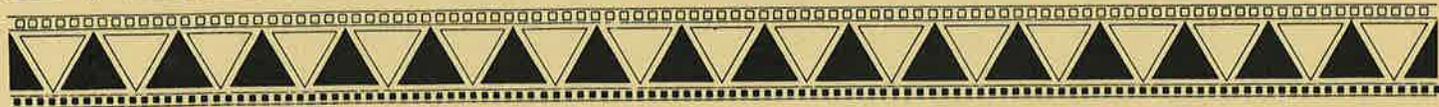


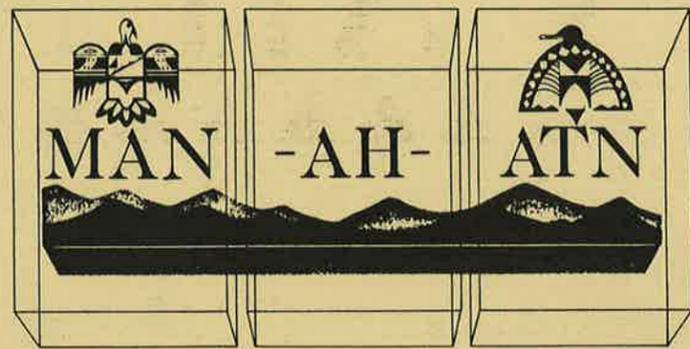
MAN-AH-ATN



APRIL/MAY 1986



American Indian Community House



More Than A Game

by Robert W. Venables, Ph. D.

At least eighty Indian nations have already established bingo halls on their reservations in over twenty states across the country. This binge of bingo now brings in tens of millions of dollars in much-needed revenue, most of it from the pockets of non-Indians. Not surprisingly, many other Indian nations are now considering installing bingo games on their reservations.

To be sure, there are many arguments *against* the adoption of bingo by any traditional American Indian community, not the least of which is bingo's frequent ties with organized crime. Other major concerns are the burdens of financial debts to and contractual obligations with non-Indians who often finance and/or manage the games. Whatever Indian people decide regarding bingo, there are three major points which are important—and paradoxical—from a historical point of view. First, bingo and gambling superficially appear to be similar to certain Indian traditional games, but in fact are different because bingo and gambling, unlike American Indian traditional games, are undertaken primarily for economic gain and/or recreation, whereas traditional Indian games have strong religious and cultural components. Second, Indians have always adapted those non-Indian ways which, in Indian opinion, have helped Indians to survive or make their lives easier. Third, bingo has already become a focal point around which one can gauge the far greater issue of Indian sovereignty and self-determination.

A major issue raised by bingo is definitions. What is "gambling" with regard to Indian traditions? What is "tradition?" Does it only involve religion and culture, or does tradition also include how Indian societies adapt and make political decisions? (For example, if an Indian nation adopts bingo through the decisions of its political leadership, is bingo then "traditional," even though gambling for economic gain is *not* part of the tradition?) Finally, bingo has focused on a definition of vital importance to Indian peoples: "sovereignty."

Significantly, the *Oxford American Dictionary* (1980) defines "gambling" in the same way that traditional

American Indians define it: "1. to play games of chance for money. 2. to stake or risk money etc. in the hope of great gain." Traditional American Indians do not regard those games which are played within their cultural or religious contexts as even remotely similar to "gambling." Traditional Indian games have an entirely different purpose, which is to involve cultural and/or religious concepts within the purpose of any "game" undertaken.

There are and were, of course, Indian games which could now be classified as "gambling," such as the "hidden ball" games, also known as the moccasin game. One such moccasin game observed by a white among the Ojibwas of Lake Superior in Wisconsin, in 1846, involved hiding one jagged musket ball among three other musket balls, all four of which are distributed under four moccasins. One person must then decide under which moccasin the jagged musket is hidden. The white observer noted that often "they stake everything about them and sometimes come away literally stripped." But it is possible — or probable that even these games had a component not seen by the observing non-Indian, and/or that the *roots* of the game lay in some religious practice or belief.

Whether a game has a religious context or whether it is/was purely recreational, games which resulted in the

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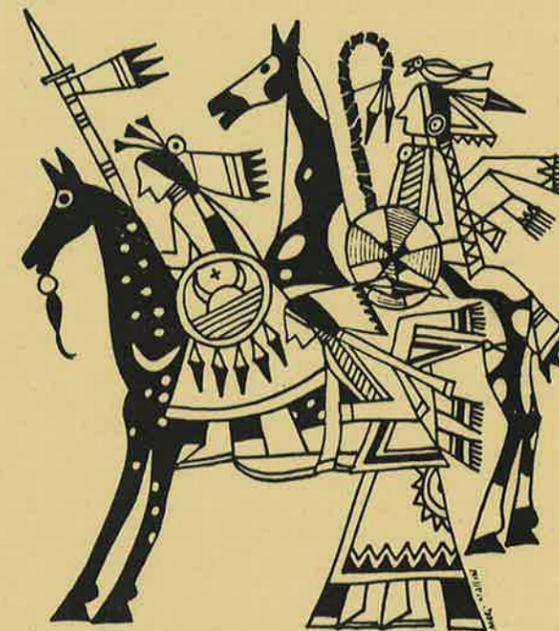
exchange of any kinds of goods enabled the sharing or redistribution of goods within a community. Shortly after the turn of the century, for example, a destitute Shoshone family was invited by their community to participate in a gambling game, in which the family, being impoverished, had to stake what little they had. A more fortunate person became their opposite player or "opponent." This person bet a team of two horses and a wagon. The community knew that the destitute family needed the wagon, and that the more fortunate person could afford to "lose." Yet the community also recognized that the family needed to obtain the necessary horses and wagon while retaining their family pride. The game progressed and was very exciting, and at one point the outcome seemed bleak for the destitute family. There is no evidence that the game was "fixed." To everyone's surprise —yet to no one's surprise — the game was won by the destitute family. A little girl in that family grew up to be a leader of her people, and recalled that particular "gambling game" with fondness. Her leadership was her reciprocity.

