

RESERVATION REPORT

A Monthly Media Letter Regarding American Indian Policies
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BIG CASINO! - DELAY BOWS OUT AS JACK ABRAMOFF SINGS

ARE SOME OF THE ELECTED ON CAPITOL HILL STILL MISSING A POINT? – Now that defrocked Washington lobbyist extraordinaire, Jack Abramoff, and two former associates, have won some plea-bargaining wiggle-room from the U.S. Department of Justice, in exchange for admissions of guilt on corruption charges, political America is anxiously scrambling. First to say farewell to his hopes for resuming House GOP floor leadership was Rep. Tom DeLay (R-TX).

Members of Congress scurry like the proverbial critters in the hold of a leaking ship. Some are playing “hot potato” with the painful choice of hastily returning lobbyist-arranged campaign contributions or the equivalent value of expensive favors they so eagerly accepted from Indian tribes that sought approval of casino gambling expansion.

Others such as Senators John McCain (R-AZ), Russ Feingold (D-WI), Joe Lieberman (D-CT) and Michigan GOP Representative, Mike Rogers (See P. 7) are advocating instant lobbying reforms and the shutting off the fast-flow of some special interest money spigots.

One lawmaker, Minority Senate leader Harry Reid (D-NV), is just pleading innocence, rejecting the very thought of returning the enormous horde of cash he received from tribes who may have been doing lobbyist Jack Abramoff’s bidding, and insisting rather lamely: “I have done nothing wrong” and “I never met the man.” If he is so naïve regarding a major source of his campaign money, one wonders how he became leader of Senate Democrats?

Also pleading their innocence, to the sublime satisfaction of too many “feel good” primitive romantics who hasten to forgive and forget any ethical infraction by “noble” and “sovereign” Native American Indians, are the tribal leaders who were more than willing to hand out some \$80-million, at the expense of tribal members, to Abramoff and his colleague Michael Scanlon, a former close aide of Rep. Tom DeLay (R-TX).

As for two of the more vocal “reform” protagonists, Feingold and McCain, it was a loophole of silence regarding Indian tribes, as big as the proverbial barn door, in their now somewhat discredited campaign finance reform legislation in 2002, that virtually guaranteed the extravagant abuse of Indian gaming money for hiring less than scrupulous lobbyists to persuade (sic!) and maybe “purchase” certain elected officeholders to do the Indian leaders’ or Abramoff’s bidding. To overcome the embarrassment of the ‘loophole of silence’ the Federal Election Commission later ruled that tribal governments would be regarded as “individuals” in making political campaign contributions – what amounted to a gloriously neat exemption from strict spending limits – a privilege denied all other organizational entities in the U.S. body politic. Both Senator McCain and Feingold’s staff have “regretted” the “situation” though neither has yet done anything to correct the matter.

While it is possible the Department of Justice will find insufficient evidence for returning indictments against many Members of Congress or key staff persons, the plea agreements reached with Abramoff, et.al., are likely to spoil some political careers in 2006 elections.

See Special Feature - **TRIBALISM & CULTURE – Pages 4 through 6**

INDIAN PAYOFFS, LOBBYISTS & “POLITICAL CORRECTNESS” – California Attorney Jim Marino jmarinolaw@hotmail.com, a specialist in addressing issues related to Indians in his state, attended the recent Arizona State University Indian Law conference. As we reported in the December issue of Reservation Report, that was where the possible elimination of the Indian land trust relationship with Uncle Sam was discussed. Marino was an observer together with attorney Lana Marcussen of Phoenix, AZ, a specialist on Indian issues, whose observations we quoted.

Also discussed by scholars and lawyers attending the affair was the common law ‘sovereign immunity doctrine,’ which, might very well fall in the absence of a trust relationship under current laws. Marino contributed editorial commentary to a number of newspapers at the time, calling attention to the conduct of those tribal officials who are now fully engaged in the "blame game" since their activities, involving Washington (D.C.) lobbyists and Members of the U.S. Congress, have been exposed by the widening Abramoff scandal.

