

A CALL FOR INDIAN UNITY

The first Americans are also the forgotten Americans. The injustices wreaked upon Indians, their being persecuted, deported from their ancestral homelands, and left to perish on inhospitable reservations, received rarely a mention in the media of the time, and continues to be ignored today. Only when Indians dare to challenge the supremacy of mainstream society does white America prick up its ears, usually with the ill temper of an annoyed parent. It seems that for all the lip service paid to relieving the plight of America's poorest minority, whites still feel threatened when Natives assert control over their own affairs. The most recent infringement on white dominance arrived in the form of Indian gaming, i.e. casinos and bingo halls on reservations.

Over the past fifteen years tribes have come to view gaming as a quick and effective solution to the dire poverty in Indian Country. But this highly profitable industry has provoked the envy of white corporations and state governments. Using the controversial ethics of the gaming business as a wedge, they are attempting to diminish tribal sovereignty, since that privilege stands in their way to regulate reservation casinos. While it is true that casino revenues have brought temporary relief to an impoverished people, relying on the business of gaming alone, without measures to strengthen the political power of Native America, may cost Indians their ability to govern themselves. Any reduction of that power would hurt the Indian economy immeasurably.

The History of Indian Self-Determination

By the early 1800s Native Americans were confined to reservations in the western half of the continent. The U.S. government considered them sovereign nations,

albeit nations that could be relocated when needed. In 1825 the federal government started to chip away at Indian sovereignty: The Federal Enclave Act determined that Indians are subject to federal law, and the Assimilative Crime Act of the same year expanded the power of the government over Native Americans (French 112). A year later Congress established the Court of Indian Affairs to prosecute Indians, especially those guilty of practicing outlawed cultural rituals (French 113). After the Civil War, more and more white settlers sought their fortune west of the Mississippi, craving the lands of the tribes. By the 1880s the government needed to modify its treaties with the Indian nations in order to make room for westward expansion.

Increased settlement by whites plunged the tribes into unimagined depths of misery. The Dawes Act of 1887 effectively robbed Native Americans of their land, and in the process, of their culture. This legislation allotted each Indian a 40 acre plot of the least hospitable soil on the reservation, breaking up the communal life of Indians, and reducing the size of their territory (Hagan 148). Indian living standards continued to deteriorate until the 1930s. This was the age of the "Indian New Deal". The Indian Reorganization Act of 1934 ended the policies of the Dawes Act, strived to protect Native culture, and established self-government as a goal (Taylor 183). Things were looking up for a couple of decades, until the expenses of World War II necessitated decreased government spending.

In WW II 25,000 Native Americans fought for their country, and 40,000 to 50,000 volunteered to work in the munitions factories (Fixico 193). Eager to ease the burden on its depleted budget, the federal government conveniently interpreted the Native war effort as a sign that Indians were ready to be "fully responsible" members of white

society, and were no longer in need of special consideration. Dillon S. Meyer, who as director of the War Relocation Authority had sent Japanese Americans to concentration camps, became the new commissioner of Indian Affairs (Fixico 195). Under his guidance, Congress created the policy of 'Termination'. Claiming that the support of the government weakened Native Americans' resolve to help themselves, Congress eliminated most aid programs. Meyer proposed that the assimilation of Native Americans into mainstream society, in particular their relocation to industrial cities, would turn Indians into productive workers, and thus ease the poverty on the reservations. The years of 'Termination' gave rise to the stereotype of the drunk Indian. Tribal members were sent to cities they knew nothing about to live a life nobody prepared them for. Communities and families were torn apart. A key component of 'Termination' was established in 1954 when Congress passed the House Concurrent Resolution 108, which stated:

It is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws ... as are applicable to other citizens of the United States, to end their status as wards of the United States. (Fixico 200)

Furthermore the government closed down the Indian Health Services, expecting Native Americans to shift to using public clinics. Since Indians were uncomfortable asking whites for medical advice, they simply stopped receiving any medical attention. The average life expectancy on the reservations was 44 years; in the general population it was 70 (Fixico 202). Indians were now worse off than ever.

