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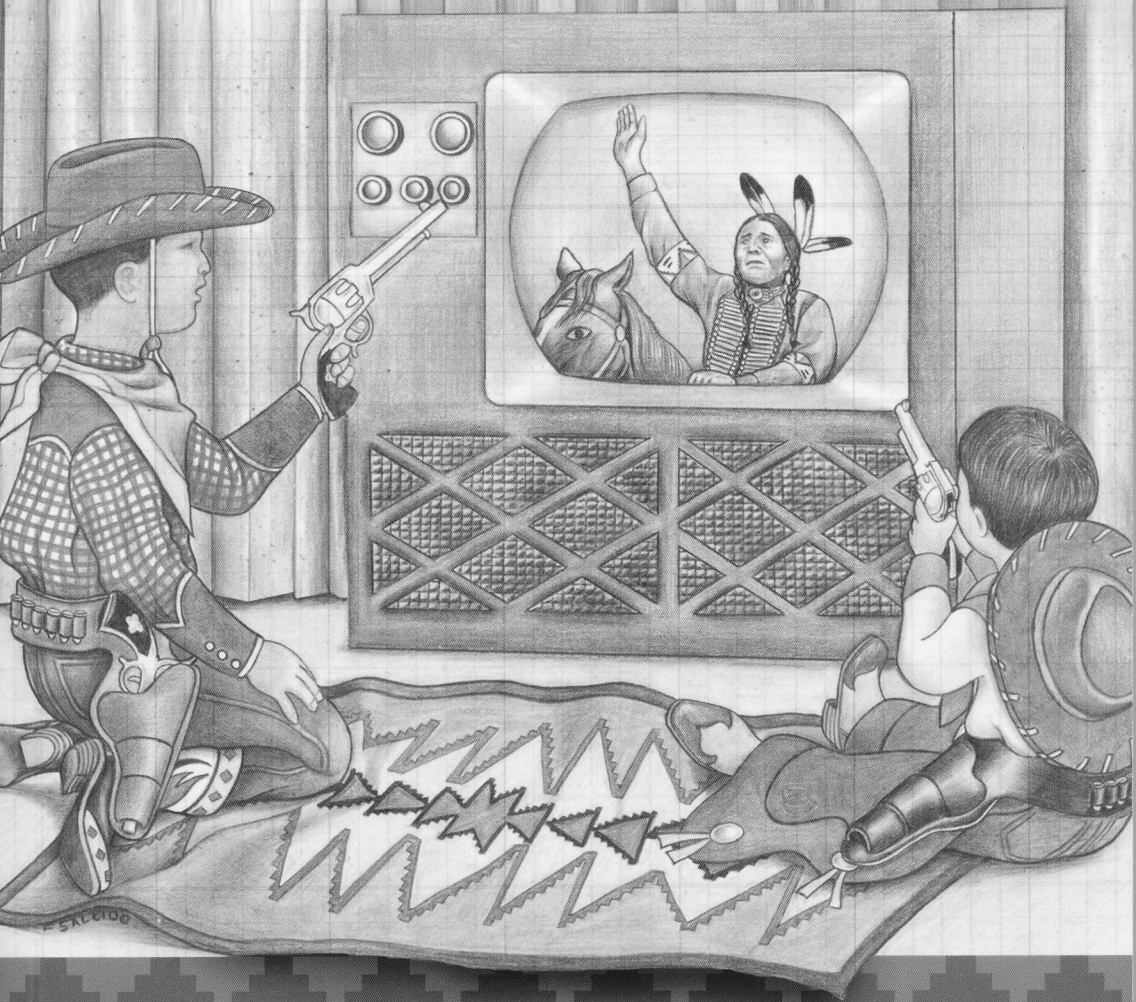
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Racism and New York's Anti-Indian Casino Movement

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Shoot the Indian:

Media, Misperception and Native Truth

EDITED BY KARA BRIGGS
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Shoot the Indian will change the way you perceive Native America, particularly if all you know about Indians is what you learned from the news media.

