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The Socioeconomic Impact of Indian Gaming on Kumeyaay Nations: A Case Study of Barona, Viejas, and Sycuan, 1982 - 2016

Ethan L. Banegas

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UNIVERSITY OF SAN DIEGO

**The Socioeconomic Impact of Indian Gaming
on Kumeyaay Nations: A Case Study of
Barona, Viejas, and Sycuan, 1982 – 2016**

A Thesis submitted in partial satisfaction of the requirements for the degree of

Masters of Arts in History

By

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TABLE OF CONTENTS

1. Introduction	1
2. Pre-Contact Kumeyaay through the Mission Period	16
3. Captain Grande	32
4. Indian Gaming in the Kumeyaay Nation	48
5. Historical Trauma in Native Nations	66
6. Indian Gaming Heals Historical Trauma	77
7. Conclusion	87
Appendices	95
Bibliography	98

CHAPTER 1 – INTRODUCTION

What is progress? Are casinos beneficial or a detriment to the Kumeyaay Nation? Scholars see Indian gaming as progress because they focus on material improvements, but they need to ask the broader questions; has gaming changed everything? Does revenue from a casino reverse the negative impact from over three hundred years of colonization? Gaming marks the reverse of fortune and provides Indians with the necessary resources to heal historical trauma.¹ Empirical data proves that revenue from casinos provides better health, education, economics, and infrastructure. Gaming revenue, however, cannot reverse historical trauma in just three decades. To examine this issue, I will focus on three Kumeyaay Nations in Southern California: the Barona Band of Mission Indians, the Viejas Band of Kumeyaay Indians, and the Sycuan Band of the Kumeyaay Nation.² The differences and similarities of these tribes will serve as a test case for Indian gaming in San Diego. The change begins in 1982 when Barona fought and won to keep high-stakes bingo in San Diego; gambling, however, was always part of the Kumeyaay tradition.³

Games of chance were part of the indigenous way of life in North America. Since pre-Columbian times to the present day, the Kumeyaay have played a game called *Peon* that entails two teams of four members to sing songs behind a blanket. For the length of a song, one side passes bones behind a blanket while the opposing side guesses who is

¹ The terms “Indian,” “native,” and “Native American” will be used interchangeably.

² The terms “nation,” “tribe,” and “band” will be used interchangeably.

³ *Barona Group of the Capitan Grande Band of Mission Indians v. Duffy*, 694 F.2d 1185 (9th Cir.1982).

holding the white bone at song's end. The winning team is awarded a prize and bragging rights after hours of play. The Kumeyaay were not the only native groups to play games of chance. Steward Culin, author of *Games of the North American Indians*, conducted one of the most comprehensive studies about indigenous games in North America over the course of fourteen years. He discovered games of chance and dexterity were widespread among 229 tribes in North America and Mexico.⁴ It has been estimated that one hundred and thirty tribes, representing over thirty dialects, played dice games before European contact.⁵ The dice had different shapes and sizes and were often sticks with different markings on each side.

Significantly, when traditional gaming is juxtaposed with modern gaming there is an absence of deeper significance. Pre-Columbian gaming “was often a sacred art connected to myth, legend, and ritual.”⁶ Early chroniclers missed the sacred elements completely. In one instance, church fathers at a California mission forced Indians to abandon their sacred games representing “heathen worship.”⁷ These priests, indoctrinated in Western theology, failed to understand all that was sacred in the New World; there was no distinction between the sacred and the secular. Kathryn Gabriel, the author of *Gambler Way*, also did an extensive study on native games in the American Southwest

⁴ Steward Culin, *Games of The North American Indians* (New York, Dover Publications: 1904).

⁵ Paul Pasquaretta, “On the ‘Indianness’ of Bingo: Gambling and the Native American Community,” *Critical Inquiry* 20, no. 4 (Summer 1994): 698.
<http://www.jstor.org/stable/1343855>.

⁶ Kathryn Gabriel, *Gambler's Way: Indian Gaming in Mythology, History, and Archaeology in North America* (Boulder, Johnson Books: 1996). 5.

⁷ Culin, *Games*, 324.

and she found that “most games...were usually played at a fixed time of the year during certain festivals and religious rituals.”⁸

Tribal Sovereignty

Non-Indians almost never encounter the idea of tribal sovereignty because it is unique to American politics.⁹ Tribal sovereignty began over 500 years ago when aboriginal tribes began to negotiate treaties with Euro-Americans. Over the years, tribal sovereignty eventually became part of the larger conflict between federal and state governments. There have been three views of tribal sovereignty that have developed with a maturing United States republic. The first view comes from the treaty making process between aboriginal groups and the United States. The second view wants tribal sovereignty to be extinguished and natives to be like average citizens. Lastly, in 1831, Chief Justice John Marshall developed the dominant view of tribal sovereignty, which viewed Indian nations as “domestic dependent nations.”¹⁰ This third view can also be described as a nation, within a state, within a nation. The domestic dependent nation was established from the trust agreement to protect the self-governing status of tribal nations.

⁸ Gabriel, *Gambler Way*, 7.

⁹ Franke Wilmer, “Players and Stakes,” *Wicazo Sa Review* 12, no. 1 (Spring 1997): 104. <http://www.jstor.org/stable/1409164>.

¹⁰ Anne Merline McCulloch, “The Politics of Indian Gaming: Tribe/State Relations and American Federalism,” *Publius* 24, no. 3 (Summer 1994): 103. <http://www.jstor.org/stable/3330741>

Literature Review

Scholars tend to view Indian gaming in one of two ways.¹¹ There is a faction who views gaming negatively and another that views positively. Those that view gaming negatively can be divided into two sub-categories:

- 1) Gaming undermines culture and tradition, and leads to an erosion of Indian identity.
- 2) Gaming is an erosion of tribal sovereignty, and this makes tribes vulnerable.

Two scholars, Bruce Johansen and Paul Pasqueretta, believe gaming undermines indigenous values and degenerates culture and tradition. Johansen states, “Indian Nations are being subverted by the hyper-capitalistic, get-rich-quick assumptions that underlie gambling culture.”¹² Pasquaretta argues casinos could be the deathblow to “Indianness,” and worries they might lead to “complete assimilation.”¹³

Scholars who view gaming as a threat to tribal sovereignty are William Acherman, Dale Mason, Anne Merline McCullouch, Naomi Mezey, David Wilkins, and Frank Wilmer. They believe that the question of tribal and state sovereignty is not adequately worked out.

¹¹ For more information on Indian Gaming see Lane Ambrose, A. Angold, Fredrick J. Boehmke, Regina P. Branton, Jessica R. Cattelino, Mary H. Cooper, E.J. Costello, Don Cozzetto, Eve Darian-Smith, Gavin Dillingham, Roland Dixon, David Edmunds, Iris Engstrand, Robert Goodman, Brian Greene, Mike Hoeft, G. Keeler, Anthony Layng, Diana Lindsay, Karin Mika, Donald Mitchell, James M. Murray, Ralph A. Rossum, Eric Swanson, Richard C. Witmer, Richard Worsnop, and David J. Valley.

¹² Bruce E. Johansen, Review of Light and Rand’s *Indian Gaming and Tribal Sovereignty: The Casino Compromise. Perspectives on Politics* 4, no. 3 (Sep., 2006), 600-601.

¹³ Paul Pasquaretta, “On the ‘Indianness’ of Bingo: Gambling and the Native American Community,” *Critical Inquiry* 20, no. 4 (Summer 1994): 714.
<http://www.jstor.org/stable/1343855>.

Naomi Mezey wonders if gaming is another opportunity to inflict harm because it “fuels the tribes long battle for cultural survival and political autonomy.”¹⁴ Similarly, Mason believes Indian gaming has changed the relationship between tribe-state-federal government for the worse. According to Mason, gaming has made Indians more vulnerable to shifts in federal and state governments, which can undermine tribal self-determination.¹⁵ These shifts include: anti-Indian sentiment, tribal factionalism, shifts in federal policy, and a lack of resources among tribes that erodes sovereignty and threatens gaming on reservations.

Perhaps one of the most respected scholars in Native American politics, David Wilkins, voices the same concern as Mason. He believes the United States political system is in a new era where the federal government no longer creates broad federal solutions. Indian tribes who understand this new paradigm will drive this era, but those that lack resources will be undermined.¹⁶

Frank Wilmer believes sovereignty and gaming are in jeopardy. After the *Cabazon v. California* case ruled in favor of tribes in 1987, Congress passed the Indian Gaming and Regulatory Act [IGRA] to define the role of the tribal-state-federal governments and gaming. As part of the agreement, the IGRA required tribes and states

¹⁴ Naomi Mezey, “The Distribution of Wealth, Sovereignty, and Culture Through Indian Gaming,” *Stanford Law Review* 48, no. 3 (Feb. 1996): 713.
<http://www.jstor.org/stable/1229281>.

¹⁵ Dale Mason, *Indian Gaming: Tribal Sovereignty and American Politics* (Norman, University of Oklahoma Press: 2000). 236.

¹⁶ Matthew L.M. Fletcher, Review of David Wilkin’s, “*American Indian Politics and the American Political System*,” *Wicazo Sa Review* 24, no.2 (Fall 2009): 188-190.
<http://www.jstor.org/stable/40587787>.

to enter into compacts before allowing Class III Vegas-style gaming. States are required to act “in good faith,” as an “agreement between sovereigns.” However, this is not always the case. Wilmer cites the example of the “Coalition to Protect Community and States Rights,” which is one of the largest and most expensive public relations firms attempting to amend the IGRA.¹⁷

William Ackerman writes, “rather than providing a solution to Indian gaming issues, [the Indian Gaming Regulatory Act] is a prescription for litigation between tribes and states.”¹⁸ He mentions how the state of South Dakota preferred to enter into timely and costly litigation instead of negotiating a compact with the Flandreau Sioux tribe. South Dakota refused to negotiate compacts because they were concerned about competition with state-licensed gaming activities. Ackerman fears that when it benefits the state, they will violate the spirit of the IGRA because it is “inherently inconsistent” and “directly contradictory.”¹⁹ His solution is removing the state all together to deal with the Department of Interior directly. If Wilkins hypothesis is correct, this solution is highly unlikely because he believes the federal government is moving away from dealing directly with tribes.

For the same reasons given by Mason and Wilkins, that the federal government no longer creates broad solutions, Anne McCulloch believes Class III Vegas-style gaming erodes tribal sovereignty. She worries tribal and state sovereignty are not properly

¹⁷ Wilmer, “Players and Stakes,” 98.

¹⁸ William V. Ackerman, “Indian Gaming in South Dakota: Conflict in Public Policy,” *American Indian Quarterly* 33, no. 2 (Spring 2009): 276. <http://www.jstor.org/stable/25487930>.

¹⁹ *Ibid.*, 277.

defined and, consequently, competing economic interests provide a recipe for conflict.²⁰ McCulloch writes that taxation is a potential hotspot because lands held in trust, also known as federally recognized tribal lands, are not subject to state taxation. What is more, states like Illinois and Louisiana are proposing large-scale casinos in their city centers. If this happens the “market could become oversupplied and tribes may be left with empty casinos and high unemployment rates.”²¹

Similar to McCulloch, Anne Marie d’Hautesserre mentions the growing threat to legalize gambling by non-Indians in proximity to the Foxwoods Casino in Connecticut.²² She also believes tribes are vulnerable to evolving attitudes toward Indian sovereignty and competition from states.

Many who view gaming negatively see positive aspects, but those that are in the positive group tend not to view gaming negatively. Scholars that *only* believe gaming is a positive force for Native Americans are Ronald Akee, Gary Anders, Bill Anthes, Carole Goldberg, Eileen Luna-Firebaugh, Steven Andrew Light, Kathryn R. L. Rand, Michael Connolly Miskwish, James Schaap, and Donald Warne.

Light and Rand perceive the overall picture of gaming to be good for natives. They write that gaming profits can be used “not only for economic development but ultimately to fulfill tribal sovereignty in its legal, political, cultural, and spiritual

²⁰ McCulloch, “The Politics of Indian Gaming,” 110.

²¹ *Ibid.*, 107.

²² Anne-Marie d’Hautesserre, “Foxwoods Casino Resort: an Unusual Experiment in Economic Development,” *Economic Geography* 74 (March 1998): 117. <http://www.jstor.org/stable/144307>.

dimensions.”²³ In contrast to Mason’s view of vulnerability, Light and Rand believe gaming could be the proverbial silver bullet, which slays political vulnerability once and for all. No longer subject to the ebb and flow of American politics, Light and Rand see Indian gaming as the permanent fix. In *Indian Gaming and Tribal Sovereignty: The Casino Compromise*, their final words ring out optimistically:

In this way, Indian gaming may move from an uneasy and frequently uneven compromise to the new “casino compromise” – one negotiated on a level playing field and characterized by mutual give-and-take between equals.²⁴

In addition, Light and Rand cite empirical evidence to show gaming creates revenue, job creation, and “intangible social benefits” such as cultural preservation, spiritual self-determination, and strengthened tribal sovereignty.²⁵

Luna-Firebaugh, Schaap, and Anthes all believe gaming does not harm tribes. Luna-Firebaugh states, “The opportunity to establish successful gaming enterprises...has had a positive effect.”²⁶ Schaap states that self-determination never worked before

²³ Stephen Andrew Light and Kathryn R. L. Rand, *Indian Gaming and Tribal Sovereignty: The Casino Compromise* (Kansas, University Press of Kansas: 2005), 146.

²⁴ *Ibid.*, 162.

²⁵ *Ibid.*, 159.

²⁶ Luna-Firebaugh, Eileen M. and Mary Jo Tippeconnic Fox, “The Sharing Tradition: Indian Gaming in Stories and Modern Life,” *Wicazo Sa Review* 25, no. 1 (Spring 2010): 81. <http://www.jstor.org/stable/40891310>.

gaming.²⁷ Anthes believes that, “Casinos offer poverty stricken reservations unprecedented economic self-sufficiency and political power.”²⁸

Gary Anders, Donald Warne, and Carole Goldberg all believe gaming is one of the few revenue sources to offset federal cuts.²⁹ Warne notes in 2005 that federal funding for the Indian Health Services were a fraction of funding for other health care programs like Medicare, Veterans Administration, and Medicaid.³⁰ Goldberg writes that without gaming there are few economic prospects and “native communities and culture could not be maintained if all the tribal and community members left to find employment opportunities.”³¹

Perhaps the most significant contribution of Class III Vegas-style gaming is its capability for tribes to have political influence. Schaap mentions how gaming revenue allows tribes to invest in political campaigns to support pro-Indian candidates. He writes,

²⁷ James I. Schaap, “The Growth of the Native American Gaming Industry: What Has the Past Provided, and What Does the Future Hold?” *American Indian Quarterly* 34, no. 3 (Summer 2010): 373. <http://www.jstor.org/stable/10.5250/amerindiquar.34.3.365>.

²⁸ Bill Anthes, “Learning from Foxwoods: Visualizing the Mashantucket Pequot Tribal Nation,” *American Indian Quarterly* 32, no. 2 (Spring 2008): 204. <http://www.jstor.org/stable/30114264>.

²⁹ Gary Anders, “Gambling Socioeconomic Impacts and Public Policy,” *The Annals of the American Academy of Political and Social Science* 556 (Mar. 1998): 102. <http://www.jstor.org/stable/1049332>.

³⁰ Donald Warne, “The State of Indigenous American Series: Ten Indian Health Policy Challenges for the New Administration in 2009,” *Wicazo Sa Review* 24, no. 1 (Spring 2009): 10. <http://www.jstor.org/stable/40587763>.

³¹ Carole Goldberg and Duane Champagne, “Ramona Redeemed? The Rise of Tribal Political Power in California,” *Wicazo Sa Review* 17, no. 1 (Spring 2002): 45. <http://www.jstor.org/stable/1409561>.

“Tribal contributions grew to \$8.6 million in 2004.”³² Goldberg gives the most significant example of this by mentioning Prop Five in California, which attracted a record in campaign finance for all of California propositions.³³ The Californians for Indian Self-Reliance organization spent 11.3 million to collect signatures and another 51.6 million towards the campaign.³⁴

Randall Akee, Katherine Spilde, and Jonathan B. Taylor conducted a study called, *The Indian Gaming Regulatory Act and Its Effects on American Indian Economic Development*, and this study shows life is better on the reservation after gaming. For the first time, there is an “ample flow” of revenue to fund elderly care, policing, improved water quality, financial literacy, and higher school attendance. Gaming revenue goes toward college scholarships, school construction, and has led to a decrease in unemployment, smoking, heavy drinking, and obesity.³⁵ Akee, Spilde, and Taylor also mention how tribes are investing in museums, ceremonial grounds, artifact repatriation, and arts patronage.³⁶

³² Schaap, 375.

³³ Goldberg, 51.

³⁴ Donald Craig Mitchell, *Wampum: How Indian Tribes, The Mafia, and an Inattentive Congress Invented Indian Gaming and Created a \$28 Billion Gambling Empire* (New York, The Overlook Press: 2016). 244.

³⁵ Randall K.Q. Akee, Katherine A. Spilde and Jonathan B. Taylor, “The Indian Gaming Regulatory Act and Its Effects on American Indian Economic Development,” *The Journal of Economic Perspectives* 29, no. 3 (Summer 2015): 198. <http://www.jstor.org/stable/43550127>.

³⁶ *Ibid.*, 196.

Historical Trauma

Most authors who discuss Indian gaming also write about historical trauma. Ronald Akee, Bill Anthes, Eileen Luna-Firebaugh, Anne-Marie d’Hauteserre, Carole Goldberg, Joseph Kalt, Dale Mason, Naomi Mezey, Anthony Paredes, James Schaap, Jonathan Taylor, Donald Warne, and Barbara Wolfe all mention historical trauma to some degree. Perhaps the best way to describe historical trauma is discussed by Eduardo Duran.

