

Gambling with Tradition: A look at the interdependence of the triangle ,casinos – land claims – identity’.

The present game to solve the Iroquois land claims in upstate New York by distributing of casino compacts serves as an example of how identity is affected by bargaining land for casino compacts. Iroquois traditionalists view the ‘land for casino’ proposals as betraying indigenous autonomy and difference.

As a first understanding approach to Iroquois ideological thinking, Sharon O’Brien addresses the significance of Indian land, stating “The importance of a territorial land base to Indian society cannot be overemphasized. For most indigenous societies the land is a unifying source – the land represents a home, a livelihood, a religion” (1985: 49). This statement points to the field of ethnic identity and implicitly recommends an examination of key Iroquois cultural symbols to explain how identity is affected. In order to analyse such key symbols, I will refer to Sherry Ortner’s distinction between ‘summarizing’ and ‘elaborating’ symbols¹ (Ortner 1979:92-98).

Governor Pataki’s Catskill plan

In the wake of September 11, which aggravated New York State’s financial problems, the state legislature approved Governor Pataki’s long-standing efforts to solve the Iroquois land claims by offering gambling compacts in the lucrative Catskills resort area. In this way, the IGRA² is not only used to ease the state’s budget deficit, but also to extinguish aboriginal land claims. This policy triggered a strategic game which the present Taddodaho³ believes works as a dividing factor, as did New York State’s old ‘divide and conquer’⁴ strategy (Wannamaker 2004; George-Kanentiio 2005; Karch 2005; Kates 2005). Since more tribes are

¹ Ortner describes these two kinds along a continuum of various symbols as ideal types at the two ends. Summarizing symbols embrace a complex system of ideas in a relatively undifferentiated way, which stands for the system as a whole. On the other side, elaborating symbols sorting out complex and undifferentiated ideas, working as models of how to think and how to behave (Ortner 1979:94-96).

² Indian Gaming Regulatory Act (25 U.S.C.A. §2701-2721).

³ Taddodaho is the title and office of the highest representative of the Six Nations (Mohawk, Oneida, Onondaga, Cayuga, Seneca, Tuscarora). His name derives from the story of the peacemaker who established the League of the Iroquois (L. Shenandoah 1994: 9-15). Sid Hill holds the current title, having succeeded Leon Shenandoah who died in 1996.

⁴ Lawrence M. Hauptman’s book “*Conspiracy of Interests. Iroquois Dispossession and the Rise of New York State*. Syracuse, NY: Syracuse University Press (1999).” provides documentary evidence of the state of New York’s treaty period from the 1780s until the first half of the 19th century: “In sum, Indian dispossession was not merely an unfortunate consequence of unexpected result of state transportation, land settlement, or defence policies, but an integral part of those policies.” (Ibid.:xvii). Federal Judge Mc Curn nevertheless rejected in his Cayuga decision the U.S argument that the state acted in bad faith because it pursued a divide and conquer strategy (McCurn 2001:96-97, 140).

willing to negotiate their land claims⁵ after legislative approval of three Indian casinos, Pataki proposed a law to open five casinos in the Catskills (Pérez-Pena and McKinley 2001; McAndrew 2005).

Graphic 1: Iroquois land claims

The game about future Catskill casinos involves a tangled web of tax and jurisdictional issues⁶ as well as too many interests and players.⁷ No wonder that it is far from ending. An editorial of a local Catskill newspaper describes how the Sullivan County people “are tired of Albany lawmakers, who three years after creating a law allowing for three casinos, have yet to make a single one a reality. They are tired of Indian tribes who can't agree between themselves [...] and who trust state and federal officials even less than we do. [...] We can't remember what we had for dinner yesterday, but we now remember names of Indian tribes.” (Lewis 2004) At least the last remark pointed to the educational aspect of the land claims.

The Two Row Wampum

The Iroquois traditionalists view the situation in a different manner. In their fight for self-determination, the Iroquois use an elaborating symbol to claim their sovereignty and protest state interference-in their affairs. According to Ortner, elaborating symbols make ideas “comprehensible to oneself, communicable to others, and translatable into orderly action.” (1979:94)

Today, Iroquois traditional chiefs and spokespeople refer to the ‘Two Row Wampum’ (*Guswenta*), apparently established in early colonial times as a mutual recognition of each other’s sovereignty (Hill 1992:149-159; Jemison 2000:149; LaFrance 2000:180; Lyons 1992:33-34; 2000:70; Powless 2000:21-24; George-Kanentiio 2003; Schein 2000:205). The white wampum in its entire length shows two parallel purple lines, which symbolically represent the European nations and the Iroquois. The different nations carry their culture, laws and traditions in their respective vessels - the Iroquois canoe and the European ship - which

⁵ Like the Cayuga, Oneida, Mohawk and Stockbridge-Munsee Band of Mohican nations.

⁶ Especially the U.S. Supreme Court decision of March 29, 2005, *City of Sherrill, NY v. Oneida Indian Nation of New York et al.*, 544 U.S. (2005), will have tremendous consequences on the future developments. In contrast to the Oneida Indian Nation’s beliefs and lower federal courts, Justice Ruth Bader Ginsburg supported by an 8 - 1 ruling decided that repurchased land of the Oneida Nation within the boundary of their land claims did not unilaterally revert to sovereign tribal status. This means that the supposedly strongest position of the New York Oneidas in this game experienced a drastic blow. Their in recent years acquired lands, including the location of their Turning Stone Resort and Casino, cannot be considered as reservation land anymore as well as sovereign and off limits to taxes.

⁷ For example, tribal traditional and non-traditional governments, federal authorities, state of New York, different counties, municipalities, casino developers, lobbyists and citizen groups.

timelessly travel down the river of life in the same direction, never crossing paths (Powless 2000:23; Hill 1992:156).

Richard Hill describes the Guswenta according to Cayuga Chief Jacob Thomas,⁸ deeply respected by the Six Nations as an authority in Iroquois culture, and Onondaga culture-bearer Huron Miller:

[...] The whiteman said, 'I confirm what you have said and this we shall always remember. What we do about our own ways of belief, we shall both respect having our own rights and power.' The Onkwehonweh⁹ replied, 'I have a canoe and you have a vessel with sails and this is what we shall do. I will put in my canoe my beliefs and laws. All my people will be in my canoe, your people in your vessel. We shall put these boats in the water and they shall always be parallel, as long as there is Mother Earth, this will be everlasting.' [...]

The Onkwehonweh called the wampum belt 'Guswhenta'. One of the two paths signifies the whiteman's laws and beliefs, and the other signifies the laws and beliefs of the Onkwehonweh. The white background signifies purity, good minds and peace, and they should not interfere with one another's views. [...] (Ibid.:154-156)

Graphic 2: Guswenta and Sir WJ seal

In 1989, Tadodaho Leon Shenandoah called the *Guswenta* „the Granddaddy of all, all the treaty belts“ (Schein 2000:192.) Contemporary oral tradition demonstrates an Iroquois view of autonomy, which they transmitted to the Dutch during the first negotiations.¹⁰

Present scholars confirm the fact that the Two Row's message of independence and sovereignty represents ancient principles of the Iroquois not challenged by the diplomatic reality of the European powers at the beginning of the 17th century (Venables 2000:107-108;

⁸ Chief Jacob Thomas (Dawenhethon), faithkeeper of the Cayuga, was 75 years old when he died in 1998. As a child, he attended longhouse ceremonies and spoke Cayuga, Onondaga and Mohawk fluently. (Thomas 1994:4; Foster 1995:101-102,112). "Chief Jacob Thomas not only knew the messages that accompanied various belts, he also had a detailed grasp of the procedures for conducting a council with White government officials." (Ibid.:101)

⁹ *Onkwehonweh* is the Iroquois' word for indigenous people.