Journalists, academics and Native leaders examine the intersection of tribal America, government and media. This book also features important speeches, original research and news reports. It contains the work of Navajo artist Frank Salcido; the straight talk from Native thinkers like Suzan Shown Harjo, Anthony Pico and John C. Mohawk; and a preface by Senator Ben Nighthorse Campbell.

From English philosopher John Locke, who set in motion legal standards still used against tribal nations, to contemporary media practices that frame our understanding of Native America, *Shoot the Indian* presents a new perspective on today's important Native issues.

"Shoot the Indian reveals the historic roots of contemporary rhetoric in media and government about Native Americans; it's a strategic guide that colleges, tribal nations and anyone who cares about Native America should have in their libraries."

—Tim Johnson, Associate Director of the National Museum of the American Indian, and former executive editor of *Indian Country Today*

"The founding meeting of the American Indian Policy and Media Initiative focused on how to build and communicate an effective defense of historical truths, and the legal and self-governance rights of tribal peoples in the United States."

—Senator Ben Nighthorse Campbell

"The future preservation and prosperity of Native Americans will not be decided in the halls of Congress or state legislatures, or in the U.S. Supreme Court. It will be decided in the court of public opinion; that's why I'm encouraged by the American Indian Policy and Media Initiative."

—Anthony R. Pico, former Chairman of the Viejas Band of Kumeyaay Indians



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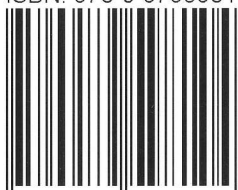
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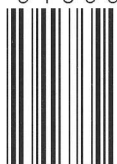
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The Enlightened Racist and the Anti-Gaming Movement

— by Michael I. Niman —

Contemporary American racism is not cut and dry. It's not as if only those who don hoods and burn crosses or raise Nazi salutes are racists. "Enlightened" racism is much more complicated. Today's typical racist rhetorically abhors racism. Author Gloria Yamato writes that charges of racism drive "usually tranquil white liberals wild when they get called on it." Racism, in today's American society, is, quite frankly, out of vogue. Still, it's persistent.

Modern Racism

Modern racism divides oppressed peoples into categories of "good ones" and "bad ones." The good ones are those folks who, against the odds of a gamed system, have prospered. Such success stories are often spotlighted in the media—being newsworthy because of their relative rarity in the media. For the enlightened racist, these narratives serve as further proof that the "bad ones" have only failed because of their own shortcomings. Absent in the simplistic analysis offered by these twin images is any reference to systemic racism that condemns historically disadvantaged peoples to poor schools, poor housing and poor health. And of course there is no recognition of the fact that so many members of the dominant culture were born into privilege. This privilege includes being born into a family with college educated parents and attending well funded schools, being networked with people who can help you find

jobs, or even living in a community where there are jobs to be had. This privilege also includes being born into a group that is not persistently suffering from various form of racial or ethnic discrimination.

Racism is less about skin color or any other physical marker than about the power of the dominant group. It constructs and supports privilege, or political and economic, advantage. And of course where there is privilege there is oppression since nobody can enjoy privilege without someone else suffering a lack of privilege. With racism, one group gains and maintains power over another group.

The United States was built on a foundation of racism. This is an ugly reality we need to face up to. Across the Americas, European invaders slaughtered or assimilated Native peoples based on the supposed superiority of European culture and religions over what we now know were more sustainable Native cultures. Employing words like "savage" and "primitive," so called "modern" and "civilized" cultures unleashed a historically unprecedented holocaust upon the hemisphere. This racism was continued as modern America was built with enslaved African laborers and indentured workers, primarily from China and Ireland. And it continues today in various forms as the dominant groups in America maintain their economic and political dominance over traditionally subjugated groups, such as Native Americans—including those who emigrated north from Latin America.