Bingo, introduced to the Americas by non-Indians, is also no more or less adaptable than the horse, also introduced by non-Indians. Indian people quickly realized that the horse enabled them to live better —to perpetuate what they thought were the most important aspects of their nations such as the survival of their families and the continuation of their religions. By the 1680s, for example, Iroquois messengers were riding horses from the Hudson River as far west as the Seneca country, criss-crossing what is now New York State. And on the plains in the 1700s, the horse slowly became a major component of the religions and cultures of various Plains Indian nations.

It is unlikely, however, that bingo will ever become like the horse in Plains culture: an integrated part of tradition. This is because bingo is primarily perceived as an economic factor. It is this which makes it so unlike the Indian gaming traditions of the past. Although some gambling existed primarily as recreation, Indian traditional games involved more. They were, and in many places still are, parts of significant cultural and religious activities. To include these traditional games in the same category as bingo is not only inaccurate, it is to many traditional people "offensive."

The evidence for the widespread Indian traditions of gaming is apparent in Stewart Culin's *Games of the North American Indians* (1907). The book is 846 pages long. In just one category of games, broadly known as "dice games," Culin notes 130 Indian nations which had at one form or another (the dice could be made of sticks, bones, stones, of other materials, and the may have had as few as two surfaces.) One of the "dice games" Culin spends ten pages describing is the Iroquois "bowl" game played with a bowl and gaming pieces made of wild plum and, later, peach pits. Yet this "dice game" is not "gambling," and it continues to play a significant role in Iroquois religious life. The bowl game is played at certain times of the year in connection with religious ceremonies. The nineteenth century scholar Lewis Henry Morgan noted that one of the many reasons the game was significant was because "this game would be enjoyed by them in the future life."

The designation of Iroquois bowl games by Culin as being within the broad category of "dice games" indicates non-Indians' penchant for classifying everything, including games. The non-Indian definition of games, especially by anthropologists, tends to separate the games of the world into categories: games of the intellect such as chess; games of physical skill such as football; and games of "chance" such as bingo. Culin, although he did try to classify all games into categories, was a sensitive scholar who realized the religious components in games. Culin did stress a holistic interpretation and he concluded his lengthy book with the statement that *all* American Indian games were "either instruments of rites or have descended from ceremonial observances of a religious character." However, less-sensitive observers may focus on primarily on the classification of games, and this may obscure the important religious aspect of many Indian games. Such superficial impressions may include those games which appear—erroneously—to non-Indians as involving "gambling."



Indian games traditionally have been like most other aspects of Indian tradition: holistic in nature. An example of the integration of game and culture is lacrosse, which at first glance may appear to be far from gambling and far from anything except physical strength, dexterity, and endurance. But lacrosse is more than a game. Lacrosse, the most physical of sports among American Indians, was originally played in varying ways across the continent — for example, using one or two sticks. But lacrosse was (and in many places still is) more than a physical contact sport. It includes religious meanings, purpose, and even ceremony. Spectators bet on the game because bets were as much a part of lacrosse as the ball and lacrosse sticks: they were part of a "game" which reinforced Indian culture. Lacrosse was a means of community and individual devination, allowing players and the

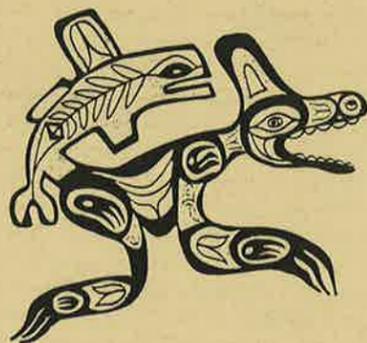
communities they represented to test their individual and their communities' relationships with supernatural powers and fates. One did not win by skill or physical prowess alone. Mental attitudes, specifically tied to spiritual values and specific spiritual forces, were in fact more important.

As a ritual, Indian lacrosse promoted life. The Hurons, for example, stated that lacrosse games fostered the health of the entire nation. Lacrosse games could be (and in some cases still are) a significant component in the treatment of a sick individual. In addition to prayers said prior to such a game, the individual would psychologically benefit simply by seeing that the whole community cared enough to turn out for a game in the sick person's honor.

To play lacrosse was (and in some case still is) to come into contact with the natural sources of life. One spiritual dimension shared by some North American lacrosse games was the premise that the ball represented a heavenly body's orbit in the universe. Among traditional Cherokees, the "moon is a ball which was thrown up against the sky in a game a long time ago." The traditional Abnaki belief is that the Aurora Borealis is the Creator (Wababanaï) playing at lacrosse.

Lacrosse also inspired what this author regards as the preeminent example of a non-Indian's frequent inability to see and understand the entire cultural framework of any event in an Indian community. In the 1750's, a Frenchman, Jean-Bernard Bossu, observed a Choctaw lacrosse game. In an attempt to communicate what he saw to his colleagues in France, he noted that lacrosse was "a game similar to our tennis."

At present, American Indian bingo games are more like their non-Indian counterparts than a traditional Indian game might be. But this is not to say that bingo cannot be assimilated by the broader traditions of various Indian nations that do not involve traditions of games at all, but relate to other "traditions" in the society. It may be, for example, that the physical buildings and operations will remain a separate economic entity within some Indian nations but be integrated as a *concept* into broader Indian traditions such as prayers of thanks for economic survival and, more practical, the distribution of bingo responsibilities, jobs, and profits *equitably* along traditional distribution



channels such as clans. In fact, the more bingo is perceived as an adaptation into a wider Indian social or national tradition, the more likely bingo may serve Indian, as opposed to non Indian, interests. As a game, however, bingo will undoubtedly always retain its economic motivation and as such is not likely to become a "traditional" game.

At first glance, it may appear that bingo has successfully demonstrated Indian sovereignty. But in fact, court decisions such as *Seminole Indians v. Butterworth* in 1981 sanction bingo as a civil activity as opposed to something falling under "criminal" law. Indian sovereignty is recognized in this civil matter by the federal government as taking precedence over state sovereignty. But this Indian sovereignty is not recognized as being equal to or compatible with federal sovereignty. The states have, at least for the moment, lost. But the "feds" are still the ultimate sovereign as far as courts are concerned. Thus from the legal position of the United States, Indian bingo is still subordinate to federal sovereignty. What the Indians have left over is something the legal non-Indian minds define as "residual sovereignty." Whether Indian nations can use bingo to prove their sovereignty vis-a-vis the federal government is yet to be tested. But bingo could provide a vehicle to bring into focus other Indian claims to sovereignty, if these sovereignty claims are used to support the Indian right to control bingo. Bingo profits may be large enough to fund the court tests that the broader issues of sovereignty require. On the other hand, bingo may prove so profitable that some Indians may be tempted to live with federal sovereignty in exchange for bingo revenues.