When Duran asked community members about the problems of a Native American community in Central California, they responded with ideas such as “spiritual injury, soul sickness, soul wounding, and ancestral hurt.”³⁷ From his therapy sessions with these California Natives, Duran coined the term “soul wound,” which describes historical trauma passed down from one generation to the next. The horrific genocide of Jews and Indians make them particularly susceptible to a soul wound. Duran’s work *Healing the Soul Wound* is nothing short of a complete paradigm shift that explains historical trauma in the lives of Native American communities and other communities that have suffered greatly.

Michael Connolly Miskwish recently released a study called the *Quantification of the Public Benefit of Indian Economies in San Diego County, California* and in his introductory paragraph he states that, the “negative experiences at the hands of the Spaniards and Mexicans paled in comparison to the government sponsored genocide at

³⁷ Eduardo Duran, *Healing the Soul Wound: Counseling with American Indians and other Native Peoples* (New York, Teachers College Press: 2006). 15.

the hands of American California.”³⁸ Nevertheless, the Spanish missionaries and settlers continue to be unfairly blamed.³⁹ In addition, Goldberg mentions there were 300,000 California Indians at the beginning of the American period and by the beginning of the twentieth century there were only 15,000 left.⁴⁰ From 1769 to 1848, the Kumeyaay population went from 30,000 to 3,000.⁴¹ From 1850 to 1875, California Natives were almost completely eradicated from a lack of government policies to aid Native nations. On the East coast, Anthes writes about historical trauma when he mentions how the colonial experience forever altered and destroyed the Mashantucket Pequot nation.⁴²

In Taylor and Kalt’s Harvard study, they mention how Indian nations had decades’ worth of accumulated socioeconomic deficits to address. The deficits mentioned (compared to the national average) included three times the unemployment rate, one third per capita income, half the college graduates, and “homes lacking complete plumbing” was many times greater.⁴³ In their study, they found that twelve out of fourteen census-measured socioeconomic indicators proved that reservations were better off with gaming than without gaming.

³⁸ Michael Connolly Miskwish, *Quantification of the Public Benefit of Indian Economies in San Diego County California*. Campo: Laguna Resource Services, 2015.

³⁹ Nowhere did Spanish policy in California include any form of genocide.

⁴⁰ Goldberg, 43.

⁴¹ “The Sycuan Band of the Kumeyaay Nation,” *The Journal of San Diego History* <https://www.sandiegohistory.org/journal/v53-3/pdf/Sycuan.pdf>. 149.

⁴² Anthes, 215.

⁴³ Jonathan B. Taylor and Joseph P. Kalt, *American Indian on Reservations: A Databook of Socioeconomic Change between the 1990 and 2000 Census* (Oxford University Press: 2005): Viii.
<http://hpaied.org/sites/default/files/publications/AmericanIndiansonReservationsADatabookofSocioeconomicChange.pdf>

In a related study, Akee, Spilde, and Taylor wrote, “the accumulated economic and social deficits on reservations are so large that even if Indian income growth keeps its pace, it will take decades for American Indians to close the gap with the average American.”⁴⁴

In a third study, Wolfe and four associates prove that Class-III gaming has a direct correlation with an improvement on physical and mental health. Gaming had a positive effect on heavy drinking, smoking, obesity, overweight and hypertension, and improved mental health (fewer days with anxiety). This study proved that gaming allows tribes to invest in social and economic infrastructure, which leads to improvements in psychiatric and physical health.⁴⁵

Conclusion

Ackerman, d’Hautesserre, Johansen, Mason, McCulloch, Mezey, Pasquaretta, Wilkins, and Wilmer all believe gaming might undermine Indian identity and tribal sovereignty. It is in fact the opposite case. Casinos give Indians the resources to repair much that was lost. Gaming has been a benefit to Native nations as evidenced by many socioeconomic indicators. There are many obstacles and all nine scholars make some

⁴⁴ Akee, Spilde, and Taylor, 199.

⁴⁵ Barbara Wolfe, Jessica Jakubowski, Robert Haveman and Marissa Courey, “The Income and Health Effects of Tribal Casino Gaming on American Indians,” *Demography* 49, no. 2 (May 2012): 520. <http://www.jstor.org/stable/23252466>.

interesting points worth including. Tribal sovereignty and Indian identity are on stormy seas. Gaming, however, is still developing and the benefits far outweigh the costs.

One of the major challenges is that natives have non-reservation neighbors who know nothing of tribal sovereignty. Natives and non-natives alike must work with universities, the media, and local, state, and federal governments to educate the public about the special status of reservations. Much work is ahead, but it is important to recognize that Kumeyaay tribes need help from everyone to reverse 300 years of conquest and colonization. The soul wound runs deep and Indians need more than just gaming revenue to heal. Perhaps J. Anthony Paredes said it best when he wrote, “only by mastering certain “white” institutions [will] Indians...survive as distinct people.”⁴⁶

The scholars discussed in this study write about the impacts of Indian gaming, but none of them talk about the social and economic impact on the Kumeyaay Nation. In conclusion, this study will use the reservations of Barona, Viejas, and Sycuan to measure the socioeconomic impacts of gaming within the Kumeyaay nation. It will also draw on information available from other gaming tribes. To organize my research, I will use the following categories: health, education, economics and infrastructure. Within these four topics I will cover: investment capital, poverty, higher education, internet access, alcohol addiction, suicide rates, obesity, diabetes, and other socioeconomic indicators. Once this is accomplished I will assess the social and economic impact of gaming on Barona,

⁴⁶ Anthony J. Paredes, “Paradoxes of Modernism and Indianness in the Southeast,” *American Indian Quarterly* 19, no. 3 (Summer 1995): 341. <http://www.jstor.org/stable/1185595>.

Viejas, and Sycuan and include the possible implications to heal historical trauma with gaming revenue. With respect to all Native Nations, this study will acknowledge that no two reservations are alike.

CHAPTER 2 – PRE-CONTACT THROUGH THE MISSION PERIOD

When Eduardo Duran begins one of his counseling sessions with a Native American patient, he proceeds with a mixture of Western psychoanalytic theory and traditional methods of Native spirituality. His first case study in *Healing the Soul Wound* involves a patient with a long history of violence, alcohol and substance abuse, and trouble with the law. To find the source of this individual's specific trauma, he often begins with what he calls a "stupid Columbo-style question." Duran asks, "Where did you become so violent?"⁴⁷ This question is meant to be rhetorical for the patient to realize the hereditary source of his psychosis. After a few more questions the patient eventually comes to the realization and responds, "[I] guess it happened when my tribe was almost destroyed by White people."⁴⁸ To stimulate deeper inquiry Duran might ask the question, "I wonder if this were 1491 whether we would be having this conversation?"⁴⁹

The goal of Duran's process is not to assign blame. The process was designed to heal specific problems within a given tribal community. The more specific an explanation for the source of historical trauma, the easier one begins to understand why things are the way they are in each community.

In addition to Duran, this paper will use concepts developed by Vine Deloria Jr. in his book, *God is Red*. Deloria is one of the best known Native scholars of the modern era and he delivers key themes that explain the political structure, sacredness of land, the

⁴⁷ Eduardo Duran, *Healing the Soul Wound: Counseling with American Indians and other Native Peoples* (New York, Teachers College Press: 2006) 50.

⁴⁸ *Ibid*, 51.

⁴⁹ *Ibid*, 115.

concept of time, hell, evangelization, and other themes.⁵⁰ Deloria's concepts will be crucial in the process of describing the Kumeyaay way-of-life and the beginning of historical trauma. "Glossing" at this juncture is allowed because there are so many continuities among Native American communities.⁵¹ Although it may not seem ideal, the pre-contact and mission periods will be discussed at the same time to explain the impact of Spanish missionaries.

Kumeyaay Creation Story

The Kumeyaay creation story is effectively told by Santos Lopez from Manzanita. For brevity and to highlight significant aspects, I will paraphrase.

In the beginning, there was no land and the world was covered with water. Two brothers lived underwater and wondered "what was above them, so they started to climb up a high mountain." "Insects were coming up from the inside of the mountain...each with a little bit of rock as we see the ant build the ant hills" and this is how land was made. The older brother returned to the water after being blinded by the sun but the younger brother remained. There is no mention of a female but somehow the younger brother "multiplied" until there were too many people. To deal with the problem of over-population a council was held and "wise men decided to send their medicine man to ask the advice of their god who lived in the south." When he returned, the Medicine Man told the council that he was instructed to build a house for "their god" who would appear as a large serpent with "many feet."

Catastrophe struck when "their god" visited and their house that was built too small. "Their god," in the form of a large serpent, was crushed when the walls of the house fell on him and cremated him in the ensuing inferno. Members of the council deliberated on what to do next. To receive strength and wisdom they decided to consume the deity, however "each one now spoke a different language." Which is why there are different tribes with different languages. "Now because their god had been cremated, it showed them that this was the right way

⁵⁰ Vine Deloria Jr., *God is Red* (Colorado, North American Press: 1992).

⁵¹ Glossing is when American Indian tribes have similarities.

for them to take care of the dead, which they have done until the White man came.”

The creation story concludes by describing heaven as a place in “the south.” Where “there are always friends who have gone before” and people are “given a plot of ground to tend which forever provides a living.”⁵²

The creation story reveals several key characteristics of the ancient Kumeyaay. Perhaps the most significant is how religion was central to political life and the decision-making process. For example, when the council of elder’s debate on how to deal with overpopulation, they decide to send their medicine man to consult “their god” in the south. Kumeyaay bands were connected by corresponding kinships through a father’s parents, in which band loyalties were often cross-cut by descendant loyalties. Descendant loyalty was important in the Kumeyaay tradition even though “patrilineages were sometimes connected to mythical links.”⁵³ The Kumeyaay had a leader known as the *kwaaypaay*, with an assistant speaker and a council of *kusteyaay*. Florence Shipek states:

after consolidation with his council, the *kwaaypaay* would have his speaker announce his decision to go the mountains, the coast, or to have a ceremony, and each family could accept or reject this request as they pleased. Generally, most followed...⁵⁴

In addition, Shipek states that the *kwaaypaay* was usually the only adult male of his descendants group in the band. The reason being was politically motivated because the

⁵² Santos Lopez, “Native American Creation Story,” Kumeyaay.com <http://www.kumeyaay.com/native-american-creation-story.html> (accessed October 10, 2016).

⁵³ Florence Shipek, *Pushed into the Rocks* (Nebraska, University of Nebraska Press: 1970). 7.

⁵⁴ *Ibid.*

ancient Kumeyaay wanted their *kwaaypaay* leaders to be fair judges. The *kwaaypaay* position was inherited and fathers trained their sons for their entire lives. At the death of a *kwaaypaay*, a leader would be chosen from among all Kumeyaay bands, not just the band of the deceased. This would be comparable to the current band of Barona receiving a leader from another Kumeyaay reservation such as Viejas or Sycuan. Furthermore, the choice of the next *kwaaypaay* was also contingent upon the approval of the village. One of the primary duties of the *kwaaypaay* was to maintain harmony in the band by settling disputes.⁵⁵

Unlike the West, where the separation of church and state is a virtue, the political life of the Kumeyaay was inseparable from spiritual life. Which is why Deloria writes, “the Indian tribes could not be broken politically until they had been destroyed religiously, as the two functions supported each other to an amazing degree.”⁵⁶ Conversely, when the Europeans disrupted the original Kumeyaay political structure, they would also disrupt their religion.

The Kumeyaay nations of San Diego County did not have a word for religion and practiced the oldest religion in the world (shamanism).⁵⁷ Religion and life were naturally connected and could not separate intellectually in the manner of modern times. Their religion was distinctly different from Christianity and did not contain concepts of evil or hell. Which is why there is no mention of hell in the Kumeyaay creation story. This absence of evil and hell was common throughout indigenous religions of North America

⁵⁵ Shipek, 8.

⁵⁶ Deloria, 221.

⁵⁷ Peggy V. Beck, *The Sacred* (Arizona, Navaho Community College Press, 2004). 3.

and had a significant impact on the Kumeyaay world view. Deloria writes, “The singular aspect of Indian tribal religions was that almost universally they produced people unafraid of death.”⁵⁸ Suffice it to say, the Kumeyaay religion was unintelligible to Spanish missionaries who could hardly conceive a religion outside of Christian theology.

During the Mission Period the term “captain” was adapted, with a historical lineage to the *kwaaypaay*, to create an executive position responsible to the Spaniards. Captains were a result of Spanish influence and this changed the dynamics of the Kumeyaay leadership position indefinitely. Tanis Thorne states:

the people elected captains annually each January; there were three new leaders each year who ruled the entire community. This description suggests a system of rotating leadership, possibly modeled upon the mission system of electing *alcaldes*, judges, and captains.

The transformation from *kwaaypaay* to captain reflected a degeneration of Kumeyaay leadership. Captains were devoid of a strong spiritual element and vaguely resembled the medicine man in the creation story.

This phenomenon of degeneration can be further understood by examining the Kumeyaay concept of sacred land. Land has always been associated with money in the West as a source of precious metal, soil and labor – land is generally seen in dollar signs. The Kumeyaay people, however, saw the land in and around San Diego as something sacred.⁵⁹ Land was often mentioned in their oral traditions as a place of supernatural origins. Some sacred lands cross-cut bands and were sacred to all Kumeyaay bands.

⁵⁸ Deloria, 178.

⁵⁹ *Ibid.* 67.

Lands such as Kuuchamaa, Tecate Peak, Wee'ishpa, and Signal Mountain, were described in Kumeyaay stories like Jerusalem is described in the Bible.⁶⁰ These sacred sites were like Kumeyaay churches and places of worship where sacred sage would be picked and used for healing ceremonies. So, when the Europeans came and violated these sites, it was sacrilege and analogous to the destruction of famous churches in Europe.

Not all sacred lands were consumed by development, and if the Kumeyaay nation wants to revive their ceremonies some sites are still accessible. For example, an annual pilgrimage took place at the summit of Viejas Mountain (named "Song-Dance") to honor the ruler of all things, the sun (*In'ya*). The ritualistic ceremonies would begin at dawn, "while the people chanted songs of praise and honor...dancing in homage of the great power of all things."⁶¹ Like the pyramids of Egypt, Viejas peak was chosen as a place of worship because it was closer to the sun (*In'ya*).

One of the most interesting passages in *God is Red* explains the indigenous view of time. In Native American communities, time did not exist in a Western sense, which is why they did not record their history. Many Western scholars believe an absence of recorded history was because indigenous people did not have a written language. However, Deloria believes that for the indigenous people of North America, recording the past was not valued because "place" was paramount. He states, "when is not important to them," *where* is.⁶²

⁶⁰ Florence Shipek, *Pushed into the Rocks* (Nebraska, University of Nebraska Press: 1970). 14

⁶¹ Mary Elizabeth Johnson, *Indian Legends of the Cuyamaca Mountains* (California, University of California Library: 1933).

⁶² Deloria, 103.

The Kumeyaay did not understand a Western concept of time until the mission system and the influx of dawn to dusk work schedules. The mission bell would cross this divide. Sherburne F. Cook writes in *The Conflict Between the California Indian and White Civilization* about the effects of Indian labor at Mission San Diego. He writes:

At the San Gabriel, San Juan Capistrano, and San Luis missions the number of hours of work in which the neophytes are employed is regulated. They begin their labors at six in the morning and work until almost sunset. In this one, the San Diego Mission, a certain excess of hours has been noted.... The Indian women are employed in every masculine occupation, precisely as the men, but those in an advanced stage of pregnancy, those who are nursing, and the old women are assigned to carrying wood and the children are used to...perform other lighter tasks.⁶³

During pre-contact, Kumeyaay worked on average of three hours a day. But this figure is somewhat deceiving because the annual work cycle varied from one extreme to the other according to season. At times, such as the acorn harvest in the Fall, work would be very labor intensive to collect acorns for winter. And throughout the year, it took hours to process acorns by bleaching and grinding them with a *metate*. Once the needs of the tribe were met, however, most the time was left open for leisure, craft, philosophizing, storytelling, hunting rabbit and deer, or relaxing in the water (lake, river, or beach). Although California had its periods of drought, especially in the south, the land provided a bounty of local proteins, wild fruits, and wild vegetables most of the year. The Kumeyaay knew when to travel in order to reap diverse harvests from shellfish off the beaches of La Jolla to wild berries in the mountains of Julian.

⁶³ Sherburne F. Cook, *The Conflict Between the California Indian and White Civilization* (Los Angeles, University of California Press: 1976). 91.

Typically, the average size of a Kumeyaay band was around thirty people. Before the Europeans, the Kumeyaay had free range of one of the greatest regions in the United States. They possessed a land of bountiful crops and game in which they would move between fields to consume. Evidence suggests, “they planted both wild species and cultigens; they harvested their plantings; they irrigated whenever they needed; they constructed wells...”⁶⁴ There is little evidence that supports they were nomadic. The term nomadic is misleading because it suggests the Kumeyaay did not have a plan. They knew exactly where they were going during migration seasons and they would make the necessary arrangements to make the comfortable transition. For example, they would travel along rivers and creeks, or have knowledge of other water sources, leave supplies at rest stops during previous migrations; and know the exact time fruits and vegetables were in season to harvest along the way.

Mission San Diego De Alcalá

Hernan Cortes met the ruler of Tenochtitlan in 1519. Twenty-three years later a Spanish expedition led by Juan Rodriguez Cabrillo made first contact with the Kumeyaay in Point Loma near San Diego. Cabrillo described the Kumeyaay as “well built” and clothed in animal skins.⁶⁵ Cabrillo’s encounter with the Kumeyaay was short-lived and he continued his expedition northwards towards Catalina Island. In 1769, José de Galvez,

⁶⁴ Rupert Costo, *Natives of the Golden State* (San Francisco, The Indian Historian Press: 1995). 132.