The 1960s brought new rights and increased attention to all minorities in the U.S., and Native Americans were no exception. Titles II – VII of the Civil Rights Act of 1968 are often called the Indian Civil Rights Act. They gave Indians new freedoms, including a Bill of Rights much like the one embedded in the U.S. constitution (French 114). Bolstered by the recognition, a “Red Power” movement blossomed. In November 1969 a small band of Indians took over the island of Alcatraz, relying on a federal statute that allows Native Americans to reclaim unused federal land. Enjoying a positive response from the public and the media, they held the island for 18 months, until June 11, 1971 (Hauptmann 210). The early 70s also saw standoffs between Indian activists and law enforcement at Wounded Knee, on the Pine Ridge reservation, and at Mt. Rushmore. Native Americans clearly had found a new sense of empowerment. In 1970 President Nixon ended the policy of Termination. He declared:

The Indians of North America need federal assistance – this much has long been clear. What has not been clear, however, is that the federal government needs ...Indian leadership if its assistance is to be effective. It is a new and balanced relationship between the U.S. government and the first Americans that is at the heart of our approach to Indian problems. (Hauptmann 214)

The 1970s marked the opening of a new chapter in Indian history, one that continues today.

As a result of Nixon’s direction, Congress started restoring tribes’ federal trust status. The Indian Education Act of 1972 increased funds for reservation schools, and in 1975 the Indian Self-Determination Act gave tribes unprecedented control over their affairs. By the time Nixon resigned in 1975, more Indians held positions in the

Washington bureaucracy than ever before (Hauptmann 217). Increased federal aid and heightened self-esteem infused reservation Indians with hope for the first time in a century.

But the government betrayed the Indians trust once again. In 1983 President Reagan imposed his view of smaller government onto Indian Country, and forced Native Americans to fend for themselves. He applied his ideology of each citizen being an entrepreneur, who needs no subsidies, to all, including the weakest members of society. Dressing budget cuts as reduced government interference the Reagan administration slowed down the flow of money to the reservations. Funds to Native Americans were cut by 29%, with devastating results. The successful Concentrated Training and Employment Act program was cancelled, taking jobs away from 18,000 Indians (Rosier 131). It looked as though Indian Country was doomed to endure the cycle of broken promises over and over.

But this time several tribes decided to create revenues for themselves by taking advantage of the special legal status granted to them under the provisions of the Self-Determination Act. For the first time in history Indians possessed the tools to shape their destiny. They had established their own forms of government in the likeness of traditional councils, and they no longer depended on the whims of politicians in Washington. These tribal governments realized that they had the power to regulate business on tribal lands, including the business of gambling.

A History of Indian Gaming

Bingo halls had existed on reservations for decades, supplying tribes with a little extra income, but had been severely restricted in scope by local ordinances. The state of Florida dictates a limit of \$100 for bingo games, which are legal for charitable events. After the Reagan cuts, the Seminoles began running games with prizes of up to \$10,000. The state tried to prosecute, but the U.S. Fifth Court of Appeals interpreted the law to give Indians the right for such gaming activities, if the state allows gambling at all. This verdict signified that Florida could only ban all gambling activities within its boundaries, which it was not about to do, but not selectively regulate the Indians' bingo halls. This result sparked a nationwide trend. Soon over 100 tribes were offering high-stakes bingo (French 115). By 1984, bingo was seen as a legitimate way to raise the standard of living on the reservations.

In California, the Cabazon Band of Mission Indians joined the new trend of high-stakes bingo, only to be sued by the state. This case went all the way to the U.S. Supreme Court, which considered it unlawful for states to govern Indian business practices. A precedent was established, especially for the 14 states that allowed charities to hold so-called "Las Vegas nights" with casino-style games as fundraisers (French 116). One such state is Connecticut, where one elderly lady represented the last of the Mashantucket Pequot tribe.

