement for the taking of the Seneca lands to consider the limited economic effect of the project on the Senecas and the relationship of the settlement to previous ones,³

¹U.S., Congressional Record, 88th Cong., 2nd Sess. (Washington, 1964), CX, Part 3, 3819.

²New York Times, March 3, 1964, p. 28.

³Ibid., March 15, 1964, p. 61. If the \$16,931,000 in H.R. 1794 were granted, the per capita payment to approximately 4,200 Senecas enrolled in the Seneca Nation would be about \$4,000.

On April 15, 1964, the House rejected the Senate cuts and requested a conference to settle differences.⁴ After six weeks and only two conferences Senator Jacob Javits said that because the Senate-House conferees were ". . . almost hopelessly deadlocked . . ." no further meetings were scheduled. Javits added that

When a conference committee is deadlocked, it stops meeting until its senior members detect some shift in opinion that would justify hope of agreement. For the Seneca funds, no such shift has come.⁵

The deadlock remained effective as late as June 23, 1964. The conferees met the following day in an attempt to terminate the impasse over a proposed 64 per cent cut in House Resolution 1794.⁶ On August 11, 1964, the ten-man committee reached final agreement on a \$12,128,917 compromise rehabilitation figure. Congress permitted the Department of the Interior and the Seneca Nation to determine the use of the funds rather than allocate the money to specific projects.⁷

Representative John P. Saylor of Johnstown, Pennsylvania, senior representative on the House Interior Committee and a conferee, proclaimed his dissatisfaction with the settlement. Representative James A. Haley of Florida, chairman of the House Subcommittee on Indian Affairs, noted the rehabilitation settlement approximated what the Indians requested and he felt the Senecas could sufficiently manage with that sum.⁸

⁴Ibid., April 16, 1964, p. 21.

⁵Ibid., June 6, 1964, p. 15.

⁶U.S., Congressional Record, 88th Cong., 2nd Sess. (Washington, 1964), CX, Part 11, 14754-14755.

⁷New York Times, August 12, 1964, p. 37.

⁸Pittsburgh Post Gazette, August 12, 1964, p. 6; Pittsburgh Press, August 12, 1964, p. 16.

The compromise bill authorized the funds but the Senate Appropriations Committee would have to approve the actual money. On August 18, 1964, representatives of the Bureau of Indian Affairs, testifying before the Senate Appropriations Committee, advised approval of the compromise bill.⁹ The following day the House gave its approval by voice vote. President Lyndon B. Johnson signed the bill and on August 31, 1964, House Resolution 1794 became Public Law 88-533.¹⁰

With the passage of this measure the Seneca Nation received the necessary funds to operate the Nation's numerous rehabilitation programs. Even with the availability of these funds the Nation has accomplished little in the field of recreation exclusive of planning the purchase of 440 acres of land. It has, however, made a good beginning with the partial construction of a one industry industrial park on the Cattaraugus Reservation. The park employs sixty to sixty-five Senecas and fifteen non-Senecas in the making of pillows for the federal government. The employment of non-Indians at the park, perhaps echoing the past opposition of Senator Frank Church of Idaho, chairman of the Senate Subcommittee on Indian Affairs, and Senator Peter H. Dominick of Colorado, member of the Senate Subcommittee on Indian Affairs, occurred because of an inadequate number of Seneca applicants to fill all the necessary positions.¹¹

The Seneca Nation has made considerable progress in providing for the educational needs of their children. New York State constructed a

⁹New York Times, August 18, 1964, p. 17.

¹⁰Ibid., August 19, 1964, p. 22.

¹¹Interview with Calvin John, president of the Seneca Nation, Jimersontown, Allegany Reservation, New York, April 15, 1968.

new elementary school in Salamanca, New York, and completely reimburses the school district for the cost of Indian education.¹² State aid for higher education is also available to Indian students living on the reservations and attending New York schools. Maribel Printup and the Seneca Nation Educational Foundation established a monetary award schedule of government grants based on family income or need to finance vocational education, adult assistance, and college education.¹³

Maribel Printup recently revealed over a ". . . great improvement in Seneca education."¹⁴ Tessie Snow, a Seneca woman and stenographer and bookkeeper for the Seneca Nation Housing Authority, said the Senecas take advantage of the educational opportunities but she worried that many educated Indians would leave the reservation because of better opportunities elsewhere.¹⁵

Progress involving the renegotiations of leases between the Seneca Nation and Salamanca, New York, had been much slower than gains in education. James A. Haley correctly observed that the resurvey of the Congressional Villages would probably be very unpopular with the Salamanca business community.¹⁶ Many people in Salamanca believed the

¹²Interview with Maribel Printup, Chairman of the Seneca Nation Educational Foundation, Salamanca, New York, April 15, 1968.

