The Kinzua Dam, The Cold War, and US Treaties

Subject: US History; Civics and US Government

Topic: Civil Rights; The Cold War; Civic Education and Engagement

Grade Level: 9 -12

Duration: 1 hour

Goals/Rationale

The Kinzua Dam in western Pennsylvania has a tumultuous history that highlights a treaty breached by the US government with the Seneca Nation. Built to prevent flooding of the Ohio River Valley and protect Pittsburgh, the dam would require the forced relocation of members of the Seneca Nation from their reservation lands.

In this lesson, students consider the arguments made by three individuals regarding the planned construction of the dam against the backdrop of the Cold War. Students do a close reading of the following documents: a February 22, 1961 letter from the president of the Seneca Nation, Basil Williams, to President Kennedy, an August 9, 1961 letter from President Kennedy to Basil Williams, and an August 24, 1961 letter from a private citizen, Ruth Thompson, to the executive director of the National Congress of American Indians, Helen Peterson.

Essential Question: Are American Indian Nations treated as fully sovereign entities?

Objectives:

Students will
- do a close reading of three primary sources.
- analyze the arguments made by the writers either for or against the building of the Kinzua Dam.
- consider the extent to which American Indian Nations have been treated as sovereign entities by the US government.

Materials

- February 22, 1961 letter from the president of the Seneca Nation, Basil Williams, to President Kennedy (page 1) (page 2)
- April 9, 1961 letter from President Kennedy to Basil Williams
- August 24, 1961 letter from Ruth Thompson to Helen Peterson, the Oglala Sioux executive director of the National Congress of American Indians
- Reading: “Construction and Destruction: The Kinzua Dam, the Cold War, and US Treaties"

Prior Knowledge: Students should have an understanding of early US government interactions with American Indians and the Cold War.

Historical Background

The Kinzua Dam on the Allegheny River in western Pennsylvania has a tumultuous history that highlights a treaty breached by the US government with the Seneca Nation. In constructing the dam in the early 1960s, the federal government broke the 1794 Canandaigua Treaty between the US government and the Six Nations—American Indians who occupied the border between the US and British Canada. This treaty, signed by President George Washington, established in writing the area in Western New York that would be American Indian territory and noted “the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but the said
reservations shall remain theirs, until they choose to sell the same to the people of the United States who have right to purchase."

Plans for construction of the Kinzua Dam began after a devastating flood in 1936 inundated Pittsburgh and other towns in western Pennsylvania. The flooding led Congress to pass the Flood Control Acts of 1936 and 1938, which authorized construction of the dam under the authority of the Army Corps of Engineers.

The Seneca Nation fought against the building of the dam in the courts and in Congress because by constructing the dam in the planned location, inhabited land upstream in New York would be inundated, forcing hundreds of Seneca Indians off their tribal lands. However, opponents of the dam were unable to convince Congress in hearings held in 1957 to prevent appropriating funds for the project, and on April 14, 1958, the US Army Corps of Engineers in Pittsburgh, Pennsylvania received approval in a US District Court to begin construction. The Eisenhower administration fully supported the project.

Controversy over the loss of Seneca Nation lands and the forced relocation of members of the Seneca Nation was significant, and the continued fight to delay construction of the dam made national news. After losing battles in the courts and with Congress, the Seneca Nation in 1961 appealed to the newly inaugurated President Kennedy.

On February 22, 1961, the president of the Seneca Nation, Basil Williams, wrote a letter to Kennedy asking him to honor the Canandaigua Treaty and referring to an alternative flood prevention plan that that would not require the removal of the Senecas from their tribal lands. At Kennedy’s request, the note was answered by Elmer Staats, the Deputy Director of the Bureau of the Budget. In the response, Staats noted that approval for the dam had been through years of planning and had successfully made its way through federal courts and Congress after much testimony and discussion. The money was in place, and the Seneca Nation’s land would be acquired “in an equitable manner and in such a way as to minimize inconvenience on the Seneca tribe.”