The Pequot have been assimilated out of existence; all remaining individuals claiming Pequot heritage show distinctly Caucasian or African American features. Afraid that the government would take possession of the remaining 178 acres of tribal land after her death, Elizabeth George devised a plan to rescue the Pequot heritage. With

the help of her grandson Richard Hayward, she opened a high-stakes bingo parlor in 1986. During the first year of operations, the Foxwoods bingo hall, located two hours from New York City in Connecticut, turned a profit of 2.6 million dollars (French 118). George used the bingo earnings to reunite the scattered remnants of the tribe, which provoked accusations of opportunism, since she welcomed members who carried only a fraction of Pequot heritage. Strengthened by numbers, the re-born tribe continued to insist on the right to run a gaming operation. But the state of Connecticut, and others who had casinos within their boundaries, were determined to fight for their power to regulate Indian affairs, and to receive a share of these revenues. So they turned to Congress.

Trying to regain at least some control over tribal governments, the states intensively lobbied for a set of rules governing Indian gaming. In 1988, Congress passed the Indian Gaming Regulation Act (IGRA), which divided gaming into three classes:

Class 1: Social games with minimal prizes and traditional forms of Indian gambling conducted during ceremonies. This class is under full control of the tribes.

Class 2: All forms of bingo or related games. These games are controlled by the tribes, but only permissible in states that allow similar games off-reservation.

Class 3: Any gambling that is not covered in Classes 1 and 2, including casino card games, slot machines, racing, and jai-alai. This kind of gambling is allowed for tribes who meet the standards of Class 2, provided they reach an agreement with the state regarding the conditions under which they operate (Barker and Britz 64).

These agreements, called compacts, may cover what types of games are played, how much money the state receives from the tribe, or how the surrounding communities benefit from casino revenue. The IGRA also outlines how the tribes are to utilize the casino income: Large portions must be spent on the welfare of the tribe, given to in-state charities, or funneled into public works projects on the reservation (Barker and Britz 64). The provisions of the IGRA enable only the most successful gaming tribes to pay out large dividends to tribal members.

The state of Connecticut refused to sign a compact with the Pequot tribe. The matter made its way through the courts, but when it reached the final stage of that process, the Supreme Court refused to hear the case, thus forcing Connecticut to accept the letter of the law. The Pequot agreed to give the state an unheard of 25 per cent of their earnings from their casino, with a minimum guarantee of \$100 million annually (Rosier 118). The success of the Pequot inspired other tribes to think big in their developments. Today 348 gaming facilities in 30 states take in \$16 billion a year (Bolick). But it is important to remember that this revenue is generated by about a third of the tribes, usually small tribes who live near major cities. These relatively few, lucky tribes are taking in disproportionate amounts of money. Reports of tribal members earning dividends in the thousands of dollars have created the misperception of the 'Rich Indian' in white society. The resulting backlash threatens the very concept of tribal self-governance. Any reduction of the tribes' special status would have catastrophic consequences, and add to the ills that gambling already bestows on reservation Indians.

The Dangers of Indian Gaming

Gaming has brought many improvements to the reservations, but it has several drawbacks, which may be too great to ignore. While it is true that tribes all over the country are able to fund K – 12 education, give free college scholarships to their members, and establish free health clinics, this is also true: Gaming invites addiction onto the reservations, and it is not in harmony with Indian culture. Furthermore, the newfound riches of the few very successful casinos may cause a cut in federal funding for all tribes. Lastly, rivals and opponents may succeed in restricting tribal gaming by restricting the sovereignty the tribes gained in the 1970s. These last two developments would be devastating to Native Americans. It is dangerous business to rely on gaming alone as a catalyst for change.