¹³Maribel Printup, editor, "Education," The Seneca Nation Newsletter, VI, No. 1 (January, 1968), 8. See Table V, p. 68.

¹⁴Interview with Maribel Printup, April 15, 1968.

¹⁵Interview with Tessie Snow, stenographer and bookkeeper for the Seneca Nation Housing Authority, Jimersontown, Allegany Reservation, New York, June 6, 1968.

¹⁶U.S. Congress, House, Subcommittee on Indian Affairs, Hearings, on H.R. 1794, H.R. 3343, and H.R. 7554, Kinzua Dam (Seneca Indian Relocation) (Washington, 1964), 88th Cong., 2nd Sess., p. 308. Hereafter cited as House, Seneca Indian Relocation Hearings.

TABLE V
AWARD SCHEDULE*

Income Before Taxes	Maximum Award		
	1 Child	2 Children	3 Children
\$ 2,500 or less	\$2000	\$2000	\$2000
3,500	1900	2000	2000
4,500	1800	1900	2000
5,500	1700	1800	1900
6,500	1600	1700	1800
7,500	1500	1600	1700
8,500	1400	1500	1600
9,500	1300	1400	1500
10,500	1200	1300	1400
11,500	1100	1200	1300
12,500	1000	1100	1200
13,500	900	1000	1100
14,500	800	900	1000
15,500	700	800	900
16,500	600	700	800
17,500 or more	500	600	700

This schedule is used as a general guideline in granting aid to students. Any exceptions are considered at the discretion of the Board. Other scholarships and grants are taken into account before presentation is made.

*Maribel Printup, editor, "Education," The Seneca Nation Newsletter, VI, No. 1 (January, 1968), 8.

Indians would secure the maximum amount from the city's leases¹⁷ on their expiration in 1991.¹⁸ Roy B. Campbell, Director of Planning for Cattaraugus County, said Salamanca, with a population of 9,000 was definitely worried about the leases. He said the leases injured the economic prosperity of the community.¹⁹ Armando C. Lardieri, Project Engineer on Construction, Office, Corps of Engineers, Pittsburgh, Pennsylvania, said a lack of construction, caused by the city's fears, hindered Salamanca's development.²⁰

President Calvin John felt that the Seneca Nation had the town ". . . over a barrel . . ." ²¹ and Lardieri believed the Seneca Nation wanted to take over the town.²² Roy B. Campbell, experienced in negotiating with the Nation, said the present unreasonable leadership ". . . would milk . . ." the city for as much as it could obtain.²³ Don Neil, reporter for the Warren (Pennsylvania) Observer, called the Senecas ". . .

¹⁷Interview with Don Neil, Reporter, Warren (Pa.) Observer, Warren, Pennsylvania, June 5, 1968.

¹⁸House Seneca Indian Relocation Hearings, p. 386.

¹⁹Interview with Roy B. Campbell, Director of Planning for Cattaraugus County, Little Valley, New York, June 6, 1968.

²⁰Interview with Armando C. Lardieri, Project Engineer on Construction, Office, Corps of Engineers, Pittsburgh, Pennsylvania, May 30, 1968.

²¹Interview with Calvin John, April 15, 1968.

²²Interview with A.C. Lardieri, May 30, 1968.

²³Interview with Roy B. Campbell, June 6, 1968. Considerable dissension existed between the Cattaraugus County Planning Board, of which Campbell is a member, and the Seneca Nation.

trading fools . . ." and stated they would attempt to acquire a great amount from Salamanca.²⁴

Although the non-Indians paid practically nothing for some valuable Indian land, the resurvey of boundaries and leases in Salamanca has already brought about changes. The new Fancher Furniture Store in Salamanca signed a \$5,000 a year lease with the Seneca Nation, and the Nation is negotiating new leases with the city.²⁵ In 1967, Salamanca wanted to purchase the city, but the Indian Nation would not sell since they preferred a guaranteed yearly income from the rental of the leases.²⁶ The Senecas asked for a \$128,000 increase or \$140,000 annually for rent, while \$75,000 was the amount Salamanca was willing to pay.²⁷

Early in 1967 the Seneca Nation began its third year in public housing. They had provided fifty-seven low-income Indian families with improved living conditions.²⁸ As of June 6, 1968, twenty-nine individual public houses and a four-room apartment building had been constructed for these low-income families.²⁹ By April 15, 1968, the problem of housing the evicted Indians in the Allegheny Reservoir project area was nearly solved with the completion of over one-hundred and twenty homes at Jimer-sontown and Steamburg, New York.³⁰

²⁴ Interview with Don Neil, June 5, 1968.