Three months later, on May 23, 1961, Basil Williams sent another letter to President Kennedy. The Cold War had been heating up during the spring and summer of 1961 after the difficult meeting between President Kennedy and Soviet leader Nikita Khrushchev and the tensions over US access to Berlin. The Berlin Crisis, as it was known, was of predominant concern to Kennedy and he made his views known in a July 25, 1961 speech to the American people in which he said the US had legal rights to be in West Berlin based on international agreements that could not be unilaterally disregarded by the Soviets. The US was prepared to go to war over Berlin, if necessary.

While international affairs were foremost in Kennedy’s mind, domestic issues still needed addressing. In a 1960 campaign letter to Oliver La Farge, the president of the Association of American Indian Affairs, Kennedy said that, if elected, his administration would make “no change in treaty or contractual relationships without the consent of the tribes concerned.” As president, Kennedy had other priorities. He supported continuing with the plans already in place for the construction of the dam. On August 9, 1961, Kennedy wrote to Basil Williams, explaining that although construction would continue on the dam, the US government was prepared to offer assistance in relocating tribal members to ameliorate the impact of the move. This letter was released to the public as a press release on August 11, 1963.

On August 24, 1961, Ruth Thompson, a benefactor of American Indian causes, wrote to Helen Peterson, the executive director of the National Congress of American Indians, with her own idea of how the Senecas could dissuade the federal government from taking their land. Thompson was one of many critics of the dam who looked to the Cold War context of the dam’s construction to highlight a rationale for stopping the project.
None of the many efforts to stop the dam’s construction succeeded. After years of construction, the dam began its operation in 1966, inundating more than 9,000 acres of Seneca tribal land and forcing the relocation of nearly 700 Senecas into new housing.

Procedure

1. For homework, have students read the handout: “Construction and Destruction: The Kinzua Dam, the Cold War, and US Treaties” and answer the Question to Consider.
2. In class, discuss the homework.
3. Provide students with the handout: “Document Analysis: The Kinzua Dam” and the three primary sources.
4. Have students fill in the grid to help them determine the arguments made by the writers either for or against the construction of the dam.
5. Return together as a group and share responses, discussing the particular implications for the US of treaty-breaking at a time when the US was engaged in a territorial dispute with the Soviet Union over West Berlin.
6. For a final assignment, have students do additional research to answer these questions:

   • According to the US Department of the Interior “The relationship between federally recognized tribes and the United States is one between sovereigns, i.e., between a government and a government.” In what ways have American Indian Nations been treated as fully sovereign nations and in what ways have they not been treated as fully sovereign? What significant court rulings have found in favor or against complete sovereignty of American Indian Nations through the course of US history?

You may want to provide them with a few of the following weblinks to help them with their research:

   • Native American Rights: Federal Power over Native American Rights

   • Smithsonian Magazine – Nation to Nation: Treaties between the US and American Indian Nations
     https://americanindian.si.edu/nationtonation/

   • National Conference of State Legislatures: An Issue of Sovereignty

   • Sovereignty: A Brief History in the Context of U.S. “Indian Law”
     https://www.umass.edu/legal/derrico/sovereignty.html

   • Department of the Interior: Indian Affairs, Frequently Asked Questions
     https://www.bia.gov/frequently-asked-questions

   • Supreme Court Ruling Has Big Implications for Native American Sovereignty
     https://www.npr.org/2020/07/10/889653219/supreme-court-ruling-has-big-implications-for-native-american-sovereignty
Extensions

Have students read the lyrics and listen to the songs recorded by Johnny Cash “As Long as the Grass Shall Grow” (written by Peter La Farge specifically about the Kinzua Dam) and the Buffy Sainte-Marie song “Now that the Buffalo’s Gone,” recorded in 1968.