Entitled **“Indian Gambling Corruption and Bribery is a Two-Way Street,”** Marino’s remarks suggested: “It is good that there has been a great deal of publicity lately about the corruption and bribery involved in Indian casino gambling. It results from a very poorly drafted Indian Gaming and Regulatory Act which provided no effective means of enforcement at the federal level and at the state level, the state's were only looking at ways to cash-in along with the Indian ‘tribes’ and their outside non-Indian gambling interests or so called ‘investors’.”

Tribal-state compacts were drafted with money-making in mind or, in the case of California, political campaign contributions were made to the former Governor and other politicians who were rewarded by the formerly illegal Indian casinos. Besides the lack of state and federal regulation and supervision, there is political correctness. This has silenced many critics who fear they will be called anti-Indian, racist or insensitive to historic misdeeds committed against Indians a century or more ago by others.

Marino says this "retroactive atonement" philosophy has painted the current day "Indians" (who are often no more than fractional descendants of true Indians) as victims who should somehow be able to get away with evading all laws and taxes under the antiquated court- created doctrine of tribal sovereign immunity. That is why there is little in the press about the "Indians" or tribal governments that sought to bribe and improperly influence politicians and bureaucrats using intermediaries like Abramoff, Scanlon and other lobbyists" who were hired to make political "donations" on behalf of these tribes – what some describe as “bribery by proxy.”.

So the question is, amongst all of the investigations and possible indictments, why aren't these *ersatz* Indians being investigated and indicted? Bribery is a two way street. There are the providers and takers - and those middlemen, such as Abramoff, who carry out the dirty work.

So far these tribal governments have been painted as "victims" of their own corrupt motives and are somehow now, not only astonished at the size of the cut being taken from the bribe money by the likes of these influence peddling "lobbyists" or so called "public relation" firms, but are also offended by the lack of respect being shown to them by their accomplices after they passed out millions of dollars as instructed by these Washington middle men.

At the risk of being labeled politically incorrect, many in the mainstream news media are, or should be, in line to expose some of the culpability of Indian tribes and tribal government leaders who so willingly handed over vast sums in hopes of winning favors from the lobbyists and lawmakers now caught up in this latest scandal.

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QUESTIONING AN 11-CENT MEAL TICKET FOR POOR & HUNGRY INDIANS – As national attention is at least partially focused on what Washington lobbyists and some of the personnel (elected and staff) of the Congress of the United States did (see Page 2) with an estimated \$80-million dollars from Native American Indian leaders over the past five years, *Reservation Report's* editor got a piece of mail containing a freshly minted penny and dime.

Lovena B. Lee, signing the “pitch” letter for a donation in her capacity as Chairperson of The Council of Indian Nations (CIN), said the organization is a “member of national relief charities” (a coalition lacking full transparency according to Reservation Report sources) and seeks contributions from generous Americans who, presumably, don’t wish to ignore “thousands...across the country” (Indians) who are “victims” in a “crisis of hunger.”

Ms. Lee writes: “You see, Native Americans are living on reservations which are home to some of the worst poverty in the world. Worse even than many third world countries. And for at least the last two decades, the Native Americans have been getting poorer!”

It seems that the two coin, eleven-cents enclosure is intended to highlight Ms. Lee’s contention that such an amount is all that is required to feed an Indian a meal! And she stresses the value of such an economy of scale by recommending, for a donor’s consideration, that a \$10 gift would buy 90 meals while \$20 would cover 181 servings!

(Without wishing to make fun of Ms. Lee’s sincerity, or the claimed plight of reservation residents she feeds, one is inclined to suggest that CIN may have discovered the solution to all the world’s hunger problems if they can satisfy a human’s appetite for 11 cents a meal.)

In eight or nine additional paragraphs in her letter, Ms. Lee describes an array of successes along with CIN’s hopes for even greater achievements in solving hunger needs on reservations. We’ll return her 11 cents and a tad more because at CIN’s prices there seems to be no need to hold up the Indian chow line.

And for the charitably inclined (and to show we’re not entirely hard-hearted), CIN’s address for contributions is P. O. Box 1800, Apache Junction, Arizona 85217-9981. Maybe some of our media friends would like to contact Lovena B. Lee at 800-811-6955. Good luck!