The overrated effectiveness of gaming as economic stimulus

Despite the increase in gambling revenues more Indians struggle to survive today than before the Reagan era. A report by the group 'Native Americans in Philanthropy' found that in 1997, 51% of reservation Indians lived in poverty. In 1980 that number was 45%. The study concluded that the much hyped casino successes represented exceptions, and not the rule (Rosier 130). While gaming revenues have risen steadily since 1997, many reservations still continue to resemble developing countries.

The dire economic situation of reservation Indians is confirmed in the pages of the Harvard Project on American Indian Economic Development's report from 2005. It shows that the real per capita income of Native Americans has been about a third of

that of the general U.S. population in 1970, '80, '90, and in 2000 (Taylor and Kalt 7). The authors compared the census data from 1990 with that from 2000. These ten years saw a dramatic rise in gaming revenue. Separating the data of reservations with casinos from that of non-gaming tribes yielded these results: The real per capita income of both groups increased during the 90s. While the gaming tribes were slightly ahead in 1990 and in 2000, they still markedly lagged behind the numbers for the general population (Taylor and Kalt 9). The same is true for a comparison of median household incomes, the true measurement of living standards (Taylor and Kalt 15). The study actually shows greater rates of improvement for the non-gaming tribes. This raises some questions about the effectiveness of gaming to end Indian poverty.

One explanation for the small gap between gaming and non-gaming tribes is that it is not the gaming business but the effect of self-governance and political self-determination that is responsible for increased revenues. Stephen Cornell, in the Journal of Socio-Economics states, "Resources [e.g. casino revenue] set the upper bound on a society's potential for growth ... however, how far away a society's performance is from that upper bound depends centrally on the legal, social, and political institutions that are imposed on it" (458). The report compares several tribes with varying amounts of capital due to casino revenues or the presence of natural resources on tribal lands. It finds that those tribes that have maintained a system of government most similar to the one they had before contact with Europeans are the most successful. The nature of their business plays a secondary role.

A look at the examples of tribes unable to convert their resources into hard cash once again shows how abject poverty persists in Indian Country. The picture Cornell

paints of life on the reservations of the Crow and of the Pine Ridge Sioux, for example, reveals the cynical nature of the stereotype of “rich Indians” (443 – 444).

Gambling addiction

Another cliché by which white America excused its ambivalence towards Natives is that of the “drunk Indian”. The prevalence of alcoholism on depressed, desolate reservations is responsible for this stereotype. The statistics for that disease are much improved, but tribes may invite a new kind of addiction onto their lands: Problem gambling. The sociologist David Oldman describes the attraction of gambling thus: A visit to the casino makes individuals feel self-empowered, they feel that perceived barriers to status and power are removed, and they are able to position themselves at center stage by placing dramatic, risky bets (qtd. in Barker and Britz 125). Other factors that predispose a person to problem gambling are a family history of alcoholism, and a father who is seen as a failure (Barker and Britz 123). All the above factors unfortunately may apply to reservation Indians. As an oppressed minority they may experience low self-esteem, the poverty around them makes feeling empowered hard to resist, and alcoholism was rampant in the last generation of Indians, leading to many a father who may be seen as a failure by his offspring. Jeff Marotta, Problem Gambling Services Manager for the state of Oregon, explains that Indians are known to be between 2 times and 8 times as likely as non-Indians to develop a gambling problem. He explains this with the dual-risk factor Indians are subjected to: They live near the casinos (most problem gamblers do), and they often work in the casinos (another group likely to get addicted). He also points out that Indian tribes often ignore

this issue, for fear that highlighting the addictive nature of gambling will cost them the white communities' support, a prerequisite for casino compacts. While casino proponents need to be conscious of sentiments in surrounding towns, they also face resistance to the casino business within their own ranks.