¹⁰ Geier (1980:42) points out that early contact diplomacy led to mutual benefits whereby the Iroquois dealt on equal terms with the Europeans. Some Iroquois claim that the Two Row originated at the Tawagonshi agreement of 1613 (Powless 2000:21,30; Lyons 2000:70). Dr. L. G. Van Loon published a fragmentary text of ~~a~~ what he claimed was the Dutch's version in 1968. He explained that he received the small piece of parchment, which originally had been acquired by an Indian commissioner on the Mississauqa Reserve, on the Six Nations Reserve in southern Ontario. The connection between the Guswenta and the Van Loon parchment, whose authenticity Jennings (1995:158) calls "highly questionable" and in an article by Fenton, Gehring and Starna (New York History, October 1987) is described as a fake, is discussed by Hill (1992:149-159).

Muller 2004a:7). But some believe that it developed out of the Covenant Chain alliance,¹¹ which originated in 1677 at Albany (Muller 2004b:1-2), although the Treaty of Fort Albany of 24-25 September 1664 was an early precursor¹² (Williams and Nelson 1997:81,114).

Muller (2004a:6) quotes an 1870 speech by Chief John Smoke Johnson (Mohawk) of the Confederacy Council at Grand River, illustrating the first record of a Two Row-like message:

The Wampum having two men standing one at each end, represents the first meeting or treaty with the British Government. [...] They stand on their own rules, which they laid down, the British Government gave a check Wampum to confirm what the Six Nations had done in their rules and declarations. The marks worked on the wampum shows the British and Six Nations had united by treaty. They were each to have their own way; not hurting their customs or rules or regulations. If the Indian had his bark canoe, let him have it, let the British have his large vessels. ...¹³

The first belt's symbolic description of 'two men united by a line' obviously points to the Covenant Chain's principles of friendship and alliance, which confirms Muller's view (Ibid.:7-8) that a Two Row Wampum treaty may have evolved from the Covenant Chain into a life of its own "to assert Iroquois sovereignty, threatened by the encroaching Canadian and American states" (Muller 2004b:1-2).

Williams put it this way: "I think in the early days, when the Sailing Ship encroached less on the Canoe, it was less necessary to call upon the Two Row, and more useful to go to the Covenant Chain aspects of the relationship. Although they're all part of the same thing."¹⁴ He regards the symbolic illustrations of the sailing ship and a canoe, side by side, in the personal seal of Sir William Johnson, superintendent of Indian Affairs for the British Crown from 1756 to 1774, as the first recorded hint to the Guswenta. Besides those vessels, there is a

¹¹ The "Chain", the most famous metaphor of the treaty language (Fenton 1995:22), is still translated by elder Iroquois as "It binds their arms together." (Paul Williams to Harry Schüler [HS], email Oct. 11, 2004). Prior to the Covenant Chain, the Iroquois emphasized their treaty tradition beginning with an agreement of the Mohawk and the Dutch at Ft. Orange, symbolised by a rope, which was replaced by an iron chain denoting a stronger alliance in 1643. By 'Brightening the Chain', the Iroquois renewed the initial agreement with the English of New York in 1664, and the rest of the Confederacy also became involved. In 1677, the agreement was recorded as Covenant Chain for the first time (Jennings et. al. 1995:116-117,121).

¹² Williams and Nelson (1997:81) state that this treaty (1664) would have been the most likely time for the Two Row Wampum to have been exchanged, since its message of non-interference in the legal system of either party are reflected in the British documentary version. However, a British document confirming the belt itself does not exist.

¹³ Chief J. Smoke Johnson, The General Council of the Six Nations and Delegates from different Bands in Western and Eastern Canada June 10, 1870, The Spectator Office, Hamilton, Ontario, www.canadiana.org CIHM 05766, p. 9.

¹⁴ Paul Williams to HS, email Oct. 11, 2004.

pine tree, a pipe and a tepee-looking symbol, which is described as a council house within the 'obvious Covenant Chain' (Williams and Nelson 1997:113).

Today, the Iroquois fight for their self-determination since, according to the American government, they are still 'domestic dependent nations.'¹⁵ On the one hand, the 'Two Row Wampum', which is also a symbol of political importance in Canada,¹⁶ is used by the Iroquois to remind the federal government of their treaty obligations. The belt is carried by chiefs at the anniversary of the treaty of Canandaigua (1794), which is interpreted as "a treaty between two sovereigns – the Six Nations and the United States"¹⁷ (Venables 2000:87; Jemison and Schein 2000:148). On the other hand, the Two Row is used to counter the interference of New York State in their affairs. In 2003 and 2004, in the course of the still ongoing 'gambling with Indian land', the taxation issue once again heated up in New York State. As a result, the Onondagas and the St. Regis Mohawks started a newspaper campaign to set up toll booths at the entrances to their reservations, claiming that it is well within their rights as sovereign nations. Onondaga chief Virgil Thomas explained that they will "charge a fee for those who cross their territory" on Interstate 81 if New York State "tries to force the Onondaga Nation to collect taxes on the cigarettes" they sell (McAndrew 2003).

Yet, some tribes reached settlement agreements with Governor Pataki, allowing them to open casinos as long as they promised to provide the state with incomes from their businesses, which the state could use to recompense their land losses.¹⁸ Casino opponents view the effects of tax concessions as loss of sovereignty..

¹⁵In the second decision of the Marshall Trilogy (1823: Johnson v. McIntosh; 1831: Cherokee Nation v. Georgia; 1832: Worcester v. Georgia), which is the foundation of Indian Law, the trust relationship has been established for the "domestic, dependent nations.": "Their relation to the United States resembles that of a ward to his guardian." (Wilkinson 1988:122). This concept established congressional power over Indian affairs (Ibid.).

¹⁶In 1983, the cover of the "Penner Report" (after Keith Penner, the chairman of the House of Commons special committee on Indian Self-Government) was a painting by the Algonquin artist Leo Yerxa showing the two purple rows of the Two Row Wampum against a distant sunrise. The committee had recommended Indian Self Government according to the principles of the Guswenta (Williams and Nelson 1997:118)

¹⁷ Art. 2: The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga nations, in their respective treaties with the State of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them, or either of the Six Nations [...] in the free use and enjoyment thereof; [...] (Jemison and Schein 2000:296). In his third decision of the Trilogy, Chief Justice John Marshall pointed out that the tribes were sovereign entities and treated as nations by the United States. After the treaties they remained "distinct political communities, having territorial boundaries, within which their territory is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged, but guaranteed by the United States." (Wilkinson 1988:123). In light of the Marshall Trilogy, state law must be applied without violating tribal rights or federal authority and most aspects of tribal immunity from state laws are still in force (Ibid.).