To fully understand the scope of this racism, it is useful to examine how community activists in the United States are manipulated into supporting racist movements targeting Native American rights and the sovereign political identities of Native nations. In New York State, for example, community activists are fanning the flames in the U.S. and Canada's ongoing war against the Haudenosaunee (Iroquois Six Nations).

In the consciousness of most Americans and Canadians, these wars are relegated to the realm of history, yet flare-ups are now occurring across Six Nations territory. Armed Ontario government forces spent most of 2006 engaged in a standoff with residents and supporters of the Six Nations Grand River Reserve over contested land where a local developer is attempting to build a subdivision in the municipality of Caledonia.

As the conflict at Six Nations heated up in the summer of 2006, officers from the U.S. Border Patrol and Bureau of Alcohol, Tobacco,

Firearms and Explosives mysteriously appeared north of the border in Caledonia, where Native protesters commandeered their unmarked car. In doing so they made the U.S. presence into a news story. Canadian media reported that U.S. officials were ostensibly in Canada to “observe” how Canadian police dealt with Native protesters.

One hundred and thirty miles to the southeast, Central New York’s Upstate Citizens for Equality is using U.S. courts to challenge Haudenosaunee sovereignty—including that of the Oneida land where that Nation’s Turning Stone Casino is located.

On both sides of the border, officials from the powerful immigrant-settled states impose their laws and courts upon the Haudenosaunee nations when settling territorial disputes. The U.S. and Canada, however, never conquered the sovereign Haudenosaunee nations. Haudenosaunee territorial sovereignty is guaranteed by internationally recognized peace treaties signed in good faith with the U.S. and Canada and with Canada’s former landlords. The U.S. in particular recognized this sovereignty before it gained savvy as a conquering power, hence it failed to create many of the paper loopholes it subsequently used to attack Native sovereignty in western North America.

Sovereignty

This uncompromising sovereignty is the legal basis that allows the Seneca Nation, historically part of the Haudenosaunee Confederacy, to build, for example, casinos on its land—including its newly re-acquired Buffalo Creek territory adjacent to downtown Buffalo, New York. For U.S. citizens, the emergence of sovereign foreign territory in the middle of Buffalo may be a difficult concept to swallow. This retaking of lost territory was made possible by a rather recent piece of congressional legislation articulating a deal with the Seneca Nation allowing the U.S. city of Salamanca to remain on their Allegheny reservation in exchange for recognizing Seneca rights to annex property that they purchase within their historic land claim area.

This deal poses a real challenge for activists who oppose casino gambling. As independent sovereign states, the historically Haudenosaunee nations on the U.S. side of the border, have a right like other sovereign nations around the globe to write their own laws, and to decide internally whether, for example, casino gambling will be legal or illegal in their lands. The challenge then, is how to oppose

casino plans by a neighboring nation without opposing the right of that nation to exist? Or put simply, how to be anti-casino without being anti-Indian—how to oppose casinos without supporting the centuries-old war against the Haudenosaunee?

Of course, this is possible if seldom practiced. People oppose bingo without opposing the Catholic Church. They organize against state lotteries and state-run off track betting parlors without opposing the existence of states. Ultimately, with intelligence, anti-casino forces could oppose casinos without opposing Native nations' sovereignty or Native peoples in general.

Western New York, however, is witnessing an ugly courtship between anti-casino and anti-Indian political forces. In June of 2006, for example, Coalition Against Gaming in New York Chair Joel Rose, a community activist, e-mailed a message entitled "Good News on Turning Stone" to his membership listserv. In it, he celebrated a New York State Court of Appeals decision against Cayuga and Oneida land claims. This court victory does not stand up to the muster of international law, which Haudenosaunee leaders consider the proper jurisdiction for such disputes.

Rose was excited because the case could eventually lead to the closing of the Oneida Turning Stone Casino in Central New York. If so, and if the Oneidas refuse to comply, it could also lead to some form of armed takeover of Oneida land—what elsewhere in the world we call war.