Some Indians have suggested that their nations should go into debt in order to set up bingo, with the expectation that the profits and benefits will make the debt — whether monetary or contractual — worthwhile. But non-Indians and non-Indian governments have never ceased in their search for ways to get Indian nations into debt so that the debts can be paid off through some concession (such as a land grant). For example, in 1803 President Thomas Jefferson noted in a message he sent to the Senate and the House of Representatives that virtually all Indian nations were "obstinately" refusing to sell even "the smallest portion of their land." He therefore proposed increasing the number of government-sponsored trading posts among all Indians so that they would be encouraged to exchange land for material goods. He spelled out his entire motive in a letter he then sent that same year to William Henry Harrison, governor of the Indian territory. Jefferson said:

we shall push our trading houses, and be glad to see the good and influential individuals among them [the Indians] run in debt because we observe that when these debts get beyond what the individual can pay, they become willing to lop them off by a cession of lands.

To ignore this lesson of history from one of the United States' Founding Fathers would be unwise. Indian nations have survived when they have depended on white allies the least. Some Indian nations are considering

initiating bingo games with non-Indian interests kept to a minimum, if involved at all, by beginning the games in rather modest buildings. Then the bingo can be expanded when profits permit.

Keeping non-Indian interests at a distance in any establishment of bingo may perhaps threaten non-Indians traditional need to control Native Americans. This is because bingo could eliminate Indian economic dependence upon non-Indian government agencies, institutions such as Christian missions, and funding by federal and/or state bureaucracies. The issue of bingo may therefore reveal to what degree the non-Indian world truly supports the announced intention of government policy to see Indians fully able to exert "self-determination."

One of the most important issues is that it will be difficult to integrate bingo "holistically" into Indian traditions, as other games have been. If bingo is ever going to be integrated into any Indian national tradition, it must take on more than simply an economic motivation. Non-Indian cultures do quite well in separating economic from other life issues (such as ethics). One of the reasons Indian and non-Indian cultures have historically clashed is because of this major difference between the holistic Indian societies and the categorized, specialized non-Indian ones. While bingo has the potential of helping Indians to survive economically, it may also serve as a way the non-Indian society can stand back and watch as Indians themselves, voluntarily, alter their societies to accommodate the pursuit of the almighty dollar. Bingo profits could be as heady an experience as alcohol. On the other hand, Indian nations have always changed and evolved. They have done so by allowing free discussions of all issues.

The debate shaping up in state and federal legislative

bodies often includes arguments such as bingo is "not good" for Indians and must be subject to federal and/or state control. Yet both federal and state governments throughout the United States sanction bingo for non-Indian institutions such as churches and veteran organizations. Bingo is part of the white man's world. If bingo is to be condemned and banned as something which can corrupt a society, then whites must ban bingo first. As long as Las Vegas, Reno, and Atlantic City exist as gambling centers for the non-Indian world, the pious argument being forwarded by some legislators is not only hypocritical, it masks the simple truth that the non-Indian world always becomes envious when it sees "gold" on Indian land.

There is an irony in the current discussion of bingo which incorporates both the practical and the idealistic issues of the debate. Indians have always used games for more than one purpose, for both practical and idealistic reasons. Bingo has self-evident practical benefits. But a complete Indian traditional game includes a consideration and integration of idealistic goals. Perhaps the ideal will simply be community survival. Perhaps it will be more. But there is no doubt that bingo poses challenges far more dangerous than the most physical lacrosse game, involving as it can organized crime, debt, corruption, and non-Indian interference, to mention just a few.

How the debates regarding bingo are carried out by Indian nations and what the results are, will fulfill a major function of traditional games among American Indian societies: bingo will ultimately reveal the twentieth century fates of more than a few Indian nations. The resolution of the issue of bingo will indeed be more than a "game."

A Question of Sovereignty

A number of Tribes have recognized that we may have to suffer some loss in sovereignty in order to maintain high-stakes bingo

Mark Powless
Oneida

The relationship between the United States and Indian Nations has been one of a steady erosion of Indian sovereignty. Current opposition to Indian high-stakes bingo by a vocal segment of the American population, possible unfavorable court rulings on bingo in today's conservative climate, and doubts in Congress over Indians ability to control organized crime are almost sure to further erode the sovereign status of Indian people, perhaps irreparably.

From a legal standpoint, a nation is a group of people with an organized society in a specified geographical area, bound by common language and customs. Sovereignty is the extent of the nations independence. A

sovereign nation is one which exercises control over its own domains and people, without interference from another state.

From the beginning of contact, Indian nations were considered sovereign states by the Europeans. The earliest known work on the matter, *De India et De Jure Belli Reflectiones* (1539) by de Vitoria clearly spells out that Indians were the true owners of the New World and in order to acquire land the Europeans were bound to negotiate through treaties. The first treaties entered into by the United States were with Indians. The earliest treaty signed by the Continental Congress was the treaty with the Delaware Indians in 1778 which was made to recognize boundaries and enter into a military alliance. The very act of entering into a treaty acknowledged the sovereign and independent status of the Delaware. While later treaties by the U.S. would be used to limit the rights of Indians, the erosion of Indian sovereignty became serious at the hands of the courts.

Johnson v. McIntosh (1828) declared the United States had ultimate title to any land within its borders (or for that matter any land that the U.S. occupies) regardless of whether Indians occupied the land or not. *Worcester vs. Georgia* (1832) made it clear that states had no jurisdiction over Indian nations, although by then the doctrine was implicit that Indians were under federal decrees. The *Cherokee Tobacco Case* (1870) affirmed that federal taxes applied to Indian lands in spite of a treaty signed two years earlier exempting the Cherokees from the same tax.

The Major Crimes Act (1885) gave federal jurisdiction for the first time over specified major crimes (now fourteen) on Indian lands. The court case *Lone Wolf v. Hitchcock* (1903) ended all doubts as to who was in charge when it declared that treaties made with Indians could be nullified by an act of congress. But with the exception of Public Law 280 (1953), which extended criminal jurisdiction and very limited civil jurisdiction to six (now twenty-one) states, it was quite clear that while Indians were subject to the laws of the federal government, states had no rights and no jurisdiction on Indian lands. And so bingo was born.