¹⁸For example, The Wisconsin Oneidas and the Stockbridge-Munsee, both parties of the Oneida land claims, promised the state between 18 to 25 percent of the revenue from their future Catskills casinos. Additionally, they agreed to collect and remit all state and local taxes on retail goods and services sold on their Catskills properties. The New York Oneidas, who oppose any presence of out-of-state tribes in NY had to sign service agreements and to secure a tax parity agreement with the county, meaning they had to give up their competition advantage of cheaper prices to those of non-Indian retailers (Rinaldo 2004). Yet, the land claim agreement still

Paralleling the collision of casinos and land claims, contemporary oral tradition of the Two Row Wampum, refers to people who have one foot in the canoe and one in the sailing ship, or even hop from one vessel to another as expressed by George-Kanentiio (2003): “Native leaders now see no problem in standing up in the canoe and making a mad leap into the European ship. [...] enter into state gambling compacts whereby they cede critical elements of their sovereignty and agree to collect US and state taxes on their incomes. [...] The end for Native nations will come not because of military invasions or through formal treaty cessions but because our ‘leaders’ did not have the common sense to stay seated in their canoes.”

Handsome Lake’s teachings

Jake Thomas described how Iroquois ceremonies are carried out according to Handsome Lake’s teachings (called *Gaiwiiio*, the ‘Good Word’). Handsome Lake is regarded as the second Iroquois prophet after the Peacemaker, who had been sent by the Creator to transmit the ‘Great Law,’ called the League’s constitution,¹⁹ to end war between the nations. The messengers in Handsome Lake’s three visions “had come to him with a command from the Creator” (Graymont 1988:100²⁰) as well. His second vision related to social and moral reforms when, on Aug. 7, 1799, Handsome Lake was guided on a journey across heaven and hell, where he witnessed the punishment of the wicked. There, among other sadistic torments the punisher forced the card players to handle red-hot iron cards²¹ (Wallace 1970:245; Graymont 1988:101). Still today, the symbol of those gambling cards in Handsome Lake’s message implies the immoral nature of gambling according to the interpretation of traditionalists, who thereby oppose the operation of casinos.²² The late Jake Thomas

must be approved by the state Legislature and Congress and the history of broken deals since the start of the ‘Catskill casinos’ never-ending roller coaster’ as well as opposition of different sides do not offer much hope of realising that deal.

¹⁹ Interview of Harry Schüler (HS) with Jake Thomas, March 12, 1998.

²⁰ Graymont (1988:102) points out that during Handsome Lake’s lifetime the „Gaiwiiio“ was known at the “New Religion“ distinct of the “Old Religion“ and is today referred to as the “Old Religion” or “Longhouse Religion” as the faith of modern Iroquois traditionalists. In this context Venables adds, that “the issue is what the people believe from their own points of view. The Haudenosaunee believe that Longhouse is not a religion in the sense that it is ‘new’ or separate from the past. I prefer to make an analogy: it is like Martin Luther’s Reformation. It is also not the ‘Handsome Lake religion’ as many people have chosen to describe it any more than the Jewish faith is ‘Mose’s religion’.” (email Venables to HS, July 3, 2004).

²¹ “The punisher calls the men who like to play cards and failed to repent on earth. The punisher gave them a set of cards made of hot red metal. They sat down facing one another. Sparks began to fly while they played. They cried in agony, sucked their fingers until the flesh was eaten away and the meat fell off.“ (Thomas 1980:173) In this quotation, Thomas is referring to the Seneca version by Edward Cornplanter (Parker 1913:109) and the Onondaga version by George Van Every (1908:91a-h).

²² Interview of HS with Howard Thompson, faithkeeper of the Akwesasne longhouse, March 9, 1998.

elaborated further, describing how “the prophecies spoken in the Code of Handsome Lake pertain to events occurring today in our world.” (Thomas 1994:19)

It is no wonder that the most critics of the ‘casino for land deals’ exist where the Code of Handsome Lake is regularly recited.²³ Bob Antone, the spokesman of the land claim committee of the Canadian Oneidas, criticized a tentative agreement between the Wisconsin Oneidas and Governor Pataki: “In our last message in the teachings of Handsome Lake, one of the visions of the future he foretold was seeing our people walking this earth as if they were dead without a spirit, [...]. Those who would sell our Mother Earth walk among us without spirit and no heart for our original teachings.” Referring to the Wisconsin Oneida, he added: “Here was a Tribe agreeing to give everything away that has been held sacred by generations of Oneida People - the Land - Our Mother Earth - our Homelands, the place where the Creator placed our people.” (Antone 2005) ‘Land, Mother Earth and the Homelands’, symbols of the same semantic field are consistently mentioned in other similar citations when Iroquois traditionalists object to the land claim agreements which include casino deals.

The symbolism of ‘Mother Earth’

In his book, *Mother Earth: An American Story* (1987), Sam Gill found the first metaphorical mention of ‘Mother Earth’ in a speech of the Shawnee Tecumseh shortly before his death in 1812 (Feest 1998:56-58²⁴). Today, the symbol of Mother Earth is frequently associated with Indian custodians originating from the ecological movement of the sixties (Ibid.:39). However, the Native’s elevation to ‘ecological saints’ neglects the fact, that the small population of pre-Columbian north America, which is estimated between 6 and 10 million people, could not harm the ecological balance in the same way as the modern man. On most pre-contact Native land, nature offered an abundance of plant and animal life and a shifting lifestyle²⁵ avoided exploitation. Native North American material culture was biodegradable and they did not possess the technology which has caused today’s

²³ Elisabeth Tooker (1978:454) listed the longhouses of the Tonawanda, Cattaraugus and Allegany (Seneca reservations), Kahnawahke and St. Regis (Mohawk reservations), Onondaga reservation (near Syracuse, NY), Canadian Onondaga, Canadian Seneca, Upper and Lower Cayuga (Six Nations Reserve) and Canadian Oneida (Thames River, Ontario), but in the 1990s the Kanawake stopped to accept the teachings of Handsome Lake and the Wisconsin Oneida applied for admission to the ‘Trail of Gaiwii’ (Interview of HS with Howard Thompson and Joyce Mitchell, Mohawk Nation, March 9, 1998).

²⁴ Feest refers to: Gill, Sam (1987). *Mother Earth: An American Story*. Chicago: The University of Chicago Press.

²⁵ In their land use, the Iroquois practiced ‘shifting cultivation’ and ‘swidden agriculture’ (also known as slash and burn agriculture). This means that they shifted to a new location, clearing and burning off another area for the cultivation of their ‘three sisters’ (corn, beans and squash) after the previous soil was exhausted of nutrients (Starna 1988:15).

environmental problems. Frequent taboos and other religious prescriptions also prohibited over-hunting (Gerber 1988:235, 237-238, Bolz 1994:48, 52²⁶). For the agricultural Iroquois tribes, the earth was regarded as a spiritual being and referred to as mother,²⁷ although not in the sense of a personalized divinity since she can not mentally control her actions (Feest 1998:55, 58, 86). According to Iroquois beliefs, she, like all other natural beings and phenomena such as plants, animals, rocks, the sky, thunder or the darkness, possesses a spirit or soul, whose power is named ‘orenda.’²⁸ The relationship between humans and the natural beings was defined by a different degree of orenda and humans attempted to acquire orenda by various means such as presents, offerings, praise, flattery and reverence according to specific rituals and ceremonies (Hewitt 1963:33-41; Feest 1998:78-79).