- Have students consider which lines from the song or songs might they remember most and why.
- Have students consider an issue they feel important to them and write their own song lyric to promote their cause.

1. Assign students a research project about the Seneca Nation as it exists today. Students may want to investigate the Seneca Nation Constitution, the Seneca language, or another topic that interests them. These weblinks may be useful:

   Seneca Nation Constitution:
   [https://sni.org/culture/seneca-nation-constitution/](https://sni.org/culture/seneca-nation-constitution/)

   Seneca Language:
   [https://sni.org/departments/seneca-language/](https://sni.org/departments/seneca-language/)

2. Review with students the post-WW II agreements to divide Germany into occupation zones controlled by the US, Great Britain, France and the USSR, and have them research how the US handled its territorial conflicts over Berlin with the USSR before, during, and after the Berlin Crisis.

3. Assign students a research project that investigates the history of the Kinzua Dam from the time it was implemented until today. What has been the impact of the dam in addition to the loss of Seneca land?

Connections to Curriculum (Standards)

*National History Standards - US History, Era 9: Postwar United States (1945 to early 1970s)*
- Standard 3: Domestic policies after World War II
- Standard 4: The struggle for racial and gender equality and for the extension of civil liberties

*Common Core State Standards*
- ELA College and Career Readiness Anchor Standards for Reading, Writing, Speaking and Listening, and Language
- ELA – Reading Informational Texts, Writing, Speaking and Listening, Language, and Literacy in History/Social Studies for grades 9-10 and 11-12

*C3 Framework for Social Studies State Standards*
- Discipline 1 - Developing questions and planning inquiries
- Discipline 2 - Applying disciplinary concepts and tools (History and Civics)
- Discipline 3 - Evaluating sources and using evidence
- Discipline 4 - Communicating conclusions and taking informed action

*National Council of Teachers of English: Standards 1, 3, 5, 6*

*Massachusetts History and Social Science Framework*
- USII.T4: Defending democracy: the Cold War and civil rights at home
- GOV.T1: Foundations of government in the United States

*Massachusetts English Language Arts Framework*
- Reading, Writing, Speaking and Listening, and Language
Construction and Destruction: The Kinzua Dam, The Cold War, and US Treaties

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already in place for the construction of the dam. On August 9, 1961, Kennedy wrote to Basil Williams, explaining that although construction would continue on the dam, the US government was prepared to offer assistance in relocating tribal members to ameliorate the impact of the move. This letter was released to the public as a press release on August 11, 1963. On August 24, 1961, Ruth Thompson, a benefactor of American Indian causes, wrote to Helen Peterson, the executive director of the National Congress of American Indians, with her own idea of how the Senecas could dissuade the federal government from taking their land. Thompson was one of many critics of the dam who looked to the Cold War context of the dam’s construction to highlight a rationale for stopping the project.

None of the many efforts to stop the dam’s construction succeeded. After years of construction, the dam began its operation in 1966, inundating more than 9,000 acres of Seneca tribal lands and forcing the relocation of nearly 700 Senecas into new housing.

**Question to Consider:** According to the US Department of the Interior “The relationship between federally recognized tribes and the United States is one between sovereigns, i.e., between a government and a government.” Why do you think the Senecas were not treated as a sovereign nation when it came to the building of the Kinzua Dam?
February 22, 1961

The Honorable John F. Kennedy
The President of the United States of America
The White House
Washington, D.C.

Dear Mr. President:

During the 1960 election campaign, you personally assured all American Indians that under a Democratic Administration, "There would be no change in treaty or contractual relationships without the consent of the Tribes concerned." The Seneca Nation of Indians asks you now to redeem that pledge by stopping the Federal Government from violating our 1794 Treaty.

We Senecas possess three small reservations in New York under the Treaty of November 11, 1794, Article III of which provides:

"Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneca nation; and the United States will never claim the same, nor disturb the Seneca nation... in the free use and enjoyment thereof; but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase."