Many Indians had recognized the potential of selling cigarettes, gasoline, or other commodities without a state tax, especially those reservations near major highways. But it was the Seminoles who recognized that, even though the state of Florida had criminal jurisdiction over the reservation (under Public Law 280) if you offered a form of gambling that was allowed in the state (say in churches), but was so strictly controlled that nobody ever considered it gambling, it might be adaptable to high-stakes betting. *Butterworth v. The Seminole Indian Tribe* (1981) reaffirmed that a state, even granted criminal jurisdiction over Indians under Public Law 280, could not regulate Indian Bingo. Since Florida permitted bingo it was not a criminal activity and Florida can only regulate or ban criminal activities. The only difference between the \$100 nightly pots at the local church and the one million dollar pots at the Seminole Bingo Hall was the amount bet. Since almost all states permit some form of bingo or gambling, the rush to build bingo halls was on.

While states lost case after case in federal courts trying to stop bingo the Oklahoma Supreme Court found in *State of Oklahoma v. Seneca-Cayuga* (1985) that the state could regulate bingo if the state could show bingo affects non-Indians (who are the majority of the gamblers). The federal government has moved in some

cases under the Assimilative Crimes Act and the Organized Crime Control Act of 1970 to block casino style gambling in Michigan, *United States v. Dakota*, or in the case of the Santa Anna Pueblo by having the Secretary of the interior withhold approval of management contract plans for pari-mutual dog racing.

A more serious threat to what remains of Indian Sovereignty is in Congress, where under the guise of regulating bingo, legislation is being drafted that would allow further state jurisdiction over Indian lands. Congressman Shumway of California proposed legislation in 1985 that would have provided outright for state regulation of all Indian gaming. The bill presently being considered was introduced by Congressman Udall. As first drafted it provided for oversight from the Department of the Interior and was not considered to affect sovereignty significantly, but it has since been amended to prohibit gaming where it is against state "public policy." The bill expected to be amended further by those who wish to increase state control over Indians, and therefore its future is unclear.

While it might be said that little remains of Indian sovereignty, in comparison to the average American citizens the degree of independence on Indian land is quite considerable. While it might not be like that of a foreign country, it is as good as being in another state. There are a few Indian nations that have their own passports, and use them to travel abroad. But the tangible benefits of being sovereign have rarely been realized by Indians in the 20th century. For Indians being sovereign meant freedom for non-Indians who polluted and spoiled Indian lands, free from many environmental laws. Or sovereignty meant freedom to cheat Indians and circumvent laws of fair return on the value of given resources, because there were no statutes to penalize those who did this on Indian lands." But when Indians begin to assert their sovereign rights, and enter into ventures previously unregulated, then the United States government and state governments clamor for control, and Indian sovereignty erodes just a little bit more. With the next venture, if Indians allow it, sovereignty will erode still further. Until the concept of sovereignty and the concept of a nation of people, wash away.



The Oneida Example

Ray Halbritter

[The following narrative is taken unedited from an interview with Ray Halbritter, a spokesman for the Oneida Nation in New York. Unless noted the questions have been deleted from the text.]

The Oneida Indian Nation [in New York State] unlike some Indian nations in the country, live on land that is not held in trust. Historically we have dealt with our own future and our own position entirely on our own. But recently, in 1974, some monies were made available to the Oneida people through the federal government. The problems with that type of money coming in, and the problems we had with the people administering it caused us to realize that that type of funding was paternalistic and was not for us, so we ended the program. At that particular time there were not many alternatives.

So we decided that we would try to raise some revenue with bingo. There are quite a few reasons for it. It wasn't a quick decision, it was one that took quite some time. And it was also difficult because of all the pressure from many outright investors who made many, many offers to us ranging from lump sums of money, to unlimited funding, to building whatever our hearts could desire, basically for not doing anything except allowing them to run the games on our land. Also, decisions are made in a concensual atmosphere, so they take quite a bit longer to make. But even modern management empirical studies support the concensual decision making method as being better, more solid, and usually the best decision. More so than the majority rule type of decision making.

Once we decided to do it, instead of reaching out to banks for loans, or to the outside investors for loans, or some type of management agreement, we thought that in keeping with our concept of sovereignty and our beliefs we should do it on our own, and if we can't, then we shouldn't do it. We decided to allow our people to invest in the operation and so all our people brought their money together and we got started. Our people are very economically depressed and in order for them to part with money that they had saved, we allowed them to have a certain percentage of the net profit for a certain period. Many people just wanted to donate the money, loan it interest free to the Nation, but we decided as a whole to allow people to do this because once we calculated how much money we needed, it was a very small amount that would be going out of our net profit and it also allowed them to benefit from an investment.

Our philosophy is to provide employment. And so people have gotten off welfare, and a lot of those dependency type programs, and we're very pleased about it. And its made a lot of difference in the drinking habits of some people. We've ranged as much as 60 to over 100 people as the number of employees. Our payroll is nearly \$17,000 dollars a week, and we were able to reduce the

unemployment rate here on our land from about 80 percent to about five percent. We have an average of around four hundred people an evening. We have about \$40,000 to \$60,000 in prize money that is given out weekly. We are open every day except Monday.

We follow generally accepted accounting principals. Our books are open to our nation people. We have monthly nation meetings where our people are allowed to look over all our records, to insure that they are being kept properly. This information is available to them, they can take it, have it analyzed by someone else if they desire. We have an independent accounting by an excellent local firm. We try to do a lot of local business to benefit the community around us.

Practically all of our money right now is going into expenses, bills and employment. In the long run, several things we have as priorities [to invest the profits] one would be our senior citizens. We would like to establish a senior citizens program, which would include housing, low income housing or housing that would be subsidized, and medical care, medical assistance or help for those who aren't able to live by themselves and take care of themselves, and recreation programs and thing like that. Another area would be education. We want to be able to provide any of our people who seek to better themselves through education, the resources to do that. We view bingo as a temporary situation, one that eventually will be phased out through some type of legislation and our strategy is to establish if possible in different areas that don't face the threat that bingo does.