In their annual cycle of the Major Ceremonies we find ceremonies for the three sisters (corn, beans and squash), strawberries, the thunder, sun and moon. Even if the Iroquois do not depend on their agricultural lifestyle anymore, the spiritual importance of their ceremonies continues to exist. Their Thanksgiving Address, referred to as ‘The Words before all Else,’ is recited at the beginning and end of each ceremony,²⁹ before opening any council within the Confederacy or with other nations, as a greeting and as a salutation for every day and as a daily recitation in Haudenosaunee schools. There is a certain order of delivering the speech beginning with those beings on the ground itself and concluding with those floating in the sky (Tooker 1970:8-9, 16, 25; Foster 1985:114n27; Williams and Nelson 1997:2; Fox 2003:34-37; Hlebowicz 2004:12, 15).

Graphic 3: Thanksgiving Address

Jake Thomas, who detailed the different sections of the Thanksgiving Address in the above chart, especially emphasized ‘Mother Earth’: “We do a lot of speeches like honoring the creator, honoring Mother Earth. [...] Just like our ancestors had made communication with

²⁶ Bolz refers to the hunting ethics of sub-arctic regions and Gerber describes the spiritual-religious relationship of humans and fishes along the Northwest Coast.

²⁷ The metaphorical use of kinship terminology reflects the importance of kinship relations of the North American Indians and also suggests rightful behavior towards the designated addressee (Feest 1998: 86).

²⁸ In his work, Gerber (1988:221-222) refers to spirit as a supernatural being containing a specific share of an all-encompassing power. On her CD “Orenda”, the Oneida singersongwriter Joanne Shenandoah explains orenda as an Iroquois word meaning “the soul of all things.” (J. Shenandoah 1998).

²⁹ The differences among the ceremonies are created by the rites between the Thanksgiving speeches, which are composed from an Iroquois repertoire of songs, dances and games (Tooker 1970:25).

Mother Earth and all the different things in nature. We can communicate with we do call the secret Indian tobacco.”³⁰

The association of Mother Earth with ceremonies, ancestors and homelands is often made by people that live away from their ancestral territory and/or have an interest in the land claims proceedings. Such people talk about their unique relationship with Mother Earth (Hlebowicz 2004:12³¹), mention that they knew of the land claims since childhood,³² indicate a direct relationship to their far-removed homeland through their ancestors,³³ and some Canadian and Wisconsin Oneidas expressed immense emotions on a June 1994 journey to their homelands.³⁴ The returning Oneidas described encountering a “healing process and finding identity,” as well as “the presence of ancestors and spirits” and a feeling of belonging. Eagerly, they spoke of the hope to “come back home” (Powless et. al. 1995³⁵).

Bernadette Hill, Heron clanmother of the Cayuga Nation of New York,³⁶ which is without a land base in the state, also points out that casino gambling contradicts Cayuga beliefs and emphasizes the link between ‘ancestors, homeland, Mother Earth and ceremonies’ (Rapp 2004; S.H.A.R.E. 2001):

“Our ancestors lived around this lake [...] I have a desire to have all of our people return to our homeland and live the way we were meant to live and to care for Mother Earth [...]. Only a very few know our Native tongue. [...] Our ceremonies have been lost. We have had to

³⁰ Interview of HS with Jake Thomas, March 12, 1998.

³¹ Interview of B. Hlebowicz. with Forrest Brooks, Sept. 9, 2002

³² “As far back as I can remember, the older people were talking about it. That someday, hopefully, our chiefs would get back the land that was taken. [...] I don’t like call it a land claim. I call it land rights.” (A. Shenandoah 2000).” After the Onondaga claim was filed in 2005, the 78-year-old clan mother said: “In some ways, it feels like a culmination of all these generations of people. I have seen tears for the elders . . . Some of them would say, ‘I wonder if this will ever happen?’ ” (O’Brien and Weiner 2005)

³³ “I heard so much about the land claims when I grew up.[...] The majority of tribal members recognize, even though we don’t have a direct relationship with the land in NY, we do through our ancestors have a direct relationship that way.” (Interview of HS with Amelia Cornelius, August 20, 2001).

³⁴ Two hundred Wisconsin and Canadian Oneidas jointly went on a bus trip to the land of their ancestors, whose exodus took place 1820-1845. Their journey demonstrated their attachment to their homeland and also may have been motivated since their common land claims negotiations with the New York Oneida broke down in 1993 after they opened the first casino in the state of New York.

³⁵ Harry Doxtater (HD), Chief of the Oneida Nation of the Thames Council, Ontario, who did not partake in the journey, described the sentiment of one woman: “One lady was telling me, that she walked through a certain park over there, she just felt something within her, that said: ‘I have to come back here, this is my home.’, she said. Something was there, that she realized, that this is where I come from. So, if there was an opportunity for her to get her a piece of property over there, I know she would go back.” (Interview of HS with HD, Aug. 29, 2001)

³⁶ Leaders of the Cayuga Indian Nation of New York, who negotiated a casino and land claim deal with the state in 2004, call Hill the leader of a small dissident group which is challenging their authority. The nation is without a condoled chief ever since the death of Vernon Isaac in July 2003. Vernon’s brother, Chester Isaac, considers himself the legitimate successor after his appointment to the council. Initially, he promised not to block the casino deal but then aligned with Hill for traditional reasons. The ongoing power struggle for Cayuga leadership involves Clint Halftown, the BIA recognized leader on one side, who voided a casino and land claims settlement negotiated with Pataki and Gary Wheeler and Timothy Twoguns on the other, who support the casino-land claims deal (Rapp 2004, 2005).

participate in other Long House ceremonies on other Territories. To return home will mean having our own Cayuga ceremonies once again.” (Ibid.)

Today, even if the land doesn’t necessarily provide the material basis for Haudenosaunee life, their homeland is associated with mythology,³⁷ ancestors and cultural life. The continuity of ceremonies with the ever-present ‘Thanksgiving Address,’ devoted to the creator and nature keeps their cultural memory alive. In this context, the former Taddodaho, Leon Shenandoah, refers to the ideology of the Thanksgiving Address, asserting that his people are custodians of ‘Mother Earth’: “We give thanks to everything that the creator left here on Mother Earth. [...] It’s our obligation to thank for everything. Therefore, I sometimes like to say that it is our duty to be custodians of the land.”³⁸ (L. Shenandoah 1996:72)

Shenandoah’s successor, Sid Hill, described similar concern for Mother Earth in reference to the Onondaga claim³⁹: “Our concern is for the water, the land, the air. They are not well. It is the duty of the nation's leaders to work for a healing of this land, to protect it, and to pass it on to future generations.” (Kates 2005) In filing their claim, the Onondagas want to force New York to clean up environmental damage in the claim area, especially at Onondaga Lake. They consider Onondaga Lake to be sacred ground because the Haudenosaunee Confederacy was founded on the lake’s shores. “That’s our cathedral, right there,” Hill said (McAndrew 2005) and also repeated the Onondaga leaders’ opposition to casinos: “It is New York's strategy to split us up, ‘divide and conquer’. You can see the casino deals are splitting nations.” (Kates 2005).

