# Yavapai Indians Circle Their Wagons:

# Indians to Arizona: “It’s a Good Day to Declare War”

by

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ABSTRACT

Indian gaming casinos are now a common sight around Arizona. The study of the history of the Arizona Indian Gaming establishments is the topic of my thesis which focuses on the conflicts in 1992, between J. Fife Symington, governor of the State of Arizona, and the Arizona Indian tribes, particularly the Fort McDowell Yavapai Indian Community. In order to learn more about this small band of Yavapai, my thesis examines the early history of the Yavapai and some of its remarkable leaders, along with the history of Indian Tribal gaming in America and Arizona following the blockade by the Yavapai. My thesis examines how the Modern Political Economy Theory (MPET) framed Yavapai survival and identity along with their determination to achieve economic self-sufficiency. My research extended into use the legal court system the by American Indian Tribes to achieve their economic goals, that culminating in the Supreme Court ruling in *California v. Cabazon Band of Mission Indians* (1987) confirming the rights of Indian tribes to conduct gaming on tribal reservation lands. Congress followed with the "Indian Gaming Regulatory Act" of 1988, (IGRA) to regulate the conduct of gaming on Indian lands, including the stipulation that states negotiate in good faith with the state's Indian tribes. Arizona Governor Symington refused to negotiate the necessary compacts between the State of Arizona and the Arizona Indian tribes. The dispute reached a climax on May 12, 1992, when Attorney General of the U.S., Linda A. Akers, ordered a raid on Arizona Indian gaming casinos and the Fort McDowell Yavapai countered with a blockade to prevent the removal of their gaming machines. The result of this action by the Yavapai

blockade opened compact negotiations between Governor Symington and the Arizona Indian tribes. This resulted in the growth in tribal gaming casinos along with increased political and economic influence for the Arizona Indian tribes. My conclusion explains the current state of the Fort McDowell Yavapai Indian Nation and describes the benefits from Indian casino gaming in the greater Phoenix area.

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# PREFACE

I can truly state that I am a woman who was rescued by the Indians and I know them. The unlikely place of my deliverance was the mid-western state of Michigan. Unfortunately I neglected to check the gas gauge on my new little blue and white 1974 Dodge Dart before I left town and as a result, I ran out of gas on the freeway a few miles from our home. As I trudged along the roadway in the growing darkness my fears grew as cars on the freeway sped by. My apprehensions were based on the rash of mysterious abductions of women in this area around Grand Rapids, Michigan. Suddenly, an old, battered car pulled ahead of me and stopped on the shoulder. My heart raced—who were they? Imagine my delight, when I recognized the wife of one of our good customers, Allen Sprague. The Sprague's were part of the small band of Potawatomi's at the Bradley Indian Mission located east of our town of Wayland.

The Sprague's were well respected in our local business community. Mrs. Sprague spotted me trudging along the freeway and stopped to see if I needed a ride home. Of course I did! She reveled in the idea that she could tease Eddie, my husband, about having rescued his wife—and she certainly relished that moment when she laughingly delivered back to my house and family. We all shared in the good-natured teasing. Still, we realized the sober fact that our friends at the Bradley Indian Mission lived in a state of poverty common for Indian people around Michigan. I had first-hand knowledge of the struggles the Indians faced in their daily lives in order to survive. My interest in Native

American people only grew as my husband and I began to travel across the United States.

My first view of the appalling living conditions of the Indians of northern New Mexico and Arizona stunned me. Even the knowledge of the poverty that existed among the Michigan native population did not prepare me for the life the Southwestern Indian tribes endured.

We arrived in the Phoenix area in the early 1980s and often took a Sunday drive through the desert. East of Mesa, the extreme poverty of the people on the Indian reservations astonished me. The Fort McDowell Indian community farmed extensive lands and initiated economic programs to help provide jobs for the tribal members. The acres of neat fields of cotton, corn, and alfalfa stretched almost to the horizon. The Fort McDowell Yavapai operated a sand and gravel business along the dry riverbed of the Salt River bottom, ran a service station and sold cigarettes on reservation land in order to sustain themselves economically. The Yavapai worked hard to increase their income and improve their lifestyle but still could not dig their way out of generations of imbedded poverty.[1] The Fort McDowell Yavapai endured grim living conditions in an unforgiving desert.

I owe the most sincere gratitude to the many people who helped me work on my master's thesis. I feel honored and privileged to have Professor Donald L. Fixico serve as the chair of my graduate studies committee and both Professors Susan Gray and James Rush as my committee members. They have not only helped with my thesis, but have offered their unlimited encouragement as I toiled through my studies, not only in graduate school but also as I embarked on my

quest for my bachelor’s degree.  Dr. April Summitt taught my first history class at the ASU Polytech campus as I cautiously began my new academic career.  We found we both had lived in the same area of Southwestern Michigan and Dr. Summitt later provided the encouragement I need to begin my graduate studies. My deepest thanks go to them.

My research on the Yavapai struggle against the Orme Dam benefited greatly from the correspondence and meeting with Carolina Butler who generously offered to share her experiences as one of the prime community activists who helped the Yavapai defeat the dam project.

I would be remiss not to give a special thank you to Joyce Martin, the librarian at the Labriola Center, Hayden Library who patiently guided me through the maze of research materials and pointed me in the right direction for finding other resources.  Dan Stanton, the wizard of government documents gave me invaluable help in finding interesting tidbits in the otherwise dull and incomprehensible government papers.  My experience as I worked my way through Arizona State University, as been uniformly positive.  My professors have been instructive, interesting, helpful, and friendly.  Thank you all who labor in the halls of academia to impart your expertise to your students.  And finally, I wish to thank all of my classmates who have accepted me into your midst.  For me, this has been an experience of a lifetime.

Louise Alflen

CHAPTER 1

# INTRODUCTION

In 2007 the moderator of the local PBS program *Horizon,* Larry Lemmons, interviewed Tribal Vice-President Bernadine Burnette and Tribal President Raphael Bear regarding the May 12, 1992, blockade at the Fort McDowell Casino. Burnette related how her people had reacted to the news of the armed FBI agents coming into the casino and immediately starting to seize the slot machines. The agents had search and seizure warrants along with several large moving vans. Burnette said the phones on the reservation were ringing with the news about the FBI. The people rushed out before they combed their hair or brushed their teeth to form the blockade. She said they were protecting their jobs, their livelihoods. For the Yavapai, the casino meant business, education, and housing. Raphael Bear discussed the meaning of sovereignty, and its importance to the Yavapai Tribe and other Indians. Sovereignty Day celebrates a momentous occasion, he said, the day the Yavapai stood against the forces of armed FBI agents.[2] This was not the first time that Indians and the FBI encountered each other. Two incidents involved the FBI and the American Indian Movement in 1973 and 1975. The American Indian Movement confronted the FBI at Wounded Knee, South Dakota, and at the Jumping Bull family compound in what became known as the Oglala Firefight.

"It's a good day to declare war," Chairman Dale Philips of the Cocopah Indian Nation of Arizona declared on March 3, 1993, after the Arizona State Senate passed a bill that outlawed all casino style gaming in the state.[3] The Yavapai of Fort McDowell's willingness to fight for their rights as a sovereign

Indian nation pitted them against the determination of Governor Fife Symington and his supporters in the Arizona State legislature to prevent casino style gambling on the state's twenty-two Indian reservations. Spokesman Jack Moortel, Symington's executive assistant cited the governor's concern that the gaming pacts would bring in full-scale casino gaming. The state, he said, "must stop the reservations from going forward with such activities."[4]

This clash between the Fort McDowell Yavapai Indians and the State of Arizona galvanized Arizona's Indian tribes and united them to protect their sovereign rights. Senate Bill (SB) 1001 came after Governor Symington hastily called the legislature together for a special session to address the gambling controversy and stop casino style gaming on the reservations. This bill, the only one taken up in this session, declared all forms of casino style gaming illegal, including charity casino nights, previously allowed by the state.

Opposing SB 1001, a number of tribal officials now declared they would continue operating their casinos under federal oversight.[5] The battle raged on through the courts, a vote referendum, and public opinion before the casino gaming issue in Arizona finally landed on the desk of U.S. Secretary of Interior Bruce Babbitt, himself a former governor of Arizona. Through quiet negotiations behind the scenes with both state officials and Indian representatives, he crafted a compromise in 1993. The "Great Compromise" consisted of establishing a tier system for slot machines, greater tribal membership and allowing a limited number of gaming machines. The state won the right to negotiate compacts with sixteen Arizona tribes for a ten-year period. The signing of the compacts took

place at the Heard Museum in Phoenix on June 24, 1993.[6] Until a final compromise came from Looking forward to a bright future, Tribal Chairman Clinton Pattea declared on July 19, 1993, that for the Fort McDowell Yavapai Indian tribe "[t]he American dream is a real thing now…It's something we've never known before…Now we have a chance to participate."[7] Pattea hopefully looked forward to being able to have as much as $100 million in investments over the course of ten years, enabling tribal members being able to live on the income from those investments alone.[8]

The phenomenal growth of not only the Fort McDowell Indian Nation Casino, but others, such as the Gila River Community and the Salt River-Pima-Maricopa Indian Nation's resulted in unprecedented wealth in the coffers of the tribes, enabling their members to assume powerful positions in the ranks of business and even in the sports establishment. As historian Philip J. Deloria points out, Indians are now being seen in "unexpected places." Deloria questions how the contemporary Indian people moving into the modern world by adopting the shopping habits and other aspects of the white culture is challenge the cultural images of "Indianness" held by today's Americans.[9] Moreover the economic wealth generated by the popularity and proliferation of Indian gaming casinos around the country is also challenging how Americans view the Indian's new place in world economics.

When I mention that the topic of my thesis includes Indian casino gaming, the most common comment and critical question made by most people, is "yes, the casinos seem to be making a lot of money, but is the money actually doing

any good for the tribal members living on the reservations?" Some critics cite studies showing inter-generational poverty existing to this day. Other people claim that most of the casinos have actually fostered a gambling addiction, especially among poverty stricken tribal Indians. This thesis examines why Indian casino gaming gained momentum among American Indians nationwide, along with the history of how one small Indian tribe in Arizona, the Yavapai Indian Nation of Fort McDowell, believed casino gaming to be the road to self-sufficiency, thanks to leaders with vision and determination.

The question of where all the money from the Indian casinos goes seems disingenuous in the American capitalistic society that has rarely lived up to its treaty obligations to the Indians, especially in an economic world of the United States that places a high value on individual entrepreneurship and monetary success. This thesis addresses this question. But the better question to ask is how the tribal communities achieved this degree of success, and is it sustainable?

Television is a part of most people's daily reality and the History Channel claims that "History is made everyday" when they tout programs such as *Pawn Stars,* or *Ice Road Truckers.* The reality is that history is made by people. Studying history means we examine how people in the past have reacted to difficult circumstances they faced. Did they fight to preserve their families and lands? Facing overwhelming odds on the battlefield, did they employ their innate intelligence, honed to a fine point by generations of survival in an unforgiving environment, and use wisdom and strategy to endure and overcome these situations? Did they endure by observing the strategies of their adversaries, being

resourceful and adapting to their altered circumstances, while holding firmly to their native culture in their hearts, waiting for the right opportunity?

The four Yavapai I have chosen to write about in this thesis, Mike Burns, (Hoomothaya), Carlos Montezuma, (Wasaja), Yuma Frank and Dr. Clinton Pattea, played key roles in the establishment and the survival of the Fort McDowell Reservation. These Yavapai all possessed the heart of a warrior, fighting battles not with bows and arrows or guns, but with intelligence and strategy, persistence and patience; and endured. The Fort McDowell Yavapai Indians refused to accept the role of a conquered nation; instead they proudly sought effective means to escape the captivity of the reservation and the bonds forged by years of dependency on the Bureau of Indian Affairs' confusing and conflicting policies. The Indian nations saw casino gaming as a door to independence and self-sufficiency; they placed all their chips on the table, gambled everything to achieve their goal of economic self-sufficiency.

Someone once remarked about sitting in a tribal conference room one day, idly looking through the window. He observed a big armored truck pull up to pick up a load of money, presumably taking it to a bank to deposit in the Indian nation's account. And his thoughts flashed back a hundred years, when the wagons came onto the reservation, bringing the allotment supplies and food for the starving people. Now history has ironically reversed itself! What provoked this amazing turn of events? This is the real history of America, the land of opportunity, and the Indian nations have grasped that opportunity. This is *history made everyday*, and more importantly, it is history made by people who

encountered it bravely everyday! They are survivors of a desert environment and they adapted to meet its demanding ways. This thesis is also about how the Fort Mc- Dowell Yavapai become stronger by their encounter with the desert, and developed the warrior's heart able to withstand hostile encounters from the outsider.

The future of Arizona Indian Casino Gaming hinged on the blockade of the Fort McDowell Yavapai Gaming Center to prevent the State of Arizona from removing their gaming machines on May 12, 1992. This thesis asks what motivated the Fort McDowell Yavapai Indian tribe to challenge the power of the State of Arizona by examining their history, the leaders they developed, the history of Indian casino gaming in America and more specifically Indian casino gaming in Arizona that offered an opportunity for the Arizona Indian tribes to achieve economic self-sufficiency.

This thesis also examines a common question asked: the Indian gaming casinos to be bringing in a lot of money, but is the money actually doing any good for the people living on the reservations? What are the challenges of sudden wealth for a new generation of Fort McDowell Yavapai tribal members? More importantly, how did the Fort McDowell Yavapai people maintain their cultural identity through generations of restricted lives, dispossession, and displacement, and still kept their warrior spirit alive, the spirit of the Fort McDowell tribal members when they blockaded the exits from their casino on May 12, 1992.

## PRE-CONTACT YAVAPAI HISTORY:

## A PEOPLE TESTED BY THE DESERT

According to a Yavapai native living at the Fort McDowell Reservation, Mike Burns recalls in his memoir, "All My People Were Killed," the oral histories he has heard from the elders in the tribe. The Yavapai or Mountain Mojave, were the original Yavapai people.[10] They were strong people at one time but later separated into small bands to adapt to the harsh living conditions of the desert Southwest. The Hualapai's moved to the north, others went farther west, settling with the Colorado Mojave's. The Yuma's did the same. Some migrated farther west to settle in the area of the present day town of Yuma, near Fort Yuma. Those called the Apache Yuma are stayed in the mountains. The Yavapai once consisted of large groups but they began to decentralize into smaller tribes or bands more suited to their nomadic lifestyle.[11] The Yavapai Indians have deep roots in the challenging Arizona environment.

Culturally they are part of the Yuman branch of the Hokan linguistic family and have connections with Havasupai, Yuma, Mohave, and Walapai.[12] An early book written by anthropologist Edward Winslow Gifford, *The Southwestern Yavapai* in 1932 focused on Yavapai, especially in Arizona. Gifford notes that as hunters and gathers, the Yavapai populated an area from the Colorado River to the Bradshaw and Mazatzal Mountains.[13]

As Gifford meticulously recorded, the cultural evidence before 1100 A.D. denotes a connection with the Yuman and not the Pueblo cultures. The Yavapai hierarchical sociopolitical organization developed from the earlier egalitarian and family oriented system. This development provided the Yavapai with the ability

to survive in changing cultural environments while maintaining significant parts of their unique culture. By the use of strategic political alliances, such as intermarrying into the Mojave tribe in order to carry on trade between their tribes, they sustained their tribal integrity among hostile tribes.[14]

Throughout the long history of pre-contact survival, the Yavapai ultimate subjugation by the United States Army, dispossession from their lands, and their subsequent confinement on reservation, the Yavapai have managed to maintain an inner core of resilience that exemplifies nationalism, a cultural pride, and ultimately a legitimate political basis for sovereignty.[15] Their ancient creation story tells of their emergence from the earth in the area of Montezuma's Well, in the Verde Valley and Sedona, which they consider to be their traditional homeland,[16] but their people also migrated over the Superstitions and Pinal Mountains along with others called the Tonto Apaches.[17] Shifting patterns of drought and deforestation compelled the small bands of semi-nomadic people to move over much of the central and western part of what is now the State of Arizona, including the Mogollon Rim Country.[18] Due to these relocations, they developed a loyal devotion and a strong sense of belonging to their lands. Survival of the Yavapai Indians depended on the land. They survived by hunting game and gathering wild plants in the forbidding deserts and mountains.[19]

Mike Burns relates in his memoirs how he invited the elders at the Fort McDowell Reservation to share stories of their lives in the old times and describe the foods they lived on before they became used to the white man's "grub." An important part of the Yavapai diet consisted of the mescal plant, which they were

able to gather it year around. They cut the root out of the ground, cut it into cabbage-like shapes and baked it in the ground. The Yavapai also gathered seasonal plants like the squawberry which ripened in May, followed by the water cactus and later the seeds of the palo verde and mesquite trees. Later came the "tunas" of the prickly pear cactus, and in the fall the women gathered acorns, sunflower seeds, and pinion nuts. Burns claims that the Yavapai had a better food supply in their pre-contact days and laments how civilization destroyed the Indian way of life.[20]

The Yavapai people generally lived in peace and moved over great distances of the Southwest through the valleys and gulches, over mountains to the creeks and river bottomlands. They sought out areas with green trees that supplied them with all kinds of foods and herbs, along with the wild game herds.[21] Even in the wintertime, the Yavapai camped along the riverbeds where some green plants grew to gather seeds and weeds to cook to eat.[22] The Yavapai not only learned how to survive by adjusting to the changing conditions and harsh desert climate they managed to thrive and maintain their cultural identity. Making adjustments proved to be important to their survival as a people.