Ever since we started in the community we have had rousing support. What I think the perception of the community is, and it may be a little different in some areas, but for us we have the land claims, is that the Indians, instead of asking for government handouts, instead of just a malignancy bleeding the funds of other people who are supporting them, the people who work in this country, instead of having that perception, the community seems to have the perception that here the Indians are trying to better themselves. We're trying to do something. And the community, by nature of the bingo business come and play and have a good time. And they are glad to spend their money, we're glad to take it. They're happy, we're happy. And no one seems to be complaining.

Skinned Alive

The Morongo of Southern California are part of the remains of the Cahuilla Nation, a nation who once roamed the wide stretch between the San Geronio and the San Jacinto mountains. Nearby on the Cabezon reservation, the Cahuilla there have come to symbolize the worst in bingo: profit-skimming, organized crime, and murder. Their story is well known to the supporters and the opponents of bingo, but the story of the Morongo is also sad and disturbing, and certainly more common.

The Morongo live on a 350,000 acre reservation near Palm Springs. Like most Indian reservations they are desperately poor, suffering from almost 50 percent unemployment and reeling from the health and housing cutbacks enacted by the Reagan administration.

However in the eyes of a man named Walter Justus they were potentially a pot of gold. Having come from one of the seminars on Indian gambling taught in Las Vegas, this businessman from Indiana decided he would form a bingo management company. In 1982 he offered to provide the capital to open a bingo hall on the Morongo reservation that would employ 135 people. After a difficult debate, the Morongo voted 150 to 149 to work with Justus. The deal provided for Justus to invest \$2 million in start-up costs, including construction of the building. Justus was to receive 49 percent, the Indians 51 percent of the first \$250,000 in profits, after that the Indians would only receive five percent of the profits.

The deal with Justus deeply split the community, but even more controversial was the manner in which to divide the profits. Some leaders wanted most of the money to be used communally to build roads on the reservation, build a senior citizens' center, or use the money to make up for the cuts in health care and housing funds. Other tribal council leaders argued that it would be better in the long-run to invest the money and use it to attract business. The Morongo, who number about 300, voted to split the money per capita. For many in this depressed area the vote was understandable. For too long there were so many unkept promises, and now the prevailing attitude had become "take what you can while you can." But though understandable, for others the vote was a deep blow for the future of the Morongo and their ability to live communally and self-sufficiently.

The Morongo Bingo Hall was an instant success, crowds of up to one thousand played each night at the hall, putting hundreds of thousands of dollars into the coffers. Each Indian soon received a check for \$342.50, part of the first \$250,000 in profits that were to be split. But that was all. It was clear the hall was generating revenue, as much as \$100,000 a week, but the account books were closed to all but a few of Justus's closest associates. Soon afterwards Justus fired most of the Indian employees who worked in the hall, and suddenly many began to regret the day they ever heard the name Walter Justus.

In February 1984, the Morongos voted to remove Justus and his operation from the reservation. Since then the bingo hall has been closed as the Morongos try to find another management group with the capital and the expertise the Morongos do not possess. But then others think its just as well. A respected elder, Katherine Saubel said,

We don't like the bingo. It's nothing but con men taking advantage of what's left of the Indian people. And its never good to have a middleman like they've been doing, especially a white man, 'cause they'll skin you alive."



The Cabezon Headache

John Phillip Nichols sits in jail. He pleaded no contest in 1985 to two counts of solicitation to murder. He is also believed to have been involved in the execution-style slayings of three Cabezon Indians, over Bingo. If there was ever a man who was bad news to Indians, he is it.

Nichols, now 62, used to describe himself as a "professional social worker." He is said to be one of the founders in 1948 of Americans for Democratic Action (a left of center group) and was a general manager for Coca-Cola in Brazil. He claims to have organized some 2 million Marxist and Catholic voters in Chile. He's been the head of a mental health program in Minnissota and a substance abuse rehabilitation center in Tennessee. He is the co-author of *A Handbook of Grants and Contracts for Non-profit Organtzattons*. While working for the Seminoles in the late 1970s he was also accused by the Miami Herald of having ties with organized crime.

In 1977 Nichols moved west where at the same time the San Diego Indian Health Center, the Hoopa (Hupa) Reservation Health Program in California, and the Gila River Indian Community in Arizona all collapsed amid charges of fraud and mismanagement. In all cases Nichols' consulting company, Pro-Plan, was involved. Charles Bunch, head of the Federal Indian Health Sevice in Sacramento, said of Nichols' involvement at the Hupa health association:

By March 1978, Nichols' Pro-Plan had captured about \$200,000 for consultant services under contracts or grants. There was no evidence of performance. But there was finally complete dissarray and chaos at the Hupa health association facility.

At Hupa Nichols obtained a \$200,000 federal grant, then fired the association's physician, pharmacist, bookkeeper, and project director. Then he moved on.

Nichols activities were not confined to Indian reservations, according to Sacramento Bee reporter John Berthelsen:

Representatives of the Sarasota, Fla. YMCA, the Woman's Pilots Assoc. in Macon, Ga., and the National Police Officers Assoc. in Louisville Ky. describe there relationships with Nichols as unfortunate, alleging he contacted them with plans to raise funds, then never delivered on the promises.

It was in 1978 that Nichols burst on the Cabezon reservation "sounding like a messiah." According to Linda Streeter, a Cabezon who opposed Nichols:

This man is very intelligent and has a Jim Jones charisma. He makes you feel that as a small tribe we could defeat the world and the government, that we could send our money to foreign countries and they'd never know where it is. The only unfortunate part is we don't know where it is either.

First a cigarette shop and then the casino went bankrupt; and all the Cabezons had to show for it was a \$15,000 payment divided among the tribe in 1980.

But John Nichols was always one step ahead of the game, at least until the Cabezon bingo operation. The operation began amid charges that Nichols had used force and threats to intimidate the 16-member tribal council. That he had illegally padded the tribal membership role with new, previously unheard of, Cabezons. That he had taken over the tribe "lock, stock, and barrel." He hired his three sons to administer the new venture, and a known mob enforcer named Rocco Zangari.