In conclusion, when traditionalists speak about the sale of ‘their Mother Earth’ for casino benefits, they use Mother Earth as a sacred symbol of reverence, that is “summing up, expressing, representing for them in an emotionally powerful and relatively undifferentiated

³⁷ “Our Mother Earth - our Homelands, the place where the Creator placed our people.” (Antone 2005)

³⁸ Bob Antone, representative of the Haudenosaunee Confederacy, made this statement to Mr. Penner, the chairman of The Special Committee on Indian Self-Government in Canada, on June 1, 1983, as well. He explained the meaning of the Thanksgiving Address, that opened the presentation of the Haudenosaunee committee: “[...] Then we mention the ground we walk on, our sacred Mother Earth, the importance of what the Creator has given to our people, to acknowledge the very basic things here -- and we have been given the mandate to look after these things. So we look to the earth as a sacred mother who holds everything in the palm of her hand to give us things so that every day and every night our families are in good health. So at this time we will bring our own minds together and give a thanksgiving to our mother the earth” (Williams and Nelson 1997:245)

³⁹ On March 11, 2005, the Onondaga filed their land claims as the last of the original Iroquois nations. The Onondaga leaders first came to an unanimous agreement to take their different approach. Oren Lyons, Onondaga faithkeeper, explained that some of the chiefs did not want to sue until last year. Unlike other land claims, they will not sue individual property owners. Instead, the Onondaga want to help the people of the city of Syracuse, which is located in the disputed territory. They want to make it a healthier place to live (McAndrew 2005), a claim that New York’s Assemblyman William Magee did not comprehend: “They don’t want a casino. They don’t want land? What do they want?” (Breidenbach 2005)

way, what the system means to them.” (Ortner 1979: 94). Such traditionalists associate Mother earth with their ongoing ceremonies, their homeland, ancestors and mythology, as well as their ‘accepted duty’ as custodians of the land.⁴⁰ In this way, they view land for casino deals as a betrayal of their teachings and their ancestors, since a spiritual good is offered in exchange for something that is not in accordance with religious beliefs and further weakens their political status.⁴¹

The Iroquois ‘Mother Earth’ is a catalyst of emotion similar to the summarizing symbol of the American flag, which stands for “democracy, free enterprise, hard work, competition, progress, national superiority and freedom”⁴² (Ortner 1979: 94). The ‘American flag’ is a patriotic symbol for many Americans in the same way as ‘Mother Earth’ became a traditional one for many Iroquois and, together with the Two Row Wampum, remains a powerful tool in today’s land claims/casino controversy.

Longhouse Identity

The Tuscarora artist Jolene Rickard, in her photographic installation challenges contemporary Iroquois with an identity decision: “One square foot of earth or one square foot of Real estate – you decide” (Kasprzycki and Stambrau 2003:77)

Graphic 4: Rickard

Rickard’s call on the Iroquois to argue their side meets the diffuse borderline of differences, where economic development clashes with traditional mores, symbolically speaking where ‘Mother Earth’ meets ‘Stars and Stripes’. This borderline runs down the middle of the Longhouse, existing in Two Worlds; the world of the dominating society and the world of the

⁴⁰ In one of his columns, George-Kanentiio (2000) wrote a list on how to prove if US electoral candidates’ relationship with the natural world met the Iroquois standards. He explained the importance of the Thanksgiving Address and pointed out “that traditional Iroquois law requires the leadership to consider the ramifications of their actions on the children yet unborn; that our descendants have a right to breathe clean air, drink pure water and derive their food from fertile soils.” (Ibid.)

⁴¹ In his short analysis of Vine Deloria’s book, *God is Red* (1973), Feest states that Deloria’s general characterization of Indian religions with their inherent view of the sacredness of land, offered a land claims strategy that could refer to the freedom of religion. The indigenous symbol of ‘sacred Mother Earth’ is as old as the land conflicts and is used as a political statement against the capitalistic use of land as a commodity (Feest 1998:36-40,59). Iroquois traditionalists do not have to apply Deloria’s arguments regarding the sacredness of land in court since they have solid land claims confirmed by treaties and legislation. They therefore use the symbol of ‘sacred Mother Earth’ to counteract the exchange of land for casinos by their land negotiators and non-traditional governments.

⁴² Presently, ‘freedom’ is the dominant term in American politics of identity. In an always changing context, President Bush mentioned ‘freedom’ 47 times in 19 minutes in his second inauguration speech (Günther 2005).

traditional Haudenosaunee⁴³. Yet, the personal Haudenosaunee identity is exchangeable, meaning it exists on both sides of the assumed borderline of differences. Joanne Nagel points out that the construction of ethnic identity⁴⁴ is a “dialectic played out by ethnic groups and the larger society.[...] Ethnicity is also constructed by external social, economic, and political processes and actors as they shape and reshape ethnic categories and definitions” (Nagel 1994:52).

Graphic 5: Identity

Haudenosaunee members, like other Indian peoples today, reflect the same sort of religious, cultural and personal diversity as the multi-cultural society that surrounds them. There may be Longhouse people, Christian worshippers, or both, but they are still Mohawk, Oneida, Onondaga, Cayuga or Seneca within their communities and even according to outside opinion, providing they fulfil the required blood quantum and genealogical criteria.

This reality of a mixed people certainly does not conform to traditional philosophies which see land, culture and government as mutually dependant, with traditional teachings as the basis (Taiaiake 1999:2,4). Audra Simpson as a 29 year-old Mohawk graduate student in anthropology emphasized the link between tradition and land claims: “[...] We cannot have just any culture; it has to be traditional culture [...] Our very sovereignty – in the European sense – depends on it, as we must continually prove our difference in order to have our rights respected. We see this with land-claims cases [...]. Traditionalism [...] is the basis of our claim to difference, and difference is tied to sovereignty.” (Ibid.:66)

It is no wonder that with the history of Iroquois factionalism, mainly triggered by colonization and relocation, will continue by New York’s ongoing contribution to split up the Iroquois. New powerful leaders of “casino nations,” such as Ray Halbritter of the New York

⁴³ Mohawk Artist Katsitsionni Fox: “My recent work [Mixed-media installation ‘Path of Reflection’] expresses my dilemma of existing in two worlds, the Western world and the traditional Native world. I am often torn between these two realms I live in and escape to sacred spaces, whether they be physical places or places within my mind.” (Kasprzycki and Stambrau 2003:61)

⁴⁴ ‘Ethnicity’ is often used synonymously with ‘ethnic identity’. ‘Ethnicity’ formerly was seen as a structural concept (objective) and ‘ethnic identity’ as a cognitive concept (subjective). Barth in his classic work *Ethnic groups and boundaries* (1969) defines “ethnicity” as the interactions of both concepts, which work as a form of social classification established by images of ‘self’ vs. ‘other’ (in this context ‘native’ vs. ‘American culture’) constructing symbolic boundaries. Today, a clearer structural approach to the variety of theoretical models exists in applying ‘primordial theories’ and ‘instrumental/situational’ theories. Elements of primordial theories are territorial closeness, origin, religion, social practices ..., the assumed ‘givens’ a culture is inevitably involved with. Instrumental theories look at ethnicity as a resource to which a group or individuals refer to achieve a common goal by a desirable cooperation. It follows that ‘the ancestral land’ (also the land claims) of the Iroquois are a primordial element of ‘ethnicity’, which also is used instrumentally (Banks 1996:35; Barth 1969:11-15; Hirschberg 1988:126-127; Royce 1982; Thompson 1989:58-59).