⁶⁵ Iris Engstrand, *San Diego: California’s Cornerstone* (San Diego, Sunbelt Publications: 2005).

visitador-general in New Spain, selected the *president* of the Baja California, Junípero Serra, to lead a group of missionaries on a journey known by Franciscan missionary historians as the “Sacred Expedition.”⁶⁶ Serra would establish Mission San Diego de Alcalá, the first mission in Alta California, on July 16, 1769 by constructing a “brush chapel.”⁶⁷ This was the beginning of Spanish rule in California and the beginning of historical trauma for the Kumeyaay.

The goal of this paper is not to recapitulate the mission period, but it is essential to examine the effects of Spanish missionaries. The greatest source of historical trauma was the violation of religious beliefs through the effects of bad evangelism. In the eyes of the Spaniards, the Kumeyaay religion was never on par with Christianity. Florence Shipek writes, “from the earliest European contact until 1934, the Indians were constantly forced to adopt some form of Christianity, first by the colonial [Spanish] government and then by the United States.”⁶⁸ The Kumeyaay were thought of as heathens. Unfortunately, the ignorance of evangelists had the consequences of destroying a large part of their indigenous culture as well. This was because the missionaries thought Christianity was only compatible with European culture. James Rawls writes in *Indians of California*, “The Indians were to be Hispanicized not only in religion but also in social organization, language, dress, work habits, and virtually every other aspect of their lives.”⁶⁹ Where

⁶⁶ James J. Rawls, *Indians of California* (Oklahoma, University of Oklahoma Press: 1986). 13.

⁶⁷ Engstrand, 50.

⁶⁸ Shipek, 14.

⁶⁹ Rawls, 14.

does it say in the Bible that Indian culture is not compatible with Christianity? In fact, wasn't the Bible written by a Middle Eastern tribal group?

The Kumeyaay had a problem with missionaries because they did not respect their culture and traditions. Respect was perhaps the most important religious pillar and held dear to Natives like freedom is to Americans.⁷⁰ The Kumeyaay people were very respectful of other tribes and evidence suggests that their autonomous political attitude was like their religious attitude.⁷¹ When Spanish evangelists came to North America, however, they did not honor the Native pillar of respect. Consequently, the Spaniards were not in turn respected. Christianity was not the problem. It was the vehicles communicating the “good news.”

On November 5, 1775, approximately 600 Kumeyaay burned the mission of San Diego Alcalá and killed the leader of the mission, Father Luis Jayme.⁷² No less than fifteen villages participated in the revolt. Although there were other attempts at other missions, the Kumeyaay uprising was the only successful revolt in Alta California mission history. Richard Carrico, among other scholars, believes Capitan Grande derives its Spanish name from two brothers, Francisco and Carlos, from *Culmac* (Capitan Grande) who helped organize the uprising.⁷³ “Grande” reflects the brother’s executive leadership among other captains of the time.

⁷⁰ Pillar is a reference to the Five Pillars of Islam.

⁷¹ Shipek, 15.

⁷² Engstrand, 40.

⁷³ Richard L. Carrico, “Sociopolitical Aspects of the 1775 Revolt at Mission San Diego De Alcala: An Ethnological Approach,” *The Journal of San Diego History* 43, no.3 (1997): 148.

There are many reasons why the Kumeyaay decided to burn the mission and kill Father Jayme. From the Spanish perspective, the San Diego Mission revolt is viewed as senseless violence with no justifiable motives. From the Kumeyaay perspective, however, the revolt seems like a logical conclusion. Richard Carrico writes, “the sacking was a rational, and calculated reaction to increased conversions, rapes, thefts, transmittal of disease, and fear of forced imprisonment.”⁷⁴ In addition, it is noteworthy to mention that a significant number of the conversions were by force.⁷⁵

To be fair, the priests of the mission were not the primary motivation for the revolt. One of the most likely reasons for the revolt was maltreatment of the natives by Spanish soldiers. The Spanish soldiers acted unfairly towards the Kumeyaay and there are several accounts of their harassments. For instance, in 1772, Father Jayme wrote that rapes and sexual abuse of native women were commonplace even though the soldiers were repeatedly punished and warned.⁷⁶ Lenora Banegas from the Capitan Grande Reservation, and later Barona, told my father (her grandson) that Spanish soldiers “would chop off our heads.” In the eyes of the Kumeyaay, the soldier encapsulated the worst entity of the Spaniards and worked counter to the evangelization efforts of the priests. In addition, since the Indian was given the stereotype as sub-human, afflictions against them were less offensive in Spanish law. The Spanish soldier contributed immensely to the destruction of Kumeyaay traditions and culture.

⁷⁴ Carrico, “1775 Revolt,” 154.

⁷⁵ Deloria, 257.

⁷⁶ Carrico, “1775 Revolt,” 13.

It should be noted that even though the Spanish were successful in destroying several aspects of Kumeyaay tradition, and it was their intention, they should be given credit for replacing the Kumeyaay tradition with something else. In contrast to the Spanish treatment of the Natives, the Americans followed a much more neglectful and racist policy with little intention to restore.

Mexican Period (1821-1846)

Mexico ruled Kumeyaay territory for twenty-five years. From the Mexican Independence movement in 1821, to the Mexican-American War in 1846, it was but a moment in time.⁷⁷ In this time, however, there were significant consequences for the Kumeyaay because of the transition to Mexican rule. The Spanish settlers brought with them modernity and how to survive in a new paradigm. For instance, nearly all the cows in California were descended from Serra's two hundred head of cattle from his overland expedition in 1769.⁷⁸ The mission system was a type of paternal relationship, and the Indians were taught to the best of the padre's ability. Father Fermín Francisco Lasuén of the San Diego Mission, for instance, was known for his great skill in taking care of cattle and he would pass his skills on the Kumeyaay as part of his job at the mission. The Kumeyaay of San Diego became highly skilled vaqueros because of people like Father Lasuén and vaquero skills would span the centuries; they would benefit the Kumeyaay through the Spanish, Mexican, and American periods. In addition to cattle raising, the

⁷⁷ Engstrand, 57.

⁷⁸ Robert Glass Cleland, *Cattle on a Thousand Hills* (San Marino, Huntington Library Press: 2005). 34.

Kumeyaay were taught how to sing in a Western style, build, cook, raise crops, learn the bible, learn to paint, weave clothes, make lace, and other skills. This paternal system was only temporary and was expected to terminate once the Kumeyaay became self-sufficient. At this juncture, all mission lands would be turned over to the Kumeyaay.

Mission lands were eventually secularized in the Secularization Act of 1833 when Mexico became independent and ceased to be governed by the viceroy of New Spain. This meant that certain lands that were supposed to go to the Kumeyaay, were given to *Californios* as Mexican land grants.⁷⁹ Secularization of the missions was devastating to the Kumeyaay and created a new vulnerability. Not only did they lose land that was promised them, they also lost a system they had grown accustomed to at the mission. After a quarter of a century of Mexican rule, Americans took over Kumeyaay territory with the signing of the Treaty of Guadalupe Hidalgo in 1848. The Americans brought with them an entirely new set of challenges for the Kumeyaay nation.

Early American Period (1850-1932)

One of the most important Middle Eastern scholars of the twenty-first century, Edward Said, examines the history of imperialism and its effects on its victims. Said explains that when colonial/imperial powers expanded its territory into native lands, the original occupants were never consulted. Said comments on the process:

You get rid of the most offending human and animal blight – whether because it simply sprawls untidy all over the place or because it roams around unproductively and uncounted – and you confine the rest to reservations,

⁷⁹ Tanis C. Thorne, *El Capitan* (Banning, Malki-Bellena Press: 2012). 24.

compounds, native homelands, where you can count, tax, use them profitably, and you build a new society on the vacated space.⁸⁰

The Mexican War of 1846-1848 concluded with the signing of the Treaty of Guadalupe, which ceded half of Mexico to the United States.⁸¹ The United States experienced almost a hundred years of war with Indians before 1850, and when California achieved statehood they carried a lot of prejudice with them.⁸² The doctrine of Manifest Destiny was the ideological slogan used to justify appropriation of Indian land and was coined by newspaper editor John O'Sullivan in 1844. The brainchild of manifest destiny had no regard for native inhabitants of North America and assumed the West was empty space. At its core, the doctrine of Manifest Destiny is the idea that God ordained white Anglo-Saxon Protestants to move west because they were the most qualified. It was America's God-given right to conquer the continent because they developed the best government, economy, religious beliefs, and so forth.⁸³

The power of manifest destiny for the Americans, and its spiritual identity, begs appreciation. To define manifest destiny for the Native American, however, it is a different matter. Let me use myself as an example. Most of my education is Western and during my education, I have been taught, written, and read from the American perspective. I have been influenced by Western attitudes about the how the frontier was subdued by American liberal democracy. Furthermore, from the success of manifest

⁸⁰ Edward Said, *The Question of Palestine* (New York, Times Books: 1980). 78.

⁸¹ Engstrand, 71.

⁸² Richard Carrico, *Strangers in a Stolen Land* (California, Sierra Oaks Publishing Company: 1987).

⁸³ Michael Gonzalez (professor of history, University of San Diego), in discussion with the author, March 2016.

destiny, I have been told to be grateful for the “progress” this doctrine has given me. An objective analysis of manifest destiny reveals there were some short-term gains to be had and makes it hard to grasp the negative consequences. And yet, because I am a Kumeyaay I am compelled to examine the other aspects of Manifest Destiny.

For the Kumeyaay, these forgotten things about Manifest Destiny are extremely important. Chief among the negative consequences, Manifest Destiny propagated the displacement of Indian lands. Lands that were considered sacred to the Kumeyaay, in the way Israel is sacred to Muslims, Christians, and Jews, were taken from the Kumeyaay at a rapid pace during the American period. Unlike the Spanish, for whom the natives were to be included in a “civilizing” mission, the Americans viewed the native populations as a problem. The people of San Diego viewed the Kumeyaay as occupying territory they wanted to own. And as we shall see in the next section, when the Kumeyaay were in the way of “progress,” they were forced to move from the Capitan Grande Reservation to Barona and Viejas.

In the early American period, the most pressing problem for the Kumeyaay was abuse from American soldiers. Like Spanish soldiers of the presidio, the American soldiers embodied the worst element of the new regime. The abuse became so acute that by 1853, Leandro, a sixty-year-old Kumeyaay representative of Mission San Diego, brokered a deal with Lt. John B. Magruder to relocate a group of Indians to the El Capitan river valley twenty-five miles East.⁸⁴ Significantly, Capitan Grande was the first

⁸⁴ Tanis C. Thorne, *El Capitan* (Banning, Malki-Bellena Press: 2012). 26.

Indian land claim to be recognized by the federal government in California. Ventura

Paipa states:

No longer, the Indians wanted to stay [at the San Diego mission], they were afraid, and discouraged. The Indian leaders boldly went to consult with the Commander of the Soldiers. He wished to move his people into small groups, dispersed to different villages; larger group moved to Capitan Grande. The name of this village, Cuelmac.

The two head-men [Patricio and Leandro] agreed to live together in the village. The Indians did not wait any longer; the people moved right in to what is called the Capitan Grande new. *In 1850, the Cuelmac Indians received them gladly* [emphasis added]. They settled near the Cemetery. The first thing they did, build a small church; then homes, all adobe houses.⁸⁵

Once Leandro's group of mission Indians arrived, they were immediately greeted by the people of *Culmac*. Over time, their mission Indian identity would fade and a new identity would emerge as the homogenous people of Capitan Grande. Capitan Grande was one of many "homelands" used by the migratory Kumeyaay, however, in a new paradigm of Western encroachment, a permanent residence had to be established. Capitan Grande was chosen as a permeant residence because of its isolation from White settlers and ample supply of water.

⁸⁵ *Ibid*, 27.

CHAPTER 3 – CAPITAN GRANDE RESERVATION

Scholars have noted parallels between Hitler’s “War Against the Jews” and the United States’ dealings with Indians. Most notably, a professor at the University of Colorado, Ward Churchill, gave a series of speeches and writings in 1993 indicating Hitler’s *lebensraum* or living space, was inspired “directly upon U.S. practice against American Indians.”⁸⁶ David Stannard follows the same tradition as Churchill. For instance, in *American Holocaust*, he writes that compared to the Jewish Holocaust an “even more massive genocide for four grisly centuries was perpetuated against...[the] natives of the Americas.”⁸⁷ Ironically, Stannard mentions Americans have great compassion towards the six million Jews who died in the Holocaust, but are apathetic to the *more than* six million Indians who died in the “American Holocaust.” More recently, in *Hitler’s Ostkrieg and the Indian Wars*, Edward Westermann continues the tradition of comparing Nazi Germany to the United States and finds a correlation between reservations and concentration camps. He mentions:

Although federal policies did not aim at the physical extermination of the Indians, it did seek to achieve the extinction of their cultural practices, beliefs, and ultimately their ethnic identity.⁸⁸

In addition, the isolation of reservations and concentration camps prevented the general population from becoming aware of the plight of Indians and Jews for quite some time. In

⁸⁶ *Ibid*, 4.

⁸⁷ David Stannard, *American Holocaust: Columbus and the Conquest of the New World* (New York, Oxford University Press: 1992). 256.

⁸⁸ Westermann, 62.

a comparative study between the Holocaust and the “American Holocaust,” the parallels are profound and warrant further scholarship.

The following section would not have been possible without Tanis Thorne’s book *Capitan Grande*. Her contribution to Kumeyaay history is monumental and brings light to a history long overdue. California is home to more Indian reservations than any other state, and has a total of nineteen reservations in San Diego County. In 1875, president Ulysses S. Grant, via executive order, created the first federally recognized tribes in Southern California. The first nine reservations were: Capitan Grande, Sycuan, Santa Ysabel, Pala, Inaja, Aqua Caliete, Cosmit, Portrero, and Cahuila; the other ten would be established over the next century.⁸⁹ From 1850 to 1880, the early American period marked a rapid deceleration of Indian life and culture.⁹⁰

Reservations were created for three reasons: to insulate white population from Indians, to protect Indians from white settlers, and to eventually assimilate tribes into White society. Reservations were never meant to be permanent. The commissioner of Indian affairs, Luke Lea, stated the initial goal of reservations was to ultimately individualize and detribalize Indians into the general population.⁹¹ Like the mission system, the paternal agreement was to be terminated once Indians could stand on their own. With the conclusion of the Indian Wars and closing of the Western frontier, reservations took on a whole new purpose entirely.

⁸⁹ Iris Engstrand, *San Diego: California’s Cornerstone* (San Diego, Sunbelt Publications: 2015). 15.

⁹⁰ Tanis Thorne, *El Capitan* (Banning, Malki-Bellena Press). 40.

⁹¹ Edward B. Westermann, *Hitler’s Ostkrieg and the Indian Wars* (Norman, University of Oklahoma Press; 2016). 61.

During the creation of the Capitan Grande reservation several Kumeyaay from Mesa Grande, Inaja, Santa Ysabel, and other traditional villages, decided to move to be officially enrolled. The people of Capitan Grande did not turn away those who wanted to be enrolled because many already had kinship ties to the people of Capitan Grande. For example, the people of *Los Conejos* (Viejas) derived from the southeastern watershed of the Capitan Grande reservation and shared Tipai kin ties towards Campo. The people of *Culmac* lived along the northwestern riverbanks of the San Diego River and developed Ipai kin ties towards Mesa Grande and Santa Ysabel. There are two dialects in the Kumeyaay language. The Northern Kumeyaay (Diegueno) are Ipai, and the Southern Kumeyaay (Diegueno) are Tipai. The Capitan Grande Reservation creates *the* border between dialects because it is an end of one watershed and the beginning of another. The Kumeyaay were highly aware of resource management and population distribution, so it is understandable the dividing line between the Ipai and Tipai would be at such a distinct watershed.

During the creation of the first reservations in California, tribes had very inclusive enrollment policies to rebuild decimated populations. The contemporary enrollment process is very different, however, particularly in gaming tribes. One criticism of gaming revenue is that it increases internal conflict among tribes who distribute per capita income because tribal members receive more money the fewer members they enroll. By 2009, half (120) of all gaming tribes distributed per capita income checks, including Barona, Viejas, and Sycuan.⁹² Problems with tribal enrollment have caused great conflict among Native nations, and tribes like the Pechanga Band of Luiseño

⁹² Akee, Spilde, and Taylor, 204.

Indians in Riverside, California, have unenrolled hundreds of members after their casino was built. On the other hand, “per-cap” has had a profound effect on poverty-stricken households.⁹³ Tribal enrollment and per capita income remains a debate that is extremely important for gaming tribes and a topic that deserves more study.

The Bureau of Indian Affairs does not intervene with tribal enrollment and allows tribes to pick how they enroll members. The criteria vary among Barona, Viejas, and Sycuan. For example, Barona requires a 1/8 blood quantum to be enrolled into the tribe. Viejas and Sycuan do not require a blood quantum requirement. Instead, they require tribal members be a direct descendant (also known as direct descent) of a previous tribal member.

There is another noteworthy difference between the people of Barona and Viejas and the secret lies in their names. “The Barona Band of Mission Indians” signifies their Mission San Diego affiliation from Leandro’s 1853 group. The people of Viejas call themselves “The Viejas Band of the Kumeyaay Nation” because they did not come from Mission San Diego. They came from an ancient village in Capitan Grande between the *Conejos* and King creeks junction called *Los Conejos*, which was occupied during the warmer months. In colder months, they would migrate east to the Viejas Valley (called the “warm place”) where they presently reside.⁹⁴

⁹³ Per capita disbursements are colloquially referred to as “per cap.”