But we do have one pressing question after reading a report from two Harvard economists – Joseph Kalt and Jonathan Taylor who find that per capita income in gaming tribes grew 15% more than in non-gaming tribes between 1990 and 2000 for a total gain of 36% vs. 21%, and enjoyed a significant decline in unemployment:

When Kalt and Taylor can say, unequivocally, “with gaming tribes, we see...where for the first time, tribes have money that they generate themselves...” and with leadership of the National Congress of American Indians enjoying the luxury of \$19- to \$20-billion a year in casino gambling revenues and many federal and state tax exemptions, plus big, annual, Congressional appropriations for health, education and all sorts of welfare programs: *Would Mrs. Lee, the Counsel of Indian Nations or NCAI please explain why any Indian on any reservation, belonging to any tribe in the U.S.A. with any type of casino gambling license, is so wracked by poverty and hunger any longer that he or she or their children and grandparents has to depend on a charity campaign for an eleven cent meal in 2006?*

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OF RESERVATION REPORT

TRIBALISM & CULTURE

Editor’s Note: Anyone concerned with or doing research on, or writing about, U.S. Indian issues...or any ethnic minority matters and their history in America or elsewhere, should consider studying in full the two documents below referenced and briefly summarized, beginning on this page through Page 6.

Behind the Cultural Closed Door

On November 25, 2005, *Native American Press/Ojibwe News* editor and publisher Bill Lawrence devoted four columns of commentary to the abject hopelessness that he found embarrassingly obvious on a number of U.S. Indian reservations he has visited. The title of his commentary: “*Any reservation town – USA*” www.press-on.net.

As a Chippewa Tribe member in Bemidji, Minnesota, on the Red Lake Band’s reservation, and an Indian whose widely read weekly newspaper also serves readers on the White Earth, Mille Lacs and other reservations in the northern part of the state, he knew the conditions of alcoholism, drug and gambling addiction, serious cases of mental depression, extensive unemployment and poverty among many tribal members and what he was likely to find elsewhere.

His tours have been to the Wind River Reservation (Wyoming), Pine Ridge and Rosebud reservations (South Dakota), Fort Peck, Lame Deer, Rocky Boy, Crow Agency and Salvish-Kootenai reservations (Montana), Fort Belknap and New Town (North Dakota).

Just consider the visual impressions of what he first describes: “multiple, small, rectangular houses, sometimes clustered together in memory of a neighborhood, but some other times these same small houses sit at the outer limits of the gathering as if they wanted more privacy....”

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The Noble Savage: Romantic Primitivism vs. Civilization

*“I am as free as nature first made man,
Ere the base laws of servitude began,
When wild in woods the noble savage ran.”*

“The Conquest of Granada” by John Dryden (1670)

That quotation may be the first publicized use made of the term “noble savage.”

For 17th Century English poet, critic and playwright John Dryden, probably familiar with the voluminous published accounts and memoirs of Jamestown’s Captain John Smith, the image of proud natives in the New World begged for a suitably fanciful and not entirely unmerited, description in the romantic tradition of the times.

But for most Europeans who had pioneered to Earth’s limits in the Age of Discovery, followed by exploration and colonization in such exotic territories as sub-Saharan Africa, more isolated Oceania, parts of South Asia and the exotic Pacific islands since the very early part of the 15th Century, the “nobility” encountered by adventurers such as Captain James Cook was often, as critic Roger Sandall notes, a savagery to be “fought, not emulated.”

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BEHIND THE CULTURAL CLOSED DOOR – (Continued from Page 4) – “The yards, both front and back, and the commonly shared areas are laden with refuse – appliances, crippled sofas and kitchen chairs, garbage bags overflowing with cartons and wraps, plastic grocery bags wave in the wind, soda bottles lay like fallen soldiers. The rest of the litter is pretty much unidentifiable as to the specifics, but it is still clearly garbage. There are numerous vehicles parked or lying about – some clearly dead, some dying, some new and many in between.

“There’s the occasional dog and often you can see a horse. These animals are mostly lonely looking creatures with beaten down expressions. There is little activity in the small community. Few people are afoot; doors and windows remain shut, even in hot weather. The streets and yards are usually empty.