Oneida, acknowledge a “break with past practices”⁴⁵ and view “economic power as the crux of sovereignty and political power. Halbritter understands economic power as “the real power that is necessary to make change and to empower oneself. It is the means to reach the ends of sovereignty.” Looking back, he explained: “We could not claim to be truly sovereign and yet remain dependant on others.” (Porter 1998:864⁴⁶).

Jerry Hill⁴⁷, an expert in American Indian politics, on the one hand acknowledges the benefits of casino money for cultural and language programs⁴⁸ (Hill 2001:38-40), but on the other he does not want to see the Oneida land claims resolved for identity reasons, because “the force of the agreement is really based on how much the other side can interfere in what you’re doing” and he thinks that there never will be a satisfying settlement to all parties⁴⁹. Also the outcome of any court decision might not fulfil the hopes deriving from the old stories of the stolen land, which were told to generations of children. Yet, by “that tradition” the land claims “intertwined with cultural identity”, the Tadodaho explained (Kirst 2005).

Perhaps a decade or maybe two and the land claims will be gone - those claims that many disparate Iroquois members kept linked and contributed to their tribal identity.

⁴⁵ After the first Iroquois nation’s casino contract signed by Gov. Cuomo“ following a one-hour leader-to-leader meeting with Halbritter on April 14.” (Oneida Indian Nation of New York 1993:1), the Iroquois Grand Council of Chiefs tried to undo the compact and oust Halbritter as nation representative for exceeding his authority. Halbritter, who characterized the Grand Council’s meeting as “kangaroo court” (Gonzalez 1993 a,b), stayed in power as the Oneidas’ Chief Executive and in March 1995 initiated casino plans on the former Monticello Raceway in the Catskills. In light of the Pataki administration’s forthcoming casino offer in return for settlement of the land claims, Ray Halbritter „would not rule out dropping or reducing land claims in exchange for the opportunity to open casinos off Indian reservation land.“ (AP 1996a,b).

⁴⁶ Porter quotes from: Ray Halbritter and Steven Paul McSloy (1994). *Empowerment or Dependence? The Practical Value and Meaning of Native American Sovereignty*, 26 N.Y.U.J. International Law and Pol.:560-565.

⁴⁷ Jerry Hill was on the land claims commission of the Wisconsin Oneida and their chief counsel until June 2000. He has long been active in American Indian politics nationwide, was president of the American Indian Lawyers Association and is president of the Indigenous Language Institute.

⁴⁸ „Some tribes are able to give their language teachers better stipends and recognition and create opportunities for them that weren’t possible before. [...] The truth is, Native languages probably cannot survive without adequate funding, [...]. But, money cannot do certain things, like replace speakers,” Hill says (Hill 2001:38-39)

⁴⁹ “If I was God and had my way I would say: “Don’t settle this!”, Because your claim and identity is stronger by having the claim than it is when they settle it and you take the money. Then, it’s legally done with. And I think when it’s legally done with, also an important part of our identity will also be done with. And, you know, if there is an attachment to the land then, that’s one of the ways you can keep it. There may be some enlightened time in the future. At least theoretically in which the government and the citizens would realize that the land was taken unlawfully”. (Interview of HS with Jerry Hill, August 22, 2001)

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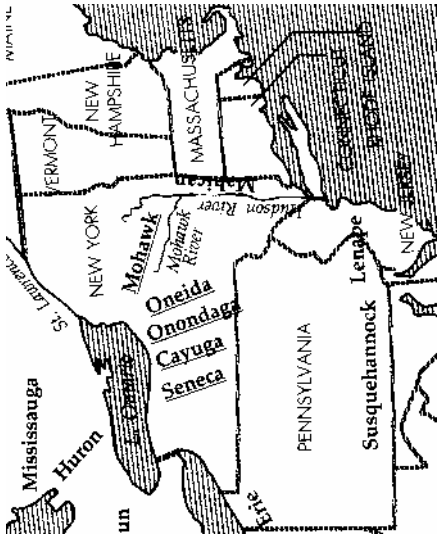
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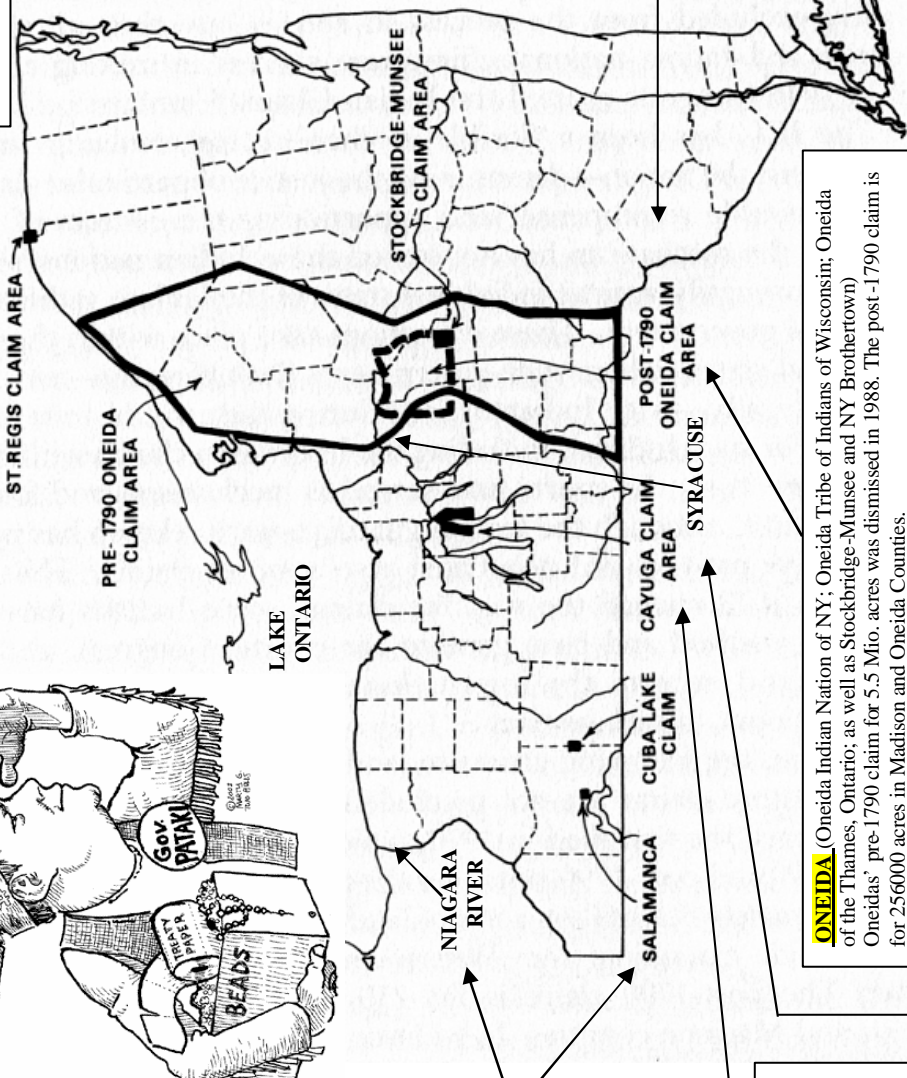


