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Genocide to gaming: Cahuilla activism and the tribal casino movement

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Genocide to Gaming

Cahuilla Activism and the Tribal Casino Movement Theodor Gordon



Cahuilla Leaders with Chief Cabazon (Center) Circa 1890

Introduction

■ Questions

- What cultural and political factors led to the Indian casino movement?
- What are the impacts of the movement?
 - On both tribal and settler communities

■ Tribal Casinos

- Latest iteration of tribal self-determination strategies
 - Under capricious and often malicious U.S. Law
- Emerging misconceptions of tribes may undermine tribal self-determination

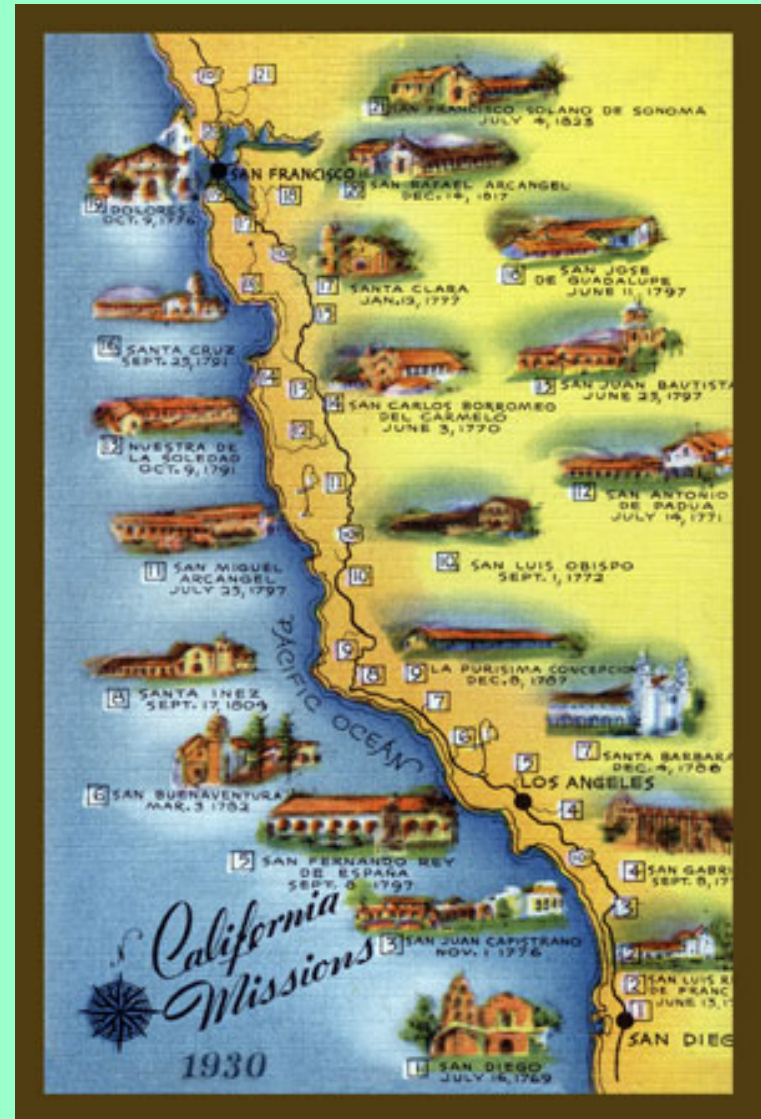
Pre-Contact Cahuilla Nations

- Population 2000-3000
- Diverse Ecology
 - Hottest and driest desert
 - Alpine Tundra (10,000 ft)
- Foraging and Agriculture
 - Mesquite, Acorns, Game
 - 3 Sisters: Corn, Beans, Squash
- Diffuse Self-Determination
 - Families, Lineage, Clan
- Extensive Kin and Trade
 - Connected niches



Spanish Missions

- 21 From 1769-1833
- Military “Recruits”
- Religion and Labor
- Deaths from Disease
- Raided each other
- Mexico Secularized
 - Return to Homeland
 - Rancho Wage Labor