⁹⁴ Thorne, *El Capitan*, 18.

Hidden behind the El Capitan peak (later named Cajon peak) seven miles east from the *Culmac* village, the people of *Los Conejos* were isolated and spared contact with non-Indians. A military expedition in 1837 reports:

Little or nothing was known of them at the Presidio or the Mission of San Diego; they kept apart [from Christianized Indians] ...and they had little intercourse with white people. Even in going only as far as the Valle de las Viejas, about 33 miles N.E. of the Presidio it was considered dangerous.⁹⁵

Probably, the people of Barona and Viejas were part of the same band, or another Kumeyaay band, in the past. The Kumeyaay creation story depicts the first major crisis from overpopulation after the younger brother “multiplied.” The “Kumeyaay Adam,” as the story states, “became so numerous that the place where they lived did not grow enough food to feed them.”⁹⁶ Although it was not mentioned in the creation story, the solution was to break apart into smaller bands. These bands were not isolated units, and remained in contact to participate in ceremonies, intermarry, and maintain kinship relations. Vine Deloria states, “whenever a band got too large to support itself and required a large game source to feed everyone, it simply broke into smaller bands of people.”⁹⁷ It was rare for a tribal group to exceed one thousand people.⁹⁸ If we are to believe Deloria’s hypothesis, then the *Culmac* band and *Los Conejos* band may have come from one band initially.

⁹⁵ Thorne, *El Capitan*, 23.

⁹⁶ Lopez, “Native American Creation Story,” Kumeyaay.com.

⁹⁷ Deloria, 242.

⁹⁸ *Ibid.*

After 1875, the traditional characteristics of Kumeyaay bands would be changed indefinitely. The social construction of Capitan Grande is best understood as a political unit of two bands. Deloria states, “Indian tribal membership today is a fiction created by the federal government, not a creation of the Indian people themselves.”⁹⁹ After Grant’s executive order, families would emerge out of this new political relationship with the same, less, or more power, than before.

The Paipa family was one of the largest and most important families in Capitan Grande. Along with the Peñas (also called LaChappas), they shared close ties to the *Conejos* people. And because of their Tipai affiliations, they would travel East to visit villages near Campo. The Curo family (also known as the Owl Clan) was another prominent family, which resided in the old *Culmac* village in the upper canyon.¹⁰⁰ Because of their Ipai affiliations, they would travel North towards Mesa Grande. Some families migrated to Capitan Grande after the creation of President Grant’s executive order to be enrolled in the new reservation. For example, families in Barona, like the Banegas and Rodriguez families migrated to Capitan Grande from Mesa Grande, years after 1875. The Banegas and Rodriguez names suddenly appear on U.S. census records as enrolled tribal members of Capitan Grande.

In addition to the newly created federally recognized tribes, in the 1870s, another noteworthy event happened in San Diego that would alter the course of the city forever. All county records were transferred from Old Town to New Town in anticipation for

⁹⁹ Deloria, 243.

¹⁰⁰ Pat Curo, Interviewed by Ethan Banegas, Barona Reservation, November 16, 2015. Curo stated that his clan (the Curo clan) originated from the Mission Valley area before contact.

building San Diego's new city on the waterfront.¹⁰¹ Alonzo Horton, a Yankee from Connecticut, "was the most significant factor in the decline of San Diego's original settlement."¹⁰² The northern transcontinental railroad line was completed May 10, 1869, connecting the East coast to San Francisco. Then in October 1880, the California Southern Railroad was complete connecting San Diego, Encinitas, and Temecula.¹⁰³ Iris Engstrand writes:

The speculation of things to come set off what would soon be called the "Boom of the Eighties." Passengers could get from coast to coast in a week, and agriculture products such as honey, oranges, lemons, potatoes, salt, fish, butter, and wool could be shipped to new markets.¹⁰⁴

Although many land speculators were disappointed when the boom became a bust, it did result in a significant population increase within the next few decades. One of the immediate concerns that was quite noticeable was the lack a sustainable water source to support growing populations of New Town (present day Downtown).

Water Wars

The San Diego Company completed its flume made of redwood on February 1889, finally providing San Diego's growing population a long-term solution to exhaustible wells.¹⁰⁵ Permission to cross the reservation was initially denied, because

¹⁰¹ Engstrand, 89.

¹⁰² *Ibid*, 87.

¹⁰³ *Ibid*, 97.

¹⁰⁴ *Ibid*, 98.

¹⁰⁵ Engstrand, 104.

“only Congress had the power to grant permission to construct a water ditch across an Indian reservation.”¹⁰⁶ The San Diego Flume Company built the flume anyways, dismissing the water rights of the Capitan Grande Indians. With the help of the Department of the Interior, on the 16th of January 1880, the San Diego Flume Company’s deceit was brought to light. The Capitan Grande Indians were awarded one hundred dollars per mile per year with “ample and sufficient” water from the flume for agriculture and domestic use.¹⁰⁷ An agreement or law is only as good as its ability to be enforced and the flume company never fulfilled its promise to supply water for “agriculture and domestic use.” The lack of an enforcement mechanism allowed the San Diego Flume Company to further exploit the politically vulnerable Capitan Grande Indians. The flume company’s agreement was violated because they were not providing “an unlimited franchise, allowing free use of the flume water for irrigation, domestic and stock-watering purposes.”¹⁰⁸ In 1910, Superintendent Edmonson lobbied Washington for the flume company to make good on the contract of 1892 and a new foreman and time keeper were created to monitor the distribution of water to the Capitan Grande Reservation.¹⁰⁹

From a policy standpoint, the Capitan Grande “experiment” proved a failure because the Indian as a farmer never took root. Indian agency personnel noticed the people of Capitan Grande:

¹⁰⁶ Thorne, *El Capitan*, 58.

¹⁰⁷ Tanis Thorne, “Indian Water Rights in Southern California in the Progressive Era: A Case Study,” *Western Legal History* 27, no.2 (Summer/Fall 2014): 204.

¹⁰⁸ Thorne, *El Capitan*, 87.

¹⁰⁹ *Ibid*, 88.

“squandered [their wages] in riotous living, drinking and gambling. Wages did them little good as they were spent on debauchery and good times. Meanwhile, their farms were neglected.”¹¹⁰

It simply baffled the American settlers how Indians did not reinvest their profits back into their land. In *God is Red*, Deloria explains the reason for a lack of Protestant work ethic and Jeffersonian democracy in Indian communities. He believes the main difference lies in their creation stories. The Western and Christian attitude towards nature is that of a fallen and wild world, which leads to a type of alienation.¹¹¹ The Judeo-Christian belief in “wilderness” causes the Western person to subdue nature to regenerate it into an “improvement.” Deloria writes that indigenous creation stories lacked concepts of “wilderness,” let alone “improvements” to one’s property. Furthermore, Native people did not believe in private property.

Because of a different concept of time, labor, and land (not to mention the neglectful policies of San Diego Flume Company), the people of Capitan Grande neglected their farms and left their fields virtually empty during September and October to migrate for seasonal labor. Tanis Thorne states, “in 1910, practically all Capitan Grande residents periodically worked off the reservation at orchards, farms, and ranches.”¹¹² Capitan Grande was not the only problem ridden reservation in Grant’s executive order. In 1929, the *San Diego Sun* published poor conditions on the Sycuan reservation.¹¹³

¹¹⁰ *Ibid*, 83.

¹¹¹ Deloria, 91.

¹¹² Thorne, *El Capitan*, 85.

¹¹³ *Ibid*, 115.

In addition to the *San Diego Sun*, other fictional accounts were also used to document the previous one hundred years of the plight of San Diego Indians. Helen Hunt Jackson penned *Ramona* after visiting San Diego in 1883 and “hoped to popularize her information in a novel that would appeal to the reading public.”¹¹⁴ Goldberg states, the “*Ramona* story symbolizes the marginalization of California Indians during the second half of the 19th century.”¹¹⁵ California Indians diminished from 300,000 to 15,000, during the American period, and the Kumeyaay populations diminished from 30,000 to 3,000 (or less) after the mission period. It is hard to overstate the importance of sources that were publishing the deplorable conditions on reservations. Sources like *Ramona*, *Centuries of Dishonor*, and the *San Diego Sun* were changing American opinion from apathy to sympathy towards the plight of the Kumeyaay. In addition, they were also debunking the myth of the disappearing Indian.

As the population of San Diego exceeded the supply of water from the wooden flume, a new dam to the east was proposed in a few locations. One site was present day Lake Murray, and another site was the Capitan Grande canyon – near the traditional *Culmac* and *Los Conejos* villages. Without much deliberation, Congress passed the El Capitan Act on February 1919, and allocated the *Culmac* band of El Capitan Grande \$361,428 to relocate off the watershed.¹¹⁶ The Capitan Act did not mention *Los Conejos*, and compensation was calculated to relocate only one band. It was believed early on that the village of *Los Conejos* could remain on the reservation, but upon further analysis, it

¹¹⁴ Engstrand, 99.

¹¹⁵ Goldberg, 2.

¹¹⁶ Tanis Thorne, “The Removal of the Indians of El Capitan to Viejas: Confrontation and Change in San Diego Indian Affairs in the 1930s,” *Journal of San Diego History*, <https://www.sandiegohistory.org/journal/v56-1/v56-1thorne.pdf>.

was determined they might possibly contaminate the watershed and had to be removed. The \$361,428 settlement was a just compensation for one band, but for two bands it was not enough to resettle in Barona and Viejas.¹¹⁷

The Mission Federation was a grass-roots organization developed in 1919 as a highly motivated political faction with anti-government/anti-BIA leanings. This organization was supported by small donations and consisted of Kumeyaay members from bands throughout San Diego County.¹¹⁸ The Federation was openly defiant of the Bureau of Indian Affairs and exposed the problems about the regulation of marriage, health, and welfare services.¹¹⁹ Winslow Couro, a member of the Federation and Santa Ysabel Band of Mission Indians stated, “We don’t need superintendents, farmers, subagents, social workers, education executives, and a dozen other employees.”¹²⁰ The people of *Los Conejos*, the Paipa family in particular, were important figures in the Mission Federation and they refused to move after the decision was made to create the El Capitan Grande dam in 1919. By the Great Depression, however, the Mission Federation lost steam and membership fell perhaps because Indians could no longer donate money.

Ramon Ames, the other leader of Capitan Grande from the *Culmac* village, was diametrically opposed to the anti-removal faction because he thought removal was inevitable. He learned from his father’s futile efforts that you “cannot fight the government” and chose to work for the best resettlement.¹²¹

¹¹⁷ Thorne, *El Capitan*, 103.

¹¹⁸ Thorne, “The Removal of the Indians,” 47.

¹¹⁹ Thorne, *El Capitan*, 109.

¹²⁰ Thorne, “The Removal of the Indians,” 48.

¹²¹ Thorne, *El Capitan*, 108.

The Last Migration

From the Capitan Act in 1919 to 1932, it would take thirteen years for the Capitan Grande Indians to relocate to their new reservation in Barona. It would take seventeen years for the people of *Los Conejos* to relocate to Viejas. In 1936, the anti-removal faction and Paipa family reluctantly resigned to their fate and partook in the last migration. One of the most challenging aspects was the dollar amount granted to both bands, which would increase from \$361,428 to \$421,995, or \$2,523.65 per capita.¹²² As mentioned in previous pages, when Congress calculated the price for removal they only surveyed members of the old *Culmac* village. It would later be determined that the people of *Los Conejos* would contaminate the watershed and had to be removed.¹²³ The resettlement payment was unfair because both bands were forced to split money that was meant for only one band.

Although Barona was short changed, the people of Viejas were left without adequate funds to rehabilitate their homes.¹²⁴ What is more, they were literally forced from their homes in the final hour. An elder of Viejas, Tom Hyde, was a boy during the resettlement and remembers:

Viejas colonists were forced to leave their homes at Conejos by threats that they would be burned out. Some of the shanties were set on fire... Many Viejas colonists lived for months or years in drafty barns. There was great suffering in the winter of 1936-37 because of heavy rain, snow, flooding, and unprecedented

¹²² Thorne, *El Capitan*, 162.

¹²³ Thorne, "The Removal of the Indians," 45.

¹²⁴ Josephine "Sister" Romero, Interviewed by Ethan Banegas, Barona Reservation, December 5, 2015. Romero stated her mother had to help purchase the Barona Ranch because Ramon Ames did not have enough money.

cold...there were many deaths due to emotional distress and pneumonia. You talk about the trail of tears, we had it out here.¹²⁵

Viejas Valley was an ancient seasonal village where the people of *Los Conejos* migrated to in colder months. The “warm place,” as they called it was an obvious first choice to make a permanent reservation. Another important factor for their choice was a wealthy ranch owner, Baron Long, had built one of the finest ranches in San Diego County there. With an initially purchase price of \$200,000, the final price was \$125,000, the people of Viejas stood to gain a rather large plot of acreage with a barn, housing, farm equipment, and farm animals.¹²⁶

Unfortunately, the people of Viejas suffered the most during the “last migration.” By contrast, Barona was considered a designer reservation.¹²⁷ In an unprecedented historical event, Barona was created to prove the BIA and Department of the Interior were now more careful with how they dealt with Indians. Perhaps because of the development of Indian sympathizers like Helen Hunt Jackson and newspaper articles, it was not easy to create reservations in half-measure anymore.

The Barona Ranch was established between 1798 to 1810, by Padre Josef Barona of Mission San Diego de Alcalá. Like the people of *Los Conejos* with the Baron Long Ranch, the people of Capitan Grande were very familiar with the Barona Ranch. They worked with crops and cattle in previous years and knew there were vital resources on the

¹²⁵ Thorne, *El Capitan*, 166.

¹²⁶ Thorne, “The Removal of the Indians,” 49.

¹²⁷ Thorne, *El Capitan*, 127.

Barona Ranch to sustain a good living. Most importantly, Barona had a good water supply, fields for pasture, and fertile soil for planting crops.

During resettlement in Barona, famous architect, Irving Gill, was hired by social scientist, Frederick Gutheim, to build a church and sixteen homes of adobe brick. He simplified the blueprints with no trimming or window framing to build the structures completely with Indian labor.¹²⁸ Gill was a world renowned modernist architect, trained by Frank Lloyd Wright, and is famous for designing the home of Ellen Browning Scripps (today's Museum of Contemporary Art in La Jolla), the Bishop's School in La Jolla, and the Marston House in Balboa Park. Until recently, few people knew of Gill's historic career in Barona, which happened to be his last.¹²⁹

Indian Removal Causes Historical Trauma

After the Capitan Act of 1919, there were two factions: the anti-removal and the pro-removal faction. The scope of this paper does not allow us to discuss the extent of this debate. However, it is important to mention the debate was extremely complicated and undecided as to when, where, and under what conditions tribal members would move from Capitan Grande. In the final analysis, the government provided the people of Barona and Viejas \$418,595.50 to move.¹³⁰

¹²⁸ Thorne, *El Capitan*, 127.

¹²⁹ Museum Label for Stones in the Meadow: Irving Gill's Church and Cottages on the Barona Reservation, Barona, California, The Barona Museum, December 8, 2016.

¹³⁰ Thorne, "The Removal of the Indians," 66.

Ultimately, the people of Capitan were removed using a utilitarian justification. It was justified that the people of San Diego were more important than the fewer than two hundred Indians living in the Capitan Grande watershed. The removal caused quite a debate initially because, unlike the Trail of Tears in Oklahoma, the United States government could no longer remove Indians without just compensation.

The dying words of Chief Joseph's father reflects the sentiment of the anti-removal faction of the time. He recalls him saying:

When I am gone think of your county. You are the chief of these people. They look to you to guide them. Always remember that your father never sold his country. You must stop you ears whenever you are asked to sign a treaty selling you home. A few more years and the white men will be all around you. They have their eyes on this land. My son, never forget my dying words. This country holds your father's body. Never sell the bones of your father and your mother.¹³¹

The people of *Los Conejos* probably resisted more than the people of Capitan Grande because they were more homogenous with deeper roots to their homeland. As you may recall from an earlier section, many of the tribal members of *Culmac* migrated from Mission San Diego (1853) and the Mesa Grande area (after 1875) to be enrolled in President Grant's reservation. This might explain why they the people of *Culmac* were in the pro-removal faction.

The loss of sacred land was detrimental to the Kumeyaay. The relocation of the *Culmac* graveyard was also very traumatic (See Appendix 1). The *Los Conejos* graveyard was permitted to remain because it was out of the flood zone.¹³² However, the *Culmac*

¹³¹ Deloria, 172-173.

¹³² The people of Viejas still use the graveyard in *Los Conejos* and every November pay respect to their ancestors during the Catholic "candle lighting" ritual.

graveyard was in the flood zone. The bones were removed and reburied in unmarked graves behind the Barona church. Notably, the remains of a Yuman Kumeyaay, Yellow Sky, was moved to Barona's graveyard. Yellow Sky is known as the "Ishi of the South" to anthropologists because he was the last known Kumeyaay to maintain a pre-contact lifestyle.¹³³

The Barona relocation was a success story the BIA and the federal government needed to prove they opened a new chapter in U.S.-Indian relations. The unsuccessful relocation of Viejas was a different story, however, and provided continuity with, as Tom Hyde stated, the Trail of Tears. When money appropriated from Congress was split between Barona and Viejas, Barona received adobe houses built by the famous architect, Irving Gill, with modern amenities. For the people of Viejas, however, there was only enough money to build inferior homes that were not complete until 1938.¹³⁴ In the final analysis, Tanis Thorne states:

The new home of the Capitan Grande Indian at Viejas did not provide its population with economic self-sufficiency until the advent of Indian gaming in California in the 1980s.¹³⁵

¹³³ Yellow Sky is quite prevalent in the Davis Photograph Collection at the San Diego History Center.