Indian land claims in New York State

MOHAWK
 Claim for 12000 acres in Franklin and St. Lawrence Counties as well as three islands in the St. Lawrence River.
 Possible settlement involves a Catskill casino compact in Monticello (partner: Caesars Entertainment)

STOCKBRIDGE-MUNSEE (reservation in Bowler, WI)
 Claim to six square miles in Madison and Oneida Counties (trad. Oneida territory).
 Possible settlement for dropping their claim involves a Catskill casino compact in Bridgeville (partner: Trading Cove Associates)

Catskills
 (Monticello)



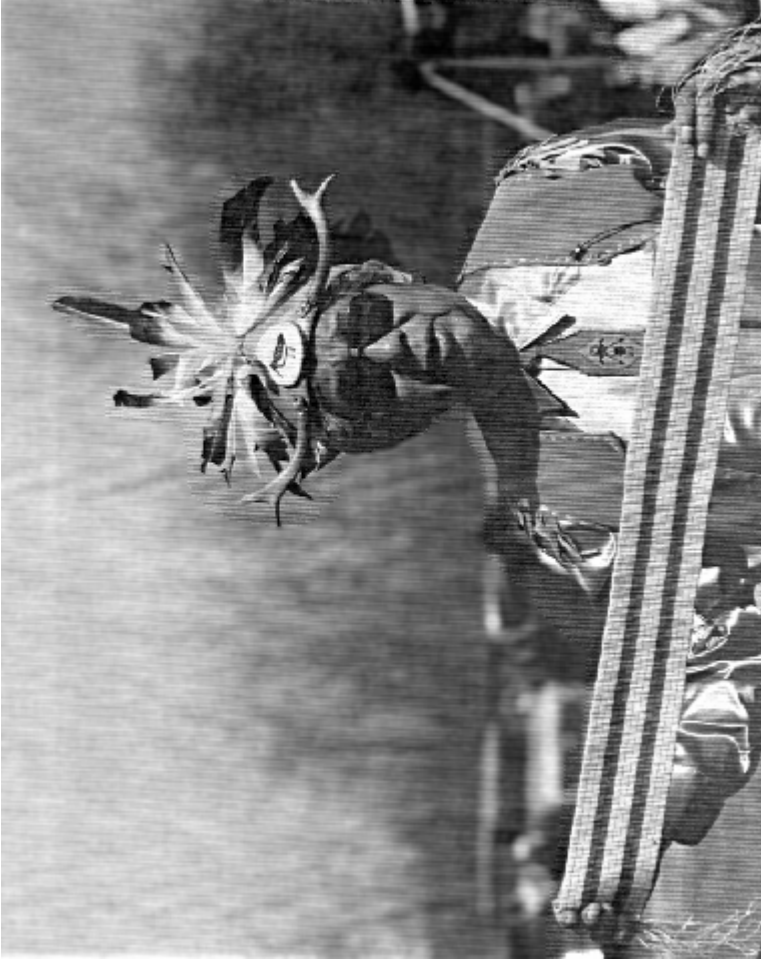
ONEIDA (Oneida Indian Nation of NY; Oneida Tribe of Indians of Wisconsin; Oneida of the Thames, Ontario; as well as Stockbridge-Munsee and NY Brothertown)
 Oneidas' pre-1790 claim for 5.5 Mio. acres was dismissed in 1988. The post-1790 claim is for 256000 acres in Madison and Oneida Counties.
 As part of a settlement, the Wisconsin Oneidas and the Stockbridge-Munsee promised the state up to 25 percent of the revenues from their future Catskills casinos and agreed to collect state and local taxes on goods and services sold on their Catskills properties.
 The New York Oneidas oppose any presence of out-of-state tribes in NY.

SENECA
 Claim for 50 acres around Cuba Lake in Allegany County, 19000 acres on Grand Island, plus other islands in the Niagara River.
 In 1998 the Cuba Lake claim was ruled legally and in 2004 that the Senecas do not own Grand Island (will be appealed).
 In 2001, they were allowed three casinos without addressing land claims. Two casinos (Niagara and Allegany casinos) are realised, the third in Erie county remains in dispute. They are also interested in a casino anywhere in the Catskills.

CAYUGA (Cay. Ind. Nation of NY, Seneca-Cayuga Tribe of Okl)
 Claim for 64000 acres in Cayuga and Seneca counties. In 2001, both parties of the claim were awarded \$ 247.9 million (appealed by Cayugas and the state).
 Possible settlement would both allow a Catskill casino in Monticello (partner: Empire Resorts). As part of the deal, the Sen-Cay. would pay the state up to \$ 350 Mio., which Pataki would use to pay the NY Cay. up to \$ 150 Mio.

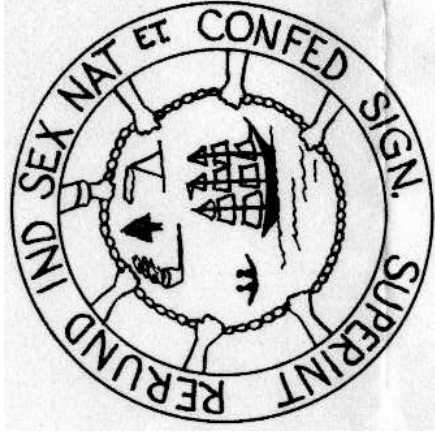
ONONDAGA Claim for appr. 4000 square miles from Thousand Islands to Pennsylvania includes nearly all of Syracuse. They hope for a favourable ruling to compel NY to clean up environmental problems in the claim area (especially Onondaga Lake) as part of any settlement, that also would allow to purchase land to expand its reservation. The Onondagas oppose gambling.

¹ sources: Graymont (1988); Vecsey und Starna (1988); Indian Country Today (2002); Syracuse Post-Standard, Utica Observer Dispatch (2005); draft: Harry Schueler



Chief Jacob Thomas holding a replica of the Two Row Wampum

Source: *Wampum: Beads Tell the Story*
(www.nfobase.com/html/wampum_beads_tell_the_story.html)



The Seal of Sir William Johnson of 1756

Original by Rufus A. Grider.

Reprinted in James Sullivan (ed.). *The Papers of Sir William Johnson*, 14 Vols.
(Albany: University of the State of New York, 1921-65): Vol. 13, p. 98.

Thanksgiving Address

Tape A
Side 1 only
Thanksgiving Address

Creator
Ganōhē:nyōh
ohēōh gal'hwōde'gwj?

Shōgwāyō'riisa:!

Four
Hāssān-
gōus
Handsome
Lāre

Gayēh nyōhgwē'da:ge? S'anyōdāihyo?

C-Jacu-
Lāzion
ōs Auk

Thunder

Our
Eldōn Eū
Kōōōōō,
Sun

Our
Grac-
mōōōō,
Moon

Stars

De'yōhgwē:wē:ye? Eth'isō:dar? Shekwaj'i:yo? Eth'isō:dar? Mēni:dar?