“The only buildings I see that seem well cared for and in good repair are the law enforcement, health services, governmental buildings and, maybe, a school.

“A cemetery, well decorated with wreaths and flowers, is the most cheerful looking place in the area. In the immediate vicinity of this community there are numerous abandoned cars, homes and trailer houses. They stand in mute testimony to harsh use with their broken windows, doors agape and listing to one side.

“Teepee frames stand like long lost, vacant thoughts of another time.

“...There wasn’t a garden anywhere. There were no fenced yards for kids and dogs. If there was playground equipment it was dilapidated....

“There were no businesses like shops, restaurants or industry. The community was set in a remote, geographically isolated area, devoid of natural resources that could be used to the advantage of the inhabitants....Why have the inhabitants of these communities fallen so low as to accept this as a way of life?

“...One idea that keeps coming back to me is the suspicion that the question of land ownership is one of the contributing factors to the conditions I saw in so many places. Holding all lands as tribally owned rather than individual ownership doesn’t generate any sense of ownership....This situation inhibits personal initiative, economic development and property appreciation....”

In such abject surroundings, tribal members on such reservations “are weak in spirit because of the unrelenting presence of extreme poverty. Violence, crime, gang activity and drug and alcohol abuse further destroys spirit and community. The money rolls into the tribal headquarters but you receive almost no benefit. Tribal officials manipulate the system to use the money for the benefit of themselves, their families and their friends. The needs of the people are ignored or addressed superficially....Education is a failure for many, many reasons.”

Scores of paragraphs follow, with Lawrence’s detailed and graphic description of the degradation that is the mark of America’s Indian reservations in the 21st Century. He is tempted to conclude: **“The ultimate solution to all this despair may be the elimination of the reservation system.”** (Emphasis added by Reservation Report’s Editor.)

In an early December follow-up discussion with *Reservation Report*, Lawrence observed: “On reservations the people don’t feel like they own anything. If they owned a piece of land and the house they live in they would have something they could take pride in and take care of. Owning property would make a big difference, but on reservations that isn’t possible.”

Bill Lawrence’s “*Any reservation town – USA*” is one of the most powerful and sad commentaries published in recent years. It defines the American apartheid our Government supports and American taxpayers help finance, unendingly.

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THE NOBLE SAVAGE: ROMANTIC PRIMITIVISM VS. CIVILIZATION – (Continued from Page 4) – In his widely proclaimed 2001 study, **The Culture Cult: Designer Tribalism and Other Essays**, New Zealand writer, teacher and one-time anthropologist Sandall writes in an Appendix on “The Four Stages of Noble Savagery”: “On the frontier, a clear line is drawn between savage and civilized behavior. When (Captain James) Cook and others meet the axe-and-club-wielding indigenes of the South Pacific, men are killed on both sides, but they are baked and eaten by one side only. There are misunderstandings, but there’s no point in romanticizing an enemy who wants to split open your skull.”

Difficulties, for both savage and civilized, begin in the “War and Pacification” phase of European settlement in newly discovered lands in the Americas (North, Central and South), Australia and New Zealand where native populations, some - Incas, Mayans, Aztecs - quite advanced and sophisticated, and some - Maoris, Aborigines and some, but not all, Indian tribal societies in North America - relatively primitive, which were suddenly confronted by an overseas enemy armed with powerful weapons and, unintentionally, strange lethal diseases, for which natives have no immune defense.

Sandall suggests that coupled with a growing anti-slavery movement in Europe, the religious and social sensitivities of white men and women to sympathize over the plight of “primitives” suddenly viewed as underdogs, marks the beginning, especially in the English-speaking world of a movement for the relief and protection of the indigenous wherever they are encountered.

But Sandall’s research traces back to Jean Jacques Rousseau (1712-1778): “Before Rousseau, savagery was obviously and unarguably ignoble, and tribal life was regarded in most places with horror. It was where you found despotic chiefs, absurd beliefs, revolting cruelty, appalling poverty, horrifying diseases, and homicidal religious fanaticism.