Knowledge of California Native Nations

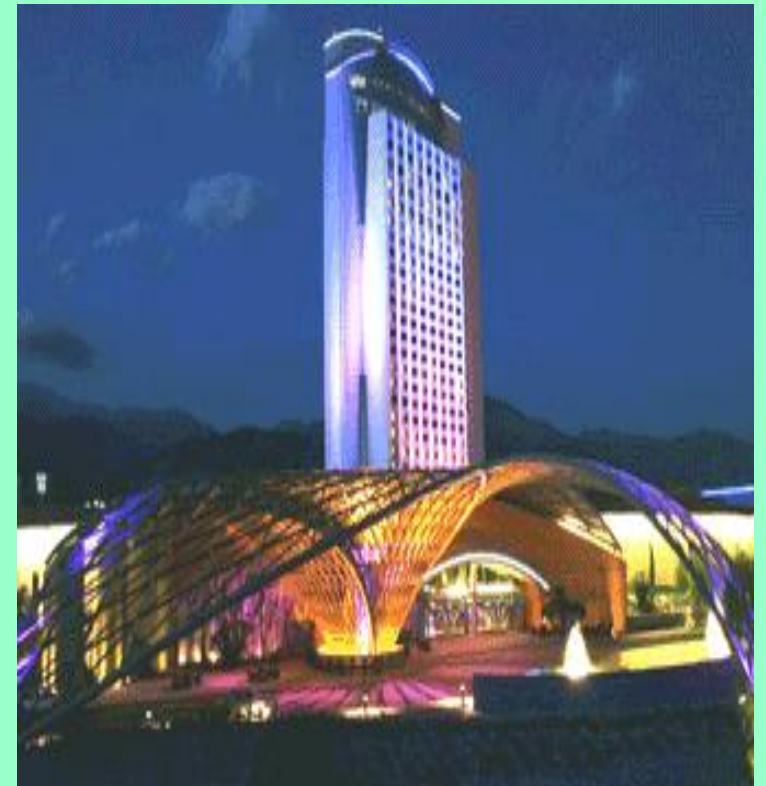
Pre-Contact and Mission Era

???

Casino Era



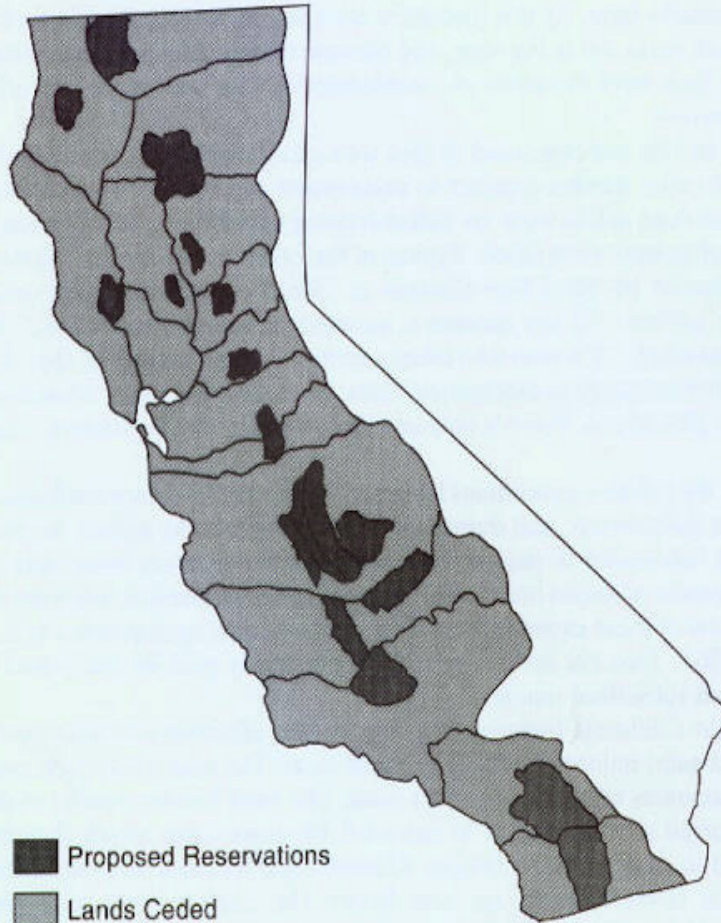
4th Grade
Mission Diorama



Morongo
Casino and Resort

The American Conquest

- Treaty of Guadalupe-Hildago- 1848
- American Citizenship for all Mexican Citizens
 - Except Natives
- 18 Treaties
 - Reservations and Annuities
 - 17% of State
 - Never ratified in Congress



Unratified treaty lands, 1851-1852. (From *Indians of California: The Changing Image* by James J. Rawls. Copyright 1984 by the University of Oklahoma Press.)