Every year the Seneca Nation receives an annuity under the 1794 Treaty and, as far as we are aware, it is the oldest treaty to which the United States was a party that remains in full force and effect.

To the Seneca Nation, the 1794 Treaty is more than a contract, more than a symbol; to us who have lived by its terms for more than 165 years, the 1794 Treaty is a way of life. Times have not always been easy for the Seneca people. We have known and we still know poverty and discrimination. But through it all we have been sustained by a promise of protection, unbroken by the Federal Government. Break that promise, invade our reservations without our consent, and the United States will destroy the Seneca Nation as an Indian community.

But that, Mr. President, is exactly what the Federal Govern-
ment now proposes to do. More specifically, Congress has appropriated funds for the construction by the Army Corps of Engineers of the Allegheny River (Kinzua Dam) Project. When completed, this Project will flood the lowland heart of our Allegany Reservation -- over 9,000 acres including almost all the farming land -- and will force hundreds of our people from their ancestral homes. The construction of the Kinzua Dam notwithstanding our protests thus will violate Article III of the 1794 Treaty with the Seneca Nation and, of course, also is contrary to your own personal and Party commitments to all Indian tribes.

The Seneca Nation always has taken the position that we will abandon our opposition to the Kinzua Dam if and when it is shown by competent, objective evidence that a feasible alternative does not exist. The facts are, though, that Dr. Arthur E. Morgan, former Chairman of the T.V.A. and a world famous engineer, has devised an alternative project which the Corps concedes is feasible, even though it is claimed to be more expensive. Even if Dr. Morgan's plan were more costly than the Allegheny Project (which it is not), we believe that there is some benefit to the United States, perhaps not measurable in terms of money, in not breaking its 1794 Treaty promises. As Supreme Court Justice Black recently said, "Great nations, like great men, should keep their word."

The Seneca Nation asks you, therefore, to make an independent investigation into the merits and comparative costs of the Kinzua Dam and Dr. Morgan's Cattaraugus-Conewango alternative, and that in the interim you direct that work be halted on the authorized project. Only in this way, Mr. President, will you uphold the sacred honor of the United States and, we are confident, also save our sacred homeland.

Respectfully yours,

Basil G. Williams
President, Seneca Nation of Indians

P.S. We are sending this letter on Washington's Birthday. This is appropriate since it was his representative, Timothy Pickering, who signed the 1794 Treaty for the United States.
IMMEDIATE RELEASE

Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF THE LETTER FROM PRESIDENT KENNEDY TO BASIL WILLIAMS, PRESIDENT OF THE SENeca NATION OF INDIANS

August 9, 1961

Dear Mr. Williams:

I fully appreciate the reasons underlying the opposition of the Seneca Nation of Indians to the construction of Kinzua Dam on the Allegheny River. Involved are very deep sentiments over the loss of a portion of the lands which have been owned by the Seneca Nation for centuries. I therefore directed that this matter be looked into carefully and that a report be submitted to me on the basic issues involved.

I have now had an opportunity to review the subject and have concluded that it is not possible to halt the construction of Kinzua Dam currently under way. Impounding of the funds appropriated by the Congress after long and exhaustive Congressional review, and after resolution by our judicial process of the legal right of the Federal Government to acquire the property necessary to the construction of the reservoir, would not be proper. Moreover, I have been assured by the Corps of Engineers that all of the alternative proposals that have been suggested, including the so-called "Morgan Plan Number Six," have been thoroughly and fairly examined and are clearly inferior to the Kinzua project from the viewpoint of cost, amount of land to be flooded and number of people who would be dislocated. In addition, the need for flood protection downstream is real and immediate -- the cessation of construction would, of course, delay the providing of essential protection.