In May 1981 Alfred Alvarez, vice-chairman and security chief for the tribe, and a man previously loyal to Nichols, accused him in the local paper of skimming money from the bingo hall. In late June, as he was preparing to deliver documents and evidence against Nichols, he was found dead, along with two friends, shot in the back of the head.

The murders are as of yet unsolved, the Nichols' sons still run the bingo hall and Cabezon tribe in general, but John Nichols sits in jail,



News Update:

Columbia River

A bitter dispute over fishing rights has led to the arrest of dozens of Indians and the possible relocation of many more along the banks of the Columbia in Washington State. As of now approximately one dozen Columbia River Indians are about to begin five-year prison sentences for exercising their rights to fish under longstanding treaties. Presented below is a call for aid from the Columbia River Defense Project.



Columbia River Defense Project

P.O. Box 14044, Portland, OR 97214

The Columbia River Defense Project was founded in 1982, to aid the defense of Indian families vicimized by a politically-motivated undercover police operation. The federal government, along with the states of Oregon, Washington and Idaho attempted to imprison the men and women in the Columbia River Indian community who had been most active in the practice of their traditional religious and treaty rights. After three years, the near-100 cases have been resolved as an interim success. Although most of the cases were won by the Project, the hunters and fisherman who were convicted were sentenced to terms of up to five years in prison, with restrictions on their right to practice their religion. The convictions are currently on appeal, and are based upon the sovereignty of Native Nations under the treaties of 1855. Amnesty International has become involved in these prosecutions, as observers.

As a result of the government's defeat in the criminal cases, the Interior Department issued widespread notices of eviction to Indian families living along the River. The community is resisting these attempts to remove all Indians from the shores of the Columbia, where they have lived for thousands of years. The project has appealed the pending mass relocation.

In 1984, the government foreclosed on economic development loans that had been provided the fishing families. Without many days in which the Indians are allowed to fish, it has become impossible to repay the loans. As a result, the Project is helping the debtors protect their boats and fishing gear, which were used as collateral for the loans.

The JTPA Program

An Open Newsletter to our Community

In this New Year of 1986, we wish to help you make it a good year. We would like you to come in and discuss a business plan and/or a career plan. If you need your GED, we will help you secure one. If you need skill training, we will help you to decide on the proper training program. If you need a job, we will help you secure a job in the private sector or in the JTPA Program. Come in and let us help you make the right decision for the future.

JTPA STAFF

Norma Kennedy Gary Yellow Hair
Claire Laezza

The Project's board is made up of representatives and elders of the river community. They have mandated that the Project commence legal and political action in the following additional problem areas: (1) protection of burial and other religious sites, (2) police harassment which violates civil rights, (3) pollution of the river and poisoning of the fish, (4) lack of decent living conditions and safe housing, and (5) protection of Indian interests in the pending federal legislation to make the Columbia Gorge a federally-protected scenic area for tourism.

Danger to the existence of the community is evident for 1986. The government is expected to make aggressive moves towards the destruction of the fishing based culture on the Columbia. The Project is hampered by a lack of financial support with which the legal resistance is fueled. Most of the tasks requested of us cannot be acted upon, as our funding for litigation has dried up. In addition, we have been unable to locate journalists and editors outside of Oregon, who understand the importance of exposing the government's attacks upon our people. Without national media coverage, the United States is free to continue its destructive programs. We understand that the limitations placed upon the treaty rights of Indians in the Northwest will be used throughout the country if we cannot stop them in Oregon and Washington.

We can win. The continued existence of the native culture will be determined in the coming year. We are gaining strength and support, but the resources of the federal and state governments are enormous.

Donations to the Columbia River Defense Fund are tax-deductible.

Thank you for your continued support.

Gustavo Silva

Our cover artwork this issue is an original pen-and-ink drawing by Gustavo Silva, a Quechua-Mapuche Indian artist from South America. The drawing depicts three continental cultural centers (North, South, and Central Americas). The inspiration comes from a song by the Lakota folk musician Floyd Westerman in which he stated that "we are brothers" (meaning all indigenous people of this hemisphere) and the "Earth is our Mother"...which agrees with an old Quechuan saying: "I am son of the Earth and the Earth is of God" (which is also the title of the drawing)

P.S.: Free transportation and free lunch will be provided so be prepared to spend some time with us.

Columbia University in the City of New York | New York, N.Y. 10027

DEPARTMENT OF ANTHROPOLOGY

Schermerhorn Hall

November 19, 1985

The September-October issue of MAN-AH-ATN treated several aspects of the problematic relationship between contemporary Native American communities and museums which curate objects of Indian manufacture. Of particular import to us is the issue of the ownership and use of objects in a museum setting, where such objects are deemed to have a continuing significance in the context of Native American cultures. MAN-AH-ATN presented the case of the Onondaga wampum belts as one example of many recent attempts by Native Americans to petition for the return of tribal objects. The American Anthropological Association's Committee on Anthropological Research presented their perspective on this problem in a letter addressed to Governor Nelson Rockefeller and reprinted in your newsletter. Briefly, the committee members stated a number of reasons why, in their opinion, the return of the wampum belts and other similar objects is not an acceptable option in the negotiation of relations between cultural groups and museums. This letter was printed in MAN-AH-ATN as explicating the anthropological perspective on this issue, an ideological stance presented as serving the interests of the discipline in opposition to the goals and interests of American Indians.

As anthropologists, we would like to present a different viewpoint, one which we feel is shared by a significant number of researchers in our discipline. The letter in question would appear to be somewhat dated; it is possible that some of the involved anthropologists have amended their views since Rockefeller's administration. However, we feel that a response to the position stated is appropriate because of the continuing controversial nature of the involved issues. Our basic disagreement with the perspective of the CARM lies in their interpretation of American Indians as non-viable cultural entities. To quote from a section of CARM's statement:

"As scholars whose researches depend on the great ethnographic collections of now largely vanished primitive peoples of the world, we urge the preservation of such mementos of culture in museums. We deplore the principle of returning such treasures to the acculturated descendants of their original owners...."