The Gold Rush-Slavery

- “Indian Apprenticeships”
 - “Act for the protection of Mission Indians” 1850
 - “Orphaned” Children
 - Indentured Servitude: 30-35 years
 - Farm work for men, domestic and sex work for women
 - Ended by 13th Amendment
- “The Indians of California make as **obedient and humble slaves as the Negro** in the south”
 - Pierson Reading, Sutter Mill Manager

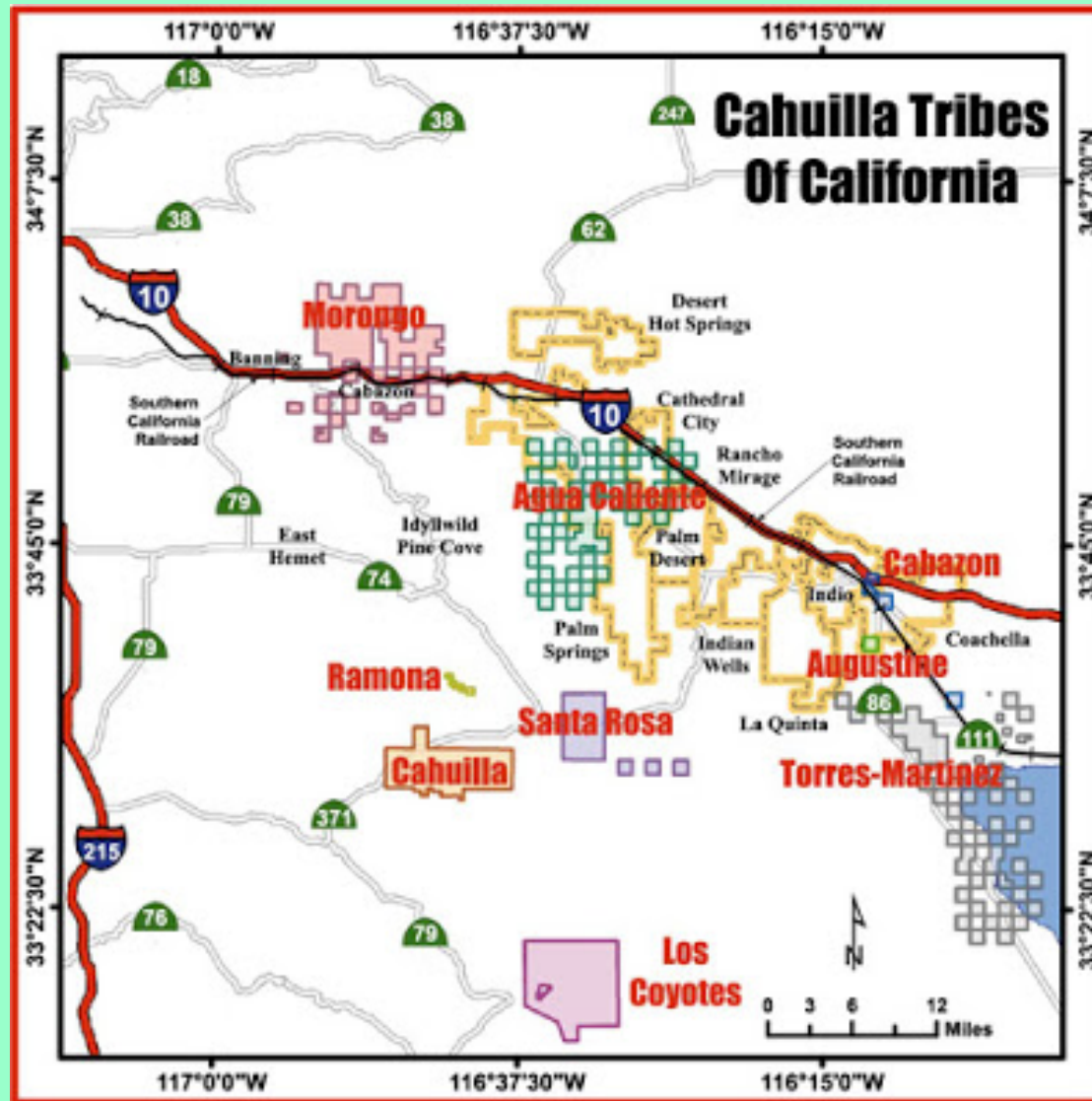
The Gold Rush-Genocide

- “A war of extermination will continue to be waged between the two races **until the Indian race becomes extinct**”