“After Rousseau, among progressive thinkers, all this had gone. No Big Ditch separated the civilized from the primitive. Savagery was noble, the tribal world was morally transfigured, and the savage himself had been redeemed.” Sandall further notes: Rousseau was a Bohemian who felt himself a stranger in the developed, civilized world of the 18th Century. In his capacity as an acknowledged and “gifted writer and publicist,” Rousseau also “feared and envied the civilized urban world he exploited.” Joining in the then new European *avant garde* enthusiasm for primitive societies at this time was the German poet and critic Johann Gottfried Herder (1744-1803) who romanticized primitive societies while decrying the sophistication of civilization as represented in the capitals of Western Europe, especially Paris, where both Rousseau and Herder felt they were snubbed for prominence by academics and other intellectuals of the time.

Herder particularly espoused the notion that local, native cultures of the tribal variety should each be protected from any social, political or intellectual contacts or contamination by any other culture, especially by any that were civilized. He was vociferous in his opposition to assimilation of natives into the mainstream under the guise of becoming “civilized” or “subject” peoples.

However, after reading one of Rousseau’s books on the admired nobility of primitives and the faults of the civilized, the famed master of critical satire, François Marie Arouet (1694-1778), better known by the pseudonym **Voltaire**, wrote: “I have received, sir, your new book against the human species.... The horrors of that human society – from which, in our feebleness and ignorance we expect so many consolations – have never been painted in more striking colors; no one has ever been so witty as you are in trying to turn us into brutes; to read your book makes one long to go on all fours. Since, however, it is now some sixty years since I gave up the practice, I feel that it is unfortunately impossible for me to resume it: I leave this natural habit to those more fit for it than you and I.” Sandall’s **The Culture Cult** is an eye-opening book and a good read.

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MICHIGAN CONGRESSMAN URGES PROMPT INDIAN GAMING REFORMS – Aside from the highly respected advocacy of Senator Joe Lieberman (D-CT) for desperately needed reforms of both the Indian Gaming Regulatory Act (IGRA) and the virtually unrestrained federal licensing of Indian casinos across America, the most promising reform proposal has been submitted by a 42-year-old Lansing, MI, House Member named Michael J. Rogers.

With a background as a Special Agent of the F.B.I. investigating public corruption, but almost no political credentials, Rogers managed to win election in 2000 and reelection twice since in the State's 8th District. He serves on several subcommittees of the Energy and Commerce Committee, especially in regard to intelligence, hazardous materials and consumer protection issues. As far as is known at this time, the lawmaker has no connection to Indian tribes or reservation gambling casinos...or...Indian campaign contributions and/or Abramoff lobbyist and corruption allegations.

In what he calls the "Common Sense Indian Gambling Reform Act" which, in less extensive or urgent form, he first submitted for House consideration last May 12th, he seeks a comprehensive rewriting of laws governing Indian gambling. But in the light of the rash of new developments and the exposure of vast corruption allegations and indictments, Rogers has now augmented his legislative measure with a call for immediately proclaiming a two year moratorium on any further Indian casino expansion or licensing. This would enable Congress, the FBI and the Justice Department and Interior Department to complete a thorough investigation and study, already begun, of the existing Indian gambling system and shortcomings while Congress examines and adopts the legislation such as he advances.

Among the reforms his Bill – H.R. 2353 – seeks:

- Prohibiting tribes from "reservation shopping" or acquiring new land not contiguous to their existing reservation for the purposes of building a new casino.
- Doubling funding for the National Indian Gaming Commission, requiring it to conduct all background investigations and expand background checks to the top 10 financial interests in any new Indian casino.
- Requiring both the Governor and the Legislature, of a state where a tribe proposes a new casino, to approve of same and agree to a new Indian casino compact.
- Directing the Department of Interior to conduct economic impact studies to determine if new casinos would have a negative impact within a 50-square-mile radius.
- Requiring new tribes, seeking land into trust or recognition, to declare their intention to build casinos on the land.

Rogers declared, in urging quick committee and floor action on his measure: "Putting a complete halt to new tribal casinos for two years would give us time to get our arms around the process and better understand the problem. Closing the loopholes in current law will help prevent further abuse and create a tougher system of checks and balances than what we have today.