¹³⁴ Thorne, "The Removal of the Indians," 61.

¹³⁵ Thorne, *El Capitan*, 167.

CHAPTER 4 – INDIAN GAMING IN THE KUMEYAAAY NATION

San Diego County has the largest concentration of Indian casinos nationwide. Gaming has allowed Indian tribes to pursue the policy of self-determination, which means that Indian tribal governments can run their own affairs. This process occurred over the course of nine years and involved three landmark court cases: *Seminole Tribe of Florida v. Butterfield*, *Barona Group of the Capitan Grande Band of Mission Indians v. Duffy*, and *California v. Cabazon Band of Mission Indians*. This chapter looks at the political climate that allowed the courts to favor Indian gaming. It also examines the shared history of the Barona, Sycuan, and Viejas casinos.

In the 1980s and 1990s, the Reagan and Bush Sr. administrations began to cut Indian programs to balance the budget.¹³⁶ With congressional support, Reagan cut one billion dollars (from 3.5 billion) for Indian affairs. By reducing federal funding for social service programs, tribal governments were to meant to fill the void with private sector funds and individual entrepreneurship.¹³⁷ In 1995, Sen. Slade Gorton (Republican-WA) remarked, “no one can or should expect to be exempt from the inevitable cuts which ensue from balancing the budget.”¹³⁸ Gorton was a “longtime tribal antagonist” as chairman of the Senate Interior Appropriations Subcommittee and pushed to cut Indian programs.¹³⁹ In line with the Republican agenda the Senate voted 36 to 61 to cut Indian

¹³⁶ David E. Wilkins and Heidi Kiiwetinepinesiiik Stark, *American Indian Politics and the American Political System* (Lanham, Rowman and Littlefield Publishers: 2011). 101.

¹³⁷ *Ibid*, 141.

¹³⁸ 98 Cong. Rec. H34,184 (Nov. 18, 1983) (statement of Rep. Udall).

¹³⁹ Dale Mason, *Indian Gaming: Tribal Sovereignty and American Politics* (Norman, University of Oklahoma Press: 2000). 27.

programs.¹⁴⁰ What is more, pro-Indian supporters like Barbara Boxer (Democrat-CA), Edward Kennedy (Democrat-Mass.), and Minority Leader Tom Daschle (Democrat-SD) voted with the Republican majority.

Though there were serious setbacks in the 1980s and 1990s from budgetary cuts, the Reagan (1981-1989) and Bush Sr. (1989-1993) administrations solidified a policy of self-determination that began in the 1960s. Mason wrote:

Beginning with initiatives in the Kennedy administration, the 1960s brought about another dramatic change in Indian policy. By de facto ending termination and turning responsibility for federal programs over to the tribes, President Lyndon Johnson and Richard Nixon set in motion a process that by the 1990s resulted in dynamic, thriving tribal governments.¹⁴¹

Presidents Kennedy, Nixon, Johnson, Reagan and Bush Sr. all set a path that allowed higher levels of tribal sovereignty and self-determination. When Indian programs were cut in the 1980s and 1990s, the pieces were in place for the state and federal governments to open the door for Indian gaming to relieve tribal dependence on the federal government.

Indian gaming began in Florida in the late 1970s with the *Seminole v. Butterfield* court case. Acting on behalf of the state of Florida, Broward County Sheriff Robert Butterfield threatened to close the Seminole bingo hall when they offered prizes over \$100. The Seminoles were granted a preliminary injunction by the district court and pursued a case against the states of Florida. In 1979, the district and circuit courts ruled in favor of the Seminole Indian tribes because “the playing of bingo halls and operation of

¹⁴⁰ 98 Cong. Rec. H11,018 (Oct. 3, 1984) (statement of Rep. Shumay).

¹⁴¹ Mason, 37.

bingo halls is not contrary to the public policy.”¹⁴² Attorneys cited Public Law 83-280 in defense of the state’s position because PL 83-280 granted criminal jurisdiction over Indian tribes. In the 1950s, Congress passed Public Law 83-280 to transfer criminal and civil jurisdiction from Indian country to the state government. This law applied to California, Nebraska, Minnesota, Oregon, and Wisconsin, except for three reservations: Red Lake Chippewa Reservation, Warm Springs Reservation, and Menominee Reservation.¹⁴³

The courts interpreted Public Law 280 differently than the defense attorneys and believed criminal jurisdiction did not apply to gaming. They explained:

The district court held that Florida’s gambling laws were civil/regulatory not criminal/prohibitory. Therefore, notwithstanding the state’s assumption of criminal jurisdiction over Indians in Florida reservations under Public Law 83-280, the state limits on bingo did not apply to the Seminole games.¹⁴⁴

After the Seminoles won their case, they provided a path for tribes to open their own high-stakes bingo. On April 15, 1983, the Barona Band of Mission Indians were among the first tribes to have bingo games on a federally recognized Indian reservation in California.¹⁴⁵ Before opening their own bingo hall in Barona, tribal chairman Edward “Joe” Welch (1981-1988) traveled to the Seminole Reservation to evaluate their high-stakes Bingo operation. After his return, the Barona tribal council voted to open their own high stakes bingo with the tribe’s money and money from Chairman Welch’s personal

¹⁴² Seminole Tribe of Florida v. Butterfield, 491 F. Supp. 1015, 1020 (S.D. Flor. 1979).

¹⁴³ California v. Cabazon Band of Mission Indians, 480 U.S. 202, 207 (1987).

¹⁴⁴ Mason, 47.

¹⁴⁵ Don Speer, interviewed by Ethan Banegas, Barona Resort and Casino, November 25, 2015.

account. Like Florida, however, the State of California had laws forbidding high-stakes bingo. San Diego County Sheriff John Duffy, acting on behalf of the state, threatened to close the Barona bingo hall. Barona filed suit in *Barona Group of the Capitan Grande Band of Mission Indians v. Duffy* and used the *Seminole* case as a precedent. Barona won in district court.¹⁴⁶ The courts use the same language as the *Seminole* case to rule in favor of Barona stating that California’s gaming policy was permissive/regulatory and bingo was beyond the Sheriff’s jurisdiction.¹⁴⁷ A plaque at the Barona Museum pays homage to Barona’s victory; it reads, “In 1982 Barona won US Supreme Court ruling *Duffy v Barona*, allowing high-stakes Bingo.”¹⁴⁸

In the wake of the *Barona* and *Seminole* cases, which decided in favor of Indian gaming, approximately 80 other tribes entered the gaming business.¹⁴⁹ Although these court cases ruled gaming was beyond the reach of the state’s jurisdiction to prosecute, “states continued to enforce their gambling regulations on reservations.”¹⁵⁰ The final showdown would take place in California almost a decade after *Seminole v. Butterfield* in the *Cabazon v. California* case (1987).¹⁵¹ Eighteen tribes, and two Indian organizations, would battle twenty-five states in the supreme court over the role of state governments

¹⁴⁶ *Barona Group of the Capitan Grande Band of Mission Indians v. Duffy*, 694 F.2d 1185 (9th Cir.1982). *Barona*, 694 F.2d

¹⁴⁷ Mason, 48.

¹⁴⁸ Museum Label for 1981-88 Edward (Joe) Welch Administration, Barona, California, The Barona Museum, May 2, 2016.

¹⁴⁹ Light and Rand, 40.

¹⁵⁰ *Ibid.*

¹⁵¹ *Cabazon*, 480 U.S. 202.

and Indian gaming.¹⁵² Like the *Barona* and *Seminole* cases, the state's main argument rested on Public Law 83-280 giving the state jurisdiction over federally recognized tribes.

On February 25, 1987, the Supreme Court ruled 6 to 3 to reject California's position. Using the same language as *Seminole* and *Barona*, the court found that Public Law 83-280 gave California the ability to regulate gaming, not to prohibit it. Congress passed the law to combat lawlessness on reservations; it permitted states to intervene in tribal affairs only if criminal activity was taking place.¹⁵³ *Californian v. Cabazon* settled the ability of states to forbid Indian gaming once and for all. Significantly, it was no coincidence there was a continuity of language used in all three court cases. During the author's interview with Don Speer, the general manager of the Barona Casino, it was revealed that the Cabazon attorneys used the *Barona* and *Seminole* cases as templates to win the case.

Speer, general manager of Cabazon at the time, emphasized that Barona was a massive influence on the steps they took to win the Cabazon case. So far, there is nothing written on how inextricably linked these three court cases are. To summarize: in the beginning was the *Seminole* victory, which led to Joe Welch (Barona's Chairman) to visit the Seminoles and open a high-stakes bingo operation on Barona. Thereafter, Sheriff Duffy's threat brought about Barona's case and eventual victory, using the argument from prosecuting attorneys representing the Seminoles. After Barona's victory, Cabazon

¹⁵² Mason, 49.

¹⁵³ *Cabazon*, 480 U.S. 202, 208. See also Iris Engstrand, *San Diego: California's Cornerstone* (San Diego, Sunbelt Publications: 2005).

had the final showdown in the Supreme Court and won by replicating Barona's and Seminole's arguments.

Barona Bingo Cardroom and Casino

Under Chairman Welch, Barona's high-stakes bingo continued in an unassuming gymnasium at the center of the reservation and generated income.¹⁵⁴ Tribal sovereignty gave Barona's bingo a competitive advantage against off-reservation games because the state could not limit hours and jackpots.

In 1983, the Sycuan tribe, located 11 miles from Barona, followed suit and opened up a bingo hall. Sycuan's high-stakes bingo enjoyed the same competitive advantage as Barona, and it was closer to the large population centers in San Diego. It was not long before Sycuan would take most of Barona's business, leaving their neighboring tribe in a vulnerable situation. Barona's nascent gaming business closed four times due to both mismanagement and Sycuan's proximity to San Diego.

Clifford LaChappa, who succeeded Joe Welch as tribal chairman of Barona, inherited a gaming business in dire straits. After closing four times, Barona's high-stakes bingo was hardly producing any income for tribal members. LaChappa was working for the San Diego Gas and Electric Company when he heard about a man named Don Speer who had turned around the defunct gaming business on the Cabazon reservation near Palm Springs, California. Speer had just started his new family and was trying to take a

¹⁵⁴ Edward (Joe) Welch served as Chairman from 1968-1976 and 1981-1988.

much-needed break after working for five and one-half years to turn around the Cabazon operation. At first, he was extremely reluctant to come to the Barona reservation because it had a bad track record. Nevertheless, he took a gamble on Barona’s high-stakes bingo and cardroom using his own money. He had just one demand, “only if I can do it my way.”¹⁵⁵

Speer and the people of Barona soon turned their gaming operation around. Eventually the tribe would accumulate enough money to expand into a *bona fide* casino, the Big Top Barona Casino, that opened in 1994.



Big Top Barona Casino. *Photo courtesy Don Speer.*

¹⁵⁵ Don Speer, interviewed by Ethan Banegas, Barona Resort and Casino, November 25, 2015.

Building this casino was not without risk because Barona did not have a state compact; California could have closed the operation if a compact between the tribe and state was not agreed upon. Fortunately, their Vegas-style casino became an instant success. It was housed in a 39,000 square-foot tent, had 200 slot machines and consisted of a vintage Barnum and Baily circus theme. With the construction of the Big Top Barona, Barona’s gaming operation went from the third most successful casino in San Diego to the first.

In 1998, Don Speer and the people of Barona began plans with architect Joel Bergman to build a new \$225,000,000 casino. Bergman had helped design the Golden Nugget (Atlantic City), the Mirage (Las Vegas), Caesar’s Palace (Las Vegas), The Paris Casino and Resort (Las Vegas), and numerous other projects. Significantly, Barona’s first gaming compact with the state was signed during the preliminary stages of the new casino on October 8, 1999.¹⁵⁶



Barona Resort and Casino. *Photo courtesy Barona Resort and Casino.*

¹⁵⁶ California Gambling Control Commission. “Ratified Tribal-State Gaming Compacts.” Cgcc.ca.gov. <http://www.cgcc.ca.gov/?pageID=compacts>. (accessed on May 1, 2016).

After four years of planning and constructing, Barona's new casino was completed on December 31, 2002. There is a detailed description of their resort and casino on Barona's website:

The Barona Hotel is a AAA Four Diamond award winning resort featuring 364 deluxe rooms and 33 luxury suites. Amenities include AmBience Day Spa, Fitness Center, Business Center, Pool, Meeting Rooms, Wedding Chapel and the Barona Creek Golf Course was designed by Roger Baird, and is a par 72 18-hole course that measures 7,088 yards to distance. In addition, the Barona Casino has a total of nine restaurants that vary in style and price at the casino and hotel. The hotel itself is one of the largest in terms of capacity among California Indian Casinos.¹⁵⁷

Sycuan Aims for Economic Diversity

Barona and Sycuan share a common history in Indian gaming. Among the most noteworthy correlations are bingo history and a pioneering tribal chair. In 1972, Anna Prieto Sandoval won the tribal chair of the Sycuan Band of the Kumeyaay Nation. There were approximately eighty tribal members at the time and "none had a steady job."¹⁵⁸ Life on the reservation was full of extreme hardships and Sandoval had to walk ten miles one day to retrieve milk for her children.¹⁵⁹ News travels fast among reservations in San Diego County from ancient kinship ties, and Sandoval heard about Barona's successful high-stakes bingo operation eleven miles away. In 1983, chairwoman Sandoval was approached by Pan American International (PAI), a management company, to open a

¹⁵⁷ Barona Valley Casino and Resort. "About Us." Barona.com

<http://www.barona.com/about-barona/press-center/> (accessed December 10, 2015).

¹⁵⁸ Anna Prieto Sandoval, 76; Sycuan Leader was a Pioneer in Indian Gaming," *Los Angeles Times*, November 1, 2011, <http://articles.latimes.com/2010/nov/07/local/la-me-anna-prieto-sandoval-20101107> (accessed October 15, 2016).

¹⁵⁹ *Ibid.*

high-stakes bingo operation on Sycuan. This was the same management company that managed Seminole bingo in Florida.

A year after chairman Edward “Joe” Welch opened a bingo hall in Barona’s recreation center, Sandoval pioneered Sycuan’s high-stakes bingo. Like Welch, it was necessary for Sandoval to use her own personal assets to start a gambling operation. PAI’s proposition had a strong opposition among a faction of Sycuan’ tribal members who feared that traffic jams and strangers would change the quiet reservation life. Sandoval, however, offered a remote site on the outskirts of the reservation (she owned half the title) to satisfy the tribal opposition. The Sycuan Bingo Palace, as it was called, irked those that doubted Sandoval when her business venture became profitable.¹⁶⁰

Sycuan had a competitive advantage over Barona because they were located closer to large population centers in San Diego and just ten miles from the city of El Cajon. The tribe’s early success in bingo allowed them to part ways with PAI management in 1987 and to manage the bingo games themselves. Profits eventually allowed them to pay for an expansion that was complete in 1990. The new bingo hall consisted of a 68,000 square-foot structure, included a 1,500-seat bingo parlor, 35 poker tables, and 20 off-track betting seats. Chairwoman Sandoval was the leader of Sycuan for twenty years (1972 to 1992) and brought Sycuan’s eighty tribal members out of abject poverty. They were without steady jobs before high-stakes bingo, but by the early 1990s unemployment disappeared.¹⁶¹

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

In 2002 Sycuan hired Steve Penhall to be the general manager of their casino. He previously worked at the Sandia Casino in Albuquerque for three years, and at the Ute Mountain Casino in Durango, Colorado, for seven years.¹⁶² Penhall resigned in 2008 and Sycuan returned to managing their own casino for a second time. Hank Murphy, an elder tribal member of Sycuan, said that he could not believe so many Indian casinos spent money on management companies. With great pride, he explained that the people of Sycuan and the tribal council “run our own affairs.”¹⁶³

Don Speer mentioned that management companies are usually necessary to open an Indian casino. For example, he stated that San Diego’s newest casino on the Jamul Reservation “would not have gotten off the ground without a management company.” He also believed the same was true for Harrah’s Rincon Casino in San Diego County, which is operated by the largest management company in the world.¹⁶⁴ Notably, Barona, Viejas, and Sycuan all entered the casino industry with management companies. However, after their casinos became profitable, they no longer thought it was necessary to hire management companies.

There are costs and benefits to Indians managing their own casinos. Management companies are extremely expensive and their employees make all the daily decisions for their casinos. As a result, tribal members know very little about their own business and feel worlds apart due to lack of involvement. On the other hand, many Indians lack

¹⁶² David J. Valley and Diana Lindsay, *Jackpot Trail: Indian Gaming in Southern California* (San Diego, Sunbelt Publications: 2003). 149.

¹⁶³ Hank Murphy, interviewed by Ethan Banegas, Sycuan Reservation, November 5, 2015.

¹⁶⁴ Don Speer, interviewed by Ethan Banegas, Barona Resort and Casino, December 11, 2016.

experience in the casino industry. In that business, decisions that seem counter-intuitive are often the right ones. Sometimes it helps to have a management with decades of experience in the casino industry. For example, Don Speer stated that during an economic recession the worst thing a casino can do is to cut employment and payouts to customers. He stated, “why should we penalize the two groups that matter most?”¹⁶⁵ Yet, most casinos cut employment and payouts during a recession. The question of whether to self-manage or hire a management company remains a debate that is extremely important for gaming tribes and a topic that deserves more study.