While it is true that during the era in which the bulk of museum collections were assembled, American Indians were regarded as a "vanishing" people, this is no longer the case. Despite a century of pressures for assimilation, many Native American cultures have proven to be resilient and enduring, and anthropological studies have acknowledged this circumstance for the past twenty-five years. We know that all cultures experience a continual process of change, and that this change does not reduce the viability of cultural realities. In particular, religious beliefs and practices are one aspect of culture which exhibit a high rate of stability despite changing adaptations, and may in fact assume even greater importance under conditions of stress and change. Certainly the doctrines and "mementos" of Christianity and other world-wide religions are widely removed from their original cultural contexts, yet this is not viewed as an invalidation of their import to the "acculturated descendants" of their original practitioners. We also do not condone the use of the word "primitive" as a descriptive epitaph for small-scale societies, a label which carries an implication of evolutionary inferiority and has often been used as a justification for the power of some groups over others - in this case, control over cultural objects.

In general, anthropologists have supported the attempts of Native Americans to gain cultural recognition and self-determination in the modern world. As recognized cultural and political entities, Native Americans should play an active role in affairs which relate to their heritage. As participants, Native Americans can enrich the anthropological enterprise, and the negotiation of disputed issues is essential to the evolution of productive relations between museum researchers and Native American groups. Regarding the return of sacred objects to their tribe of origin, we would support this option in cases where the following conditions can be met: The petitioning group must document the historic origin of the object within their specific cultural context; must demonstrate the continuing relevance of the object; and, most importantly, must demonstrate the desire and capacity to provide for the responsible curation of the object(s) in the future. Many Native American groups today clearly have the capacity to fulfill these conditions. We feel that Native Americans should have the opportunity to assume responsibility for their cultural artifacts, as they are assuming increasing responsibility for the management of their resources, education, government and other aspects of tribal development. In Canada, the Glenbow Museum is developing a policy whereby medicine bundles and other sacred objects will be returned to the Blackfoot tribe on "permanent loan". We hope that this effort will demonstrate a successful precedent, and will encourage museums to recognize Native Americans' interests and capabilities in the future.



Sincerely,

Alexander Alland,
Chairman and Professor

Robert F. Murphy,
Professor

Harvey Pitkin,
Professor

Anne Galin,
Assistant Professor

William K. Macdonald,
Assistant Professor

Barbara Price,
Adjunct Professor

Castle McLaughlin,
PhD Candidate

MAN-AH-ATN

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*This issue is dedicated to the memory of
Lee Lyons and Wallace Anderson*

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We welcome and encourage contributions of written and artistic material, letters, and comments.

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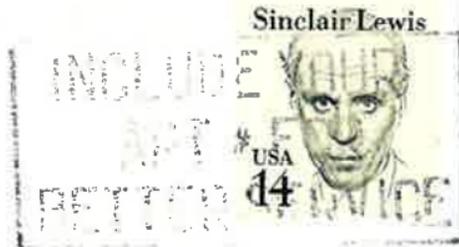
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ASTOR, LENOX AND TILDEN FOUNDATION

June 2, 1986



Dear Ms Donovan,

This is to confirm that the meeting at the planning commission has been re-scheduled for Friday, June 6 at noon. We hope that you will be able to attend.

Phil VanAver
3rd Ave. Tenants

Sherril Donovan
District Leader U. I. D.
166 West 4th Street
New York, N. Y. 10014

STATEMENT OF THE TRADITIONAL LEADERS
OF THE VILLAGES OF SHUNGOPAVI AND MISHONGNOVI
SOVEREIGN HOPI NATION

Regarding
H. R. 4281, Providing for the Exchange of Certain Lands
Between the Hopi and Navajo Indian Tribes and for Other Purposes

Hearing Before
The House Committee on Interior and Insular Affairs

May 8, 1986

We, the undersigned traditional leaders of the Villages of Shungopavi and Mishongnovi of the Sovereign Hopi Nation, have been delegated to come to Washington to make this public statement for the true religious leaders of the Hopi villages of Shungopavi and Mishongnovi.

The following statement is made by these Hopi religious leaders:

History tells us that to escape the dictatorial rulings and religious persecution of the European countries, the white men found themselves forced to emigrate. They came upon our lands.

The abundance of land soon became a promise of a better life for the white men. Never satisfied, they continued in search for better land. As other immigrants arrived, old settlers (whitemen) sold our land to eager buyers, totally disregarding the pre-established religion, culture and traditions of the first inhabitants, the native peoples.

Many decades have passed since the white men first set foot on our homeland. They still continue in search for better land, causing great sufferings to the native peoples.

Prophecy warned us that one day another race of people would appear in our midst and claim our land as its own. He would try to change our pattern of life. He would have a 'sweet tongue' and many good things by which we would be tempted. This prophecy refers to the 'bahana', the white man. This has now come to pass.

The United States through its manmade laws, declaring it has plenary powers, has created many laws to cover its

mistakes concerning land matters in its dealing with us, the Hopi 'Sinum', the Hopi Nation.

Through your manmade laws your government has created the Indian Reorganization Act of 1934 and the Hopi Tribal Constitution, to which no input was made by the native people. These laws were established when the white man found that the native people were sitting on rich lands which could not be leased to companies without the native people's signature. Once the mineral resources were discovered, then came the Hopi Tribal Council, a Bureau of Indian Affairs puppet. The BIA then staged a phony election to accept the Hopi Tribal Council. Then arrived coal companies and uranium corporations in which many of you, congressional people, hold a large and shared interest behind the scenes.

We, the Hopi and other native peoples are the true stewards of the land. Because of your manmade laws, you have imposed great sufferings among our people. This hurt, and the hardships and deaths caused by the Relocation Bill can never be erased with another bill or with money.

As traditional religious leaders, we hold in our hand the land which extends from sea to sea, and we have never accepted your manmade laws. We have received our instruction from the Great Spirit, Masauu, the divine way before any white man set foot upon our shores. Therefore, your manmade laws will never supercede His laws and instruction. As traditional religious leaders, we have kept true to His instruction.

Because we are Hopi, the peaceful people, we have not asked the Navajos to move because we still honor the peace pact made many years ago. As religious leaders, we have never accepted any of your congressional mandates. Therefore, we DO NOT honor your Relocation Bill and will not honor your proposed Udall/McCain bill. There will be no land exchanges. OUR LAND IS NOT FOR SALE, and we will never accept the \$300 million dollars dangled before the so-called Hopi Tribal Council, an entity of the United States Government, your puppet council. This Council is not legally established, and, therefore, cannot speak for the Hopi people in this matter.