The Indians who occupied the Southwestern territory had a complex political and economic structure. The Yuman speaking Quechan, Cocopah, and Mohave were sedentary farmers in the Colorado River bottomlands; Upland Yuman speaking people, including the Kwevkapay, Tolkepaya, Yavepe' lived in the rugged mountains in small nomadic hunting and foraging bands consisting primarily of extended families. Athabascan speaking peoples of the Apache tribes

of Tonto, Cibecue, San Carlos, White Mountain, and Chiricahua Apache, shared the same general areas of the Southwest according to the Timothy Braatz's foreword to Mike Burns' memoir.[23]

## YAVAPAI ENCOUNTER WHITE INTRUDERS

The first contact between the Yavapai and Europeans came as early as the 1500s. Spanish explorers found Yavapai people on their lands in the late 1500s and early 1600s. Stories heard from the Hopi villages of the success of Spanish steel swords, firearms, and cannons against other Southwestern Indian people who resisted them caused them to regard the newcomers with respectful caution.[24] The steel swords, armor, cannons, and horses gave the Spaniards the air of invincibility. A small group of Spaniards led by Antonio de Espejo and Marcos Farfán tried to approach a Yavapai camp, but the camp scattered in spite of the offers of gifts and peace. The Yavapai wanted to avoid conflict.[25]

The Yavapai desire for non-violence caused them to view the first Spanish explorers with caution. Spanish explorers Espejo and Farfán began distributing gifts of glass beads and red seeds to the Yavapai. The firmly established custom of gift giving and receiving led to the Yavapai regarding the powerful Spanish as potential trading partners. Trading partners provided economic benefits to the Yavapai along with an exchange of technology. A static civilization cannot endure for long and the adaptive nature of Yavapai people enabled them to survive. They would be considered as early adapters in present day's vernacular. Yavapai's remarkable ability to survive throughout countless generations rested

on their talent for adopting the best aspects a new culture offered and to see how some parts of the European lifestyle could benefit their people.[26]

Complex inter-tribal political relationships shaped the early Yavapai world, and seeking new alliances, they began to look at the newcomers as possible allies, trading associates, and even marriage partners. The introduction of European trade goods and livestock, especially horses changed the Yavapai lifestyle. In order to facilitate the trading relations between the Yavapai and the Christian Spaniards, many of the Yavapai adopted Christianity. They desired to possess the manufactured goods to improve their lifestyles. The Yavapai viewed horses, cattle, and mules as sources of food and transportation.[27] Bands of raiding parties between the Navajo Indians and the Chiricahua Apaches became an accepted way for these Indian tribes to acquire desired possessions. The Yavapai began raiding for livestock, mules or horses, in order to supply their families with food or increase their wealth. By 1743, along with their allies, they raided as far south as the Spanish communities of Sonora and livestock raiding became part of the Yavapai economy.[28] The southwestern Indian tribes raiding parties commonly took captives from other Indian tribes, bringing in men, women and children. They men were usually killed but many women and children were adopted into tribal families or used as slaves. The development of the Spanish Christianized colonies in the northern provinces of New Spain required laborers for farms and mining ventures. Slave trading networks between the Spanish and the Indians developed along the Colorado and Gila Rivers. Many slaves ended up as forced laborers in the Spanish colonial settlements.[29]

Yavapai oral histories tell of how the Yavapai separated from their fellow Upland Yuman, and the neighboring Pais. The ancient enmity between the Yavapai and the Pai along with the Upland Yuman, began with a quarrel over their children's game and resulted in the Yavapai during the Pai from their homeland. The enmity between these linguistically related tribes evolved over the centuries into violent conflicts. By the 1700s, the River Yuman political situation seemed settled with one side consisting of the Yuman speaking Quechans and Mohave dominating the area around the confluence of the Colorado-Gila Rivers with their military strength, along with Yavapai and Chemehuevi. The Cocopah, Maricopa, and Pima, along with a few other groups made up the other dominant grouping. Economic need and mutual interest, along with family alliances often moved between groups. By the late eighteen century, the enmity between these two antagonistic confederations had become firmly established.[30]

According to Burns, the Mojave and the Tonto often intermarried even though they spoke entirely different languages. These marriages provided the means of transacting business between the tribes and forging political alliances.[31] However, trouble began to brew between the Mojave and the Yavapai which affected relationships with the newly arriving white people. The Yavapai and the whites had maintained a peaceful association, and Mike Burns lays much of the blame for the Yavapai's problems on the newly arriving white people and on two chiefs of the Colorado River band of Mojave Indians, Natah-dav-vah and Ah-so-jit-haw. These chiefs led an early party of white men up the Hassayampa River where they encountered many Yavapai Indians. Natah-dav-vah possessed some

knowledge of white civilization and told the Yavapai about the coming of large numbers of white men.

Burns believes that Natah-dav-vah and the Mojave Indians began the secret killing of whites while proclaiming their innocence. The Mojave disposed of the bodies into the river and blamed the Yavapai. In this way, Burns asserts that Natah-dav-vah convinced the whites that the Yavapai were guilty of the crimes committed by the Mojave. The Yavapai were unable to refute these charges and these false charges instigated the hostility between the whites and the Yavapai.[32]

In 1829 the Yavapai encountered a new type of white men in the persons of Ewing Young and Kit Carson, who came down the Salt River. The Yavapai definitely did not welcome these intruders for they heard stories of the fighting and murders that occurred among the Maricopa and Mohave. These white men hunted their game animals and depleted their stock of deer, which they needed for their survival. The Yavapai had little or nothing to offer in trade with these white men, so they turned to raiding the hunters' camps. They were wily raiders and avoided any armed confrontations. At the same time, the Mexican American War in 1846 caused new problems for the Yavapai. Colonel Philip Cooke's Mormon Battalion found possible route for wagon trains through the lower Rio Grande Valley by way of Tucson. The 1848 Treaty of Guadalupe-Hidalgo claimed the whole southwest territory for the United States. These white men were the beginning of a new type of encroachment on Indian lands by white men searching

for resources, the invasion of traditional Yavapai lands by citizens of the United States.[33]

Gold fever gripped the nation, and the California gold rush of 1849 ushered in a flood of Americans seeking their fortunes in the western gold fields.[34] Prospectors, miners, and soldiers began to pour across Indian country and through Yavapai land on their way west. Pauline Weaver, a veteran trapper, claimed he found gold on the Colorado River at the confluence of the Colorado. These new Americans viewed the territory of Arizona as a place to shape according to their own determination, and proceeded to strip the country occupied by the native people of its resources, not only mineral but the game animals needed for the survival of the Yavapai.[35] The Yavapai pressed their rights to the lands only to find the federal government cooperating with the American settlers and refusing to recognize the rights of the Indians. The Americans regarding the entire territory as belonging to them after it had been ceded to the United States by Mexico in 1848.[36]

American settlers began to see opportunities in mining, ranching, and the opening of farmlands in Yavapai territory. As a result of the Treaty of Guadalupe-Hidalgo, lands previously governed by Mexico, now became part of the United States. The American newcomers felt entitled to take whatever lands they wanted. The white settlers arrogantly occupied Indian lands, regarding them as empty lands and disregarding the presence of the original occupants. They based these assumptions on the basis of the widely distributed railroad brochures and government circulars. American government in Arizona in the 1860s

regarded the Yavapai as obstructions that needed to be eliminated for the orderly settlement of Arizona.[37]

Conflicts developed between the Indians and the Americans over control of the lands and livestock. The nomadic hunting and raiding patterns between the southwest Indian tribes provided them both sustenance and safety for their families. When the white settlers grazed their animals on Indian country hunting grounds, the Anglo-American livestock provided new stock for the Indian raiding economy. The white settlers increasingly called on the U.S. Army to protect them against the Indian depredations, which only led to continued conflicts and cruel retaliations.[38] The Indians viewed the ominous signs of the new intruders and resisted, losing control of their lands and the game needed for daily life, they felt they had to fight back.[39] In spite of the dangerous ongoing Indian wars, white settlements continued to grow Arizona Territory.[40]

Arizona territorial governor in 1866, Richard McCormick, called for the U.S. Army to send additional troops to the region to quell the violence brought about by the influx of white ranchers, miners, and settlers onto the Yavapai lands.[41] The goal of the U.S. Army, fueled by the gold-lust of the prospectors and the land-hungry white settlers, became a campaign to dispossess the Yavapai of the lands and exterminate their families. The Yavapai felt justified in protecting their hunting grounds and their families.[42] The images of Indian violence permeated public press and popular perception of western settlements.

This perception of Indian violence rationalized American aggression against them in order to efficiently take over Indian lands.[43] General George

Crook arrived in 1871 at Fort Apache in southern Arizona determined to suppress the Indian uprisings. With dim prospects for peace, Crook sent nine expeditions into the Mazatzal Mountains in the winter of 1872.[44] Crook ordered all Yavapai onto reservations; those who resisted would be hunted down and killed.[45]

## ESTABLISHMENT OF FORT MCDOWELL YAVAPAI INDIAN RESERVATION

The Yavapai people had been placed on the Rio Verde Reservation and many of the young men served as scouts for U.S. Army. They allied with Americans and Tonto Apaches against other Yavapai and Apaches. The Yavapai at the Rio Verde Reservation worked to become successful farmers. Neither service for the army or agricultural success would shield the Yavapai from the malevolent rulings of the Office of Indian Affairs. Peace Commissioner, General Oliver O. Howard, directed the Office of Indian Affairs to close the Rio Verde Reservation in December 1874 and move its Yavapai and Tonto inhabitants to the San Carlos Reservation, a journey of nearly two hundred miles. The federal government began consolidating reservations as early as 1872 in the interest of economy and efficiency, stating that fewer troops would be required to guard the Indians. Opening more land for American settlers, miners, and ranchers became an additional attraction for moving the Yavapai out of their fertile fields. The Yavapai had worked hard with primitive tools to develop their fields by building

irrigation ditches and planting crops following the directions from General George Crook.[46]

The Rio Verde Reservation had prospered under the direction of General Crook, who had been one of the most brutal Indian fighters in the territory. The surrender and confinement at Rio Verde led to an understanding between the U.S. Army officers and the Yavapai and Tonto. The officers were honorable and worked to gain the trust of their charges by improving living conditions on the reservation. General Crook viewed the closure of the Rio Verde Reservation as a betrayal of the trust the Indians had placed in the Americans, and especially in the promises of Crook and others in the military. The orders for removal of the Yavapai from Rio Verde came down and General Crook had no choice; as an army officer he had the duty of moving forward with the removal, even though he disagreed with the decision.[47]

The removal process from the Rio Verde Reservation to the San Carlos Reservation began on February 17, 1875, when 1,476 Yavapai and Tonto people began the long walk. They rightfully felt betrayed by Crook and still carried the paper he had signed promising them the right to stay at Rio Verde forever. Crook had no authority to forge a new agreement, yet he told them that if they peacefully accepted life at the San Carlos Reservation, learned to read and write in English, to grow and sell crops, and work for wages to become self-sufficient, they would be allowed to return to Rio Verde. Those words were etched into the memories of the exiles for twenty-five long years at San Carlos. The special agent sent by Indian Office, L.E. Dudley, ordered the removal route to go directly over difficult

mountains instead of an easier but longer route around them. Dudley equated Indians with beggars and said they could walk. The Yavapai and Tonto people called the 180 mile march in the dead of winter, "The March of Tears."[48]

The exiled Yavapai people never accepted San Carlos as their home, but believed in Crook's promises. They worked to become self-sufficient and reminded the Indian agents repeatedly of the promise to return to their homelands. An enlarged San Carlos Reservation, already home to over 900 Tonto and San Carlos Apaches in addition to the neighboring 1,500 White Mountain Apache and Cibecue Apaches. The incoming Yavapai and Tonto only added more Indians to the already crowded San Carlos Reservation. The situation became tense with the rise of Echawamahu, a noted healer. Echawamahu began agitating the Yavapai and Apaches with his stories of messages from the "Great Spirit." These messages told of big changes in the future and the restoration of their former lands by the "Great Spirit" is they followed his instructions. Nightly dancing at the meetings of Echawamahu and when San Carlos experienced an earthquake in June 1887, many Yavapai believed Echawamahu's dire predictions. The arrival at the San Carlos of General Nelson Miles, as commanding officer of the Department of Arizona to replace the departing General Crook, marked a change for the Yavapai. General Miles came to investigate the trouble beginning to grow with Echawamahu's followers, estimated to number up to one thousand Yavapai and Apache. Once the General Miles assured the Yavapai headmen that he did not intend to instigate a military campaign again them, the headman quickly arranged a meeting with him. The Yavapai headman pleaded for a return to their

homelands in the Verde Valley, reminding General Miles of General Crooks' written promise. Miles proved to be a sympathetic listener and advocated the release of the Yavapai from the San Carlos Reservation. Miles allowed the Yavapai headmen to tour their former lands and Yavapai headmen found their old fields.[49] Miles investigated the possibility of obtaining the abandoned Camp Verde and Fort McDowell for the Yavapai.[50]

General Miles recommended the return of the Yavapai as evidence of good faith and humanity, but the wheels of the bureaucracy turn exceedingly slow. Indian Commissioner T. J. Morgan visited San Carlos and supported the claims of the Yavapai, saying they were peaceable, diligent, and eager to educate their children. They could become self-sufficient people under the right circumstances. Strong opposition came from the Secretary of the Interior, L.Q.C. Lamar, citing the cost of creating several new Indian agencies, in addition to the possibility of protests from American settlers in the region. These settlers even wrote a letter to President Grover Cleveland asking for "protection" from the perceived danger of having Indians living among them whose "only ambition is to murder, steal, and plunder."[51]

President Grover Cleveland responded sympathetically to the plight of the settlers, and later, the newly elected President Benjamin Harrison followed suit. The Arizona territorial governor and secretary joined the protesting settlers. Furthermore, they argued, there was not enough good agricultural land available for the large number of Yavapai and Tonto; obviously San Carlos was a better place for them. Nature intervened in February 1891 with huge floods on the Gila

and San Carlos Rivers. The Yavapai were ordered to move to the eastern part of the reservation, but many resisted, fearing the move would become permanent. A sympathetic Agent John Bullis quietly began allowing a few Yavapai from the Tolkepaya band to move off the San Carlos Reservation and take up farming in the areas around the upper Verde and Wickenburg, places with few settlers. Some of the farmers in the area even hired the Yavapai Tolkepaya's as workers.[52] Captain W. J. Nicholson who became acting agent in 1899, believed in the abolition of the government's "Indian business." Nicholson perceived no threat to the white settlers from the Indians and liberally allowed passes off the reservation. As a result, the Yavapai and the Tonto Apache began returning to their lands in the Verde Valley. Nicholson's permissiveness stirred up a number the Verde Valley's white settler population, but many others commended the peaceable Yavapai noting their industrious nature.

Twenty years passed since Crook's Indian campaigns, but there were many survivors who were able to lead their families back to the old areas. The Yavapai who still remained were living around the abandoned Fort McDowell in 1903 numbered about 184 from the band of Kwevkepaya, and a few from the band of Tolkepaya. Other Yavapai from the Yavapé band and Wipukepa band went to Camp Verde, others scattered as far west as Prescott ad the Agua Fria River. The removal of the Yavapai that began with the March of Tears in 1897 ended with a slow but steady trickle of theYavapai and the Tonto Apache back to their homelands in 1903.[53]

Some of the San Carlos Indians remained in the area of the abandoned Fort McDowell. The Bureau of Indian Affairs received a report in the autumn of 1900 of about eight or ten families of Apache-Mohave were living in the area. The report by an inspector recommended that any unoccupied land at Fort McDowell be set aside for the Indians. The military reserve had been turned over to the Department of the Interior on February 14, 1891 and department officials stipulated that the General Land Office make these lands available to the Indians on November 27, 1901. Again, white political opposition to the Indian settlements blocked these moves in Congress.[54]

## MODERN POLITICAL THEORY DEFINES SUCCESSFUL ENCOUNTERS WITH WHITE SOCIETY

As early as April 1863, Tolkepaya headman, Quashackama, astutely used a political strategy of seeking diplomatic relations with the new American intruders. Quashackama recognized how easily the overpowering military force of the United States army defeated the Mohave and Quechan, former allies of the Yavapai. The Yavapai learned to respect the military power of the new intruders. Quashackama, along with a delegation of Mohave, Pima, Maricopa, and Chemehuevis headmen visited Charles Poston, the supervisor of Indian affairs in Arizona territory, at Fort Yuma to discuss terms of peace and commerce. Poston informed the group that the United States now possessed sovereignty in the Arizona Territory. Poston drew up an agreement stating that the signatories acknowledged U.S. authority and rejected other tribes as outlaws. The Indian

delegation signed with handprints. Quashackama wished to promote trade and gain American support in their wars against the “Apache Tribes” considered to be outlaw tribes.[55] Quashackama’s people were regarded by the American authorities and military as Yavapai.

Realizing the importance of trade with whites, the Yavapai began to understand the power of economics. They also realized that not displaying a show of force or resistance gained the confidence of whites. They studied the ways of settlers and traders that shifted their economy from a traditional raiding style to one that imitated American settlers. This was a hard lesson to learn at first as some tribesmen did not go along with the idea of not raiding.