-First California Gov. Peter Burnett, 1851

- “Buck Hunting” by State Militias
 - Exterminate all “Wild” Indians
 - The “unemployed”
 - 1850-1860s

10 Reservations: 1870-1890s



“...allow the remnant of this race to at least sleep in undisturbed peace”-Los Angeles Herald 1902

Sherman Indian School: 1892-1970s-Present



“Kill the Indian, Save the Man”- Richard Pratt

Mission Indian Federation: 1919-1965



- Lobbied Congress
 - Home Rule: Sovereignty
 - Treaty Theft
- Cash Donations
 - Farm and Domestic Work
 - Settler Allies
- Successes
 - Feds admit theft settled
 - Establish Claims Commission

American Indian Historical Society

1950-1983



- Founded by Rupert Costo
 - Mountain Cahuilla
 - Engineer for CalTrans
- Treaty Research and Press
- San Francisco
 - Haight/Ashbury District
 - Hub for Alcatraz Occupation
- Fought 1970 Settlement
 - \$300 per Indian
 - Less than \$0.50/acre

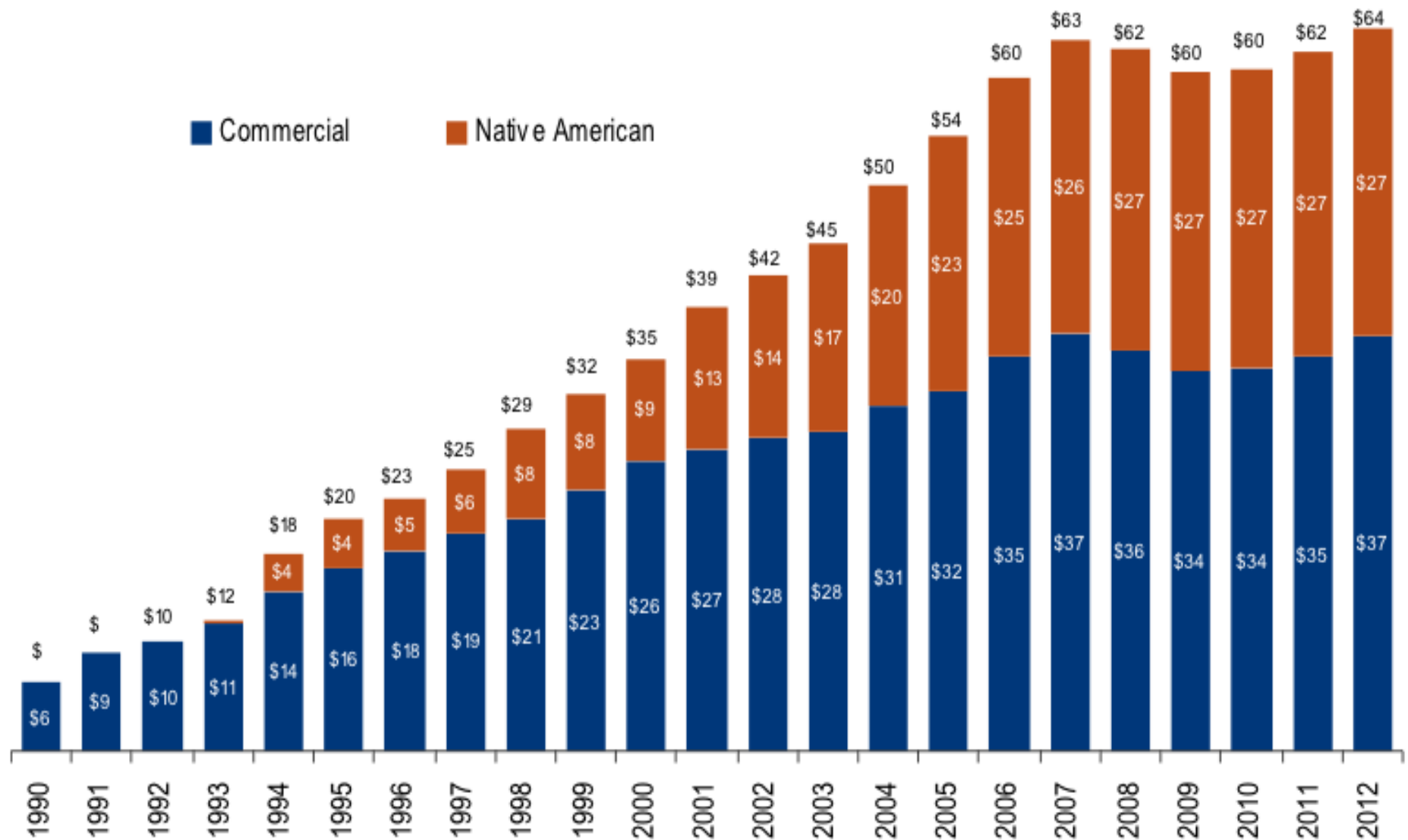