Anyone cheering such a court victory is cheering the unilateral imposition of New York State law on a sovereign nation—much like the invasion of Kuwait by Iraq which led to the first Gulf War. While this imposition could lead to the closure of a casino, it would be like nuking a city to kill one fugitive. The casino would be closed—but only after the Oneida's land was occupied, and their identity as a sovereign nation eradicated. This kind of violation of U.S. treaties and international law is nothing that any person should celebrate.

These same activists never called for invading Canada to shut down Canadian casinos, even though the Canadian casinos are much closer to their home base of Buffalo, N.Y. Sure, this idea is ludicrous. But why isn't it just as ludicrous to ask the New York and United States governments to do exactly that to the Senecas? Is it acceptable just because it's possible? Because we're strong and they're weak? Because we've done that to Native nations so many times before?

I wrote to Rose, asking him why he reveled in the possible closure of one nation's casino 150 miles from his home, while giving a pass to nearby Canadian casinos just across the Niagara River. Rose responded, writing that his group tries to "focus on what we can reasonably hope to have some influence over, and that does not include the actions of the government of Ontario."

Rose went on to explain that I "misunderstood the legal status of the Indian nations. They are sovereign," he argued, "but the meaning of sovereign is something different than the sovereignty of truly foreign nations such as Canada." He based his argument on the fact that there are Indian individuals who are also U.S. citizens, who pay U.S. taxes and who vote in U.S. elections. More Canadian and Mexican transplants fit into that category than Haudenosaunee, but I've never heard that argument used to negate Canadian or Mexican sovereignty, which is grounded in the same legal precepts as Haudenosaunee sovereignty. There are also Haudenosaunee who have refused dual-citizenship, travel on their own passports, never vote in U.S. elections and don't pay taxes.

The question which I posed in the beginning is, when do anti-casino activists cross the line to racism? Is it when they overlook their own U.S. federal law concerning Native tribes and nations, which begins with treaties, which the U.S. Constitution recognize as the supreme law of the land? Is it when they foster the same old states' rights arguments used in the 1960s to support an American Apartheid known as segregation to battle the very existence of Native nations? Is it when they lose the ability to see Indians as having rights to keep and interpret their own history? Is it when they assume that their government has a paternal right to arrange Indian affairs as it sees fit? Is it when they brand Indians as criminals for following their own laws, many of which pre-exist the state of New York and the United States? Is it when they interpret historic Haudenosaunee treaty rights to sovereignty to be somehow less than those of Canadians or Mexicans?

Cayuga: Not Just a Name

Locally, the map of Central and Western New York was drawn by military leaders who, after the American Revolution, sent the U.S. Army into Haudenosaunee (Iroquois) territory to annihilate Native populations. Cayuga Lake, for example, is circled by historic markers

denoting Cayuga villages and orchards burned during the Sullivan Campaign of 1779. Then there are the markers commemorating the first homes built by white men, right in the wake of that campaign. Armed with the ideology of racism and employing the practice of ethnic cleansing, this was about power and political advantage. In short, it was a land grab—with mass murder as its tool.

This is what sets racism against Native Americans apart from racism targeted against other oppressed groups. The U.S. Commission on Civil Rights, in its 1981 report, *Indian Tribes: A Continuing Quest for Survival*, noted that the development of civil rights issues for Native Americans evolved in reverse of the pattern for other oppressed groups in North America. “Politically,” the report states, other groups “started with nothing and had attempted to gain a voice in the existing economic and political structure. Indians started with everything and have gradually lost much of what they had to an advancing alien civilization.” This pattern of losing power and wealth has victimized Native populations in North America, forcing most Indian nations and tribes into poverty. Enlightened racists have subsequently blamed Indians for that poverty—often with no understanding of this history or its consequences.