The Yavapai sought peaceful relations with the white settlers and were aided by Pauline Weaver, a miner and trapper. Weaver told not to show any arms or weapons when encountering white people, instead they should leave their bows and arrows on a hillside and he gave a Yavapai chief a written note with the words “Paulino, Paulino, tobacco”[56] to signal peaceful intentions, along with letters of recommendation. In this way, the Yavapai hoped the white people would not molest them.[57] Peaceful accommodations with the newly arrived white settlers and miners did not follow the peaceful intentions of the Yavapai. The newcomers viewed any Indian as a savage who obstructed the path of the hard working settlers and miners, and began calling them all Apaches who could be gunned down at will.[58]

The conflicts between the Yavapai, defending the lands and their lives, and the white men intending to take their lands and extinguish their lives, grew

over the following years. The newcomers brought herds of livestock into the Yavapai territory. The resident tribes of Kwevkepaya, Wipukepa, and Tonto saw these herds as raiding opportunities.[59] The creation of the Arizona Volunteers in the 1860s began to strike back at the Yavapai raiders with raids on the Indian camps.[60]

The Arizona Territorial Governor Richard McCormick called for the U.S. army to send additional troops to the region to quell the violence brought about by the influx of white ranchers, miners, and settlers into the Yavapai lands. Killing of the Yavapai continued as troop numbers increased with a new Camp Lincoln constructed on the Verde River. The goal of the U.S. Army, fueled by the gold-lust of the prospectors and the land-hungry white settlers, became a campaign to dispossess the Yavapai of the lands and exterminate their families.[61]

For the next one hundred years, the Yavapai studies the ways of the mainstream society. They learned white ways and realized their lack of power. At the same time, the Yavapai began to understand their legal rights as a tribe that had always possessed sovereignty. This the Yavapai would never surrender.

Throughout Yavapai history, through defeat and dispossession, the Yavapai Indians developed an innate native tenacity to survive through all adversities and determinedly maintained their unique cultural identity as Yavapai people. American Indians around the country held to their core cultural values while enduring the devastating effects of the reservation system and assimilation program imposed by United States government. They remained "identifiable, distinct societies," proving their vitality and strength.[62] The Yavapai Indian

community at the Fort McDowell reservation survived in spite of limited resources and an inadequate economic foundation. The income from their sand and gravel business, farming, and a service station did not generate sufficient funds for programs to improve the lives of tribal members.[63] The Fort McDowell Yavapai also operated a small bingo parlor. The Supreme Court ruling in the *California v. Cabazon Band of Mission Indians* in 1987[64] and the passage of the Indian Gaming Regulatory Act of 1988 (IGRA)[65] offered an opportunity to the Fort McDowell Yavapai for the economic improvement of their tribal members. By the early 1990s, the Fort McDowell bingo parlor, along with several other Arizona Indian Tribes, installed slot machines, in spite of the fact that no Tribal-State Gaming Compacts had been signed, a key provision in the IGRA.

## ENCOUNTER BETWEEN THE STATE OF ARIZONA AND THE YAVAPAI

The FBI threatened to shut-down and seize the gaming equipment at the Fort McDowell Yavapai Nation gaming casino in May 1992. The actions of the Fort McDowell Yavapai Indian Nation that morning changed the direction of Indian gaming in Arizona. Governor Symington had stated that he never intended to allow Indian casino style gaming in the State of Arizona. Several Indian casinos around the state began conducting casino style gaming. The Arizona Indian tribes cited a variety of court decisions affirming their sovereign right to install gaming machines in their casinos. Federal marshals and FBI agents, acting on orders handed down by the District of Arizona, United States Attorney General

Linda A. Akers (1990-1994)[66] raided four other Indian casinos, confiscated their gaming devices and hauled them away with no opposition before arriving at the Fort McDowell Gaming Casino on the morning of May 12, 1992.[67]

The FBI agents arrived unannounced at the Yavapai casino at Fort McDowell Reservation early that May morning and unceremoniously ripped out about 750 of their gaming machines. Since they had experienced no resistance from the other tribal casinos, the agents did not expect any resistance from this small tribal casino. They were mistaken, some of the Yavapai people nearby observed the agents loading the machines into the waiting Mayflower vans. As the drivers and agents tried to drive away, they found the parking lot exits all completely blocked. The Yavapai using word of mouth urged everyone to round up all their old cars, pickups, and construction equipment to blockade the outlets. The Yavapai felt betrayed, said Rodney Pilcher, a tribal member who worked as the gaming center's cash operation manager. Attorney General Linda A. Akers had previously promised to give the Arizona tribes as least 24 hours notice before the state instituted a raid.[68] The standoff by the Yavapai prevented the removal of their gaming equipment from the casino property and ultimately forced Governor Symington, who now feared that violence might erupt, to open negotiations with Yavapai Tribal President, Clinton Pattea, and the other Arizona Indian tribes in order to create the necessary legal gaming compact. They may have lacked modern equipment or expert legal counsel. But, more importantly, they fought with heart.

The determination of the Yavapai people proved to be a pivotal event in effort to establish Indian casino gaming in Arizona. A careful study of the modern history of the Yavapai Indians uncovers a culture of resilience under pressure, the ability to adopt those new practices they perceived as beneficial to meeting their needs, and a fearless courage to overcome obstacles that can be compared with the biblical saga, David and Goliath.

The indomitable spirit of this small group of Yavapai Indians raises the question of how such sense of nationality, shared culture, and tradition through indescribable difficulties came about. Timothy Braatz, in his foreword to the Mike Burns' memoir wonders what provided the basis for the intangible "something," that shaped the Yavapai's strong sense of unity and belonging in Arizona. An indefinable quality, both subtle and profound, that binds together both tradition and adaption. Braatz looks at the trajectory of the lives of such noted Yavapai leaders as Carlos Montezuma and Mike Burns, both taken captive as children and successfully began assimilated into white society, eventually chose to return to the relative poverty of their homeland at Fort McDowell. Braatz wonders why both Burns and Montezuma felt the need to regain their Yavapai identity, what pulled them back? Was it the "beauty of the mountains, the warmth of Yavapai families…or something more subtle and profound that gave them a sense of belonging in Arizona," that calls for more analysis of Yavapai culture?[69]

# CHAPTER 2

## CASE STUDIES OF YAVAPAI WARRIOR SPIRIT AND LEADERSHIP

The history of the Yavapai Indian nation provides another illustration of an activist people determined to define their own culture and their ability to modify and adapt to a new culture, guided by their internal character.[70] A first hand participant in the Indian wars, Captain John Bourke of the Fifth Cavalry, U.S.A., who served as an aide o the noted Indian fighter, General George Crook, wrote in 1891 that "the notion that the American Indian will not work is a fallacious one; he will work just as the white man will when it is to his advantage to do so."[71] Frank Mead, President Theodore Roosevelt's personal emissary sent to access the situation of the Yavapai at Fort McDowell in the early 1900s, gave high praise to the Yavapai Indians living at the reservation. Mead called them "honest" and "willing to walk 50 to 60 miles" looking for work.[72]

Mike Burns recalls how some of the early Tolkapaya bands never moved to the reservation, rather they wandered toward the Colorado River and found employment in settlements such as Congress Junction, Wickenburg, and Kirkland. They worked at jobs as farmhands and miners, even cowboys, earning money for their own clothes and food. These Indians became part of their communities without securing government money.[73] General George Crook, the administrator of the Rio Verde resettlement of the Yavapai, firmly supported the concept of economic self-sufficiency for the Indians, pointing out to them how honest labor could put "pennies in his pocket."[74] The concept of economic development on the Indian reservations ran into problems of access to financial capital, ability to

market products, and isolated locations, the government acknowledged that few tribes had natural resources, such as oil or timber. The poverty level on most reservations, in spite of concerted efforts on the part of the Indians, remained extraordinarily high.[75]

The Yavapai people displayed a remarkable ability to adapt new technologies into their society when these technologies offered a better way of life for them. According to *Theories of Political Economy*, by James A. Caporaso and David P. Levine, the ability to adapt the means available to achieve their own ends, the better a people will be able to satisfy their wants.[76] The Yavapai instinctively made use politics and economics to move their society from their primitive state of savagery and adapted the means available to achieve a better life for their people in the civilized world.[77]

Beginning with the Yavapai's first encounter with the Spanish in the fifteenth century, the Yavapai saw how the new tools and technology that were introduced them to could be integrated favorably into their lives. Economic and political changes come gradually from "the spirit of the people," as asserted by Sir James Steuart, a contemporary of Adam Smith in the 1700s. Steuart, an early proponent of political economy, articulated the theory that "the rise of political economy means the rise of civil society."[78] The Yavapai Indians suffered great hardship following their conquest and confinement by the American government. Yet that very hardship may have been instrumental in creating the incentives for adaption and the desire to acquire new skills in order to meet the needs of their society.[79] The Yavapai realized they had to adapt.

The mythic history of savage Indians has ignores the fact that there existed on those supposedly open, empty lands, a vibrant, complex culture of Indigenous people who played a very important part of the story about the West. Historians have long ignored the strength and activism of Indian leaders who struggled to protect their people and maintain their culture and traditions. The stereotypical portrayals of Indians as possessing traits of "primitive purity" or conversely violently savage, disregard the Indians' innate intelligence and resilience, their ability to hold onto their core cultural and traditional values while being regarded as a "conquered people," a designation they never accepted.[80] The Yavapai Indian Nation has garnered little attention in the popular histories of the West, but this small group has demonstrated a remarkable ability to survive as a tribe and a culture.

The Indians of the Southwest are a proud people, even such a small tribe as the Yavapai. Traditionally these peoples hold strong native identities, unified societies and infrastructures. These Indians displayed the remarkable ability to struggle against overwhelming odds to maintain their identity and culture. Yavapai leaders such as the illiterate Yavapai headman Yuma Frank, who fought to establish the Fort McDowell Yavapai Reservation for his people with letters written at his direction by his wife, and the native-born Yavapai Carlos Montezuma, a well educated medical doctor and a tireless advocate of Indian causes. These men dispel the historical myth of passive Indians accepting their role as a "vanishing race." They are just a few of the Indian leader who acted

forcefully, and often successfully, to protect their people and their lands from the invasions of the European-Americans.

Historian Brian DeLay in his book *War of a Thousand Deserts,* points out that recent studies have uncovered the fact that contrary to past histories. American Indians engaged in complex political strategies in order to cope with the new realities of an Anglo-American intrusion into their world. Moreover, these the Indians had developed inter-tribal political strategies long before the coming of the white men into their society. Like Europeans, the independent Indians used political means to achieve their public goals of profit and power, even though their methods may have differed from those of the Europeans.[81]

Philip Deloria points out in *Indians in Unexpected Places,* that the Indians have "always acted" to further the vital self-interest of their tribal cultures and worked within the "social, political, economic, and economic" framework available to salvage the "environmental wreckage" brought about by the Euro-American encounter. Non-Indian historians and writers generally presented a distorted view of Indian history and disregarded their real history and values.[82] The history of the Yavapai Indian Nations shows that they used political means to ensure peace and prosperity for their people.

The Yavapai Indians survived disease, dispossession, and incarceration at least in part because of strong leaders who worked to preserve their heritage, and cultural identity. The life stories of such men as Mike Burns, Carlos Montezuma, and Yuma Frank illustrate their abilities to survive and adapt to the most difficult conditions.

A young Kwevkapaya boy's trip with his uncle from the Salt River Valley to visit relatives in the Verde Valley area in December 1872, in all probability not only saved the boy's life Nation brought forth some of their greatest leaders who worked to preserve their, but gave a striking example of the spirit and courage of the Yavapai Indians.

## HOOMOTHYA: THE MIKE BURNS STORY

A visit to other Yavapai Kwevkepaya camps near the Verde River probably saved a young boy's life in 1872. Hoomothya was about seven or eight years old and lived with his family in a cave, part of a larger band of Kwevkapaya in the Salt River Valley. The U.S. Army had embarked on a policy of extermination of the Yavapai with the help of the Pima and Maricopa. They attacked Yavapai camps without warning and brutally gunned down the fleeing Yavapai. Hoomothya's people knew the danger posed by the U.S. troops ranging through the area. In spite of the possible threat posed by the presence of the U.S. military, Hoomothya's uncle decided to take him along to visit other Kwevkepay Kwevkepaya camps in the Verde River area. Early on that December 1872 morning, he left with his uncle and they traveled toward the Four Peaks Foothills before nightfall. They camped within sight of Fort McDowell.[83]

During the night, Hoomothya heard voices and became frightened when he heard a gunshot. He woke up his uncle who told him to run for his life. He ran and hid among the rocks, but was discovered by the soldiers in the morning. The soldiers dragged the boy out of his hiding place and forced him, along with a few

other Kwevkepaya and Tonto Apache captives, to help locate the Kwevkepaya band hiding on the north side of the Salt River, called Skeleton Cave.[84] The soldiers lined up below the cave holding the Kwevkepaya and commenced firing. The men in the cave rushed out and were gunned down. The soldiers poured round after round into the cave. Other soldiers climbed overhead and pushed down huge boulders to crush anyone hiding among the rocks. Only eighteen severely wounded women and children survived the slaughter. One of the soldiers dragged young Hoomothya along to witness the slaughter.[85]

The exact number of Kwevkepaya killed in the cave that day will probably never be known, some estimates place it around seventy-six. The condition of the bodies, torn apart by gunfire and crushed by boulders made any accounting nearly impossible. Hoomothya's father, two younger siblings along with his grandparents and other relatives hid in that cave and were killed by the soldiers. Soldiers had already killed his mother.[86]

The improbable survival of Hoomothya and the vengeful actions of the soldiers in forcing him to witness the slaughter of hundreds of the Yavapai including his own family provides a new insight into the history of the Southwest. Many years later, Mike Burns, recalled in his memoirs how that gruesome sight can never be erased from his mind or heart. He wept, "crying to death" at realization that his brother and sister, "the one I had cared for" were killed. But even as a young boy, the warrior spirit instilled in his heart prompted him to "take up a new and manly courage" and "hope for betterment in the future."[87]

Hoomothya chose a path that required bravery, and the true heart of a warrior, as he faced the challenges of a new and unknown world.

Captain John G. Bourke of the Third Cavalry, U.S. Army, and an aide to General George Crook, describes in his memoirs *On the Border With Crook,* how his regiment met-up with Captain James Burns, Fifth Cavalry on Christmas 1872. Captain Burns's regiment had been out from Camp McDowell, crossing over the peaks of the Matazal range. Burns's company included some captives and one "small but very bright and active boy." The boy displayed his expertise with the bow and arrow, along with the ability to "knock down quail with stones." This delighted the soldiers as it supplied fresh game to their skimpy mess. Captain Burns promptly adopted him and provided him with the name of "Mike Burns."[88] The soldiers herded the few survivors of the slaughter at Skeleton Cave including young Hoomothya to Fort McDowell. When the command began to move out, Captain Burns indicated he wanted the young boy to carry some things; probably coffee, beans, and bread. Hoomothya stayed with the troops on their move to Fort Whipple attached to Captain Burns' company for the next eight years.[89]

The unlikely circumstances of Hoomothya's deliverance into the hands of the U.S. Army provided the young Yavapai boy the opportunity to learn the ways of the white warriors who conquered his people. Nicknamed Mickey by Burns, he joined Burns's wife, Annie, and their little girl at Fort Whipple.[90] He became acquainted with the manners of white society, began wearing shoes and the white people's clothing, and most importantly, learned the English language. The

knowledge he acquired while living with the Burns family would prove to be important tools for the helping his own Yavapai people in the future.

Mike Burns stayed with Captain Burns's family at Fort Whipple until illness forced the captain to take a medical leave in 1874. Before Captain Burns left with his family, he entrusted the young Mike to the care of Lieutenant Joel S. Bishop. Outfitted in a suit of western clothes provided by Bishop, Burns become a part of the Fifth Calvary at Fort Whipple, and when the orders came down for them to move east in July 1875, Bishop asked General Crook for permission to take young Mike along. He stayed with the army, saying that he had no desire to return to the Indian way of life, all of his living relatives were dead, and the army life suited him very well. When Fifth Calvary troop arrived at a divide near Stoneman's Lake, Mike looked back over the mountains and Four Peaks. Tearfully, he said good-bye to his homeland, but with a warrior's spirit, decided to choose the life of a soldier.[91]

Mike Burns grew up in the Fifth Cavalry, and his memoir details his life in the army under General Crook as they moved to the northern plains to subdue the Sioux and Cheyenne Indians. He provides a compelling insight into the daily lives of the soldiers and his life among them.[92] The regiment passed through Pueblo, New Mexico, and at Fort Wingate, Lieutenant Aldrich Bishop took Burns to see the grave of Captain James Burns. Mike Burns remembered how the captain, already very ill, bid him farewell at For Whipple before leaving for Washington D.C. to seek medical treatment, saying "My boy, you will be all right." Unfortunately, the treatment did not help Captain and he died in the East.