Cultural objections to Gambling

Native Americans have always been fond of wagers. Betting on foot races, canoe races, lacrosse or wrestling has been part of the social fabric for many centuries. But these bets always served a social purpose, or helped in the decision making process. Never did they serve to bring wealth to an individual (Rosier 114). Today's gaming industry has abandoned these principles in favor of profit. Native American tradition always held gambling in contempt. In Cherokee culture a mystical figure by the name of "Chance" is described as a "shady character" (French 110). Navajos tell the legend of "The Great Gambler" who will one day come back to kill the tribe after having lost a game to an elder. Some fear that the white man's casino is that prophecy come to life. Perhaps that is part of the reason why the Navajos have voted twice against gambling on their reservation (Rosier 128). And others have aired their objections by means other than a ballot box.

The controversy over Indians participating in the white man's gambling industry has ignited violence on reservations. It positions traditionalists against "bingo chiefs", as it did on the Akwesasne-St. Regis reservation, which straddles the U.S.-Canada border in upstate New York. The Mohawks opened a bingo hall in 1984, which grew into several casinos. In 1989 tribal members opposed to gambling went on a rampage in the

casino complex, smashing slot machines and roulette tables. One of the buildings was set on fire. An armed militia called the Mohawk Sovereign Security Force, carrying automatic rifles, protested the casino, erecting roadblocks to halt all gambling activities. In March 1990 pro gambling forces smashed through the roadblocks. When the smoke cleared, two Indians lay dead (Rosier 118). In California ten members of the Elen Pomo were wounded in gun battles that broke out over accusations of fraud and embezzlement in the tribal leadership (Rosier 126). Similar, if not quite so bloody, controversy has simmered on reservations in Texas, South Dakota, Minnesota, and Florida. John Dyer, tribal council member of the Onodaga, summed up the threat gaming poses to Indian culture: " There is nothing wrong with a nation running a casino. The problem becomes [sic] when the casino runs the nation" (Rosier 131). These incidents make for riveting headlines, and perpetuate the image that casinos invite lawlessness.

Political side effects

As a cash-based industry that flourishes only when its customers risk their money irresponsibly, gaming is a public relations nightmare. Aside from showcasing the benefits for impoverished tribes, there really is no feasible way to portray casinos as virtuous, honest places of industry. In absence of positive features of the business, most news reports focus on rich tribes, rich investors, corrupt managements, and tax breaks that sometimes accompany this issue. This could have two devastating effects for Native Americans: The perception of the rich Indian could lead to cuts in federal aid, and tribal sovereignty could be eroded by the efforts of states to regain full control over

what goes on in their backyard. Sensationalist and conservative voices in the media are already attacking Native Americans for receiving benefits and privileges they supposedly no longer require.

The Foxwoods casino of the Pequot makes for an easy target. The tribe was almost non-existent before the advent of gaming, fueling the charge of opportunism. Given its location halfway between Boston and New York, the casino brings in a lot of money, about \$ 1 billion a year (Rosier 126). This creates envy among whites not entitled to opening casinos. But, as Senator Ben Nighthorse Campbell remarked, "The Foxwoods is not representative of conditions in real Indian Country" (Anders 163). Yet opponents of gaming in New York call for restricting the Indians' right to conduct business as a sovereign entity. California tribes experienced similar windfalls in the casinos, due to their proximity to wealthy population centers. They have already faced attempts to restrict their self-governance.

Governor Pete Wilson tried to limit gaming by allowing only a certain number of machines, and permitting only non-banking games, which are less lucrative. He gave the tribe an ultimatum to conform, and refused to sign the proposed compacts. In response the tribes put Proposition 5 on the ballot in 1998. The voters sided with the tribes, giving the tribes the right to run the operations they desired, despite a huge effort by Nevada gaming interests to thwart the campaign. But the California Supreme Court struck down the initiative as unconstitutional. In 2000 the tribes countered with Proposition 1A, which won 65% of the popular vote. The initiatives were the costliest in U.S history (Rosier 122). The tribes of California were fortunate to be able to outspend their opponents.