²⁵ Interview with Roy B. Campbell, June 6, 1968.

²⁶ Interview with Calvin John, April 15, 1968.

²⁷ Interview with Roy B. Campbell, June 6, 1968

²⁸ Maribel Printup, editor, "Seneca Nation Housing Authority," The Seneca Nation Newsletter, V, No. 2 (January, 1967), 6.

²⁹ Interview with Tessie Snow, June 6, 1968.

³⁰ Interview with Calvin John, April 15, 1968.

Many people believed the Seneca Nation received substantial benefits because of the Kinzua Dam-Allegheny Reservoir project. Jim Ruyak, Field Engineer on Construction, Office, Corps of Engineers, Pittsburgh, Pennsylvania, believed the Senecas received more than they should have.³¹ Maribel Printup agreed that the Senecas were better off economically but refused to commit herself on the social changes brought about by the reservoir.³² Don Neil said the Senecas ". . . were treated a hell of a lot better than the white people."³³ Tessie Snow, while also agreeing that the Senecas were better off economically, worried about the social aspects of clustering the Indians together at Jimersontown and Steamburg. Her primary concern, however, was the future of the Senecas as a Nation and as a distinct people.³⁴

The Seneca Nation definitely mourned the loss of approximately 10,000 acres of their Allegheny Reservation. Once they realized that the land would be taken, they attempted to acquire the largest compensation possible from the United States Government. Seldom wavering in their political finesse, the Indian leaders did, however, carry many of their arguments to extremes.

In this propaganda the Nation found willing listeners and partners in James A. Haley and the House Subcommittee on Indian Affairs. The Indians probably would have received lieu lands and \$29,000,000 for

³¹Interview with Jim Ruyak, Field Engineer on Construction, Office, Corps on Engineers, Pittsburgh, Pennsylvania, June 4, 1968.

³²Pittsburgh Press, July 25, 1967, Sec. 2, p. 25; interview with Maribel Printup, April 15, 1968.

³³Interview with Don Neil, June 5, 1968.

³⁴Interview with Tessie Snow, June 6, 1968.

recreational development if the House Subcommittee had thought it politically feasible. Considering the opposition of the Senate Subcommittee on Indian Affairs, Haley's Subcommittee gained the best possible rehabilitation for the Seneca Nation.

The less sympathetic Senators Church and Dominick failed to be taken in by the Seneca propaganda. They were more realistic and less emotional than Haley's Subcommittee and based their opposition to House Resolution 1794 on the practical considerations of federal money appropriated for the Missouri River Valley Indians.

The United States Army Corps of Engineers and the Seneca Nation were almost completely at opposite ends on a suitable settlement for the taking of Indian land and rehabilitation. The Indians and Haley's Subcommittee used the Corps as a scapegoat to vent their disappointments over the treatment of the Seneca. Much of this criticism of the Engineers was undoubtedly applicable because of the Corps disinterestedness in Indians. The Engineers failed to deal with most of the human aspects involved in the project and mainly concerned themselves with keeping the cost-benefit ratio of Kinzua Dam on a practical level. The Corps' engineering skills cannot be questioned, but they should become more aware of the human relations involved in taking people's land if they ever hope to halt this criticism.

Of all the parties involved with Seneca rehabilitation, the Bureau of Indian Affairs seemed the most impartial in that its representatives tried to be fair to both the Seneca Indians and the federal government. Falling momentarily into voicing Seneca propaganda, Commissioner Philleo

Nash of the BIA tried to provide the Senecas with a reasonable development program. Undoubtedly his testimony helped the Senate and House Subcommittees on Indian Affairs arrive at a \$12,128,417 rehabilitation program.

As a result of Kinzua Dam and the Allegheny Reservoir the Seneca Nation became conscious of the potential of their reservation. This awareness came through contacts involved in trying to halt the project and in attempting to obtain compensation. A significant part of this awareness is credited in large degree to the Senecas' capable lawyers. They obtained advantages formerly unavailable to this group of native Americans. With gains in real-estate development, housing improvement, recreation facility inauguration, and industry attraction, the Senecas have advanced to a position of favorable competition with the non-Indian world.

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