The Mike shed tears at the gravesite of his friend, along with several other soldiers who shot off a volley over the grave in tribute to their comrade and friend.[93]

Burns ability to survive in a new environment of the white man's culture and the ability to use the benefits that culture offers, gives an insight into the Yavapai Indian's amazing survival skills. Burns's bravery and intelligence during his tenure in the army gained the favorable attention of General Wesley Merritt, Colonel of the Fifth Cavalry command. Burns became part of the Fifth Cavalry troop and his memoirs reflect his pride of his years with the soldiers. Merritt told Lieutenant Bishop that Burns should attend school, as he could learn nothing more from army life. When Bishop proposed the option of Burn's going to school, he immediately agreed. Within a couple of months, the orders arrived from Washington D.C. for the quartermaster to prepare Burns for a "long journey."[94]

General Crook interceded on the behalf of Mike Burns. Burns left for the Carlisle Indian School in Pennsylvania in September 1880.[95] Burns decided to visit General Crook on his trip to Pennsylvania. An army friend met him at the train in Omaha, Nebraska and took him to General Crook's house. Both the General and his wife wished him well in his new undertaking and Mrs. Crook told him that "schooling was a great thing" and he should use his education to be useful to his people.[96] Captain Richard H. Pratt had brought together about thirty Indian children from many diverse tribes; the Cheyenne, Arapahos, Oglala, Sioux to name a few. Still, by 1882, the Indian Boarding School routine, consisting of a

few lessons in the morning, and blacksmithing or carpentry the rest of the day, did not fulfill his desire to learn, and so he left. When Burns learned about the chance to advance himself with more education he enrolled at Highland University, using what money he had saved from his odd jobs. Burns embraced Christianity at Carlisle and felt Highland to be a place where he could earn his teacher's certificate.

In his memoirs, Burns recalls how Professor Charles McCarty would point out to visiting parents how well young Mike Burns, an "Apache" boy whose parents could not speak English has progressed with his studies.[97] Burns received his teaching certificate from President McCarty, who told him to go back to his Apache people and make known to them the benefits of living in peace with the whites.[98] Burns heard about Haskell Indian School at Lawrence Kansas, so he applied for a teaching position there. Demonstrating the hypocrisy embedded in the government's Indian policy, the superintendent told him that he could be enrolled as a student, but no Indian could be enrolled as a teacher, even if he had the proper qualifications.[99] Actually, school policies were more flexible and many young Native people were employed as teachers in the Indian Service. However, young Burns felt the disappointment keenly in being rejected by the superintendent at Haskell.

Thwarted in his attempts as becoming a teacher, even at an Indian school, Burns again returned to army life as a scout in General Crook's army at Fort Reno, Indian Territory. At General Mile's headquarters, he enlisted as a scout and soon Major William Upham recognized Burn's ability as a warrior, wrote a

recommendation for him, saying that it would "suit him very well."[100] The army ordered General Crook back to Arizona in 1882 to quell the Apache outbreaks led by the Chiricahua shaman, Geronimo. Burns had indicated to General Miles that he wanted to head back toward his home country of Arizona, and so he ended up again under General Crook's command hunting down the Chiricahuas. Upon arriving at Separ, near Lordsburg, New Mexico in November 1885, he sent a telegram to General Crook at Fort Bowie requesting permission to go with the group leaving for the San Carlos Reservation, and Crook responded by telegram to proceed to San Carlos Reservation.[101]

Burns returned to the San Carlos Reservation in 1885 after his discharge from scouting and lived with a cousin who had survived the murderous assault on the cave. He lived between two worlds, never belonging to the white man's world and not completely belonging in the Kwevkepaya world. Mike Burns joined other Yavapai men as scouts to hunt down the notorious Apache, Geronimo. The Yavapai looked on Burns with some suspicion; he dealt too closely with the Americans.[102] At the San Carlos Reservation, Burn worked at repairing the school house. However, he also recalled the admonitions of his old friends, and began to recruit young Yavapai boys for an English class with an American teacher. Burns had knowledge of both the Yavapai dialect and English language. The reservation agent asked him if he would be interested in serving as an interpreter for the agency in 1887 for the same pay as he received for being a farm assistant. The position of interpreter would prove to be advantageous for the

Yavapai people who desired to return back to leave San Carlos and return to their traditional homelands.[103]

General Nelson Miles of the U.S. Army arrived in June 1887 to meet with the Yavapai. Burns proved to be a sympathetic intermediary, understanding both the Yavapai and the white worlds. He knew of his people's desire to return to their homelands and instructed the Yavapai spokesmen about the best arguments they should make. The Yavapai accepted the fact that some assimilation into white society was necessary for their survival. Burns told them to stress the fact that they wanted to learn the English language and be able to work and earn enough to buy their own food and clothing.

The Yavapai met with General Miles in 1887; he instructed them to revisit their homelands at Rio Verde and later meet with him in Los Angeles. Burns traveled with them as an interpreter to the second conference. General Miles issued a report to Washington that was sympathetic to the concerns of the Yavapai. The recommendations received from Washington were encouraging and through the work of Burns as interpreter over a ten year period, the Yavapai finally were allowed to leave the San Carlos Reservation and return to their former lands along the Verde.[104] Many of the returning Yavapai even found their former farm lands and were able to reclaim them. The young boy who by a twist of fate had escaped death at Skull Canyon now by a twist of fate had become the man to renew the life of his people.

The young Yavapai boy, Hoomothya's adoption by Captain Burns, the very officer who had ordered the boulders to rain down on the trapped

Kwevkepaya people, presents a strange paradox in the relations between the Indians and the U.S. Army in the late nineteenth century. General George Crook's relationship with the Indians and the Yavapai in particular presents an example of the complexities facing historians as they seek to analyze the Indian Wars and the conquest of the West by white settlers. When General Crook arrive at Camp Verde from Fort Whipple to carry out his orders from the army to move the Yavapai to San Carlos, he met with several of the warriors s and headmen on a small elevated plateau separating the White River from the Black River. According to the journal of Captain Bourke, General Crook gave each of them and gave each of them some writing on a piece of paper, telling them to keep it as long as they lived. He wrote; "I want to have all that you say here go down on paper, because what goes down on paper never lies. A man's memory may fail him, but what the paper holds will be fresh and true long after we are all dead and forgotten. This will not bring back the dead, but what is put down on this paper may help the living."[105] Burns, in his memoir adds that Mohave Charlie received one of these papers, and he regarded it as sacred as a treaty. When Mohave Charlie died, his nephew, Marshall Pete became chieftain and kept the paper. General Crook promised in the paper that he would always be their friend and admonished them to live the "right way" and not "steal other people's property."[106] That piece of paper, kept as a sacred treaty by the Yavapai headman, proved to be a vital part of Yavapai history and the eventual return to their homelands.

Yavapai historian, Timothy Braatz in his book, *Surviving Conquest*, takes issue with the accepted views of most writers who pour accolades on General Crooks as almost deserving "sainthood." Praised as being "just and kind," Western mythology also credits him as the "heroic conqueror of 'the Indian Menace.'" Braatz points out that from the Yavapai perspective, this same General Crook "masterminded and directed two bloody winter campaigns against starving Yavapai and Western Apache families….and gave the order that led to massacres like the one at Skelton Cave."[107] Just as General George Crook relentlessly hunted down those Indians he regarded as being on the warpath and killed them in cold blood, once they had been conquered and brought onto the reservations, his curiosity and admiration for their ability to survive in the harsh wilderness made him sympathetic to their plight.[108] Again, following the threads of the real history weave a more complex tapestry than the one-dimensional pattern of Western mythology.

## YUMA FRANK, YAVAPAI HEADMAN

The Yavapai people taken to the army to the San Carlos reservation had adopted many of the trappings of white society, including clothes, tools, livestock, and agricultural practices and seemed for all purposes to be fully assimilated. They worked to become self-sufficient but never accepted San Carlos as their home, and reminded the Indian agents repeatedly of the promise to return to their homelands. After the Yavapai and the Tonto Apache began returning to their lands in the Verde Valley in 1899, a small group of Yavapai began to settle

around the abandoned army post of Fort McDowell. A well-spoken Yavapai headman, Yuma Frank, attained great respect among his people in the Fort McDowell area. While some Yavapai adopted white Christian religious practices, most still clung to their old spiritual beliefs. A well-spoken Yavapai, Yuma Frank, attained great respect among his people in the Fort McDowell area. About 1900, the people scattered around the Fort McDowell area gathered to elect a chief. Three men, Ovea Johnson, Tom Suramma, and Kapalwa, also known as Yuma Frank, vied for the post of chief. Yuma Frank garnered a majority of the votes.[109] Another old custom that remained strong was the deep respect for the Yavapai headman. The Yavapai turned to their elders for advice and leadership as these headmen led the struggle for land and water rights for their people.[110]

The Fort McDowell lands belonged to the Yavapai, but over the years Mexican and white settlers had moved onto these lands. Only the barren hillsides remained for the Yavapai to farm, so they decided to appeal to Washington D.C. to regain the rights to their lands. An illiterate, Yuma Frank's wife wrote numerous letters to the Bureau of Indian Affairs in Washington D.C., requesting the formation of a reservation for the Yavapai located east of Phoenix.[111]

The bill introduced into Congress that would have ratified that request was defeated in 1901. President Theodore Roosevelt learned of the threat of trouble between the white settlers and the Indians in the summer of 1903 and decided to investigate further. He sent a personal representative, Frank Mead, to meet with the Yavapai community. Mead reported back to President Roosevelt saying there were about 184 Yavapai at Fort McDowell and about 216 at Camp Verde. Mead

found the Yavapai to be worthy of aid, being “manly, honest, upright, and would walk 50 to 60 miles” in search of work. He estimated that the irrigable land to be about two thousand acres with many irrigation ditches already in place. Mead recommended buying out the existing settlers.[112] One Indian agent said that the determination of the Yavapai at Fort McDowell for self-sufficiency “amounts to a mania” although their struggle for land and water never seemed to end.[113]

Mead met with Yuma Frank. He was so impressed with him that he took Yuma Frank back to Oyster Bay, New York to meet President Roosevelt in person. President Roosevelt was moved by the plight of the Yavapai and in typical Roosevelt style, signed an executive order on September 15, 1903 establishing the Fort McDowell “for the use and occupancy of such Mojave-Apache Indians as are now living thereon or in the vicinity.”[114] Congress followed with a bill buying out the remaining white settlers. The Yavapai had gained exclusive rights to their land.

The removal of the existing settlers from the Fort McDowell land presented a thorny issue. A land office was opened on the reservation on October 20, 1903 and twenty-one settlers had valid claims and fourteen of them included improvements. Mead met with Governor Alexander Brodie of Arizona and the Sheriff of Maricopa County in order to process the claims in a peaceful fashion. The Reverend W. H. Gill and Yuma Frank helped to keep the Yavapai separated from the white settlers until all the claims were resolved. Congress appropriated $50,000 in November 1904 to pay the settlements and on November 19, 1904, $48,281.04 was paid out. The Fort McDowell Indian Reservation had become a

reality; the Yavapai had finally achieved a homeland. Federal allotment practices were dispossessing Indians of their lands but the McDowell Yavapai gained more than twenty-four thousand acres of land. The Yavapai managed to hold onto their land because of their persistence and determination in the face of overwhelming obstacles.[115] Yuma Frank had accomplished a land base for his people—a reservation of their own. From this land in the desert, his people would fight to protect it and their rights as sovereign people. They invested their belief of inherent sovereignty into the land called their reservation that they would never relinquish.

## THE CARLOS MONTEZUMA-WASSAJA-STORY

Remarkable leaders have shaped the history of the Yavapai people. Montezuma describes himself in a letter to Professor H.W. Homen of the Smithsonian Institution, Washington, D.C., dated October 7, 1906, as being a "full blooded Apache Indian, born about the year 1866 or '67 some where near the Four Peaks, Arizona Territory."[116] The misidentification of his tribe as "Apache" underscores the hazy public perception of the diversity of Indian tribes in the Southwest. His Yavapai father, "Co-lu-ye-vah," named him "Was-sa-jah," meaning "Beckoning." Montezuma also recalls having young sister named "Who-lac-cah," and an older sister, "Co-waw-sa-pucha." He lived the first five years of his life with his family in a band of about one hundred and fifty people.[117]

Montezuma grew up in a world of increasing American intrusions into Indian lands. The Navajo people had been dispossessed of their ands in northern Arizona by the famous mountain man, Kit Carson working for the U.S. Army and forced into exile at the notorious Bosque Redondo. American military forts were springing up with Fort Bowie in 1862 and Fort Goodwin and Fort McDowell in 1865.[118] In spite of the fact he was not Apache but Yavapai, Montezuma earned the nickname of "the fiery Apache" because of his impassioned lectures advocating the Indian causes.

The increasing presence of Mexican and American settlers in the area of the Gila River along with the drought of 1869 exacerbated a growing dispute between the Pima on the Gila River Reservation and the Yavapai. According to Montezuma's letter, one October night the Pima raided Was-sa-jah's small camp located on a plateau called Iron Peak, between forty and fifty miles west of Globe in the Superstition Mountains, killing thirty of more and taking about sixteen children captive. He, along with his two sisters, traveled with the Pima to a place near the present day town of Sacaton.[119]

Traditionally, Indian captives were treated fairly and often adopted into the families of their captors.[120] Now with the Pima captors suffering the effects of the hard times, they had no use for the children and ended up selling the captives for money to keep their own families alive. Taking Was-sa-jah on horseback to near Florence, Was-sa-jah became separated from his sisters, who were taken to Mexico. He was sold to an immigrant from Naples, Italy, named Carlos Gentile for thirty dollars Gentile worked as a photographer and artist while looking for

gold in Arizona. The Certificate of Baptism from the Roman Catholic Church of the Assumption in Florence, Arizona, and signed by Reverend Basil Echallier, on November 17, 1871, called him a son of Apache Tribes and named him Carlos Montezuma.[121] Montezuma had his birth date listed as 1866, but it could have been as early as 1865.[122]

Montezuma traveled by wagon with Gentile for many months through perilous regions and over mountainous terrain before reaching the train which took them to Chicago, Illinois, where Gentile opened a photography studio. Later in his life, Montezuma relates in one of his papers, how he felt when he and Gentile left the Arizona Territory, how he longed for his mother and father and the freedom he left behind. The little boy must have experienced the same trauma in being separated from his family and familiar surroundings that Mike Burns felt at the loss of his family in the cave on the Salt River in 1872. Still, like the young Burns, the young Montezuma admired the "glittering buttons" of the soldiers and made the decision to fight for survival in the "white man's world.[123] Carlos Montezuma left behind the world what he called a "primitive" life of an Indian boy in Arizona and "cast my lot with Eastern civilization." An article in the *Chicago Tribune* of Sunday, March 21, 1875, tells of "Montezuma: Gentile's Little Indian Protégé, The Story of His Capture and Purchase," and calling him "bright and intelligent." Montezuma embraced the wonder of civilization, entering public schools, and proved to be an apt scholar. He enjoyed school, learning the white man's language and ways. Indian boys love games and play to win, so just like any boy, Montezuma liked going out into the playground to win

marbles. But he studied diligently in the evenings instead of going out to play. He attended schools in Chicago and Brooklyn, New York. Gentile's business had prospered in Chicago, but a fire shortly after he moved to New York destroyed it.[124]

Gentile decided he could no longer care for young Montezuma and a Mrs. Baldwin took over his care. Later young Montezuma was passed from a missionary, George Ingalls to the guardianship of a Baptist minister, William Steadman. Ingalls recognized Montezuma's potential as a good Christian who would develop a trade, such as carpentry which could be passed on "among his people." Still Ingalls detected what he described as a trait of his race, to be slow and disinclined to work hard.[125] This perception of "lazy" Indians by the popular white society rationalized the settlement of Indian lands under the guise of making these lands 'productive.' Montezuma's letter to the Smithsonian Institution gives the list and dates of his schools as: Chicago public schools, 1872-1875; 1875-77, Galesburg, Illinois, a country school; 1877-1878, Brooklyn, New York, public school; 1878-84, Urbana, Illinois, public school and University of Illinois; 1884-1889, Chicago, Chicago Medical School.[126] Montezuma proved him wrong and exceeded his expectations by working hard, becoming a good Baptist, and a physician. An article in the *Spectrum* magazine during summer 1966 describes Montezuma as a good athlete, who taught Sunday school and "sang in the choir and glee club."[127]

Montezuma's educational path took him to the University of Illinois where he attained his B.S. degree in chemistry and wrote a thesis on "Valuation of

Opium and Their Products." He participated in school events including military drills and speech. A speech he delivered on May 5, 1883 was described by the school paper as "one of the rare treats of the evening, on 'Indian Bravery.' His description of the Indian life before white contact moved the audience to accept his positive views, rather than the popular notion by white people about the 'vanishing race' story, a perception that the Indian way of life that could never return.[128]

Montezuma graduated from the University of Illinois and returned to Chicago, looking for work. His letters of recommendation included one to Fuller and Fuller, a wholesale pharmaceutical firm. One of the firm's officers remembered him as a newsboy and wanted to learn if he was interested in entering pharmacy school. Montezuma replied his goal was to become a doctor. Fuller took an interest in him and gave him a letter of introduction to Dr. John Hollister at the Chicago Medical College. The letter to Dr. Hollister led to an arrangement for Montezuma's tuition to be paid, but first he must find some kind of work. A job at a nearby drug store washing windows and cleaning the store proved to be the ticket to his education. He now could begin his medical education.[129]

Struggling through years of medical schools and scraping by with scant funds, Montezuma found little time to devote to the needed studies. This made his life difficult. He persevered, again proving the assessment of men like Ingall's wrong. Montezuma sought the council of an old friend and acquaintance, Richard Henry Pratt of the Carlisle Indian School, during these troubled times. This led to

a lifelong correspondence with Pratt beginning January 16, 1887. Pratt had a firm belief in the possibilities of success for the Native American students in American society. Toward this end, he established his Carlisle Indian Industrial School in Pennsylvania during mid 1879. Pratt's belief in the abilities of the Native Americans and his encouragement of Montezuma to realize his goal to become a doctor resonated deep within the young man. Montezuma prepared to receive his M.D. degree in 1888 only to find the faculty refusing to grant him the diploma he had earned for what they called "his welfare." Without a diploma, he could not begin his practice of medicine. He rightly felt disappointed and blamed the unfairness on prejudice against Indians. A parallel incident occurred in the life of Mike Burns, when the superintendent of the Haskell Indian School informed him that Burns that the Indian school could not accept an *Indian teacher.* Pratt advised Montezuma to stay in the program and to insist on receiving his diploma. Montezuma persevered, attaining his M.D. in 1889 to become one of the only Native American physicians at that time.[130]

The new Native American doctor began private practice in Chicago. The practice did not thrive because few people would visit a young Native American doctor. The Bureau of Indian Affairs Commissioner sent Montezuma a letter inquiring about his possible services as a physician in the Indian service. Contrary to Mike Burns experience with Haskell Indian School, Montezuma looked forward to working with the Bureau of Indian Affairs. He accepted the offer to serve as physician at the Indian School at Fort Stevenson for the princely annual salary of $1,000. Commissioner Thomas Morgan epitomized the lofty goals of

individualism, Christianization, and acculturation of the Native Americans into the dominant white society. Carlos Montezuma was a shining example of that policy.[131] He headed to Indian country in the Dakotas with high ideals and enthusiasm which were soon put to a severe test by the harsh realities of reservation life for the Indians. However, he doggedly persevered and never lost sight of the principle that discipline and hard work achieved success. He wrote that he "belonged to a race who were being drive by the point of a bayonet instead of by persuasion."[132]

Richard Pratt and Carlos Montezuma continued their close relationship with frequent letters exchanging ideas. Montezuma joined Pratt at the Carlisle Indian School as physician in July 1893. He staunchly supported Pratt's theory that Indian children would achieve success away from their families. Montezuma stayed at Carlisle until January, 1896, when he returned to Chicago to set up his private practice. Montezuma maintained his friendship with Pratt and his interest in the Carlisle football team led to trip with the team to Phoenix. He returned to Phoenix again in 1901 and this time revisited the scenes of his childhood.