The Wall Street Journal published an editorial in March 2002 with the title "Big Chief Pataki". Using racially charged language such as, "circle the wagons", "traded beads with", and "naïve tribal chiefs", it listed all the ills associated with gambling, and none of the benefits to tribal and community budgets (Rosier 123). It is important to note that these generalizations and stereotypes ought to at least be applied to all casinos, but only Indian gaming was attacked. Gambling has experienced an explosive growth nationwide. State governments desperate for revenue have legalized offshore and riverboat casinos, as well as expanded their lottery systems. It is no coincidence that this push by the states occurred in the late 1980s; experts consider it "a reaction to IGRA and Indian gambling" (Barker and Britz 68). If states desire to further weaken the competition from Indian casinos, while maintaining their own operations, they will have to lobby for Indian sovereignty to be limited.

The ultra-conservative magazine American Enterprise published an article titled "The festering problem of Indian 'sovereignty'" in its September 2004 edition. Jan Golab, the author, creates a deplorable image of Indians by declaring them to be "our nation's most influential interest group" (para 12), and predicting that they might soon be "the richest people on earth" (para 10). The dramatic highpoint of this imaginative piece of fiction arrives when Golab accuses the Mohawks of smuggling associates of Osama Bin Laden's into the country via their borderlands (para 17). While these portions of the article are easily refutable, once the laughter has died down, some of the interest groups who are given airtime in it are reason for serious concern in Indian Country.

The Citizens Equal Rights Alliance And United Property Owners proclaims itself to be an umbrella organization for those "affected by Indian sovereignty claims". It gives

a voice to citizens who feel "betrayed by their leaders". They consider Indian sovereignty "a profoundly flawed special body of federal law" (Golab para 21). And they are gaining influence in Washington, D.C.

Golab quotes government officials, who wish not to be named due to fear of being labeled 'racist', as having "second thoughts about tribal sovereignty" (para 42). Several Republican Congressmen are less shy about airing their vision for the future of Indian sovereignty: Frank Wolf (VA), and Christopher Shays (CT) are pushing for restrictions of tribal self-government. And Ernest Istook of Oklahoma said, "You will not solve the problems of Indian tribes by giving them a legal status different from everybody else". He suggested that Congress either change or terminate tribal sovereignty (Golab para 45). But the census data and Stephen Cornell's report strongly suggest that without self-determination the Indian nations lack the ability to create a self-sustaining economy. Adding insult to injury, the talk about casino riches may not only limit Indians' earning capabilities, but also cost them much-needed federal aid.

President Bush proposed to eliminate more than \$100 million from federal programs supporting Native Americans (Bruchac 83). This would mean closing health clinics on the poorest reservations, terminating job programs, and cutting down the welfare rolls among impoverished Indians. Harking back to President Reagan's budget cuts, this policy would surely result in increased unemployment and poverty on the reservations. But, if steps to reduce Indian self-determination succeed, this time the tribes would not be able to create their own emergency rescue program, as they did with the proliferation of bingo halls twenty years ago.

Conclusion

Gaming is not without severe drawbacks. It damages the fabric of Indian culture, and creates resentment between rich and poor tribes, and between whites and Indians. Most dangerously, it is vulnerable to attacks from interest groups who care little about the welfare of Indians while they try to take over the lucrative casino market. Stories of casino millionaires create a backlash that can and probably will lead to cuts in funding, and restriction of sovereignty. The convergence of these two developments would plunge Indian country back into abject poverty. Native Americans need to unite politically and as a people, by establishing a nationwide pool so that gambling revenues elevate the lives of all members of America's poorest minority.

History demonstrates the fragility of tribal rights and tribal self-governance. The Indian nations must use every tool at their disposal to solidify their status as sovereign entities. As long as individual tribes only defend their own interests, state and federal governments will always succeed in restricting "Red Power". As the example of Proposition 1A shows, Indians can beat the system with its own methods. Now is the time to translate that regional success into a national movement towards a Federation of Aboriginal Nations. If Indians were to combine their resources, they would constitute a political and economic force that could not be ignored.

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