Danny Tucker was the tribal chair of Sycuan for most of the development of Class III Vegas-style gaming. He served as tribal chairman for fourteen years.¹⁶⁶ Before his tenure, El Cajon’s best golf course, Singing Hills, had been bought by Sycuan in 2001 to attract customers to play at the casino.¹⁶⁷ Singing Hills was renamed the Sycuan Golf Resort and includes fifty-four holes, two restaurants, a swimming pool, one-hundred-twenty rooms and suites, and shuttle service to the casino, located three miles away.

¹⁶⁵ Don Speer, interviewed by Ethan Banegas, Barona Resort and Casino, December 11, 2016.

¹⁶⁶ Tucker was tribal chair from 1993-1996, and 2003-2014.

¹⁶⁷ Sycuan was given the smallest land base in 1875, which is why they had to purchase a golf course three miles away from the reservation.



Sycuan Casino. *Photo Courtesy Luchanic.*

In 2011, Sycuan Casino spent twenty-seven million dollars to renovate their casino “reminiscent of a Sultan’s palace.” They gutted “the entire casino, section by section,” added a world class sports bar, and expanded the buffet.¹⁶⁸ The total square footage is 305,000, which is equivalent to Viejas’ floor plan. Currently, the Sycuan casino has a total of five restaurants and “the Bingo Palace on the second floor...can easily be said to be the most elegant bingo in San Diego” (150).¹⁶⁹

¹⁶⁸ “Sycuan Casino Undergoes Major Renovations,” *San Diego Union Tribune*, June 21, 2011, <http://www.sandiegouniontribune.com/sdut-sycuan-casino-undergoes-major-renovation-2011jun21-story.html>

¹⁶⁹ Valley and Lindsey, 150.

Viejas – A Casino plus a Factory Outlet

In 1977, before the Seminoles opened their high-stakes bingo hall, Viejas opened a bingo room in their Ma Tar Awa RV Park. This event, however, is insignificant to the genesis of Indian gaming because it was not challenging the state with high stakes jackpots and unusual hours of operation, as Barona would six years later.

Following the three cases that made Indian gaming legal in United States, the people of Viejas voted to open a 100,000 square-foot casino in 1991. Eight years later, in 1999, they would expand to a 300,000 square-foot casino.¹⁷⁰ This new expansion coincided with the signing of a state compact with then-Governor Grey Davis of California.

September 10, 1999, is considered the “economic Independence Day of California Indians” because 58 state compacts, including Sycuan and Viejas, were signed by tribal leaders and Governor Davis. Three more compacts were signed, including Barona’s compact, on October 8, 1999.¹⁷¹ Gaming compacts limited Indian casinos to 2,000 slot machines; Viejas, Barona, and Sycuan maxed out their allotted quota at the turn of the twenty-first century. On June 14, 2000, Viejas was the first casino to have Las Vegas-style (coin operated) slot machines on a reservation.¹⁷²

¹⁷⁰ Valley and Lindsey, 155. Viejas Casino is now 330,000 square feet.

¹⁷¹ Viejas Band of Kumeyaay. “Tribal Gaming History.” viejasbandofkumeyaay.org <http://viejasbandofkumeyaay.org/tribal-gaming-history/> (accessed October 14, 2016).

¹⁷² *Ibid.*



Viejas Casino and Resort. *Photo Courtesy Wikiwand*

On March 21, 2013, Viejas Casino became the Viejas Casino and Resort after a 36-million-dollar expansion added a hotel.¹⁷³ Tribal chairman Anthony Pico said Viejas originally planned for a six-hundred room hotel in 2007, but after the economic downturn caused by mortgage-backed-securities, the hotel was reduced to approximately 80 percent less square footage. The Viejas hotel currently has a total of 128 rooms, which include ninety-nine deluxe and twenty-nine luxury suites. Like Barona and Sycuan, the people of Viejas operate their hotel and casino without a management company.¹⁷⁴

To make way for the new hotel, the old bingo hall was razed and a new four-hundred-seat bingo hall was constructed across the street from the casino in the Viejas Outlet shopping center.¹⁷⁵ Currently, the Viejas Casino has six restaurants, a night club

¹⁷³ “Viejas Casino to Add 150-Room Hotel,” *San Diego Union Tribune*, August 31, 2011, <http://www.sandiegouniontribune.com/sdut-viejas-casino-to-add-150-room-hotel-2011aug31-story.html>

¹⁷⁴ “Viejas Casino Opens New Bingo Hall,” *San Diego Union Tribune*, March 27, 2012, <http://www.sandiegouniontribune.com/sdut-viejas-casino-opens-new-bingo-hall-2012mar27-story.html>

¹⁷⁵ *Ibid.*

called the “Dream Catcher,” an RV park, and a thirty-store retail outlet mall. The Viejas Outlet Center grossed twenty million dollars in 2013 according to tax yields, even though it is operating at half capacity.¹⁷⁶ In addition, the mall has managed to attract and sustain several designer brands such as Tommy Hilfiger, Polo Ralph Lauren, Levi’s Outlet, Guess Factory Store, Gap Outlet, Eddie Bauer, Coach, Sunglass Hut, Nike Clearance Store, and eight eateries.¹⁷⁷

Comparing Three Native Nations

In the early history of the Kumeyaay Nation, Barona and Viejas shared a common history on the Capitan Grande Reservation. This was mostly a shared political relationship because the kinship ties between Los Conejos and the Barona Band were tenuous. This political relationship became most evident during the relocation of 1932. Later, Barona and Sycuan would share a common gaming history. Both tribes pioneered high-stakes bingo in San Diego County with trailblazing chairs, Edward “Joe” Welch of Barona and chairwoman Anne Prieto Sandoval. Intense competition between Sycuan and Barona ensued in the nascent high-stakes bingo business, but in the end, there were no losers. As Don Speer said, “gambling begets more gambling.”¹⁷⁸ Sycuan still leads the

¹⁷⁶ Miskwish, Michael Connolly, *Quantification of the Pubic Benefit of Indian Economies in San Diego County California*. Campo: Laguna Resource Services, 2015.

¹⁷⁷ Viejas Casino and Resort. “Outlet Stores Directory.” Viejas.com <http://viejas.com/san-diegos-premier-outlet-mall/viejas-outlets-main-directory> (accessed October 14, 2016).

¹⁷⁸ Don Speer, interviewed by Ethan Banegas, Barona Resort and Casino, November 25, 2015.

Kumeyaay Nation in bingo, Viejas opened a new bingo hall in 2013, and Barona is out of the bingo business altogether.

Juxtaposing economic success among Barona, Viejas, and Sycuan is significant. Barona is the least diversified and possesses almost no other form of income outside of gaming. Viejas owns an outlet shopping mall that grosses approximately \$20 million in 2013. Sycuan owns the U.S. Grant Hotel which it purchased in 2003 for \$45 million (with an additional ten million set aside for renovations). Its namesake President Ulysses S. Grant created Sycuan via executive order in 1875, irony which is not lost on Sycuan's tribal members.¹⁷⁹ In 2007, Chairman Danny Tucker was honored inside the Grant Hotel by the San Diego History Center at the History Makers Gala with the George W. Marston Award for Civic leadership. *The Journal of San Diego History* states, "to date, the casino has been the Band's most noteworthy economic success."¹⁸⁰ Such a bold statement deserves qualification.

If Barona, Viejas, and Sycuan were judged simply by economic output, Barona is the most successful casino by a large margin. Strictly from a gaming perspective, the Barona Valley Resort and Casino has outperformed Sycuan and Viejas combined and is the envy of the casino industry. If one were to measure Sycuan, Viejas, and Barona on economic diversity, then Sycuan would be the clear winner. So far, Barona's attempts at economic diversity have been nominal, and their economic development committee, SIGNATUS, has only invested in stocks, bonds, and mutual funds. SIGNATUS was

¹⁷⁹ "Tribe Buys Downtown San Diego Landmark," *Los Angeles Times*, December 6, 2003, <http://articles.latimes.com/2003/dec/06/business/fi-grant6>

¹⁸⁰ "The Sycuan Band of the Kumeyaay Nation." *The Journal of San Diego History*, 150, <https://www.sandiegohistory.org/journal/v53-3/pdf/Sycuan.pdf>

created approximately a decade ago and consists seven board members (all tribal). Don Speer, in conversation with the author, stated that he does not believe Barona should pursue economic diversity. He believes all surplus capital should to go back into the “fatted cow.”¹⁸¹ The people of Barona agree with Speer, and recently approved a \$40 million casino expansion in 2016.

In contrast to Barona, the people of Viejas have attempted other business ventures outside of gaming. The Viejas Factory Outlet Center is 255,000 square feet and includes allotments for 60 stores.¹⁸² Currently, San Diego’s newest outlet center is operating 30 stores and grossing \$20 million.

After building their casino, Sycuan established the Sycuan Tribal Development Corporation to diversify their economic portfolio. They have made several noteworthy acquisitions. Their first major purchase was in 2001, with the Singing Hills Golf Course. Then, in 2003, the U.S. Grant Hotel was purchased followed by the procurement of Ringside Promotions (boxing promotions).¹⁸³ In addition, in 2003 the Sycuan Tribal Development Corporation proposed a twenty-five-million-dollar hotel in National City and launched a mutual fund to invest in large and medium American stocks.¹⁸⁴ The drastic and subtle differences among these three tribes make for a unique case study indeed.

¹⁸¹ Don Speer, interviewed by Ethan Banegas, Barona Resort and Casino, December 11, 2016.

¹⁸² Bobby Barrett, “Spotlight on the Economy,” *Indian Gaming* (November 2008): 24. Accessed December 13, 2016. http://www.indiangaming.com/istore/Nov08_TLR.pdf

¹⁸³ *Ibid.*

¹⁸⁴ “Tribe Buys Downtown San Diego Landmark,” *Los Angeles Times*, December 6, 2003, <http://articles.latimes.com/2003/dec/06/business/fi-grant6>

CHAPTER 5 – HISTORICAL TRAUMA IN NATIVE NATIONS

Critics of Eduardo Duran’s process in *Healing the Soul Wound* might say three things:

- 1) What if contact never happened
- 2) Colonization was inevitable
- 3) That was a long time ago (move on)

With regards to “what if contact never happened?” This is conjecture and this is not the job of the historian. The historian’s job is to study what happened. Furthermore, “what-ifs” do not help a therapist such as Duran heal the adverse effects of colonization on Indian communities. When critics mention that colonization was inevitable. They believe, if it were not Spain and the United States, imperial powers such as the British, Russian, or the French would have dominated the Kumeyaay nation eventually. Such a criticism implies conquest is inevitable to move indigenous communities out of the Stone Age. This idea of “progress” implies struggle and strife are part of the package deal. History is full of similar “civilizing” examples, also known as imperialism and colonialism.

All three criticisms ignore or deny the adverse effects of colonization. From the Indian perspective, the adverse effects of colonization are obvious. Indians would like to “move on” but this requires a healing process that has yet to take place. Duran’s process was designed to heal Indian communities and trace the process of historical trauma that began in 1492. Through the act of measuring socioeconomic data in communities that have experienced suffering, historical trauma is quantifiable.

Sources

The difficulty with a study of this nature is the limited data available. Significantly, the BIA stopped collecting large amounts of data after the Self-Determination Act of 1975, and Indian communities are reluctant to share information about their communities. The most comprehensive study to date about Indian gaming is called the *State of the Native Nations: Conditions Under U.S. Policies of Self-Determination*, published in 2008 by the Harvard Project on American Economic Development.¹⁸⁵ This study assesses the consequences of self-determination and incorporates hundreds of studies, a dozen authors, a dozen essayists, and took over two decades to complete. A socioeconomic impact on the Kumeyaay nation would not have been possible without this instrumental resource.

Another recent source that is essential is the *American Indians on Reservations: A Databook of Socioeconomic Change between the 1990 and 2000 Census*, by Jonathan B. Taylor and Joseph P. Kalt.¹⁸⁶ Also commissioned by the Harvard Project on American Indian Economic Development, this study uses data from the 1990 census and 2000 census on Native Americans in the lower 48 states. It measures fifteen indicators ranging from income and poverty rates, to employment and housing conditions. What makes this study so unique, when compared to others, is that it has a separate category for gaming reservations, non-gaming reservations, and the rest of the United States. This ten-year

¹⁸⁵ Joseph P. Kalt et al., *The State of the Native Nations: Conditions Under U.S. Policies of Self-Determination* (Oxford, Oxford University Press: 2008).

¹⁸⁶ Jonathan B. Taylor and Joseph P. Kalt, *American Indian on Reservations: A Databook of Socioeconomic Change between the 1990 and 2000 Census* (Oxford University Press: 2005).

study is remarkable because it examines the beginning of class III Vegas-style gaming in 1988, and the end of gaming compacts, which plateaued by 2000.¹⁸⁷ By happenstance, the *Databook of Socioeconomic Change* offers a before-and-after perspective of the effects of Indian gaming. For instance, the National Indian Gaming Commission (NIGC) reported that in 1988 that gaming revenue amounted to 100 million dollars. However, by 2006, gaming revenue reached 25 billion dollars.¹⁸⁸

In 2014, there were 450 gaming operations in 31 states, that produce 28 billion dollars in gaming revenue.¹⁸⁹ Tribes in California earned more than a quarter of all gaming revenue, at eight billion dollars.¹⁹⁰

Three other articles that complement the Harvard Project reports, are: Randall K.Q. Akee, Katherine A. Spilde and Jonathan B. Taylor's, *The Indian Gaming Regulatory Act and Its Effects on American Indian Economic Development*.¹⁹¹ *The Income and Health Effects of Tribal Casino Gaming on American Indians*, by Barbara Wolfe, Jessica Jakubowski, Robert Haveman and Marissa Courey.¹⁹² And, *The National Evidence on the Socioeconomic Impacts of American Indian Gaming on Non-Indian Communities*, by Jonathan B. Taylor, Matthew B. Krepps, and Patrick Wang.¹⁹³

¹⁸⁷ Taylor and Kalt, Viii.

¹⁸⁸ Wolfe, et al., 501.

¹⁸⁹ Akee, Spilde, and Taylor, 186.

¹⁹⁰ "2014 California Tribal Gaming Impact Study," Accessed August 28, 2016. <https://www.yourtribaleconomy.com/media/uploads/2014-California-Tribal-Gaming-Impact-Study.pdf>

¹⁹¹ Akee, Spilde, and Taylor.

¹⁹² Wolfe, et al.

¹⁹³ Jonathan B. Taylor, Matthew B. Krepps, and Patrick Wang, "The National Evidence on the Socioeconomic Impacts of American Indian Gaming on Non-Indian

More specific to California tribes, Beacon Economics wrote the *2014 California Tribal Gaming Impact Study*. This valuable resource was commissioned by Sycuan and sixteen other California tribes (excluding Barona and Viejas), to assess the economic impact of gaming revenue on *all* tribes in the state of California.¹⁹⁴ Although only one-third gaming tribes participated in the study, there are many similarities to the other two-thirds that did not participate. The results are stunning, and Beacon's report provides critical information about Barona, Viejas, and Sycuan.

There were approximately 511,000 tribal members living on reservations in 2000, with populations ranging from the hundreds to tens of thousands. The Navaho nation represents an outlier, however, and is equivalent to the size of West Virginia, containing approximately one-third of all reservation Indians (175,000).¹⁹⁵ Compared to the Navaho nation and the Pine Ridge Reservation in South Dakota (15,000-50,000), Kumeyaay Reservations are relatively small. For example, Barona has 550 enrolled tribal members, Viejas has approximately 200 tribal members, and Sycuan has 130 tribal members. Per the last U.S. census, there were 2,932,248 single race American Indians and Alaskan Natives (AIAN) in the United States, and 5,220,579 American Indians and Alaskan Natives (AIAN) who had another race.¹⁹⁶

No matter if a tribe contains one hundred, or one hundred thousand people, the most common characteristic they all share is marginal reservations away from U.S.

Communities,” Accessed November 29, 2016.

<https://www.innovations.harvard.edu/sites/default/files/Taylor%20Kreps%202000.pdf>

¹⁹⁴ “2014 California Tribal Gaming Impact Study,” 1.

¹⁹⁵ Taylor and Kalt, 2.

¹⁹⁶ Akee, Spilde, and Taylor, 186.

population centers. The remote location of most reservations initially served three purposes: to insulate Euro-Americans from Indians, protect Indians from white settlers, and to assimilate Indians into the general population. The United States government preferred this arrangement and found nothing wrong with reservations located in the borderlands. For Indians, however, this peripheral location proved detrimental for the development of infrastructure, economics, health, and education.

Infrastructure on Reservations

Centuries of infrastructure deficits on reservations must be overcome to equal non-Indians. The First Nations Development Institute estimates that between 18 and 57 billion dollars needs to go to Indian Country annually for basic infrastructure, community facilities, housing, and enterprise development to address these deficits.¹⁹⁷ From the law of “economies of scale” (meaning the cost per unit decreases with more units of output), telecommunications are often unfeasible in Indian Country. The marginal location of most reservations results in a great “digital divide” among reservation Indians.¹⁹⁸ The National Center for Education Statistics reports that Native Americans in the eighth grade have the second lowest rate to computer access.¹⁹⁹

Most reservations are afflicted with undeveloped infrastructure because it is almost impossible for tribal governments to find capital for projects. Tribes cannot use federal

¹⁹⁷ Kalt, et al., 130.

¹⁹⁸ *Ibid*, 134.

¹⁹⁹ *Ibid*, 204.

land as collateral. Therefore, capitalists will not invest in reservations if they are prohibited from repossessing property if a loan defaults.