This visit reawakened Montezuma's sense of family and he emotionally experienced the loss of his father and mother, who had died during his absence. But he found some cousins, Mike Burns and Charles Dickens and reestablished family ties with them. Montezuma visited neighboring areas where he made favorable impressions with the residents, The Globe *Silver Belt* described him as a "refined easterner" and he was met with "gladness" by the Pima who remembered him along with Mr. Gentile. Burns and Dickens saw Montezuma as a man with

the possible influence and wealth to help them establish their reservation at the abandoned Fort McDowell.[133] "The fiery Apache," Carlos Montezuma became well known as an articulate and active advocate for the Yavapai Indian people.[134] In his writings, he describes the desperate conditions of the Indian reservation system as a "battlefield on which ignorance and superstition are massed against a thin skirmish line sent out by civilization."[135]

It would not be long before the Yavapai were challenged by the white community. In September 1909, word reached Carlos Montezuma, a Yavapai native living in the East that non-Indian people were working to move the Yavapai off the Fort McDowell Reservation and relocate them to the Salt River Valley. The Yavapai were not convinced by the Indian agent who told them that it would be "the best thing for us to do."[136] They resisted the efforts to move and stayed on their land. Charles Dickens called on his cousin in Chicago, Carlos Montezuma for help. Montezuma, learning of the plight of his people, advised them in "the strongest terms" not to agree to any action until he had the chance to look it over.

Montezuma distrusted the motives of William H. Code, chief engineer of the Indian Bureau and Charles E. Coe, superintendent at Salt River proposed.[137] Montezuma visited Fort McDowell in the fall of 1910, and again a year later. In the meantime, he began to advocate on behalf of the Yavapai at Fort McDowell, signing his letters, as "Wassajah," Code and Coe fought back, saying that Montezuma meant to make "mischief." Under section 2103 of the revised U.S.

Statutes, the Indian Bureau could stop people like Montezuma from influencing Native Americans.

Montezuma countered with a letter to the Secretary of the Interior, R.A. Ballinger, forcefully protesting the removal of the Yavapai from Fort McDowell, and further argued that a new dam should be built for them. Their land was arid and in order to succeed at farming, they needed funding to construct the necessary irrigation structures. That money was not available. Many Yavapai had to become cattle ranchers or seek wage jobs in nearby cities in order to survive on their lands.[138] Ballinger answered on January 27, 1911 that the expenditure of over $9 million on the Salt River Project would make approval of a dam for such a small number of people unlikely.[139]

Montezuma fought on, and argued that the proposed Fort McDowell dam would be less expensive than the $45,000 cost of transferring the Yavapai water rights to Salt River. Further, he stressed the fact that the Yavapai were not "lazy, shiftless, or immoral, but were industrious, pastoral people… [loyal] to the United States."[140] Finally, the bureau field investigator Carl Gunderson came to see why the Yavapai refused to move and after meeting with Charles Dickens, he found the Yavapai had confidence that Montezuma could move a bill through congress, providing water allotments to Fort McDowell. John Stevens introduced this bill in the House of Representatives and received a letter from Montezuma dated March 4, 1911, signed as authorized Representative of Mohave and Apache Indians."[141] In it he wrote, "In our good works fighting against odds and fulfilling the highest mission of our existence, we die and are forgotten," but went on, that

all the Yavapai wanted was to be allowed to remain on their own land.[142] Montezuma attained national prominence as an advocate in American Indian Affairs by 1912, and in his newsletter, *Wassaja,* he continued his struggle to improve the lives of the Yavapai, embarking on the most "deeply committed period of his existence."[143] During his lifetime, Montezuma exemplified the warrior spirit with his determined advocacy for Indian rights, he never gave up. He learned the ways of white society, lived among non-Indians, but his Yavapai origins remained in his deepest heart. Montezuma returned to the Fort McDowell Yavapai Reservation to live and die with his native people.

The Fort McDowell Yavapai people constantly fought battles of survival, to obtain land and water, and worked toward self-sufficiency with a persistent determination by a study of their history shows how they consistently stood fast and fought for their rights. Men of exceptional talent have developed from their ranks. Mike Burns and Carlos Montezuma's life stories demonstrate how the Yavapai children, kidnapped from their families and raised in the white society, later returned to guide the Yavapai through perilous times. Yuma Frank, a Yavapai without the benefit of an English education, convinced a President of the United States of the righteous of his cause. Their struggles continue today, as the Fort McDowell Yavapai Indian Nation grapples with moving from a generation steeped in poverty to a new generation accustomed to more access to money.

## STRUGGLE TO STOP THE ORME DAM PROJECT

*"The venerable Yavapai and Salt River Indians may yet influence the destiny of the Valley 'for as long as the grass grows and the waters flow"*[144]

The Yavapai at the Fort McDowell Reservation struggled onward in the next decades and faced another challenge in the 1960s. Congress approved the Central Arizona Project in 1968. An important part of the project called for a dam called the Orme Dam, to be built at the confluence of the Salt and Verde Rivers. Interior Secretary Steward Udall proclaimed the resulting reservoir a recreational opportunity for the Indian people.[145] The Fort McDowell Reservation faced the loss of 17,000 acres that would be flooded to form a water storage reservoir. This project, nor surprisingly, had the strong support of Arizona politicians, and business leaders, along with the media. In 1972 the Fort McDowell Yavapai faced another relocation and loss of land, they fought back lacking staff or funds for the fight.[146] After a hundred years of tenaciously battling to gain a small permanent homeland for their people, the Yavapai faced yet another relocation forced on them by the United States government.

In return for the loss of their lands, the U.S. Government offered the Yavapai $33.5 million and in addition they would get 2,500 acres of land and other compensation for the 17,000 acres lost to the subsequent flooding of their lands. The Yavapai disagreed. They claimed that the reservoir would inundate valuable archeological sites and natural habitats including the endangered bald eagle in addition to displacing 452 Yavapai Indians.

The Yavapai Indians doggedly fought the Orme Dam project, a David versus Goliath project, as Ron Schilling stated in a televised interview on Channel

Eight/KAET's Arizona Stories program. On one side stood the power of the majority of the Arizona congressional delegation, along with the county and state water officials. The main media and real estate developers also joined in promoting the dam project. The little people on the other side consisted of the Yavapai Indians, and environmentalists including the Audubon Society along with a local political activist, Carolina Butler.[147] This unlikely coalition proved to be strategically successful in defeating the Orme Dam project.

The battle between the tiny Fort McDowell Indian Community and the proponents of the Orme Dam resulted in the Bureau of Reclamation mounting an all-out campaign to force the Yavapai Indians to accept the government's offer, an offer that take away three-fourths of their hard-fought lands. They called the Yavapai Indians in for "informational meetings" and "harangued them" with the offers of money and plans for their relocation, touting the recreational benefits that the reservoir would bring to their people.[148] The Yavapai resisted and fought back, again showing their warrior spirit.

Women also took on the role of warriors in the battle against the Orme Dam. Minnie Williams, in the PBS Arizona Collections Program, said "When we were placed here, the almighty promised us the food off the deserts…that's the reason we want to remain in our holy ground there and worship as we please."[149] The Yavapai Indians once again faced the daunting task of fighting against an overwhelming force, the United States Bureau of Reclamation and its widely popular Central Arizona Project.

A Yavapai tribal chairman understood in 1972 that his people could not accomplish this task alone; they needed to employ strategic alliances and community support to win this fight. So, this led to the tribal chairman to write a letter to a housewife whose name had appeared in the newspaper reporting on a zoning case. Carolina Butler responded and became an active spokesperson to guide the tiny Yavapai tribe through the legal and political maze that would eventually lead to success.[150]

The Maricopa County Audubon Society headed by Bob Witzman, played an important role in the Orme Dam struggle when through exhaustive research, the society identified a nesting sight for an endangered species, the bald eagle. The lake resulting from the construction of the dam would flood out the bald eagle's natural habitat. The Yavapai tribe also cited important archeological sites facing inundation from the reservoir including an ancient cemetery.[151] Referendums concerning the dam and relocation showed opposition from a majority of tribal members. Butler helped the Yavapai raise enough money for plane tickets to Washington D.C. in 1975 and using her political know-how contacted a humanitarian group to help them with housing and providing access to political official.[152] It took real courage for these people to travel to a strange and possibly hostile city in order to fight for their right to stay on their lands.

The Yavapai raised the necessary money by selling fry bread and even a steer to raise in order to meet with federal officials. The trip in 1975 included many tribal members along with Kimberly Williams, then a twelve-year old traveled to Washington D.C. with the group. She remembered that the

government “didn’t know that there were people actually living in Fort McDowell. So, we wanted to go and show them who we were.”[153] Barred from testifying before a congressional committee, the Yavapai did have the opportunity to meet with the Senator from Florida, who expressed surprise, saying he had been told nobody lived at the Fort McDowell Reservation.

Various water engineers expressed opposing views on the impact of the Orme Dam on the overall Central Arizona Project (CAP), with its promise of water delivery into the parched environments of Phoenix and the agribusiness in Arizona. Frank Welch the former president of the Arizona Society of Professional Engineers became one of the project’s important opponents. Welch assembled cost and technical data on water projects, which became part of a federal study on the project. Gaining more community support, Welch founded the ‘Citizens Concerned about the Project’ and called the Orme Dam “undoubtedly the worst part of the CAP.”[154]

Surprisingly, the environmentalist proved to be a crucial element in finally killing the Orme Dam. Frank Welsh remembers finding the draft of the Orme environmental impact statement scheduled for a public hearing on July 1976. President Jimmy Carter subsequently deleted the Orme Dam from the CAP in 1977, but more battles ensued with research and studies presented on both sides of the issue. Finally an acceptable plan for flood control eliminating the Orme Dam found its way through the legislative thicket on the basis of cost estimates and environmental impact studies.[155] The end of the battle appeared when Secretary of the Interior James Watt arrived in person to visit the reservation.

The Yavapai prevailed on November 12, 1981 when after years of fighting the project, then- Secretary of the Interior James Watt finally removed the Orme Dam from the Central Arizona Project.[156] Kimberly Williams describes how the Yavapai people cheered the news but added that the cheers reflected "more of gratefulness, humbleness, thankfulness for the support that we had, because if we didn't have that support, we wouldn't be here."[157]

The Fort McDowell Yavapai people survived because their fight came from strong hearts. Small in number, perhaps only about 350 remaining members, they were large in spirit, proving that the 'little people can win with strategic alliances and dogged determination. Butler may have said it best, "The Indians beat the government with its own weapons."[158]

Over a century of constantly fighting battles to survive, obtain land and water, and work toward self-sufficiency show of determination by the Fort McDowell Yavapai people at the casino standoff. A study of their history shows how they consistently stand fast and fight for their rights. Men of exceptional talent have developed from their ranks. Mike Burns's and Carlos Montezuma's life stories demonstrate how the Yavapai children, kidnapped from their families and raised in the white society, later returned to guide the Yavapai through perilous times. Yuma Frank, a Yavapai without the benefit of an English education, convinced a President of the United States of the righteous of his cause. Their struggles continue today, as the Fort McDowell Yavapai Indian Nation grapples with moving from a generation steeped in poverty to a new generation accustomed to more access to money.

Mike Burns's memoir provides an example of how Indians learned about the white concept of money. Burns lived with the Captain Burns family at Fort Whipple after his capture. One day, Mrs. Burns gave Mike a $10 bill and told him to catch a ride to Prescott to buy some shoes and clothes. The first thing he spotted when he arrived in town was a shiny pair of boots. Burns grabbed the boots and thrust the $10 bill into the hands of the store keeper, never asking the price or for any change back. Returning back to Mrs. Burns, he found her concerned about what happened to the rest of the $10 bill. The next morning, Mike headed back to town and to the shop with a note from Mrs. Burns. The shopkeeper laughed as he read the note and gave Mike back $2.50 in change. The Yavapai now are like the little Mike, who given a sum of money, may not always use it in a prudent fashion. Many people still pose the question of where the Indian gaming casino money really goes and who actually benefits from the gaming revenues. There are as many answers as there are Indian tribal casinos around the country. The better question is how this nationwide gaming enterprise developed and will casino gaming provide a sustainable economic solution for the intergenerational poverty of Indian tribal members.

## CHAPTER 3

## DEVELOPMENT OF INDIAN CASINO GAMING

In spite of their industrious farming projects, the Yavapai like many other Indian communities, struggled with institution development, widespread poverty, health care, low educational levels, and racism.[159] Federal control over Indian programs began to weaken with more enlightened social policies and the passage of the 1975 Indian Self-Determination Act signed by President Gerald R. Ford allowing the Indian tribes to take a more active role in shaping their own policies. In the 1980s, the administration of President Ronald Reagan focused on removing bureaucratic obstacles to enable greater economic development. Reagan saw this as a way to cut government spending. The Reagan budget cut deep into Indian programs and was characterized by Indian leader C. Patrick Morris as anti-Indian.[160] President Bill Clinton followed a similar self-determination policy in the early 1990s, which encouraged the tribes to "compete economically" and he hoped they would "continue to benefit from gaming."[161]

The concept of economic development on the Indian reservations ran into problems of access to financial capital, ability to market products, and isolated locations. Only 25 tribes in 1975 had natural resources, such as oil or timber. The poverty level on most reservations, in spite of concerted efforts on the part of the Indians, remained extraordinarily high. The 1990 census figures show that fully one-third of Native Americans lived below the poverty level in contrast, the level if 13 percent in the general population.[162] Former justice, Frank X. Gordon, Jr., named as mediator in the Arizona casino dispute, describes the living

conditions for the southwestern Indian tribes as "not unlike (those of) many Third World countries in Africa today" in describing the conditions on the Tohono O'odham Reservation in his ruling in February 1993.[163] The Yavapai's struggles with entrenched poverty levels and limited economic opportunities mirrored the condition of Indian tribes around the country.[164] The Fort McDowell Casino complex developed from a small bingo hall, following the example of other tribes, notably the success of the Seminole Tribe in Florida. President Clinton Pattea of the Fort McDowell Indian Community described on the video how that small enterprise brought new money into the reservation and they soon installed slot machines. This proved to be the beginning of the road to economic success.

## WHAT STARTED IT ALL? THE SEMINOLE INDIAN BINGO PARLOR

The Seminole Tribes of Florida bore some striking similarities to the Yavapai Fort McDowell Indian Nation in Arizona. Both numerically small, Fort McDowell Yavapai hardly reached 800 people and only a few hundred Seminoles survived government removal to the West in Indian Territory and they suffered from persistent poverty. The United States government forced about 3,800 Seminoles from Florida the Indian Territory, later the State of Oklahoma. This removal occurred after the Second Seminole War of 1835-1842. A small band of Seminoles remained in the swamps of Florida and stubbornly held onto their sovereignty, claiming to be the only "unconquered tribe."[165] The Yavapai Indian Nation at Fort McDowell also was a rag-tag remnant of Indians, after most of their tribe had gone back to their lands in the Verde Valley in 1887.[166] Both the

Seminoles and the Yavapai pursued various economic projects in the late 1970s and 1980s, including smoke shops and wage labor in nearby metropolitan areas. And both existed in remote areas, after others in their tribes had moved to other territories. Both the Seminoles and the Yavapai looked for other means of economic development and bet on high stakes bingo as a path out of their poverty. The Seminoles began the fight for casino gaming long before the Yavapai entered the fray. The struggle began on December 14, 1979 in the Hollywood Seminole Bingo Parlor by the Seminole Tribe of Florida, the day that marks the opening of the first high-stakes gaming casino in the country.[167] This was the first Indian high-stakes gaming casino, and it certainly was not the last.