Cabazon Decision 1987

- Context
 - Civil Jurisdiction, Not Criminal Jurisdiction
 - 1978 California Legalizes Poker Clubs, Bingo
 - 1980 Cabazon Band opens poker and bingo club
 - SWAT Team raids
- State Argument: will attract crime
 - Submits no evidence
- Supreme Court sides with Cabazon
 - If state regulates activity, tribe can too

Indian Gaming Regulatory Act 1988

- Class 1- Traditional
 - Exclusive to tribal members, tribal regulations
- Class 2- Unbanked (Bingo, Lotto, Poker)
 - Tribal and federal regulations
 - Legal on reservations in states with legalized gaming
- Class 3- “Las Vegas style” (Slots, Blackjack)
 - Tribal, federal, and state regulations
 - Compact with surrounding state
 - Gov’t-to-gov’t, “good faith” negotiations
 - States can “offset” but not “tax”

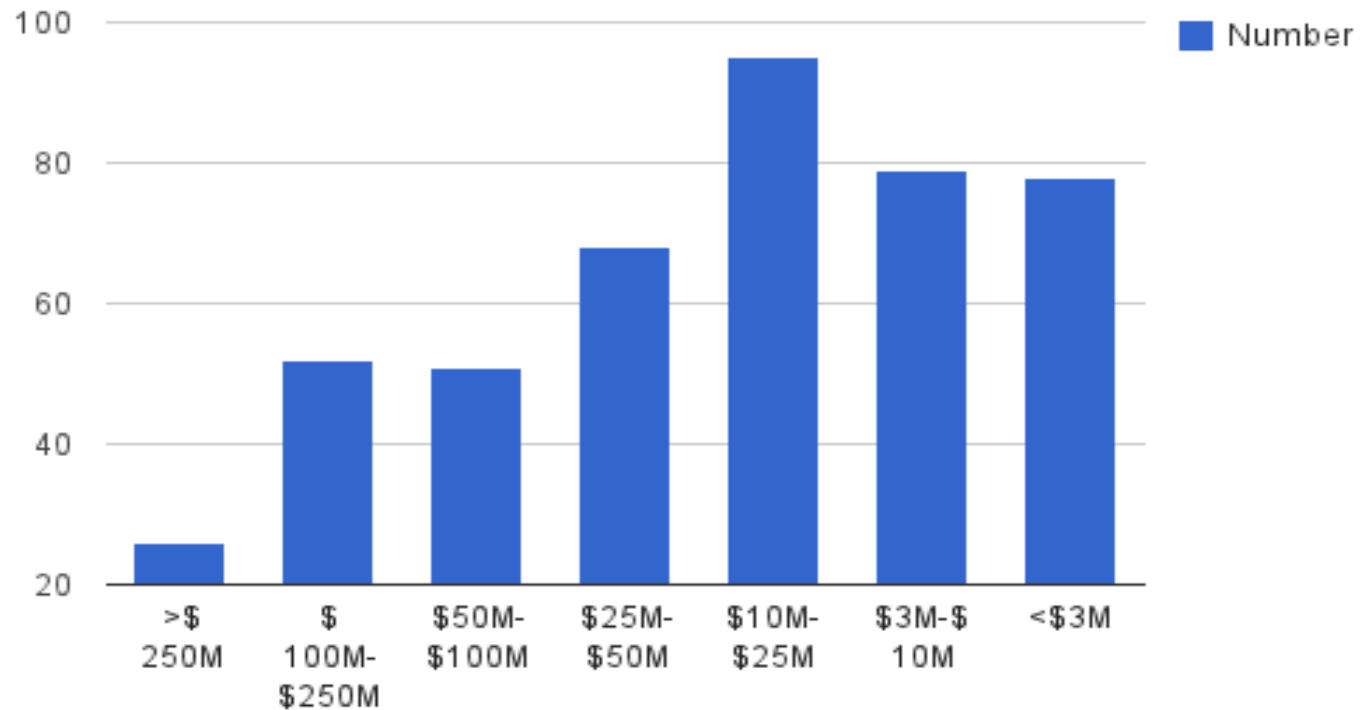
Chart 18: Total U.S. gaming industry revenue: Commercial and Native American (US\$B)