Indian governments are also forbidden to collect property tax on federal trust land, which is used by state governments to build infrastructure like community colleges. Akee notes, “Tribal governments sought capital where they could, but often found that federal grants for economic development were the only viable option.”²⁰⁰

Economics on Reservations

Indians are America’s poorest minority and suffer from grinding poverty.²⁰¹ The most extreme example of poverty is on the Oglala Sioux Pine Ridge Reservation. Nobody knows the exact number, but population estimates range from 15,000 to 50,000 residents; most live in deep poverty. Sadly, one quarter of all infants are born with fetal alcohol syndrome and Pine Ridge has the second worst life expectancy rate in the Western Hemisphere, after Haiti.²⁰²

Twelve years after the passage of the Indian Gaming and Regulatory Act in 2000, Indian Country was still addressing large socioeconomic deficits. For example, statistics reveal one of every ten homes was overcrowded.²⁰³ Five percent of all reservation homes lacked complete plumbing (compared to one percent for all races). Residents in Indian Country earned per capita income that was half the national average, and the poverty

²⁰⁰ Akee, 191.

²⁰¹ Taylor, Krepps and Wang, 10.

²⁰² Mitchell, 295.

²⁰³ Taylor and Kalt, 4. 6% is the national average.

rates were three times the national average.²⁰⁴ There was a deep poverty rate of 20.9% (one-quarter below the poverty line) and government assistance rates were two times the nation average.²⁰⁵ Reservations where poverty is “severe and persistent” are like Third World countries, with 44 percent of the children growing up in poverty in 2000.²⁰⁶

Health on Reservations

On reservations, many studies find a direct correlation between poor economics and poor health, making the eradication of poverty a top priority. From centuries of socioeconomic deficits on reservations “whole societies need to be healed.”²⁰⁷ In American Indian communities over the past five hundred years, there has been a trend moving away from infectious diseases, like small pox and syphilis, towards diseases that are chronic and behavior related. These new diseases include cancer, diabetes, obesity, hypertension, heart disease, chronic liver disease and cirrhosis.

The *preventable* socioeconomic statistics on Native American communities are hard to believe because many health problems could be prevented with health education, eradicating poverty, and lifestyle changes. For instance, 63 percent are obese, 36 percent smoke, and 24 percent are in poor/fair health.²⁰⁸

²⁰⁴ Taylor and Kalt, xiii.

²⁰⁵ Kalt, et al., 239.

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid*, 225.

²⁰⁸ *Ibid*, 510.

Kalt found that the percentage of adults who smoke is 44 percent, the highest rate of any group in the country, and the suicide rate was 60 higher than the national average for American Indians and Alaskan Natives. Also, teen birth rates were almost 200 percent of the national average, and tuberculosis case rates for Indians was 453% higher than the U.S. average in 2002.²⁰⁹

In a related study, Wolfe and her associates write that Native Americans face a health and mortality disadvantage at *every* stage of life with acute disparities in infant mortality, higher rates of infections and chronic disease, and the lowest life expectancy.²¹⁰

Perhaps the most pressing issues on reservations across the United States is alcohol abuse. It has been estimated that three-fourths of all unintentional Native American deaths are alcohol related. Alcohol abuse contributes to the highest rates of domestic violence, motor vehicle accidents, cirrhosis, suicide, homicide, and fetal alcohol syndrome for American Indian and Alaskan Native communities. It baffles the mind to think 75 percent of all preventable deaths involve alcohol. Which is 500 percent higher than all races in the United States.²¹¹

²⁰⁹ Kalt, et al., 221.

²¹⁰ Wolfe, et al., 501.

²¹¹ *Ibid*, 221.

Education on Reservations

Like infrastructure, economics, and health, there are large socioeconomic deficits in education in both gaming and non-gaming tribes. Studies show American Indians on reservations are half as likely as White students to endure and finish a degree. In 2000, the national average in all races with a college degree was 31 percent, while gaming and non-gaming tribes were at 13 and 12 percent respectively.²¹² Kalt and associates state:

“as of the latest available data (for October 2003), A.I. and A.N. had the lowest rate of higher-education enrollment expressed as a percentage of 18 to 25-year-olds of any racial or ethnic minority.”²¹³

Enrollment rates in higher education are staggering when compared to other races. For instance, enrollment for reservation Indians in higher education is 17.7 percent, compared to 60 percent for Asian/Pacific Islanders, 42 percent for Whites, 33 percent for Blacks, and 24 percent for Hispanics.²¹⁴ One of the reasons for low enrollment in higher education on reservations is because tribal members are not educated properly at an early age. The National Center for Education Statistics reports that Natives have the highest absentee rates for the eighth grade, the highest rates for special education and learning disabilities programs, and the second lowest rates to computer access for the eighth grade.²¹⁵ Low scores in standardized tests, like the SATs, and poor grades in high school, make it extremely challenging for Indians living on reservations to be accepted into a four-year university.

²¹² Taylor and Kalt, 41.

²¹³ Kalt, et al., 208.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*, 204.

There are several reasons for Natives underperforming in education from a youth to an adult. Scholars point out that low figures in college graduation and enrollment rates, eight grade absentee rates, and poor computer access, all reflect poverty and a poor educational environment. However, environment and poverty is only half of the story and the negative relationship with education started over a century ago with U.S. assimilation policies.

Early federal Indian education policy used education as a tool for assimilating the “Indianness” out of Indians, making many Natives suspect of Western education. Consequently, Western education is viewed as something “they do,” and has yet to be considered something incorporated into the Native identity. The legacy of oppression, disempowerment, and poverty have made education attainment extremely challenging for tribal members.

Consistent with the doctrine of Manifest Destiny, early educational policies focused on assimilating and removing Indians to make way for American “progress.” In 1871, President Grant’s “Peace Policy” formalized federal funding for Indian education to the Methodist, Lutheran, Baptist, Catholic, and other churches.²¹⁶ Like Spanish missionaries that believed the Kumeyaay must adopt Spanish culture (Hispanization) to become Christian. American missionaries also believed the Kumeyaay must adopt Anglo-American culture. By the late 1870s, federal funds were transferred from churches to twenty-five Indian boarding schools throughout the nation, which set the tone for

²¹⁶ Kalt, et al., 200.

Indian education for the next fifty years.²¹⁷ The federal Board of Indian Commissioners reflected the policy of Indian education in 1880, when he stated:

As a savage...the only alternative left is to fit him by education for civilized life. The Indian, though a simple child by nature with mental facilities dwarfed and shriveled, while groping his way for generations in the darkness of barbarism, already sees the importance of education.²¹⁸

In a recent interview with the author, the eldest member of the Barona, Josephine “Sister” Romero, recalled her life at Sherman Boarding School in Riverside, California.²¹⁹ Ms. Romero had pleasant memories of learning a vocation half the time, and a Western education the other half. One thing that puzzled her was how mission Indians were the only Natives who could not speak their native tongue. Perhaps, this phenomenon reflected a negative correlation with language retention and a tribe’s proximity to the Spanish missions.²²⁰

Her experience was not typical, however, and the average Indian boarding school enforced language prevention, banned traditional clothes, and prohibited tribal customs.

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*, 201.

²¹⁹ Her son, Thorpe Romero, also attended the Sherman Indian Boarding School. Mr. Romero tried to run for tribal chair last election cycle, however, the Sherman Boarding School lost his high-school diploma and he failed to meet minimum requirements. His records were recovered recently and he was elected Tribal Chair for 2017.

²²⁰ Josephine “Sister” Romero, Interviewed by Ethan Banegas, Barona Reservation, December 5, 2015.

CHAPTER 6 – INDIAN GAMING HEALS HISTORICAL TRAUMA

President Grant created the Capitan Grande and Sycuan reservations in 1875 through executive order and created the first federally recognized tribes in California. Twelve years later, president Cleveland and Congress began to survey tribal lands to end the reservation system. The General Allotment Act of 1887, or Dawes Act, was a federal law that privatized reservation lands and divided land held in trust into individual allotments. From the Allotment Era, to the passage of the Indian Reorganization Act (IRA) in 1934, 62 percent of land held in trust (86,000,000 acres) was withdrawn from Indian tribes.²²¹ The “New Deal for Indians,” as the IRA was called, ended Indian allotment and began to stimulate economic progress for the first time on reservations. This was also the period when two Kumeyaay bands were removed from Capitan Grande and forced to migrate to the Barona and Viejas Reservations.

The Termination Era began in the 1950s, along with the passage of Public Law 83-280, and continued the legacy of the Allotment Era. Indicative of its name, the government attempted to process 109 reservations for termination. This adversely affected 11,466 individuals and removed approximately 1,362,155 more acres of reservation land.²²² The Self-Determination Era in the 1960s finally started to reverse centuries of socioeconomic deficits because tribal governments were encouraged to run their own affairs. Indian gaming was only partly responsible for the success of the Self-

²²¹ Akee, Spilde, and Taylor, 188.

²²² David E. Wilkins and Heidi Kiiwetinepinesiiik Stark, *American Indian Politics and the American Political System* (Lanham, Rowman and Littlefield Publishers: 2011). 130.

Determination Era, however, because non-gaming tribes also experienced socioeconomic gains. Taylor and Kalt explain:

Indeed, the progress evident among non-gaming tribes in the 1990s suggests that it is not so much gaming that is driving the socioeconomic changes evident across Indian America as it is a broader policy of Indian self-government.²²³

Self-determination was effective because it brought the decision-making process home and created accountability among tribal governments. Tribal members could no longer attribute failures to the BIA, and when something went wrong, tribal governments were held responsible. In addition, tribes knew the local needs, conditions, and culture, and could divert resources to what they considered important. Prior to self-determination, the Department of Interior and the BIA was not able to break patterns of poverty and social problems because they could not attend to a tribe's individual needs.²²⁴

Indian Gaming Addresses Infrastructure

Reservations are lacking in many, if not all, basic infrastructure like water, sewer, roads, highway access, telecommunications, fire protection, and police enforcement.²²⁵

Historical deficits in physical infrastructure are not only detrimental to everyday life on reservations, infrastructure deficits also deter economic development. During a feasibility study, potential developers inquire about water/sewer, roads, highway access, electricity rates, telecommunications, and fire protection. However, many choose not to invest

²²³ Taylor and Kalt, xi.

²²⁴ *Ibid.*

²²⁵ Kalt, et al., 133.

because reservations lack basic infrastructure. Gaming revenue remedies the backlog of undeveloped infrastructure on reservations and allows tribes to attract investors for future economic development. Arguably, infrastructure is the “silver bullet” for economic development.²²⁶

Beacon economics found that “tribal governments serve an essential source of funding” for healthcare, education, police, fire, emergency, and four other categories.²²⁷ In these nine categories, they found Californian gaming tribes contributed a total of one billion dollars since the Indian Gaming and Regulatory Act. In police, fire, and emergency services alone, gaming tribes averaged 1,535,675 dollars.²²⁸

Barona, Viejas, and Sycuan all have their own fire departments. These fire departments have had a substantial impact on the safety of those on and near the reservation and have reduced emergency response times from hours to minutes. For instance, before the Barona fire department was established, it may have taken one-half hour for a fire truck or ambulance to reach a tribal member leaving from Lakeside. Now, an ambulance or fire truck leaving from Barona averages less than ten minutes to arrive at a tribal home. Tribal fire trucks and ambulances have saved life and property, making it hard to overstate the impact of faster emergency response times. In addition, tribal police, fire, and emergency services have also reduced dependency on state and federal

²²⁶ *Ibid.*

²²⁷ “2014 California Tribal Gaming Impact Study,” 13.

²²⁸ *Ibid.*

governments, saving tax payers millions of dollars. One article found that medical providers were encouraged to locate in or close to Indian casinos.²²⁹

Indian Gaming Addresses Economics

It is a popular myth that Indians with casinos are wealthy. Success varies dramatically for the 450 gaming operations across 31 states. Successful tribes like those in California, Connecticut and Minnesota are the exception, not the rule. The ten most successful gaming tribes in 2000 (using per capita income from the greatest to least) are: Table Mountain Rancheria (CA), Shakopee Mdewakanton Sioux Community (MN), Sycuan Reservation (CA), Barona Reservation (CA), Mashantucket Pequot Reservation (CT), Santa Ynez Reservation (CA), Rumsey Rancheria (CA), Prairie Island Indian Community (MN), Lower Sioux Reservation (MN), and the Viejas Reservation (CA).²³⁰ It should be no surprise that California, the world's fifth largest economy with twenty percent of the country's population, contains six of the ten most successful Indian casinos. It is noteworthy that Barona, Viejas, and Sycuan all made the top-ten most successful Indian casino list using per capita income in 2000.

In 2000, the Associated Press reported that five percent of all tribal members with Indian casinos received half of all gaming revenue.²³¹ In 2004, seven percent (55 of 367) of all gaming operations made 69.4% total gaming revenue.²³² By 2014, eighty-three

²²⁹ Wolfe, 521.

²³⁰ Kalt, et al., 119.

²³¹ *Ibid.*

²³² Kalt, et al., 149.

gaming operations were added, making these figures probably different. Nevertheless, these figures are indicative of a casino's proximity to large population centers and its relative success.

The most extreme example of how size and success vary is to juxtapose the Mashantucket Pequot Foxwoods Casino, with the Prairie Wind Casino of the Oglala Sioux (Pine Ridge Reservation). The Foxwoods Casino of Connecticut opened in 1992 and has grown into the world's largest casino. The most important factor for the success of the Mashantucket's casino is the fact that it is the closest casino to the City of New York. As an unintended consequence of the Foxwoods' success, Donald Trump blamed the Connecticut casino for bankrupting his casino in Atlantic City. He complained that Congress gave the Foxwoods Indians an unfair (and illegal) monopoly by passing the Indian Gaming Regulatory Act in 1988. In typical Trump fashion, he threw insults at their tribal members on talk radio and stated, "I think if you've ever been up there, you would truly say that these are not Indians...I'll tell, you, they got duped in Washington, and it's just one of those things that we have to straighten out."²³³

After going bankrupt, Trump became a staunch anti-Indian gaming opponent and filed a lawsuit, questioning the constitutionality of the IGRA. In addition, he also introduced a bill on Capitol Hill that was ridiculed as the "Donald Trump Protection Act."²³⁴ After he realized his efforts were fruitless, Trump wised up and reversed his position. Instead of fighting a losing battle, he chose to buy into the lucrative Indian gaming business himself. He propositioned the Seminoles and Aqua Caliente bands first,

²³³ Mitchell, 299.

²³⁴ *Ibid*, 300.

and finally arranged with the Twenty-Nine Palms Band east of Palm Spring to manage their casino.²³⁵ Trump no longer believes a monopoly in Indian gaming is unfair because he found a way to profit from it.

From the success of the Foxwoods casino, the Mashantucket make hundreds of millions of dollars annually. This allows them to distribute substantial per capita income checks to its 400 tribal members.²³⁶ Along with the San Manuel Band in California, whose tribal members receive \$100,000 monthly, the Mashantucket tribal members receive the largest per capita income checks compared to other gaming tribes.²³⁷ Proximity to America's population centers is the single most important factor for their success. The Mashantucket's casino, for instance, is closest to the City of New York, and San Manuel's casino is closest to the City of Los Angeles. On the other side of the spectrum, the Prairie Wind Casino of the Oglala Sioux do not make enough money to distribute per capita income checks because their casino is in South Dakota.

Donald Craig Mitchell, who wrote *Wampum: How Indian Tribes, the Mafia, and An Inattentive Congress Invented Indian Gaming and Created a \$28 Billion Gambling Empire*, is perhaps the most critical author to write about Indian gaming to date.²³⁸ Craig's thesis is: the idea of federally recognized tribes, inherent tribal sovereignty, and the proliferation of Indian gaming, was created through cumbersome bureaucratic policies and procedures; from special interests and apathy. To Mitchell's credit, he makes some interesting points about the negative aspects of Indian gaming. For example, he

²³⁵ *Ibid.*

²³⁶ Kalt, et al., 153.

²³⁷ Mitchell, 293.

²³⁸ Mitchell.

comments that casinos like the Prairie Wind Casino on the Pine Ridge Reservation “has made no difference on their lives.”²³⁹ In addition, Mitchell states that for the “13,000 members of the Assiniboine and Sioux Tribes...[this] represents \$40 per member” in 2014.²⁴⁰ Mitchell’s conclusions may be correct for South Dakota’s tribes because gaming has not address poverty on the Pine Ridge Reservation. However, he fails to account for the Revenue Sharing Trust Fund (RSTF) in California.

In California, *all* tribes benefit from gaming through the Revenue Sharing Trust Fund (RSTF). During the creation of the Indian Gaming Regulatory Act (IGRA) there was a stipulation that made it mandatory for gaming tribes to share revenue with non-gaming tribes inside their own state. Since its inception in 1988, ninety non-gaming tribes have received more than one billion dollars from forty-one tribes with casinos.²⁴¹ Barona, Viejas, and Sycuan contribute approximately five million dollars annually to the RSTF. The La Jolla Band of the Luiseño Mission Indians, a recipient of RSTF funds, received \$11,413,385 RSTF funds from 1988 to 2010.²⁴² This amounts to \$518,790 annually, which, at the tribe’s discretion, can be spent on internet systems, schools, roads, fire departments and other important infrastructure.

Since 2010, eight Kumeyaay tribes have been the recipient of \$11,413,385 RSTF funds. These tribes are, the Campo Band of Diegueno Mission Indians, the Ewiiapaayp Band of Kumeyaay Indians, the Iipay Nation of Santa Ysabel, the Inaja Band of

²³⁹ *Ibid*, 303.

²⁴⁰ *Ibid*.

²⁴¹ “2014 California Tribal Gaming Impact Study,” 30.