In recent decades as Native nations, including those of the Haudenosaunee, regained political power, land base and economic stability, the anti-Indian movement has bloomed, almost humorously characterizing white America as an underdog beside Native nations.

Hence, in the villages of Union Springs and Cayuga, N.Y., on the shores of Cayuga Lake, in Cayuga County, we now have an almost all-white group of people oxymoronically called the “Upstate Citizens for Equality,” who have formed to oppose a sovereign Cayuga presence. In essence, what the group is doing, is struggling to maintain its own political advantage over the people who historically had jurisdiction over the land that the group’s members now claim as their own.

In 2002, Upstate Citizens branched out to form a Western New York (Buffalo) Chapter to combat Seneca land claims and eventually join forces with anti-casino activists—in effect attempting to co-opt the anti-gaming forces into the anti-sovereignty movement. (Ironically, their office is located on Indian Church Road in the Buffalo suburb of West Seneca.) After I wrote a column for Buffalo’s weekly *ArtVoice*, asking the question, “when do well intentioned activists cross the line to racism?,” Joel Rose, a leader of Buffalo’s anti-casino movement,

responded, writing a letter arguing, “We are not racists: I have never uttered a racist word or expression.” Rose went on to defend the Upstate Citizens for Equality, arguing, “UCE has based its position on the distinctly non-racist notion that we should all be playing by the same rules.”

The problem with this argument is that the rules UCE argues we all have to play by aren’t mutually agreed upon—they are the rules that white society imposed on the Haudenosaunee during the Sullivan Campaign. In his letter, Rose goes on to describe Haudenosaunee territory as “islands of sovereignty in the middle of a modern nation.” Now, while Rose isn’t donning a hood or shouting epithets, he is arguing the notion that Indians who live in the here and now are somehow not part of the modern world, and that hence, they have to play by rules that a so-called modern nation imposes upon them. This is the same rhetorical argument white society used to justify genocide and ethnocide against supposed “savage,” “primitive” or “uncivilized” Indian nations in the seventeenth and eighteenth centuries.

What UCE and Rose are arguing for is not equality—it’s the maintenance of a power dynamic that privileges non-natives at the cost of disempowering Native nations. And of course, Rose’s statement begs the question, if Native nations are not modern nations, then what exactly is Rose suggesting they are? And if this assumption justifies their disempowerment, then is it racist?

The Final Solution

Upstate Citizens for Equality and the anti-casino Coalition Against Gaming in New York tie together through their leadership, with Daniel Warren serving as Chair of the Western New York Chapter of Upstate Citizens and as a Director of the Coalition. Warren also owns the Internet domains for both groups’ web sites, listing the Upstate Citizens’ chapter office in West Seneca, New York, as the administrator’s address for the Coalition’s web site. In a letter responding to my above-mentioned *ArtVoice* column, Warren also identifies Upstate Citizens as a member organization of the coalition against gaming.

What is interesting here is that while Upstate Citizens is anti-tribal sovereignty, and hence, one could argue, anti-Haudenosaunee, since Haudenosaunee identity and political power are entwined with sovereignty, Upstate Citizens is not against gaming. And interestingly

enough neither is Coalition chair Daniel Warren. He's just against Native nations controlling casinos. In his letter, Warren wrote that he supports "either the rescission or full legalization of gambling, but not the granting of a monopoly [to Native nations]."

So if Warren, a director of the anti-casino coalition, is not against casinos, then what exactly is he against? According to Warren, Upstate Citizens supports "an expeditious and final resolution of all Indian land claims." The Niagara Frontier Chapter of Upstate Citizens echoes this call in their mission statement. It's alarming to see anyone calling for "final resolutions" to any ethnic conflict since the phrase echoes the well-known Nazi "final solution" calling for the annihilation through genocide of the Jewish people. Nazis came up with their so-called solution only after first discussing the forced relocation of Jews onto reservations in Madagascar. Upstate Citizens' idea of a final solution is the ultimate negation of Native sovereignty—a sovereignty that has until now survived five hundred years of oppression and is integral to Haudenosaunee and Seneca identity.