We call on the United States Government to investigate the Hopi Tribal Council and its Chairman before imposing any more laws on our people. If you refuse such an investigation, we will then know that the corruption begins in Washington, D.C.

We call on the United States President to come to Hopi and talk with the true leaders of the Sovereign HOPI NATION. Only then can anything be resolved.

We say again, there will be no relocation of the Navajos come July, 1986, and the Udall/McCain bill being proposed will not be accepted."

Earl Pela
Earl Pela, Spokesman
for the Kikmongwi,
Shungopavi Village

Byron Tyma
Byron Tyma,
Two Horn Priest
Shungopavi Village

Will K. Mase
Will K. Mase,
Spokesman
Mishongnovi Village

This statement is submitted on behalf of:

Shungopavi:

Claude Kewanyauoma, Kikmongwi
Augustine Mowa, Dowmongwi
Byron Tyma, Two Horn Priest
Thomas Pela, Wuwuchim Priest
Clarence Lomayestewa, Masilenmongwi

Mishongnovi:

Emerson Susenkewa, One Horn Priest
Wayne Susunkewa, Snake Priest
Neilson Honyaktewa, Soyol Priest
Douglas Coochwytewa, One Horn Kiva Leader
Eldon Kalemsa, Flute Priest
Willard Kachingongva, Kachina Priest
Percy Batala, Kiva Leader
Ivan Seletstewa, One Horn Society
Lydia Mansfield, Mazau Leader
Evelyn Seletstewa, Firekeeper



BIG MOUNTAIN NOTES

SPRING
1986

A Publication of

Boulder / Denver

Big Mountain Support Groups

UDALL / McCAIN Proposal HR-4281

On February 27th, Morris Udall introduced a Compromise Bill, H.R. - 4281, with Representative John McCain, R-AZ. Like any compromise, it has something for everyone. Is it enough?

Under the Compromise Bill, H.R. - 4281, 356,062 acres of Hopi Partitioned Land (Approximately 1/3) is transferred to the Navajo. This would prevent some of the relocations, but not all. In exchange, the Hopi get 100 - 125 square miles west of the Joint Use Area in the area known as Moenkopi and the "new lands" (the contaminated ranches on the New Mexico line) plus 300 million dollars in mineral royalties from the Navajo. In addition, the construction ban will be lifted from the J.U.A., all legal litigation pursuant to P.L. 93-531 must be extinguished, current Navajo residents of Hopi Partitioned Land that wish to remain will receive 160 acre allotments, up to 60 maximum, and the Relocation Commission will be abolished within 180 days with all files, records buildings, personnel, funds, and authorities of the Commission transferred to the Secretary of the Interior.

It's clear that, So Far, H.R. - 4281 is NOT the answer. The initial reaction of some people on the land was one of relief and thankfulness that their land might indeed be saved. As it currently exists, the Udall / McCain Bill does NOT satisfy the four conditions we are seeking in a repeal bill. It remains to be seen whether H.R. - 4281 can be made acceptable through amendments.

On March 22nd, representatives from Big Mountain (J.U.A.) held a press conference in Denver. They stated that most of the people on the land believe that H.R.-4281 is a workable compromise, and have asked us to support it WITH THESE AMENDMENTS:

- 1) For those heads of households that choose not to relocate, that the number of allotments be increased from 60 to 100 and the acreage of the allotments be increased from 160 acres to 640 acres.
- 2) That the Navajo and Hopi shall have input into the transfer of the Relocation Commission to the Secretary of the Interior.
- 3) That the Relocation Commission be given 30 days to complete their business, transfer functions to the Department of the Interior, and close their office.
- 4) That both Navajo and Hopi have the right to use the J.U.A. for religious purposes.

The Dineh Elders of Big Mountain (J.U.A.) are still calling for Total Repeal of Public Law 93-531, the Relocation Act. Total Repeal of P.L. 93-531 is the only way to completely stop the policy of forced relocation. But most of the people of Big Mountain (J.U.A.) feel at this time so near the relocation deadline (July 7, 1986) that, WITH THESE AMENDMENTS, H.R. - 4281, can save Big Mountain. - see

statement by Hopis
re: HR4281

REPEAL P.L. 93-531

Our efforts toward Repeal of P.L. 93-531 continue with more letters, more responses from Congress, and more talk about something that will be done eventually. Investigations, field hearings, and land exchange have all been discussed lately. We have now received written responses from 138 Congressional offices (52 Senators and 86 Representatives). The legislative committee is working out the final wording of the second draft of the Repeal Bill. A number of Congresspersons have shown support for repeal and they will receive copies of the bill to consider co-sponsorship. We are asking that the Repeal Bill include provisions:

- 1) Halt any further relocation.
- 2) Allow those who have applied for relocation to move if they wish to.
- 3) Allow those who have already been relocated to move back if they wish to.
- 4) Compensate the Hopi from U.S. government funds, Not from the Navajo.

We are asking that the people on the land be given a voice in determining what will happen to them and to the land.

STOP FORCED RELOCATION

AICH

(212) 598-0100



AMERICAN INDIAN COMMUNITY HOUSE, INC.

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WHAT IS AICH?

The American Indian community House, Inc. (AICH), is a non-profit, tax exempt organization incorporated to serve the social, economic, educational and cultural needs of the estimated 14,000 Native Americans residing in the New York metropolitan area.

AICH is currently administering several Federal, State, and City grants, among them the Department of Labor, New York State Division of Substance Abuse Services and the New York City Department of Mental Health, Mental Retardation and Alcoholism Services.

SERVICES OFFERED

Direct assistance in vocational training, counseling and employment services...

Community Economic Development, Public Information, Health Care, Education, Housing and Social Services mainly through referrals and advocacy to appropriate state, federal and private agencies.

Cultural and recreational activities sponsored by our in-residence theatre ensemble "Native Americans in the Arts" and our Art Gallery.

The Gallery is funded in part through the New York State Council on the Arts and the National Endowment for the Arts. It offers four to five rotating exhibitions a year of contemporary and historical Indian art from North and South America

FOR FURTHER INFORMATION ON AICH, WE WELCOME YOU TO VISIT US. HOURS ARE.... 9:30 AM to 5:30 PM Monday through Friday....

Rudy Martin, Director of Public Relations & Information...
(212) 598-4845

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