The small reservation of about 3,300 Hollywood Florida Seminoles, had struggled to survive in the Florida Everglades and swamplands after the end of the Second Seminole War of 1835-1842 and a Third Seminole War of 1855-1858 that left 350 survivors. They lived their traditional lifestyle in scattered camps, traveling between settlements in dugout canoes, isolated from the American way of life. The Florida Seminoles harbored an abiding distrust of the government and maintained their status as the only "unconquered" tribe since they never signed any peace treaty with the United States. The phenomenal growth of the population of Florida in addition to the establishment of the Everglades National Park in 1947, forced a dramatic change in the Florida Seminole lifestyle. No longer able to live in the swamps of the Everglades, they began their on-going fight for land and water.[168] They also actively sought a means to take advantage

of their location while refusing to adopt the ideological transformation of Florida into the last frontier for "Manifest Destiny."[169]

Struggling for survival, the Florida Seminoles looked for new avenues for self-sufficiency when the Reagan administration moved to cut regulatory obstacles that hindered tribal economic development. President Clinton followed up on this policy and the Florida Seminoles began to explore the possibility of opening a bingo parlor. Traditionally, Indians have engaged in games of chance, betting on games of dexterity, archery, races and even playing with dice and shells. Indian mythology places such games in the realm of religious beliefs and rituals. Since Florida legalized bingo, the Seminoles decided to take advantage of their location and open the Hollywood Seminole Bingo Parlor.[170] Bingo games were legal in state of Florida in 1979 when the Seminole Tribe of Florida opened the Hollywood Seminole Bingo on their Hollywood, Florida reservation. South Florida rode the economic boom of the sunshine states with growth based on "capitalism and luck." The Seminoles gambled their economic future on the success of their high stakes bingo games. Gambling on the fact that their location on Florida's Interstate 95 between the growing urban areas of Miami and Fort Lauderdale of their bingo hall could almost guarantee significant economic success its success, they opened their high-stakes bingo hall in December 1972.[171]

The Seminole Tribe ran the Bingo games six days a week; and gave out prizes over $100, actions violated the Florida laws. Not surprisingly, the Seminole Bingo hall began to attract patrons and pull in profits. They also attracted the attention of the state officials in an effort to make them comply with

the stringent state regulations. Broward County Sheriff Robert Butterfield informed the tribe that he was preparing to raid the bingo hall located on reservation land near downtown Fort Lauderdale. The Seminoles fought back through the courts and asked a federal judge for the Southern District of Florida for a preliminary injunction in December, 1979.[172] Florida law attempted to rigorously regulate the operations of the bingo game but the Seminoles argued that reservations operated under federal Indian law, which superseded the laws of the State of Florida and prevented the state from asserting state laws and regulations over tribal lands.[173]

A comment commonly made is that the Indian tribes have succeeded in legal actions because high-priced, powerful lawyers have taken up their cause. The fact is that the general counsel and head of the Seminole legal department is a native Seminole, the first Seminole Indian to graduate from law school. Jim Shore (Bird) not only has guided the gaming litigation successfully all the way to the United States Supreme Court, but he did this after being blinded in an accident.[174]

## COURT DECISIONS REGARDING INDIAN GAMING

The Florida Seminole tribes based their claim of exemption from Florida state regulation on their federal legal status as a sovereign nation and a federal judge for the Southern District of Florida granted a preliminary injunction that

prevented the state from enforcing its regulation on tribal lands in December 1979.[175] The precedent for tribal sovereignty began with a lawsuit in the state of Arizona in 1959, *Williams v. Lee.* The ruling handed down confirmed the right of "reservation Indians to make their own laws and be governed by them" thus preempting the state's rights to "infringe on" that right.[176] The legal wrangling continued on through the court system, first in the following May with a district Florida court holding that the state's gambling laws were civil/regulatory, rather than criminal/prohibitory. It ruled that the state's assertion of criminal jurisdiction over the Florida Seminole reservation under P.L. 83-280 did not apply. P.L. 83-280 related only to private disputes and state action could only be instigated when those disputes were criminal. Considering that the State of Florida's attempts to enforce its gaming regulations thwarted the primary purpose of the Seminole's high-stakes unregulated gaming casino, that of becoming a profitable business venture, the federal court ruled the Seminole's could not be prosecuted for exceeding the legal limits of the Florida laws.[177] The court's ruling in the case of *Seminole Tribe of Florida v. Butterfield.* District and circuit courts concurred with subsequent rulings.[178] It came down on the side of the tribe, stating that bingo was "not contrary to the public policy of the state."[179] The Indian tribes had limited exposure to the U.S. legal system and those instances occurred due to outside conflicts with the law. Now, the tribal members portray their court experiences as battlefields with the attorneys as warriors. This metaphor is fitting for the Florida Seminole Indians with their record of determined resistance to domination by the United States government.[180]

Noting the success of the Seminole's bingo operations, the Barona group of the Capitan Grande Band of Mission Indians opened a bingo palace on their reservation near San Diego, California. The sheriff threatened to close them down and the case went to court. The court ruled in the case of *Barona Group of Capitan Grande Band of Mission Indians v. Duffy,* in 1982 in favor of the Indians.[181] As long as a state allowed bingo anywhere within its borders, it lacked the authority to enforce its regulations against the tribe on reservation land.[182] These rulings along with the economic benefits reaped from the bingo parlors, opened the floodgate for Indian gaming around the country. Gaming was a way for the poverty stricken Indian tribes to raise revenue; the bingo halls, some with card rooms for poker and blackjack, brought in over $110 million by 1988.[183]

## THE CABAZON COURT CASE

Tribal bingo palaces began proliferating around the nation and so, too, were actions began proliferating in federal courts around the nation. States attempted to regulate the bingo games and, following the rulings in *Butterfield* and *Barona,* the tribes fought back in court. One of these cases, *California v. Cabazon Band of Mission Indians,* made its way to the U.S. Supreme Court. The California Indian bingo parlors awarded prizes in excess of the state's regulatory limits and the state viewed this as a violation of state laws. County sheriffs across the state began to threaten to close these bingo parlors down, in some cases, actually raiding them.

The Cabazon Band of Mission Indians passed a tribal ordinance authorizing a bingo parlor and card room in 1980. The card club opened on October 16, 1980. The Indio Police Department raided it two days later and arrested members, employees, non-members, and officers, citing the violation of a local city of Indio ordinance banning poker games.[184] This case was appealed all the way to the Supreme Court and argued on the basis of a federal statute, Public Law 280.[185] The journey of this case to the Supreme Court is an indication of the complexities and contradictions involved in the Indian gaming controversies.

The Cabazon Band of Mission Indians filed suit in 1981 in the Federal District Court of the Central District of California, which ruled in favor of the City of Indio. The Cabazon Band appealed to the Ninth Circuit Court of Appeals, which overturned the District Court ruling, saying that its gaming laws did not apply to the tribe. These rulings did not stop other laws enforcement agencies from pursuing the prosecution of tribal officers for violations of the local gambling ordinances. In some cases, they confiscated the cash proceeds, records, playing cards, and poker chips. The Morongo Band, in Riverside, California on April 23, 1983, authorized bingo games that operated in violation of the regulations. Both the Cabazon and Morongo Indians sued Riverside County in the Federal District Court, asking for a declaratory judgment stating that Riverside's regulations did not apply to tribal lands and sought an injunction to prevent their enforcement. The state of California weighed in on the matter, and the court ruled in favor of the county.[186] The issue of the Cabazon-Morongo bingo games did not end there.

Although the Federal District Court ruled in favor of the county, the Ninth Circuit Court of Appeals came down on the side of the tribes. The confusing and contradictory nature of the rulings guaranteed further appeals. Now the appeals court looked into the matter and found that Public Law 280 does not apply in the California case because the bingo statute is of a civil/regulatory nature, which is not applicable on Indian Reservations. The State of California's argument regarding the Federal Organized Crime Control Act was also rejected because the bingo games are not considered to be "contrary to the public policy" of the state. Never one to give up, the state of California went right to the top; it appealed the case to the Supreme Court and obtained a writ of certiorari on June 21, 1987.[187]

The argument California presented to the Supreme Court stated they had a vital interest in prohibiting tribal gaming and challenged the court to apply a "balancing test recognizing the state's interest in regulating gambling activity on Indian land." The attorneys for the tribes rejected that argument completely and in their brief stated "absent express congressional authorization, states have no jurisdiction over Indian tribes on reservations."[188] Furthermore, the briefs pointed out that there were many other card clubs exactly like the Cabazon card clubs not only in the state of California but also right in Riverside County. The Supreme Court handed down its decision in favor of the Indian Tribes on February 25, 1987.[189] This landmark decision would determine the future of Indian tribes throughout the United States for the coming decades.

The Supreme Court ruling, written by Justice Byron White, stated that tribes could engage in forms of gambling not expressly prohibited by the state in

which the tribe is located. But congress, not wishing to be overlooked in this matter, hurried to get the Indian Gaming Regulatory Act on the books on October 17, 1988.[190] This act classified various forms of gaming, with Class I being "traditional" and not subject to regulation, and Class II consisting of Bingo, pull-tabs, and lotto, which were subject to the IGRA. Class III called "casino-style" was the most contentious; it involved slot machines, the biggest money makers for the casino operators. The tribes and the state were required to negotiate a compact, in order for the tribe to conduct Class III gaming.[191] The IGRA stipulated that the state must make a good faith effort to negotiate a compact with the tribes. The definition of good faith effort became the problem and ended up in court again, with the *Seminole Tribes v. Florida* 1991 case, the court ruled that a state could not be sued in federal court without
the state's permission.[192] The ruling had the effect of placing all the power to negotiate a gaming compact into the hands of the state.

## STAND-OFF BETWEEN STATE OF ARIZONA AND YAVAPAI INDIAN NATION IN THE DESERT

This power of the state by Seminole Tribe ruling, handed Governor Symington just the instrument he needed to block the growth of Indian casino gaming in Arizona. He cited the fear of the Las Vegas mafia types moving into the state along with the casino gaming. Despite repeated attempts by the Arizona tribes to arrange negotiations for the gaming compacts, he refused to come to the bargaining table. Several Arizona tribes installed the Class III gaming machines

on the grounds the state permitted casino-style gambling for charitable casino nights along with racetrack betting.[193]

The State of Arizona granted Governor Fife Symington legislative authority to negotiate gaming compacts with the Arizona tribes, (H.B. 2352) in 1992. On May 12, 1992, one day after the new IGRA regulations regarding Class III gaming went into effect, the United States Attorney for Arizona ordered the raids on the Arizona Indian tribes using slot machines. These raids caught the tribes completely by surprise. The first four Indian casinos offered no resistance to the FBI agents. But the feisty little Yavapai tribe stood their ground. The Yavapai had a history of standing up for their sovereign rights from the early struggles to establish the Fort McDowell Reservation, through their fight to stop the building of the Orme Dam on the San Carlos River, part of the Central Arizona Project (CAP) which would have flooded thousands of acres of Yavapai farmlands. Now, they
became more determined to assert their sovereign rights to conduct casino gambling on their reservation.

The negotiations over the tribal gaming compacts involved the Indian tribes, the State of Arizona, and the Department of the Interior in Washington, D.C. The three men who would ultimately decide the fate of gaming in Arizona were the Secretary of the Interior Bruce Babbitt, a former governor of Arizona, the current governor, J. Fife Symington, and Fort McDowell Indian Reservation Chairman Dr. Clinton Pattea. These three men came to the Arizona political scene from widely divergent backgrounds ranging from the Babbitt's family

pioneer history in northern Arizona, to Fife Symington's birth to wealth and privilege in Maryland and the birth of Clinton Pattea in poverty on the Fort McDowell Reservation. Each tested their strengths in the political and economic arenas. Each one had fought their way to the top of their field. Their backgrounds affected the decisions they made and would have far reaching consequences for Arizona Indian tribes and federal gaming rules in the state.

The actions of the Fort McDowell Yavapai Indian Nation that morning changed the direction of Indian gaming in Arizona. Governor Symington had stated that he never intended to allow Indian casino style gaming in the State of Arizona. Several Indian casinos around the state began conducting casino style gaming. The Arizona Indian tribes cited a variety of court decisions affirming their sovereign right to install gaming machines in their casinos. Federal agents raided seven of these Indian casinos on the morning of May 12, 1992. Encountering no opposition from the Indian tribal members, the agents confiscated their gaming devices and hauled them away.

The FBI agents arrived unannounced at the Yavapai casino at Fort McDowell Reservation early that May morning and unceremoniously ripped out about 750 of their gaming machines. The agents expected no resistance, but some of the Yavapai people observed the agents loading the machines into the waiting Mayflower vans. As the drivers and agents began to pull out, they found the parking lot exits all completely blocked. The Yavapai of Fort McDowell, using word of mouth communication, rounded up all their old cars, pick-ups, and construction equipment to blockade the outlets. The standoff by the Yavapai

prevented the removal of their gaming equipment from the casino property and finally forced Governor Symington, who now feared that violence might erupt, to open negotiations with Yavapai Tribal President, Clinton Pattea and the other Arizona Indian tribes in order to create the necessary legal gaming compact. The Fort McDowell Yavapai on that day may have lacked modern equipment or expert legal counsel, but possessed something much more important, the spirit and heart of warriors.

## CASE STUDIES OF MAJOR PLAYERS IN ARIZONA COMPROMISE

The stories of the three principle players in the negotiations; the quiet, soft-spoken, but determined from the reservation, Tribal President Clinton Pattea, the confident, blustery, anti-gambling governor of Arizona with his aristocratic background, J. Fife Symington III, and a son of a pioneer Arizona family, brought up with the culture of the Navajo in Flagstaff, United States Secretary of the Interior, Bruce Babbitt, each brought their backgrounds to the bargaining table. The results are evident today with economic and cultural developments on the reservation lands. There are always winners and losers in every game of chance, but with a new generation of educated and motivated Indian people we can hope the best is yet to come for those who were once consigned to becoming “the vanishing race.”

### YAVAPAI TRIBAL PRESIDENT CLINTON J. PATTEA

Tribal President Dr. Clinton Pattea, a Yavapai, describes himself in testimony presented to the National Gambling Impact Study Commission; Subcommission on Indian Gaming, July 31, 1998, as being born on the "ancestral homeland of the Yavapai people."[194] Pattea's a home had dirt floors, no running water, and no electricity. A writer described a typical home on the Fort McDowell Reservation about ten years ago as a thirty-year old shack located on a dirt road with the only water supply being an outdoors spigot. Modern conveniences, such as telephones, electricity or indoor plumbing did not exist for most of the people living on the reservation.[195] In his testimony of July 1998, Pattea told of the challenges faced by the Yavapai at Fort McDowell, existing "with very limited resources, and an inadequate economic foundation."[196] He described the "determination of his people to survive" and the economic development programs the tribe had developed, including a service station, sand and gravel business, and farming enterprise. The Fort McDowell tribal farm consists of 2,000 acres of farm and nursery, including 50,000 pecan trees, and 30,000 citrus, in 1990, according to the publication from the Fort McDowell Yavapai Nation.[197]

Pattea recognized the value of education early in his life in order to improve the lives of the Yavapai people. He worked hard to achieve his goal of advanced education and attended Arizona State University-Flagstaff (currently Northern Arizona University) from 1960 to 1964. Pattea received his degree in Business Administration and after graduation, found work in the banking industry and later Pattea received the honorary degree of Doctor from Northern Arizona

University. Pattea served on the Arizona Commission for Indian Affairs along with being elected to the Tribal Council. He returned to the Fort McDowell Indian Reservation and was elected tribal president in 1960. Pattea served on the tribal council for more than 40 years and for 15 years as the president.[198]

In January 2009, the National Indian Gaming Association (NIGA) announced it would award President Pattea the Wendell Chino Humanitarian Award at the 2009 Indian Gaming Expo and Trade Show. The award is named in honor of Chino, the late Mescalero Apache leader is especially significant for Pattea, as Chino is considered the father of Indian casinos and "red capitalism," and served as a model for him. The NIGA board said they considered Pattea to be the "driving force" behind the success of the Fort McDowell Casino. They noted his "steadfast leadership" in the face of the staunch resistance of the then-Governor, J. Fife Symington.[199]

Pattea's quiet, soft-spoken manner, which is so apparent on the *People of the Red Mountain* video, belies the inner strength and determination he displayed during the blockade at the Fort McDowell Yavapai Casino. The history of struggle and endurance of the Yavapai people beginning with their survival in the harsh environment of the Arizona deserts and mountains, the suffering and dislocation they endured at the hands of the U.S. military, the dispossession from their lands by white settlers, imbued the Yavapai people, and Clinton Pattea, with a inner strength forged from adversity. Governor J. Fife Symington had completely underestimated his adversary in the gaming controversy in Arizona.