Even though construction of Kinzua must proceed, I have directed the departments and agencies of the Federal Government to take every action within their authority to assist the Seneca Nation and its members who must be relocated in adjusting to the new situation. Included in the items I have directed the Executive departments and agencies to consider are: (1) the possibility of the Federal Government securing a tract of land suitable for tribal purposes and uses contiguous to the remaining Seneca lands in exchange for the area to be flooded; (2) a careful review of the recreation potential resulting from construction of the reservoir, and the manner in which the Seneca Nation could share in the benefits from developing this potential; (3) a determination of whether any special damages will be sustained because of the substantial proportion of the total Seneca lands to be taken; and (4) special attention and assistance to be given those members of the Seneca Nation required to move from their present homes, by way of counseling, guidance, and other related means. In the event legislation is required to achieve these objectives, I have asked that recommendations be prepared.

I hope you will convey to the members of the Seneca Nation the desire of the Federal Government to assist them in every proper way to make the adjustment as fair and orderly as possible. I pledge you our cooperation.

Sincerely,

John F. Kennedy

Mr. Basil Williams
President, Seneca Nation of Indians
25 Main Street
Salamanca, New York
August 24, 1961

Dear Helen,

If you haven't seen the enclosed thought you would like this.

Helen, does the government realize that Russia could use this sort of thing against us in the U.N. with telling effect? The minds should not of course, take such a course publicly. But behind scenes some one should be sternly reminded of our treaty-breaking while we are presenting such a noble front to the world about Russia's treaty-breaking. Sooner or later Russia is going to use this as in the U.N. (I'm afraid). And when they do, the whole West will suffer.

How are you doing with Democrats in? Any better?

My best to your matters.

Sincerely,

[Handwritten signature]

The Lodges, Inc.
Prauts Neck, Maine

Pauline and Leroy LeGacy
Managers

Telephone
TU 3-4562

[Postmark: Aug 26 1961, Received]

Washington, D.C.
## Document Analysis: The Kinzua Dam

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| Feb 22, 1961 letter from the president of the Seneca Nation of Indians, Basil Williams, to President Kennedy | Although it is written directly to the President, as a letter from a leader of an American Indian Nation to a US president, it is likely the writer knew (and hoped) the letter would be made public. | To get President Kennedy to stop construction of the Kinzua dam. | • The Seneca Nation has rights to the land going back to a 1794 treaty with the US Government.  
• The proposed dam will inundate thousands of acres of Seneca land forcing the relocation of hundreds if Senecas from their homeland.  
• There are alternative ways to deal with the flooding issues of the Allegheny River.  
• The president should investigate alternate plans. |
| August 9, 1961 letter from President Kennedy to Basil Williams, president of the Seneca Nation of Indians. | Public | To explain to the Senecas and to the public why the US government would go ahead with the dam and what ameliorating help the federal government would provide for the displaced Senecas. | • Construction of the dam will go forward.  
• The matter has been reviewed in the courts, in Congress, and money has been appropriated for the project. Delay of construction may lead to destructive flooding.  
• Alternative plans for the dam are more costly and would displace more people.  
• The federal government will look into ways to ameliorate the harm done to the Senecas by:  
  o considering the possibility of purchasing additional land for the Senecas to make up for the acreage lost to the them.  
  o finding ways for the Senecas to share in the "recreational potential" resulting from the flooded land.  
  o determining whether or not the Senecas will incur "special damages" because of the loss of land.  
  o giving assistance to dislocated Senecas by way of “counseling, guidance and other related means.” |
| August 24, 1961 letter from a US citizen (Ruth Thompson) to Helen Peterson, the Oglala Sioux executive director of the National Congress of American Indians | Private | To suggest a way that Peterson’s organization or other American Indian groups might persuade the US government not to construct the dam. | • President Kennedy has been speaking about US legal rights to Berlin because of international legal agreements. The US government will look badly in the eyes of the world if it highlights the importance of legal agreements with sovereign nations abroad but does not follow agreements made with sovereign American Indians nations.  
• American Indians should use this argument to persuade the US Government to honor its commitments. |