"With 223 Indian tribes operating 411 casinos in 28 states and bringing in more than \$18-billion in revenue annually, there is just too much money involved and no way to fully account for it. Closing loopholes is crucial if we are going to end the exploitation."

Some observers assumed that Rep. Rogers means the exploitation of gambling privileges by Indian casino owning tribes and leadership as well as exploitation of the Indian casino revenues by lobbyists and politicians. Rogers announced he would push for the two-year moratorium on Indian casino expansion and licensing as the first order of business when Congress meets in full session at the end of January. He is also submitting a letter to Chairman Richard Pombo (R-CA) of the House Resources Committee, seeking immediate action on his proposals.

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A TEENAGER NAMED CAROLINE MAY WORRY ABOUT MAINE’S LNG PLANS –

This 14 year old granddaughter of Reservation Report’s Editor hasn’t been to Maine since she was a very little girl when all of the family – siblings, cousins, aunts, uncles, parents and one set of grandparents - spent a couple of summer vacations on one of the delightfully private and rustic islands in that state.

But Caroline, who has lived her whole, still brief, life in Virginia, already has a teenager’s enthusiasm for becoming a marine biologist some day, ever since she played with and learned much about whales and dolphins in a special bit of instruction in Florida a year or so ago, after having gone whale-watching off Cape Cod in 2002.

What would most certainly disturb her would be to learn that a good many people, who live near Passamaquoddy Bay in the vicinity of Calais (ME) and New Brunswick, Canada in America’s largest northeastern state, share a fear that if a terminal is built in one of three sites (Split Rock, Robbinston or Red Beach), the great, lumbering tankers that carry liquid natural gas, may disturb and perhaps endanger, whales that feed and frolic off Maine’s North Atlantic coast. Of course big ships with many types of cargoes, some hazardous, now enter the Bay regularly.

Whale admirers aren’t the only people who have environmental and pollution worries. Maine’s traditional lobstermen have all sorts of qualms as they contemplate what would happen to their centuries’ old occupation of harvesting the tasty shellfish that delight the nation’s gourmets and thousands, at home and abroad, who are not. The gargantuan vessels could contaminate the waters with even slight spillage or severely interfere with lobster pot retrieval.

Terminals, storage tanks, industrial facilities for converting the liquid back into purely gaseous form and the establishment of equipment for accessing an existing regional pipeline and perhaps building new pipelines for regional distribution of the fuel, could create a difficult environment for the residents of close-by towns and an island in the Bay between the Maine towns of Lubec and Calais. This might discourage summer tourism and small businesses in an area that counts on every penny of income earned from visitors.

On Deer Island (ME), and across the Bay in St. Andrews, New Brunswick (Canada), residents are very nervous about the LNG development prospects. But like several other island and mainland coastal communities that have already turned thumbs down to the liquid gas project, they have so far stonewalled serious discussions with the groups of developers seeking the LNG concession. For whale watchers and lobster and herring fishermen, compromise talks with LNG developers are, so far, not on the agenda. In interviews with Canadians in St. Andrews, Bangor (ME) *Daily News* reporter Diana Graettinger found: “The prospect of LNG tankers navigating the treacherous Canadian waters leading to all three terminals has stirred outrage in this usually peaceful community.” The larger business and political forces on the U.S. side of the Bay and the Passamaquoddy Indian tribe who are eager to participate in LNG development and the jobs it would provide, seem persuaded that environmental risks are minimal. But in this continuing New England debate, as Caroline might suggest, LNG proponents haven’t made any effort to consult the whales and lobsters or the people who champion these creatures of the sea.

TO RECIPIENT EDITORS, COLUMNISTS & TALK SHOW HOSTS: *Reservation Report* is a monthly news alert service regarding U.S. federal Indian policies and reservation matters affecting the lives and welfare of Indian and non-Indian residents and businesses, situated on or near reservations. The RESERVATION REPORT Executive Editor is John` Fulton Lewis of Reedville, VA. E-mail: nccomm@crosslink.net