²⁴² “Economic Impact Study: Measuring the Economic Impact of Indian Gaming on California,” Accessed on August 20, 2016, 38, http://www.cniga.com/20120625_CNIGA_Draft.pdf

Diegueno Mission Indians, the La Posta Band of Diegueno Mission Indians, the Manzanita Band of Diegueno Indians, the Mesa Grande Band of Diegueno Mission Indians, and the Jamul Indian Village of California.²⁴³ Recently, the Jamul Indian village opened the “Hollywood Casino” in 2016, which makes them no longer eligible to receive RSTF funds. Their slogan on billboards throughout San Diego County is, “we are the closet casino to San Diego,” which means they will contribute substantially to the RSTF in the future.

Indian Gaming Addresses Health

Barbara Wolfe and three associates discovered in, *The Income and Health Effects of Tribal Casino Gaming on American Indians*, that Indian gaming heals historical trauma on unprecedented levels. Their findings provide links between health and income, which are consistent with other studies like the Great Smoky Mountain (GSM) study. In the GSM study, gaming income reduced the probability of heavy drinking by 18 percent, the probability of smoking by 32 percent, diabetes and hypertension were reduced by 11 percent, and obesity/overweight was reduced by nine percent. In addition, mental health (fewer days with anxiety) was reduced by 25 percent. Wolfe concludes:

Overall, our results suggest that association with a tribe with class III gaming leads to higher income, fewer risky health behaviors, better physical health, and perhaps increased access to health care.²⁴⁴

²⁴³ “Economic Impact of Indian Gaming on California,” 37-38.

²⁴⁴ Wolfe, 520.

Gaming revenue has reduced the vulnerability of low-income reservations susceptible to physical and social pathologies.

Indian Gaming Addresses Education

Indian educators were at the fore front to first push for self-determination and cultural renewal in the 1960s. Navaho Nations Rough Rock School took control from the BIA in the early 60s and “laid the groundwork for...self-determination policy, the 1975 Indian Self-Determination and Education Assistance Act.”²⁴⁵ In San Diego County, the Sovereignty Center (CSUSM) and the Kumeyaay College (Cuyamaca College) continue the legacy of Rough Rock School, and embody the spirit of self-determination. These accredited institutions provide the Kumeyaay with an opportunity to be taught by Kumeyaay and Luiseño instructors with culturally relevant curriculum.

The BIA is allocated funds for Indian schools that equals half the national average for public schools, which makes gaming revenue a vital source of income for Indian Schools.²⁴⁶ In California, gaming revenue provides a vital source of funding for indigenous institutions of higher education. For example, Sycuan funds the Kumeyaay College and the Sovereignty Center recently received one million dollars from the San Manuel Band and \$100,000 from the Barona Band.

Since the passage of the IGRA in 1988, Kumeyaay tribes have made significant gains in education. Barona, Viejas, and Sycuan all provide college scholarships for their

²⁴⁵ Kalt, et al., 201.

²⁴⁶ *Ibid*, 203.

tribal members, and children of tribal members not enrolled into Barona and Viejas also receive full scholarships. Furthermore, gaming revenue has gone toward rebuilding the Barona charter school.

In total, there are one hundred Indian nations with their own education department with culturally based curriculum, and instructors that are sensitive to tribal customs. Kalt and associates state that because of self-determination, “Indian education can be a culturally relevant tool of human capital...rather than a force of cultural assimilation and tribal termination.”²⁴⁷ Arguably, the highest form of expression in the Self-Determination Era is the Indian school and university, which is funded and directed by Indians themselves.

²⁴⁷ Kalt, et al., 201.

CHAPTER 7 – CONCLUSION

What is progress? Indians paid the ultimate price for progress and the cost of Manifest Destiny needs to be acknowledged. The legacy of historical trauma for all tribes involves loss of land, language, and culture, isolation of tribal communities on marginal lands, and the destruction of tribal governments and religious structures.²⁴⁸ Deloria states:

By the time of the Allotment Act of 1887 (Dawes Act), almost every form of Indian religion was banned on the reservations. In the schools the children were punished for speaking their language...stern measures were taken to discourage them from continuing tribal customs. Even tribal funeral ceremonies were declared to be illegal.²⁴⁹

As far as the Kumeyaay are concerned, the E.H. Davis Photograph Collection is helpful in this study.²⁵⁰ Davis was prolific, and traveled as far south as Mexico, and as far north as the Mission San Luis Rey, documenting the life of indigenous people from 1913 to 1947. Fortunately, most of his 5,243 photographs were of the people of Capitan Grande and provide vital information during the end of the Allotment Era. Tellingly, the Davis Photographs reveal the main Kumeyaay ceremony, known as the Karuk ceremony, ended around 1920 (See Appendix 2). The second most important ceremony, the eagle dance, is also depicted in the Davis Collection. His photographs depict the last eagle ceremonies around the late 1930s when the last eagle dancer died, Jimmy Peña (See Appendix 3).

The Davis' photographs prove Capitan Grande Indians fared better than the average Native community because of their relative isolation. Other tribes that were

²⁴⁸ Akee, Spilde, and Taylor, 189.

²⁴⁹ Deloria, 240.

²⁵⁰ E.H. Davis, photographer, San Diego, CA: From the San Diego History Center, 1913-1947. (Accessed on November, 25, 2015).

fortunate from relative isolation, were the Pueblos, Navahos, Hopi, Apache and many Northwestern tribes.²⁵¹ Like the Capitan Grande Indians, these tribes practiced their religion well after the Dawes Act, and preserved the most important aspects of their traditions, despite U.S. assimilation policies.

From the mission period to the Dawes Act of 1887, when Indians lost 62 percent of all reservation lands, it is amazing the Kumeyaay nation is still here. Remarkably, most Kumeyaay were spared U.S. assimilation policies in land allotment and education. It takes little imagination to think the Kumeyaay of San Diego County could have disappeared or completely assimilated without a change of public opinion through Indian sympathizers like Helen Hunt Jackson, Kumeyaay leaders like Ramon Ames and Ventura Paipa, and the BIA attempting to redeem a poor track record. The Kumeyaay nation survived because of these efforts.

The momentum initiated during the 20th century from key personalities culminated in the passage of the California referendum, Proposition Five. This proposition was the most expensive in California's history and granted the Kumeyaay a monopoly in Southern California Class-III gaming. Fortunately, Proposition Five brought the people of Barona, Viejas, and Sycuan out of poverty. The overwhelming support from most registered voters in California was proof Indian sympathizers were no longer a minority.

In 2017, the United States has grown into an admirable nation and has changed its racist policies towards Indians. Deloria writes, "Among all the nations of the world

²⁵¹ Deloria, 241.

[compared to Australia, Canada, and Brazil] the United States has created the best record in dealing with aboriginal people.”²⁵² The United States has developed into a mature and responsible country and has redeemed itself through several successful native programs and legislative acts. Most of all, the Self-Determination Act of 1975 and the Indian Gaming Regulatory Act [IGRA] in 1988. The greatest thing the United States government has done in recent history for the Kumeyaay Nation was to grant them a monopoly on gaming in San Diego’s East County. Thanks to Congress passing the IGRA, and voters in California passing Proposition Five, many Kumeyaay are now living the American dream. I would not call it a just compensation for all that was lost, such as land, religion, political structure, and kinship relations, but I would call it a move in the right direction.

During an interview with the eldest member of Barona (Josephine “Sister” Romero) and her son Thorpe Romero, I asked them the question, “is the casino good or bad for the people of Barona?” Ms. Romero replied:

Now that it’s been over two decades, I have noticed the Indian community is beginning to realize how to manage their success and new social status. For so long the people of Barona were lower class and living off government subsidized houses and government food. In an instant, [in 1994] all this changed and the people of Barona went from lower class to upper class. However, even though they moved to the upper class, the casino was just a new form of welfare. The monthly per capita checks tribal members receive is just another form of welfare until they make success their own. Now, several tribal members are still mismanaging the casino money – namely the youth. However, there is a slow and steady movement towards education.²⁵³

²⁵² Deloria, 261.

²⁵³ Josephine “Sister” Romero, Interviewed by Ethan Banegas, Barona Reservation, December 5, 2015.

Thorpe Romero added the following comment to his mother's statement:

When the people of Barona first came here in 1932, they survived because they were very cooperative. They would barter for different vegetables and help each other plant, harvest, and tend another's cattle. Young people today think life was hard in the beginning but they [our ancestor's] didn't see it that way. They just realized they needed each other and everyone did what was necessary to survive. You never knew when you were going to need help so you would not turn anybody away. With the success of the casino, it seems many of the old ways are deteriorating. What was once a united group of people is now divided. People are forgetting that we are a tribe first and owner of a casino second. We owe a great debt to our ancestors because the success we have today is the result of their sacrifices. We are living on borrowed time.²⁵⁴

Sister Romero and her son Thorpe Romero make some interesting points about the challenges facing the Kumeyaay today. For instance, Mrs. Romero believes casino revenue might be another form of welfare, and Mr. Romero is concerned about the youth losing our "old ways." What Mr. Romero is referring to when he states, "it seems many of the old ways are deteriorating," is the complexities of modern life threatening traditional values. Like the anti-removal and pro-removal factions during forced removal of Capitan Grande, contemporary problems come from traditional versus assimilation factions.

In addition to addressing socioeconomic deficits in infrastructure, economics, health, and education, many of today's tribal communities are challenged by modernity. To remedy this problem, tribes need to build institutions as if they were nation-states. This involves developing more sophisticated political systems and institutes of higher education based on Kumeyaay traditions and customs. Anthony Parades said it best when

²⁵⁴ Thorpe Romero, Interviewed by Ethan Banegas, Barona Reservation, December 5, 2015.

he wrote, “only by mastering certain “white” institutions [will] Indians...survive as distinct people.”²⁵⁵

The most avid critics of Indian gaming, like Donald Trump and Donald Mitchell, who question the constitutionality of the Indian Gaming Regulatory Act, almost never mention the consequences of historical trauma. They certainly would not claim revenue heals historical trauma. Mitchell believes, for instance, that emotional appeals to Indian substandard living conditions were used to dupe voters to pass Proposition Five in California.²⁵⁶ Such a comment is ignorant at best, and insensitive at worst.

Empirical data proves historical trauma is a reality. Huge deficits in almost every socioeconomic indicator, from infrastructure to economics, to health and education are undeniable in study after study. The most significant socioeconomic indicator across all 562 tribes across America, is poverty. In the landmark case, *Barona v Duffy*, the court decides in favor gaming because:

Finally, the stated purpose of the tribal bingo ordinance is to collect money for the support of programs to promote the health, education and general welfare for the Barona Tribe. This intent to better the Indian community is as worthy as the other charitable purposes to which bingo proceeds are lawfully authorized under the California State.²⁵⁷

²⁵⁵ Anthony J. Paredes, “Paradoxes of Modernism and Indianness in the Southeast,” *American Indian Quarterly* 19, no. 3 (Summer 1995): 341. <http://www.jstor.org/stable/1185595>.

²⁵⁶ Mitchell, 242.

²⁵⁷ *Barona Group of the Capitan Grande Band of Mission Indians v. Duffy*, 694 F.2d 1185, 1090 (9th Cir.1982). *Barona*, 694 F.2d

Mitchell also believes Indian gaming only benefits a small majority, which is true in South Dakota. However, Mitchell does not mention the RSTF fund in California, which disperses gaming revenue to *all* 90 non-gaming tribes throughout the state. To a greater or lesser degree, gaming revenue has addressed historical trauma in Californian tribes, and Indian communities have used income from casinos to develop infrastructure, economics, health, and education. If self-determination trends continue, it will take twenty years of sustained economic growth on reservations to equal other races.²⁵⁸

There is consensus among scholars that have studied Indian gaming that revenue addresses centuries of socioeconomic deficits. They mention the economic implications of gaming revenue on physical infrastructure such as housing, police, fire, emergency services, roads, school construction, hotels, outlet malls, retail business, banking, and commercial real estate. Scholars also mention gaming revenue allows tribes to develop social services such as health, education and college scholarships, elder and foster care, financial literacy, and treatment programs.²⁵⁹ Lastly, scholars mention gaming revenue has had a significant impact on the revitalization of indigenous culture through museums, language retention/revitalization programs, artifact repatriation, land base re-acquisition, and reacquisition of ceremonial grounds.²⁶⁰

Many scholars mention the physical implications of gaming revenue. However, few scholars mention how gaming revenue addresses the metaphysical void in Native communities. Eduardo Duran and Vine Deloria, both mention how a loss of spirituality

²⁵⁸ Kalt, et al., 112.

²⁵⁹ Taylor, Krepps, and Wang, 11.

²⁶⁰ Akee, Spilde, and Taylor, 196.

was the beginning of historical trauma for Indian communities, and they have the strongest arguments for renewing indigenous religious practices.

The Kumeyaay currently practice only a portion of their religious traditions and evidence of this is best seen at events such as funerals. They still practice their ancient clothes burning ceremony at the death of a tribal member, in which it is probably the most powerful event left in the tradition. At the death of a tribal member, a pit is dug about twenty feet deep and twenty feet wide and most of the deceased's valuables are burned in front of the tribe. While the dead one's possessions are burned, the people mourn for their loved one and they listen to their bird songs. The bird songs are usually sung by older men and some younger boys and are probably the second most powerful aspect of the Kumeyaay tradition. The bird songs are unique when compared to other Native American tribes and, instead of using a drum, the Kumeyaay use a rattle from the gourd plant.

The one thing the Kumeyaay have that is essential to recovering some type of spiritual life is proximity to sacred land. Most of their sacred sites are on mountain peaks, like the Kuuchamaa, Tecate Peak, Wee'ishpa, Signal Mountain, and Viejas Mountain. For the Kumeyaay to truly heal historical trauma, they must utilize sacred sites and attempt to establish new revelations. This will also include the recovery of the Kumeyaay language, development of spiritual leaders, reestablishment of the sweat lodge, the Karuk ceremony, the eagle dance ceremony, and the traditional Kumeyaay cremation.

The Kumeyaay have enough information to recover up to approximately forty percent of their religion. This forty percent, along with new revelations from ceremonies

at sacred sites, could perhaps revive a very lively and helpful Kumeyaay religion. These metaphysical efforts, along with improvements in infrastructure, economics, health, and education, could repair historical trauma on unprecedented levels. Furthermore, if the Kumeyaay accomplish such a goal, they could become role models and lead the way for other tribes trying to heal from historical trauma.

Against this backdrop, the Kumeyaay nation needs help from universities, institutions, and local-state-federal governments.

Appendix 1

The Death Ceremony

Burial sites were not part of the Kumeyaay tradition and reflect the influence of the Spanish. About a decade ago, the people of Sycuan removed crosses from their graveyard and had a cross burning ceremony in protest of adopting a foreign death ceremony.

Traditionally, the local medicine man would take the body to a hill and cremate the body - placing the corpse on top of an 8x8 pile of logs and wood. This pile had to be a significant size so the cremation would be absolute. Inside the pile of wood, you would burn all their cloths and belongings as well. Once the cremation was complete you would bury the ashes in a secret place and typically only the family knew where the ashes were buried. The Kumeyaay believed that when a person died the deceased had one year to wrap up their spiritual “to-do” list. This entailed the deceased visiting those in mourning.

The Kumeyaay still practice the clothes burning ceremony today, but they do not burn everyone’s possessions. In the old days, you burned *everything*, including the deceased home so they would have these things ‘on the other side.’ This is best considered using the phrase ‘air mail.’ See *Edward H. Davis Collection at the San Diego History Center*.

Appendix 2

The Karuk Ceremony

The Karuk ceremony was the Kumeyaay's main ceremony. There is little information about the Karuk ceremony because the Kumeyaay were suspect about people from the outside. For instance, the people of *Los Conejos* were very careful about what was written in books and did not want others to profit from their lives. When the last medicine man dies, the details of the Karuk ceremony will be lost forever.

The Karuk ceremony took place after four or five people died, which could be seven to ten years after a person's death. One of the reasons it took so long to have a Karuk ceremony was because it required a lot of surplus resources. When you wanted to have a Karuk ceremony the first thing you did was contact the medicine man, then he would contact his associates (often four people). In addition, you would ask friends and family to help with the ceremony and you would need enough food to feed a dozen people for several days. A Karuk doll was made of clay and clothed with the deceased cloths. They were 2½ feet tall and each doll was extremely specific - made in the image of the deceased. You can see in the Davis photographs, for instance, markings of a specific clan painted on the doll's face. This was to recognize what clan they came from.

Most of the time the Kumeyaay burned the doll, but sometimes they kept the doll for a specific reason. There is only one person alive who knows the Karuk ceremony and they live on the federally recognized tribe, Quechan, which is next to Yuma, Arizona.

See Edward H. Davis Collection at the San Diego History Center.

Appendix 3

The Eagle Ceremony

There were many eagle dancers before and it was passed down between relatives, usually from father to son. Once a Kumeyaay male was trained, they would sing the eagle song – and dance the eagle dance – with other trained eagle dancers. Often, one eagle dancer would begin the ceremony and the others would gather around to participate. They would dance in a circle and mimic an eagle with their bodies while blowing a ‘screeching’ whistle that sounded like an eagle. To prepare for the sacred eagle dance, eagle dancers would capture an eagle and prepare him for the ceremony. Then, they would feed the eagle something so it would die slowly. The eagle dancer would pin the eagle on the ground and dance around it in a circular motion while spinning. It was a true test for endurance and sometimes the eagle dancer would dance for an extremely long time to the point of exhaustion. (Sometimes, if the eagle did not die from poisoning they would choke the eagle to death.) After sacrificing the eagle, they would wrap him in a silk cloth, but before they would bury the eagle they would take the bone out of his wings to use it as a ceremonial eagle whistle. This whistle varied in length but averaged about six to seven inches, depending on the size of the eagle. They would also pluck the eagle’s feathers for future ceremonies. *See Edward H. Davis Collection at the San Diego History Center.*

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