## ARIZONA GOVERNOR J. FIFE SYMINGTON III

The backgrounds and families of the two adversaries who met at the designated meeting place, a library on that May 12, 1992, could hardly have been more different. J. Fife Symington came from a distinguished Maryland family of wealth and privilege. He grew up in an influential family, attended the prestigious Gilman School in Baltimore and Harvard University, obtaining a liberal arts degree in Dutch Art History. He served in the United States Air Force during the Vietnam War and at Luke Air Force Base in Maricopa County, Arizona. His first wife divorced him claiming he was never gainfully employed and constantly in debt. Symington's mother often bailed him out of his financial failures. Later, he married the wealthy Ann Olin Pritzlaff and continued to live in Arizona.[200]

Symington comes from a background of wealth and privilege, being the great-grandson of Henry Clay Frick, an associate of the industrial magnate, Andrew Carnegie. He became involved in one of the most notorious episodes of union busting as the manager of the Carnegie's steel plant in Homestead, Pennsylvania. When the Amalgamated Association of Iron and Steel Workers refused to agree to a new contract with wage cuts, Frick threatened to shut down the plant. The strike in June 1892 by the steel workers led to a bloody confrontation with Pinkerton agents and the state militia. The resulting violence

led to the deaths of three detectives and nine workers. In the end, Frick and Carnegie had successfully destroyed the union movement in the state of Pennsylvania.[201]

Symington, like Frick, had no concern for workers or minorities. But unlike his successful great-grandfather, Symington failed at most of his business enterprises, most spectacularly his grandiose development projects in Phoenix, Arizona, the Camelback Esplanade and the Mercado downtown shopping mall. He consistently lied about his financial condition to lenders and the investment in the Esplanade project led to the collapse of the Southwest Savings & Loan in 1989. On September 3, 1997, a jury found him guilty of seven counts of bank and wire fraud, saying he deceived his lenders by consistently misrepresenting his true financial condition. Pleading personal ruin and refusing to tap into his wealthy wife's funds, he managed to escape the personal loan guarantees he had given to secure his loans. Through this maneuver he defrauded six union pension funds of a $10 million loan for the failed Mercado development.[202]

Ironically, Symington ran for governor of the state of Arizona in 1990, campaigning on the issue that Arizona was being mismanaged and needed the expertise of a good businessman to get to improve the state's economy. At the time, he was involved in questionable financial dealings in regard to the development of the so-called "world class" Camelback Esplanade and indignantly refuses to discuss his own business credentials. He says he's "just a regular guy" but his upbringing on the wooded rambling family estate in Maryland does not

but his upbringing on the wooded rambling family estate in Maryland does not make that statement ring true.[203]

Symington's attacks on Indian gaming puzzled many in the state. A National Indian Gaming Association Commissioner felt the whole thing was "outrageous." In fact, NIGA's Gaming Timothy Wapato claimed it was a "racist position."[204] Symington expressed deep concern about the move toward Indian gaming casinos and justified his fight against them on the grounds that it "opens the door for full-scale, Las Vegas-type casinos in Arizona." Other state officials feared an influx of the so-called criminal elements along with drugs and extortion.[205]

The Indian Gaming Regulatory Act (IGRA) enacted by Congress on October 17, 1988, granted Indian tribes the right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy prohibit such gaming activity.[206] The IGRA also provided for the conduct of Class III gaming on Indian lands if tribal-state compacts are entered into and only is similar games are offered in that state. Further, the IGRA, stipulates that if a state refuses to negotiate in good faith with a tribe, that tribe can sue the state.[207] The Yavapai-Prescott signed first compact with the State of Arizona in 1992, but could not reach agreement on the number of electronic gaming machines allowed in several other Arizona Indian tribes. The compacts put forward by Tohono O'odham, White Mountain Apache, and Pascua Yaqui

contained provisions for more electronic gaming machines than the state wanted to allow. Governor Symington remained adamant in his opposition to all casino style gambling. By 1990, some Arizona tribal casinos began installing Class III slot machines without the Tribal-State Compacts. Symington called this gambling illegal and the tribes countered by asserting their rights to the machines because the state allowed charity bingo games, lotteries, along with horse racing.

On May 12, 1992, the U.S. Attorney for Arizona, Linda A. Akers authorized the raids on those tribal casinos, including the Fort McDowell Yavapai Indian Casino, which led to the blockade and stand-off between the Yavapai and the State of Arizona. A temporary solution led to legal challenged for over a decade.[208] Negotiations between Symington and Yavapai Tribal president, Clinton Pattea began that day and both agreed to a temporary cooling-off period. "For the next several days, the blockade was on, and they didn't move their trucks of vans out of our parking lot for two weeks, " Pattea said.[209]

The Arizona Federal Court sent the proposed gaming compacts to a mediator, former Arizona Supreme Court Chief Justice Frank X. Gordon. He handed down his decision in February 1993, which said the tribes had the right to operate the slot machines and the games of poker. He cited the fact that legalized gambling already existed in the state and could see "no principled difference" between the state's simulated black jack and poker games on lottery tickets and the live black jack and slot machines in the casinos. Gordon noted the dire economic needs of the tribes for revenue from gaming, saying the tribes had no other primary source of revenue available.[210] Gordon gave Governor Symington

sixty days to review his decision and set a deadline of April 23, 1993, for the governor's signature.

Governor Symington refused to sign the gaming compacts and one of his key aides placed the blame on the fact that Gordon's decision granted three tribes much higher levels of gaming than the state wanted. Symington fought back by calling the 41st Arizona Legislature into the first special session on Tuesday, February 23, 1993. The legislative supporters of Symington jumped into the action, passing Senate Bill 1001 which expanded the definition of "illegal gambling." The legislation defined as "illegal gambling" a wide variety of gambling activities including dice games, roulette, keno, or any device requiring money, or even donations from the players or organizations operating the gambling including fund raising events such as "charity casino nights.[211] It passed along party lines on March 3, 1993 after a day of acrimonious debate and an attempted filibuster by Senate Minority Leader Cindy Resnick led the discussion. Senator John Wetlaw, one of only two Republicans to oppose the bill, called it a "rush to judgment" saying that the courts would "get the last laugh on this."[212] Tribal leaders, including Clinton Pattea, chairman of the Fort McDowell Mohave-Apache Indian Community met the next morning, saying they "were disappointed but not surprised by the Senate's vote." Pattea added that a referendum is "definitely" going to happen. In order to get a referendum on the ballot, supporters of Indian tribal gaming would have to gather 52,771 signatures within 90 days of the special session.[213] The Indian gaming controversy in Arizona was attracting national attention, especially by other Indian tribes, when

it landed in the office of Secretary of Interior Bruce Babbitt, an Arizona native son and a former governor of the State of Arizona.[214]

## U.S. SECRETARY OF INTERIOR BRUCE BABBITT

The Arizona Indian gaming controversy reached the office of Secretary of the Interior Bruce Babbitt in 1993 when negotiations between the state and the Indian tribes broke down.[215] Babbitt was uniquely qualified to deal with this thorny issue, growing up in Flagstaff and once serving as an attorney for the Navajo Nation while at a Phoenix law firm, Brown and Bain, he possessed an understanding of the problems faced by Indian tribes in Arizona. He also had an understanding of Arizona politics as a former governor of the state. Babbitt's family had deep roots in the soil of the state. The Babbitt brothers came to the Flagstaff area over a hundred years ago and earned a respected name for the family as Indian traders.[216]

Babbitt was elected Arizona attorney general in the fall of 1974, seeing this office as an entry into the political arena of the state. He supported the Arizona tribes in their fight for water rights along with fishing and hunting laws.[217] Babbitt became governor of Arizona in March of 1978 through a series of events beginning with the resignation of Governor Raul Castro in 1977, who accepted an appointment as ambassador to Argentina. Secretary of state, Wesley Bolin, succeeded Castro since the State of Arizona has no lieutenant governor to step into the office of governor. Unfortunately, Bolin died unexpectedly of a heart attack on March 4, 1978. Babbitt, next in the state's line of succession,

became governor upon the death of Bolin. Later, Babbitt won the governor's race on his own in 1978 and 1982. After he left office, President Bill Clinton named him Secretary of the Interior in December 1992, a choice hailed by environmentalists around the country.[218] Babbitt now occupied the office that would ultimately deal with the Indian gaming controversy that was brewing in Arizona.

The Indian gaming negotiations between the governor's office and the more than twenty Arizona tribes had stalled. The Indian tribes fought back with a statewide petition drive to put the issue to a vote.[219] Governor Symington did not sign the compacts by the due date of April 23, and under the terms of the IGRA (Indian Gaming Regulatory Act) the compacts moved to the office of the Secretary of the Interior.[220] Babbitt favored the federal mediator's decision but wanted to bring all parties to the table to discuss the issue.[221]
Babbitt may have privately opposed Indian Casino Gaming, but publicly he felt federal law favored the tribal rights to operate casino gaming establishments.[222]

Babbitt's compromise plan used a three-fold strategy; first allowing gaming machines only in the reservation casinos; secondly, the compromise would apply to all the state's tribes; and finally, it replaced the contentious 250 slot machine "ceiling" called for by the governor with a 250 slot machine "floor as a basis to begin negotiations."[223] In that way, every tribe would be allowed to have at least 250 gambling machines. It came as no surprise that neither Symington nor the Arizona Indian tribes favored Babbitt's opening compromise

proposals. Three of the tribes, the Tohono O'odham, the Pascua Yaqui, and the White Mountain Apache, turned the offer down. They preferred the federal mediator's more generous offer. The tribes interpreted the IGRA more broadly and the state claimed just the opposite. Babbitt began negotiating with officials from the State of Arizona State and tribal officials, including the Cocopah, the Fort McDowell Indian Community, the Ak-Chin and the Yavapai-Prescott behind closed doors using telephone and fax machines.[224] Clinton Pattea, president of the Fort McDowell Indian Community said he expected the gaming agreement with the state would include modifications.[225]

## THE "GREAT COMPROMISE"

An agreement, called the "Great Compromise" was reached in June of 1993 and included a tier system for the slot machines, the greater the tribal membership, the more gaming machines would be allowed. Certain limitations were put into the compromise, such as not allowing games like blackjack. The State won the right for a standard compact form for all the tribal compacts in the state. Governor Symington signed compacts with sixteen Arizona tribes for a ten-year period during which Arizona did not receive any revenue from the tribal casinos.[226] The final signing of the compacts took place on June 24, 1993, at the Heard Museum in Phoenix. Secretary Babbitt's Great Compromise allowed all the parties involved to bring their concerns to the negotiating table. The compromise may not have been all that the tribes had hoped for and may not have been as restrictive as the state desired, but it was a workable solution at the time.[227]

A crisis was averted and all parties involved could claim some part of a victory. The quiet, hard-working negotiation skills of a knowledgeable and diplomatic Secretary of the Interior brought about a solution. Bruce Babbitt's personal interest in mediating a solution to the Indian-gaming controversy in Arizona along with Fort McDowell Indian Community president, Clinton Pattea's determined stand to protect the casino gaming interests for his tribal community played a role in this peaceful outcome to the controversy over casino gaming.

# CHAPTER 4

## THE FUTURE FOR INDIAN CASINO GAMING.

What are the future possibilities for Indian Gaming Casinos and for Indian people? The results of the proliferation of Indian gaming casinos in Arizona along with the economic benefits and the possible problems that develop will require new solutions. Which tribes have developed diversified business interests? With easy money coming into tribal coffers from gaming revenues, how will Tribal leaders motivate the Indian youth to pursue difficult educational and professional paths? How will they preserve Native American culture and traditions in the face of a growing reliance on the white man's world and culture? History, economics, law, political science, and sociology have played an important role in the survival of the Yavapai and other Native American cultures, moving them along the road to self-sufficiency. Will they gain the world and lose their Indian essence?

The question asked by many people is—does all of this money coming from the Indian gaming casinos actually do anything to help tribal members living on the reservations? Does this recent influx of casino wealth address the imbedded inter-generational poverty of Indian tribal members? In answer to these questions, the direct benefits to tribal members are stipulated in the Indian Gaming Regulatory Act (IGRA) of 1988.[228] The IGRA requires 34 per cent of the casino revenues to be paid directly to tribal members on a quarterly basis.[229] The economic benefits accruing to the Fort McDowell Yavapai tribal members

coming from casino gaming is causing seismic shifts in the lives and culture of the Fort McDowell Yavapai tribe.

The Fort McDowell Yavapai have seen dramatic economic growth since they won their battle to re-open their gaming casino in early 1993. As Tribal Chairman Clinton Pattea explained in July 1993; "The American dream is a real thing now. Now, we have chance to participate."[230] The dream of ending the grinding poverty on the Fort McDowell Reservation is taking shape with the distribution ordinance returning 26 percent of gaming profits to tribal members. Further benefits to the tribe are a social-services crisis center, day-care center, and scholarship fund. Tribal members said in 1993 that they were able to get their cars fixed, pay their bills, and buy a new butane tank. When the checks of $4,000 went out in May 1993, Kathy Paya said, a "lots of people were excited and happy."[231]

One of the most visible evidence of casino money is the modern houses replacing the dilapidated dwellings of an older generation's tribal members. Now modern stucco homes are graced with satellite dishes atop tile roofs and paved driveways that accommodate cars, SUV's, trucks and even boats. Indirectly the Yavapai tribal members benefit through the availability of a recreation center, library, a social-services crisis center, a day-care center, along with a scholarship fund, and health facility. Financially, every member receives annual payment from casino revenues of approximately $30,000.[232] The dream of ending the grinding poverty on the Fort McDowell Reservation is taking shape with the distribution ordinance returning 26 percent of gaming profits back to tribal

members. The economic benefits that derive from the Fort McDowell Casino are impressive. Before the casino revenues began to roll in, the reservation suffered from severe poverty with unemployment rates as high as 60 percent and per capita income about $1,560. The reservation's annual budget of $30,000 did not provide funds for education or employment.

Moving suddenly from a culture without money to a culture dealing with large sums of money requires an almost instantaneous acquisition of financial planning. The lack of knowledge about financial matters among the Fort McDowell Yavapai is hardly surprising. Growing up in a society without access to much money can lead to unwise spending when young people of eighteen or twenty-one suddenly come into the large payouts from the casino revenues. Laughlin relates an instance where a girl receiving her $300,000 payout at eighteen, spent it all in three months on "cars, drugs and gifts for her friends."[233]

The Fort McDowell Yavapai officials are aware of how the access to easy money can fuel the drug and alcohol problems. They are trying to help the young people to succeed through increased participation by the whole tribe, and stress education of the young. Tribal President Pattea emphasized the importance of education, saying that holding back the payments of members under twenty-one until they graduate from high school, not merely get a GED, would encourage tribal students to stay in school, "Our dropout rate has been very high…We wanted to make sure out kids stay in school."[234] The tribe's application for a federal grant to fund early childhood education programs in 1973, citing the dropout rate at 50 percent in grade school and 99 percent in high school. The

application pleaded for help saying the “Yavapai people were living ‘lonely, isolated and depressed lives.’”[235]

Yavapai tribal officials are fighting back with an increased focus on education to inspire a “sense of academic excellence as well as a sense of pride in elders…to nurture learning in the young.” Some of the rewards from the Yavapai tribe to good students are gift certificates to nearby malls and eateries, along with an Education Department banquet to honor the academic achievement of their students.[236]

By 2002, tribal chairman Clinton Pattea envisioned a brighter future for the Fort McDowell Indian Community, saying that education is important to ensuring a “sovereign, self-reliant community that blends traditional values and modern ways.”[237] Laura Laughlin reported in *The Phoenix New Times* on August 1, 2002, that the Fort McDowell Casino revenues are being spent to educate the Yavapai children. New programs, beginning in kindergarten embody a new, radical approach to ensure the future of their tribe. These young graduates, part of the ‘Hman ‘shawa kindergarten are part of the remnant of the once mighty Yavapai people who claimed vast territories of Arizona as their homeland.[238]

Funding education for the Fort McDowell Yavapai community is a necessary ingredient in order to supply the needed experienced, professional people to operate a diversified economic base including the traditional tribal farm, golf course, service station, along with a wilderness adventure on reservation land.[239]

The Fort McDowell Yavapai tribe reached out for an educator and former Mesa high school teacher, Amy Torres, in 2000, to work with tribal educational specialists to devise a plan to keep the students on the academic pathway. At an Education Department banquet, she reminded the Yavapai tribal members and elders that "the Yavapai never gave up during a troubled history…" Torres urged tribal members to keep that spirit alive through their children.[240]

Carlos Montezuma, the heroic fighter for Yavapai rights, emphasized the importance of education to bring the primitive Indians into the modern society. He railed against those who bemoaned the corrupting influence money had in destroying the Western mythic image of Indians. In a circa 1907 manuscript he wrote, "it is an intolerable spectacle which had its inception in the hysterical determination of a few individual to promulgate and give publicity to their cherished misconceptions concerning the Indians' place in nature and among men." The true friends of the Indians, he said, "will promote the work of making the Indian people practically a part of the general civilization of the country."[241]

But has the influence of wealth on Indians eroded their traditional and cultural values? Speaking of the modernization of the Seminole Tribes of Florida, a young civil engineer wondered if the "Seminoles sold out, destroyed their culture."[242] Or, did his preoccupation with the mythic cultural lives of the Seminoles really bespeak an innate racial tension to keep the Indians subjugated?