It's also interesting to point out that Haudenosaunee nations don't have the monopoly on gambling that Warren describes. New York, like most other U.S. states, is now replete with "racinos," off-track betting parlors, keno, lotto and lotteries, bingo etc. In addition New Yorkers patronize casinos in neighboring states and Canadian provinces. In his letter, coalition chair Rose answered my question as to why his organization focuses just on Indian-run casinos, writing that, for example, "Bingo generally involves low stakes and has low potential for addiction." Bingo also, however, often involves low-income gamblers according to a 2003 report by the Texas Lottery Commission, for whom losing low stakes can be as economically disastrous as a middle-class person losing high stakes at a casino. By focusing on Indian gaming and not gambling in general, by joining forces with Upstate Citizens, and by admitting leadership that is not opposed to gambling, the Coalition Against Gaming in New York has crossed the line from being an anti-casino group to being an anti-Indian group.

The issue always comes back among anti-Indian hate groups to sovereignty. Niagara University Hospitality Management Professor Steve Siegel, for example, in a cover story he wrote for Buffalo's weekly *ArtVoice*, explains that an Indian-run casino at Buffalo Creek would have an unfair advantage over other businesses.

To make his point, Siegel echoes an old anti-sovereignty argument,

explaining that U.S. federal, state and local agencies will not have authority to regulate Seneca activities. He writes “those who feel they were discriminated against by Indian employers” will not be able to file a complaint with the U.S. National Labor Relations Board. He goes on to explain that victims of sexual harassment in Indian businesses “cannot sue the Seneca Nation for lost wages or psychological damages in [U.S.] federal court.” The same holds true, however, for workers in Canadian casinos—or any businesses outside of the U.S. for that matter. This is sovereignty. Workers are protected, or not protected, by the laws of the nations where they work—with some nations having stronger or weaker worker protection laws than the U.S.

It’s interesting that Siegel, whose article attacks sovereignty but not the idea of casinos, chose to discuss hypothetical sexual harassment and discrimination by Indians. By doing so he is continuing an old reconstruction-era tradition of terrifying white audiences with images of emancipated black males sexually victimizing helpless white female victims. This was an underlying theme, for example, in *Birth of a Nation*, the first epic-length motion picture made.

Siegel goes on to list all of the areas, ranging from health permits and inspections, to music and liquor licenses, where Native businesses will be unregulated. Absent in the professor’s analysis, however, is the fact that the Senecas, as a sovereign nation, are the ones who regulate and adjudicate all of these issues as they see fit—just like their sovereign Canadian counterparts across the Niagara river—without needing paternalistic oversight from their U.S. neighbors.

This is what enrages Native peoples as racist—the unquestioned notion that sovereign Indian nations are not competent to manage their own affairs. This idea of Native peoples needing paternal oversight was the justification used by U.S. administrations for imposing Bureau of Indian Affairs control over Native resources, primarily in Western North America. These officials often then looted Native resources, giving sweetheart deals to white-owned mineral and energy extraction companies. As a result, since the inception of the Bureau of Indian Affairs (BIA), Native nations have lost over 137 billion dollars in assets and potential revenues due to BIA corruption and mismanagement.

Yes, potential victims may not be able to sue the Seneca Nation under U.S. federal labor laws, as Siegel argues. But what Siegel doesn’t mention, is that they can sue in Seneca Peacemakers Court—in the Nation where the infraction occurred. Siegel apparently doesn’t

understand or respect the long-standing traditions of sovereignty and justice in Native America. This argument that Native tribes and nations can't govern themselves is part and parcel of the colonizer's fabrication, a fabrication that the great white fathers of the U.S. and Canada used to bring Native nations to the brink of annihilation through the methodology of ethnic cleansing. Here the enlightened racist, the one who twists the language and the law to outlaw indigenous America, shows his face.



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