Source: BofA Merrill Lynch Global Research, NIGC, State gaming control boards

Note: Native American gaming revenues not available periods prior to 1993

Tribal Casino Revenue Distribution



470 Operations owned by 242 of 565 total tribes.
Top 26 (5.7%) Earn 40.5% of Total Tribal Casino Revenue

Tribal Economic Changes from 1990-2000

	Non-Gaming	Gaming	U.S.
Per Capita Income	21%	36%	11%
Median Household Income	14%	35%	4%
Family Poverty	-6.9%	-11.8%	-0.8%
Unemployment	-1.8%	-4.8%	-0.5%

2012-U.S. Family Poverty Rate: 9.2%

Tribal Rate: 36%

Source: Spilde and Taylor 2013

Settler Economic Changes in California

	Within 10 miles	Not within 10 miles
1990	\$32,515	\$46,255
2000	\$48,578	\$58,132
Percent Increase	55%	33%

Median Household Income by Proximity to Gaming Tribe
In real 2000 dollars. Source: Marks and Spilde 2007

“Why do tribes have casinos?”

- Affirmative Action, Reparations
 - “We gave them casinos to bring them out of poverty”
 - “Allowing them to have casinos was the least we could do”
- Gaming Corporations
 - “Vegas companies wanted to expand”
 - “Its just corporations taking over”
- Common Assumption: Tribes are passive
 - Extinct, yet distinct

Patrons

- Reinforced “Rich Indian” Stereotype
 - “You can see their homes from the parking garage. **The Indians are loaded now**”
- Increased historical knowledge
 - “...you have to drive out of the way and into the foothills. Going there **you can see they were put where they can’t farm** or do anything really”
- Preferences for spending “gambling dollar”
 - “I’d rather go to an Indian casino, where I **know my money goes to a community**, not some faceless corporation”

Neighbors

- Previous experience/knowledge
 - “It [the reservation] used to be trailers and an orchard. That’s all that’s left of their land. **I remember how they fought for that casino**”
- Experience direct economic benefits
- Cultural Experiences
 - Powwows
 - Museums
- 2008 Ballot measure to expand four casinos
 - 55% statewide, 65% within 2 miles of **all** reservations

Employees

- “They’re **no different than any other business...**The people I work for, management, they’re white.”
- “No I don’t go to their powwow, I can’t. During the powwow we have to work overtime”
- Metaphor: Casinos is private enterprise

San Manuel Decision 2007

- National Labor Relations Act
 - Regulates labor unions. Precedent: Tribes exempt
- San Manuel Employees Unionize
 - Tribes encourages CWA
 - Denies HERE. HERE files suit
- Court sides with HERE
 - Finds casino is private enterprise
- 9th Circuit Court of Appeals sides with HERE
 - Reverses precedent
 - Self-Determination **weakest when impacts non-Indians**

Conclusions

- Casinos part of tradition of self-determination
 - Attempts to assimilate only strengthened identity
 - Gaming asserted by tribes, affirmed by Supreme Court
- Public lacks frame of reference
 - Invents explanations, revealing assumptions
 - Settler responses vary by experience
- Corporation analogy entering courts
- New termination era?
 - Labor Relations
 - Public Education