ŋj'is'ta:nō'gwaa:ē'nyōh

People
Our
Mōōōh,
Earth

Grass

Hang'ing
Fruit

Shrub

Forest

Water

Animals

Birds

Swat-
ance

ō:gwē? ōhē'ya:ge? ŋōē:nō'gē:ni

Wh'yōyōh:tar? ŋōōōō:nyōhē:

ōōōō:nyōh

ōōōō:yo?

Dyōhē'gwēh

ōōōō:de:dyōh

ōōōō:nyōhē:dyes



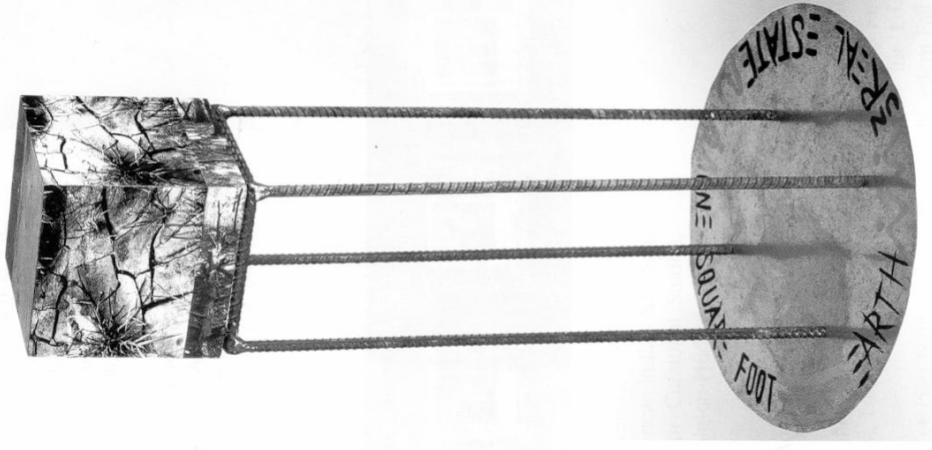
Source: Jacob E. Thomas (1986). Graphic Thanksgiving Speech of workshop # 1 for Onondaga language (referring to tape A, side 1). Library of Yvonne and Jacob Thomas.

Howard Elijah (Secretary of traditional teachings of Thames Oneida) in front of a picture depicting traditional teachings in the "Tsi Niyukwāliho:t'" log-school photo: Harry Schueler

Harry Schueler, AIW 2005

Jolene Rickard (Tuscarora), born 1956:

“Land and Indian, it’s a cliché – or that’s what a sharp cultural theorist would quip.

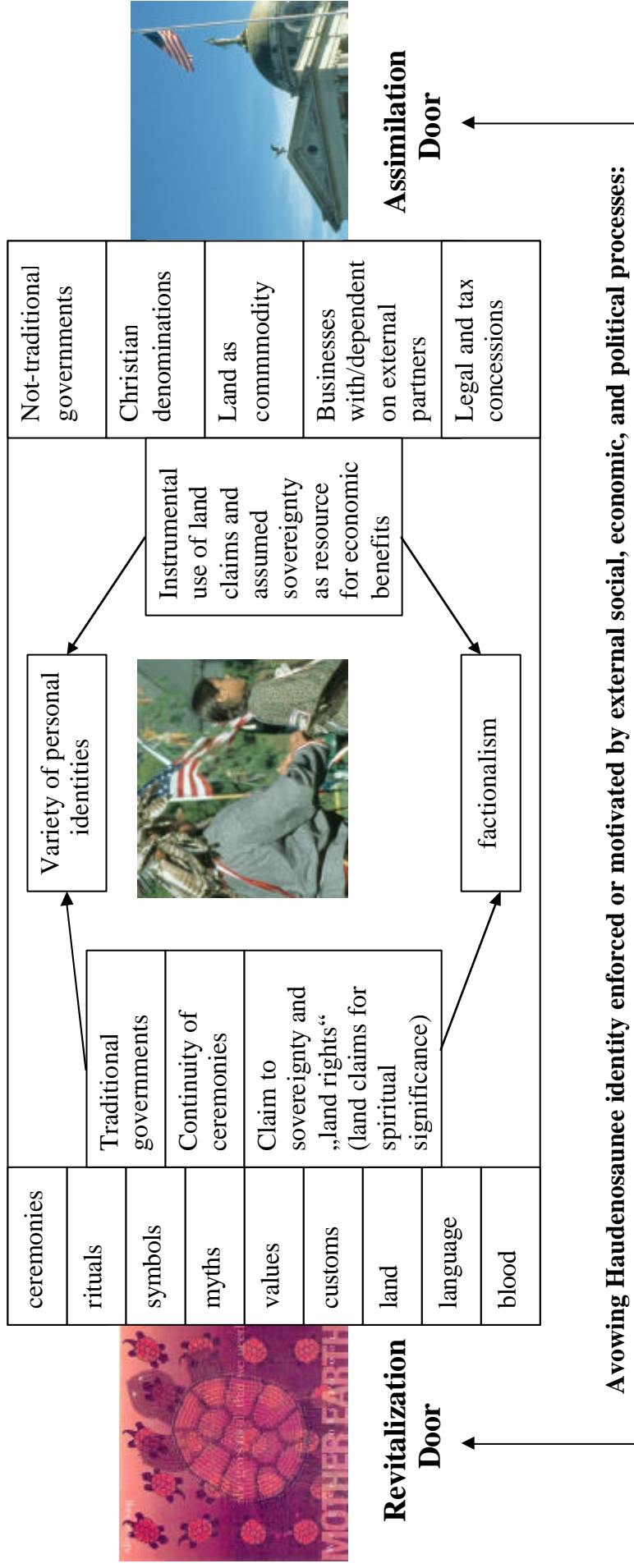


Environmentalist
desire will be
stoked because an
Indian really cares
about ‘Mother
Earth’.”

Jolene Rickard
ONE SQUARE FOOT OF EARTH OR ONE SQUARE FOOT OF
REAL ESTATE – YOU DECIDE #2
1993/2003
Fotoinstallation
38 x 38 x 140 cm

source: Kaspricky and Stambrau (eds.): *Lifeworlds – Artscapes. Contemporary Iroquois Art* (2003:77).

Longhouse identity



Avowing Haudenosaunee identity enforced or motivated by external social, economic, and political processes:

American Indian Movement (AIM) triggered by the political atmosphere of the sixties inspired people to engage in cultural revitalization and motivated “former drop outs” to return to their ethnic group oriented on primordial attachments.

Casino era of the 90s established by the IGRA (1988) in the “Reagonomics era” as a means to reduce tribes’ dependence on federal funds caused many natives’ return to their homelands respectively on their tribal rolls for economic reasons.

→ once established in a faction/group/community, a new positioning and even a complete changing of the sides within the longhouse are possible.

draft: Harry Schueler; sources (symbolism, religion, ethnicity): Banks (1996); Barth (1969); Geertz (1979); Nagel (1994); Ortner (1979); Royce (1982); Thompson (1989); Fig. left by artist Melanie Printup Hope (Hlebowicz et. al. 2004:15); photos middle (powwow close to Albany, NY) and right (Madison County Justice Court) by Harry Schueler.