The fact that the Indians are actually operating the Indian gaming casinos on reservation lands, exercising their sovereign rights for economic self-sufficiency raises questions for many Americans. Many of these casinos are

proving to be a money-making machine for the Indian tribes and to some in the American public, this fact raises troubling questions. One of the real problems occurring within the American social fabric, are how the increased money in the coffers of the American Indian Tribes breaks down long-standing social barriers.[243] After over a hundred years of financial chicanery and outright corruption in the treatment of the Indians under federal control, the reality of not only tribal self-sufficiency, but economic prosperity seems to unsettle many Americans, who are facing a dramatic shift in how the "settler society" views the "indigenous peoples," a perception that has long influenced national and cultural policies of the American nation.[244] Many Americans still cling to the Western mythology rather than the Western reality.

Every benefit comes with a cost and as Andrew Light and Kathryn R.L. Rand pointed out in their book about Indian gaming casinos, there are a number of negative social costs being attributed to Indian gaming. One of the most prevalent problems, says Fred Sanchez of the Yavapai-Apache Nation in California, relates to "drug and alcohol abuse among the tribes' youth.[245] Drug and substance abuse rate is one of the biggest problems facing the Fort McDowell Yavapai tribal officials as well. To single out Indians problems with drug and alcohol abuse can be disingenuous; the problem should be viewed as part of the broader American social problems of drug and alcohol abuse. The American government has proved incapable of successfully combating the growing drug problem among the American public. The constant fight against drug smugglers shows there is a lucrative market for illegal substances. When we look at drug

and alcohol problems among the Indians, we are looking into a mirror that reflects back the same problems in this country. Tribal president Pattea hopes "pushing prevention" will keep the young from "substance abuse, excessive spending and laziness" that comes with "easy money."[246] Amy Torres, a former Mesa high school teacher hired by the tribal council, set up a program to track students at Fort McDowell. She set up a database identifying the tribes 483 (2002) students, with report cards and disciplinary actions from the schools in order to monitor the students progress. Torres and other tribal educational specialists meet weekly with high school seniors to help them complete their studies.[247]

The importance of Indian higher education is cannot be overestimated. The Supreme Court ruling in *Cabazon Mission Indians v. County of Riverside,* issued in February 1987[248] began with a native Florida Seminole college graduate, the first Seminole Indian to achieve a law degree, who served as the general counsel for the Seminole Florida tribe from the first legal battles for their bingo parlor in 1979. Jim Shore (Bird) fought the casino gaming issue for his people all the way through to the successful Supreme Court Ruling.[249] This puts to rest a theory that only by use of high-powered outside legal teams could the Indians achieve such success in pressing their court cases.

How did the Indians manage to achieve this stunning degree of success with their tribal gaming casinos, and can this economic success can be sustained in the long term is another question that comes up in casual conversation with my friends. Where does the casino money go? Part of the money goes to fund education much needed education opportunities for the Indians. Arizona Indian

Casino Gaming has benefited other Indian tribes as well. An article in the *Arizona Republic* on October 27, 2011, reported that the Gila River Indian Community, who operated 2 gaming venues near Phoenix, (AZ) has awarded a $200,000 grant to the A.T. Still University in Mesa to educate Native Americans as health-care professionals. The American Indian communities suffer from a lack of adequate health services, and the Gila River Tribe, through a total of $500,000 grants to the university's "Native Early Acceptance Team" program will address this issue in the future.[250]

Where does the money from the casinos go? The casino revenues benefit not only tribal reservation members but extend to the surrounding communities as well. One of the largest employers in the Phoenix (AZ) area, the Fort McDowell Indian Community employs approximately 1,000 people, of which 24 percent are tribal members. The Gaming Center offers job opportunities in food service, cash handling, maintenance and administration. They offer job training with a commitment for training Indian managers and administrators.

Casino money benefits neighboring communities. A city adjacent to the Fort McDowell Casino and Resort is Fountain Hills, which has seen a growth of fast food restaurants and hotels that bring in tourist dollars. All of this indirectly benefits local contractors, advertisers, marketers, and construction companies. The Fort McDowell Yavapai community also helps fund the Fountain Hills police and fire department. Casino money is also used to support numerous charities, such as Special Olympics and the tribal sponsorship of Muscular Dystrophy Association Telethon.[251] The Radisson, a 246-room resort hotel located just off

Shea Boulevard and the Beeline Highway, opened in 2005 and is described by the Arizona Republic travel reporter as being a "pleasant surprise" citing the AAA rating of four-diamonds. The venue, close to the casino, has the feeling of a lodge with dark wood and stone accents.[252]

Another Phoenix area city, Peoria, (Arizona) is benefiting from a grant from the Tohono O'odham Indian Nation, situated in southern Arizona. According to an article in *The Arizona Republic,* November 5, 2011, Peoria has recorded grants from the Tohono O'odham Nation of nearly $235,000. Part of this grant, approximately $180,401, will be used to purchase an Emergency Fire Rescue Watercraft for use at the recreational area of nearby Lake Pleasant. Such a water rescue craft will not only benefit the city of Peoria, but also all who come to enjoy the waters of Lake Pleasant. Another portion of the grant, $50,000 will go to the Peoria school district to help needy families to access all day kindergarten services along with a resource officer for the high school.[253]

The determination of the Yavapai people to protect their casino against the F.B.I. proved to be a pivotal event in effort to establish Indian casino gaming in Arizona along with its projected economic benefits. A careful study of the modern history of the Yavapai Indians uncovers a culture of resilience under pressure, the ability to adopt those new practices they perceived as beneficial to meeting their needs, and a fearless courage to overcome obstacles that can be compared with the biblical saga David and Goliath.

The indomitable spirit of this small group of Yavapai Indians raises the question of how such sense of nationality, of shared culture and tradition through

indescribable difficulties came about. Timothy Braatz, in his foreword to the Mike Burns memoir, wonders what provided the basis for the intangible "something," that shaped the Yavapai strong sense of unity and belonging in Arizona, an indefinable quality, both subtle and profound, that binds together both tradition and adaption. Braatz looks at how the views of such noted Yavapai leaders as Carlos Montezuma and Mike Burns, both taken captive from their Yavapai families as boys, adopted and integrated into white society, and still chose to return to their Yavapai homeland. Braatz feels that the need of Burns and Montezuma to reclaim their heritage calls for more analysis of Yavapai culture.[254] The history of the Yavapai Indian nation is one of strength, determination, adaption, resilience, and the drive toward a self-sustaining lifestyle. They developed strong leaders at crucial moments in their history, and provided the spirit for the remarkable stand-off at the Fort McDowell Casino.

## CONCLUSION

The Fort McDowell Yavapai tribe remembers their tragic past deeply and painfully. The traumatic experiences and bitter memory of their early encounter with white people binds the remnants of their tribe tightly together as a unified nation. Many years after the event, Mike Burns recalls in his memoirs the massacre of all of his family along with hundreds of other Yavapai men, women, children, and elderly at Skelton Cave in December 1872; "No histories [evidence] could be produced [to indicate that the] white men, women and children had been

killed by [other] Indians [not just Yavapai]…[so just] as many Indian men, women, and innocent children were killed by the white people."[255]

Carlos Montezuma, also a Yavapai well acculturated in white society, held the same bitter memories of how the Indians suffered at the hands of the white people. In his manuscript written in the early 1900s, he accuses the white "pioneer"[his underline] saying, "You will search in vain through history for one instance where the white man first landing in this country, was received and treated otherwise than kindly by the Indians. And never were they otherwise disposed, till friendship was turned to hate by treachery, robbery and murder at the hands of this white pioneer."[256]

This bitter memory takes on an added poignancy when reading the personal remembrance of Maggie Hayes's grandmother who related this narrative in order to keep the memory of how the Yavapai Indian tribe was forcibly and

brutally "herded like cattle out of the Verde Valley towards the San Carlos Indian Reservation."

Grandmother's story:

> We were many moons on the trip. We had to work all the way The soldiers had ponies to rider. There was no road, very few trails.
> Many had no moccasins, out of those who did, gave them to others who needed them more. Even the moccasins wore out on the sharp rocks. Our clothing was torn to rage on the brush and cactus. With bleeding fee, weary in body and sick at heart, many wanted to die. Many *did* die. Rations were meager. It was winter time. At night we huddled together around the campfire to keep warm. Cold and hungry, we did our best to get a little rest. Many a loved one was lost along the way, either dead or dying; their

> their bodies to be eaten by wild animals. We were not allowed to take the time to bury the dead, and who would want to bury the dying.

Hayes estimates the number of Yavapai leaving the Verde Valley at about 3,000, with less than half, perhaps only 1,400 surviving the trip. Those who did survive endured not only the unbelievable viciousness of the white soldiers, but the harsh, unforgiving encounter with the desert environment. Tested by man and nature, the survivors became stronger and more united, true Yavapai warriors.

*I lie anywhere,*
*I fight and die anywhere,*
*On the ground of in the water I am ready to die, anytime,*
*No matter whether I am young or old.*[257]

Warriors played a vital role in Indian communities. They bravely fought and died to protect their people and defend their lands. The warrior spirit burned brightly in their hearts. However, not all battles against their enemies were fought on the field of combat. Some of the battles that proved to be vital to the survival of their people were fought by the elders and chiefs in the councils using their intelligence and strategy to achieve their goals.

The western saga as presented by most early American historians has been a classic tale of good versus evil; the good portrayed as heroic white settlers who moved onto the empty plains and deserts of the West to create a new society, a new nation, a great empire under the noble banner of "Manifest Destiny." Divine providence provided the momentum for this righteous claim to these lands. Rarely do we ever hear of these "settlers" being identified as what they really were, "squatters" on lands occupied by the original inhabitants, the villains of this

history, the Indians. A fact generally overlooked is that these lands, so lusted after by the white settlers in fact provided the life and sustenance of a whole race of people. Early western historians vilified the Indian people by as "savage, pagans" and portrayed their attempts at protecting their lands, food supplies and families as "brutal attacks." As Guinn correctly points out in his book about the Tombstone shootout at the OK Corral, "perception trumps fact and history is subsequently distorted."[258]

Today's public perception of Western history, such as Custer's Last Stand, perpetuates the image of Indians savagery while downplaying the real incompetence of General George Custer's leadership. The recent airing of a television program on the History Channel, purporting to present a realistic representation of the events at the Little Big Horn, concluded that Custer's soldiers had died heroic deaths while the Indians who were defending their family encampment from attack by Custer's forces, were dismissed as defending a dying culture. Historian Philip Deloria points out that of the image of Indian savagery is still being used to rationalize the taking of Indians lands, in contravention of sacred treaties signed by the U.S. emissaries on the full faith and trust of the United States Government.[259]

The murky history of the real West can be better examined through the true stories of a complex cast of real people and their encounters they courageously faced, real encounter with real forces that shaped the development of the real West. They are not black and white characters in a morality tale; rather their lives and actions present a much more complex situation and certainly a

much more interesting history then has been previously recorded. The stories of Mike Burns, Hoomothya, and Carlos Montezuma, Wasaja, show the complexities facing the Yavapai Indians as they fought to survive in a new, alien culture.

Looking at one of the most heralded Indian fighters in the West, General George Crook, through the eyes of his aide, Captain John Bourke, we get a glimpse of a real person. General Crook, under orders from the U.S. government, ruthlessly and relentlessly hunted down and killed any recalcitrant Indians who resisted the move to reservations. And yet, when the Indians became "pacified," he fought the corruption of the contractors and the Indian agents, promising the Indians a better life if they adopted the ways of the white man. Was he a vicious warrior, or a visionary, fighting to save the Indian people? Mythology is simple and fundamental; real history is full of complexities and paradoxes.

The real history of the West as seen through the lives of these men, warriors all, is a mosaic of good and evil, of complex paradoxes, of struggles for survival, changing strategies, "bobbing and weaving," throughout their lives, but still engaged in the struggle, fighting in their realms for the "right" as they saw the right. The battles were fought on fields as diverse of the Skeleton Cave on the Salt River in Arizona, the barricades at the Fort McDowell Casino, the legislature of the state of Arizona, and the court of public opinion in the struggle by the Yavapai of Fort McDowell against the Orme Dam, part of the Central Arizona Water Project, which would have flooded thousands of acres of Yavapai land, archeological sites, and threatened nesting places of the bald eagle, an endangered
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The Yavapai have repeatedly engaged in battles against a harsh environment and powerful outside forces and they have repeatedly won because of a strong warrior spirit and the vision of their leaders. The Yavapai drive for self-sufficiency, described by a former Indian agent at Fort McDowell, amounts to a mania. This mania for self-sufficiency and the desire for independence led them to forge political alliances in surrounding communities to fight the Orme Dam, joining with other Arizona tribes to mount a public vote in favor of casino gaming, and using the casino revenues for the economic benefit of their people.

A static society is a society that will die. The mark of a dynamic society is the ability to adapt to the changing environment. The Yavapai constantly adapted to circumstances by freely trading with other cultures and borrowing whatever best suited their needs. Native American tribes that survived did so because they adapted to change while stubbornly hanging on to the core values that marked their identity as a people.

The question of the sustainability of the Indian Gaming Casino phenomena is another issue that is frequently mentioned. The question is asked even as the Indian gaming casinos continue to draw crowds of people to their casinos. Even in a time of the down-turn of the national economy, Arizona's 22 state regulated gaming casinos saw an increase in the 2010 fourth-quarter revenues of 1.6 per cent over the previous year's revenues. The state gaming director, Mark Brnovich, pointed to these gains as a hopeful sign for a broader economic recovery.[260]

The sustainability of the economic benefits deriving from the influx of casino gaming revenues will depend in part by prudent investments for future growth. The diversification of tribal revenues is best exemplified by the Salt River-Pima Indian Communities which built the new state-of-the art sporting venue, the Salt River Field along with the Talking Stick Casino and Resort Hotel. The Salt River Field was built entirely with tribal funds using no taxpayer money. It is the spring training home of the Arizona Diamondbacks and the Colorado Rockies. The Arizona Sports and Tourism Authority admitted they could not come up with the $100,000, plus cost of this stadium complex, built on Salt River Reservation land just east of Scottsdale.[261]

Other tourist destinations, such as the Wild Horse Pass Hotel and Casino, operated by the Gila River Indian Community draw thousands of tourists bringing economic benefits and tax revenues to the whole area. Indian gaming casino revenues have been an economic engine providing benefits, not only to their tribal members but to their communities and the state of Arizona.

Where does Indian gaming casino money go? A recent article in my old hometown newspaper, *The Grand Rapids Press,* (Grand Rapids, Michigan) provided an example of how gaming casinos benefit the community. In the June 2, 2011 edition, reporter Cami Reister asked a different question, "What Would You Do with $515,000? After getting that much from the Gun Lake Casino, Wayland area officials start planning."[262] The Gun Lake Tribal Gaming Authority CEO John Shagonaby is pictured handing a check for $514,871 to

Wayland Township Supervisor Roger VanVolkinburg (who incidentally, as a teen-ager, washed cars at our dealership in Wayland).

After a long and protracted battle through U.S. legal system, The Gun Lake Tribe of Pottawatomi Indians finally opened their Gun Lake Casino on February 11, 2011, D. K. Sprague, the tribal chairman, led a cheering crowd as the casino opened with a large electronic digital sign counting down to the final thirty seconds. I remembered well the poverty experienced by our friends, also part of the Sprague family from the Bradley Indian Mission, who rescued me on the highway so many years ago, and felt proud that perhaps now they had a better chance for a better economic future. Where does Indian casino money go? Our friends back in Wayland are sharing part of it to benefit Allegan county schools, an area educational center, along with the familiar communities of Dorr, Hopkins, and Yankee Springs.

The Yavapai people who encountered the power of the FBI, the governor of Arizona to protect their property on May 12, 1992, displayed their warrior spirit and determinedly stood held their ground is simply another chapter in their history. It is a history of repeated struggles against an environment of a cruel nature, hostile governments, and conquest by military force. Their survival depended on their endurance, skills, tenacity, and strength bred in a harsh and unforgiving environment of the Sonoran deserts, the daunting mountains, and forged in the fires of adversity.

Without strong leadership and the heart of ancient warriors, the Yavapai Indian Nation could not have endured disease, dispossession of their lands, and

death at the hands of the U.S. military. The Yavapai drive for self-sufficiency, described as almost a mania, made the warriors against the poverty engendered by the constantly changing U.S. Indian policy. These two powerful themes run throughout Yavapai history. Now the Yavapai again stand at the crossroads of history. In order to survive, they must constantly adapt to changing conditions; conditions that will test the warrior spirit and heart of their people.

Strength is not a function of size. A single strand of a spider's web, barely discernable to the human eye, is stronger that a metal wire. Just as the Samurai sword maker repeatedly plunges the metal blade into the fire, then relentlessly pounds it with a mallet to strengthen it, so have the Yavapai people been repeatedly tested and strengthened by generations in the fiery desert environment, pounded by the adversity of war and disease, and have become, just like the Samurai sword, strong and resilient.

The strength of the Yavapai warrior spirit has been forged in the fires of adversity and suffering. Western mythology is easy and comfortable, real Western history is hard and challenging. But challenges are rewarding, and by reflecting on realities instead of myths, the history of this country is enriched and the Yavapai Indians of Fort McDowell exemplify this characteristic.

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