

How Indigenous Governing Practices Influenced the US Constitution and Bill of Rights

By Paula Peters, Mashpee Wampanoag
Historian and Journalist

A **sachem** is a Wampanoag leader. In the early part of the 17th century Ousamequin (Yellow Feather) was the **supreme sachem** or “**Massasoit**” of the Wampanoag. He or she was the consummate diplomat to his own and other nations guided by a council of hand-picked advisors.

Each Wampanoag village had a sachem and a council of advisors made up of **clan leaders** who reported to the Massasoit but remained otherwise independent. The sachem was also responsible for village order and welfare and collected surplus food and other supplies to be redistributed among the needy.

The settling of disputes, or peace keeping, was a matter left to a **council of elders**.

Sound familiar?

This early model of executive, legislative, judicial branches of leadership was mirrored in the governing practices of tribes throughout the Algonquin and Iroquois regions and ultimately influenced the framework for the democracy we know today as the United States of America.

By the mid-1700s it was the Iroquois League governance based on the concept of unity achieved by their Great Law of Peace that got the attention of colonial leaders bent on independence from the mother country.

In 1744 it was explained to colonial representatives gathered in Lancaster, Pennsylvania by the Iroquois leader Canassatego this way:

“Our wise forefathers established Union and Amity between the Five Nations. This has made us formidable; this has given us great Weight and Authority with our neighboring Nations. We are a powerful Confederacy; and by your observing the same methods, our wise forefathers have taken, you will acquire such Strength and power. Therefore whatever befalls, never fall out with one another.”

In stark contrast to European monarchies, the conduct and effectiveness of the Iroquois League model of sovereign states operating independently under one supreme leader so impressed Benjamin Franklin it became a feature of his “Join or die” campaign for independence. In a 1751

letter to his friend and publisher James Parker, Franklin made this appeal as passionate as it was insulting to the Iroquois.

“It would be a strange thing if Six Nations of ignorant savages should be capable of forming a scheme for such an union, and be able to execute it in such a manner as that it has subsisted ages and appears indissoluble; and yet that a like union should be impracticable for ten or a dozen English colonies, to whom it is more necessary and must be more advantageous, and who cannot be supposed to want an equal understanding of their interests.”

A decade later more than 200 Iroquois including Sachem Tiyanoga attended the July 1754 Albany Congress of colonial delegates where Tiyanoga impressed the delegates with the Iroquois Great Law of Peace. At that conference Franklin presented his final draft for a plan for colonial unification still technically under British leadership but revolutionary in terms of its autonomy with the sovereignty defined for each colony closely resembling the Iroquois model.

By the time Franklin assisted James Madison in drafting the Constitution it is doubtful the influence of the Iroquois leaders had faded from significance. Ultimately it seems clear the Constitution borrowed heavily from the Iroquois example particularly in terms of establishing sovereign states, checks and balances, a right to privacy, and choice freedoms of speech, opinion and religion.

Even after independence had been achieved, the concept of “natural law” and “natural rights” common in the social order of indigenous tribes continued to influence the ongoing debate on constitutional interpretation and the ideology of Thomas Jefferson specifically in terms of the Bill of Rights and the First Amendment. In a 1787 letter to Col. Edward Carrington, Jefferson wrote in defense of free speech and free press:

“I am persuaded myself that the good sense of the people will always be found to be the best army... The basis of our government being the opinion of the people, our very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate for a moment to prefer the latter I am convinced that those societies [as the Indians] which live without government enjoy in their general mass an infinitely greater degree of happiness than those who live under European governments.”

*This article was written by **Paula Peters**, a former journalist and current writer and independent scholar of Wampanoag history. She is a socially and culturally active member of the Mashpee Wampanoag Tribe.*