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The New York Oneidas: A Case Study in the Mismatch of Cultural Tradition and Economic Development

BRUCE E. JOHANSEN

One of the most important—and often most vexing—questions in Indian Country today concerns the creation of reservation economic bases, which produce necessary cash income while being culturally appropriate and sustainable. Casinos sometimes produce mountains of money as they transform parts of reservations into annexes of the non-Indian economy, with all of their imported artifices and vices.

Thirty years ago, the New York Oneidas' landholdings were down to thirty-two acres east of Syracuse, with almost no economic infrastructure. Three decades later, the New York Oneidas own a large casino, the Turning Stone, which has incubated a number of other business ventures. Many of the roughly 1,000 Oneidas who reside in the area have received substantial material benefits.

There has been, however, a substantial dissident movement among Oneidas who assert that Ray Halbritter, "nation representative" of the New York Oneidas, was never voted into such an office. This group, centered in the Shenandoah family (which includes the notable singer Joanne Shenandoah and her husband Doug George-Kanentiio) believe that the New York Oneidas under Halbritter have established a business, called it a nation, and acquired the requisite approvals from New York State and the United States federal government to use this status to open the Turning Stone. The dissidents' tribal benefits were eliminated after they took part in a "march for democracy." To regain their benefits, those who had "lost their voice" were told that they would have to sign papers agreeing not to criticize Halbritter's government, not to speak to the press, and to pledge allegiance to Halbritter and his regime.

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The New York Oneidas have appointed a Men's Council (a body unheard of in traditional matrilineal Iroquois law or tradition), which issued a zoning code to "beautify" the Oneida Nation. This code enabled Halbritter's fifty-four-member police force (patrolling a thirty-two-acre reservation) to legally evict from their homes Oneidas who opposed his role as leader of the New York Oneidas, which was solidified by the acquisition of a number of other businesses, a phalanx of public-relations spin-doctors, several-dozen lawyers, and ownership of *Indian Country Today*, a national Native American newspaper.

The story of the New York Oneidas is a particularly raw example of conflicts that beset many Native American nations attempting to address problems of persistent poverty and economic marginalization by opening casinos. Supporters of the casinos see them as the new buffalo, while opponents look at them as a form of internal colonization, an imposition of European-descended economic institutions and values upon Native American peoples.

In few areas is the conflict as sharp as among the Haudenosaunee, or Iroquois Confederacy, where New York State governor George Pataki recently announced plans to open as many as six new Native-sponsored casinos in an attempt to jumpstart a state economy badly damaged by the attacks of September 11, 2001. On various Internet sites and chat rooms, supporters of Halbritter accuse the Shenandoah family of supporting anti-treaty groups, while opponents of the Oneidas' corporate structure routinely call Halbritter "the king" and "the despot."

The recent experience of the Oneidas of New York raises several significant questions for Indian Country as a whole. Is the Oneida model of an economic powerhouse key to defining the future of Native American sovereignty in the opening years of the twenty-first century, as many of its supporters believe? Materially, the New York Oneidas have gained a great deal in a quarter century, including repurchase of 16,000 acres of land by late 2002. Have these gains been offset by an atmosphere of stifling totalitarianism and a devastating loss of traditional bearings, as many Oneida dissidents attest? This conflict also has an important bearing on the pending solution of an Oneida land claim that is more than two centuries old.

ONEIDA HISTORICAL CONTEXT

By the time European-Americans encountered the Oneidas and other Iroquois, this confederacy was a major economic and political power among Native American peoples of eastern North America. The Oneidas enjoyed a commanding position astride the only relatively flat passage between the Hudson River and the Great Lakes; in the nineteenth century, this country would be traversed by the Erie Canal, a major economic lifeline between the East Coast and interior before the spread of railroads a few decades later.¹

Oneida is probably an Anglicization of this people's name for themselves, *Ona yote ka o no*, meaning Granite People or People of the Standing Stone. The Oneida, one of the five original nations of the Iroquois Confederacy (with the Mohawks, Onondagas, Cayugas, and Senecas) occupied an area in

Upstate New York near present-day Syracuse, adjacent to the Mohawks on their east and the Onondagas on the west.

The first European to visit Oneida country who left an historical record was a Dutch surgeon, Harmen Meyndersten van den Bogaert, who traveled westward from Fort Orange (Albany) in 1634 and 1635. The Oneidas sheltered the Dutchman during the winter, and fed him venison, salmon, bear meat, cornbread baked with beans, baked squash, and beaver meat. The fact that the Oneidas could bring such a feast out of winter storage spoke volumes about the abundance of their economy at the time. Van den Bogaert described storehouses of beans and maize; he estimated that one of these contained 300 bushels of corn stored for the winter.

During the early 1660s, continuing into the 1690s, Oneida and other Iroquois populations were sharply reduced by a series of epidemics, principally smallpox. By the late 1660s, according to estimates by French observers (which may have been inflated), two-thirds of the Oneida population was comprised of adopted Wyandot (Huron) and Algonquian captives.² Alcohol beverages already were taking a toll on the Oneidas as well. At about the same time, that the European religious frontier reached Oneida, the Jesuits arrived. By 1690, the new English government at Albany was approving purchases of Native land in Iroquois country. The Oneida population and economic base continued a protracted decline, mitigated somewhat by continued adoption of war captives.

The Oneidas, unlike a majority of other Iroquois, supported the patriots during the American Revolution. The Oneidas' corn surplus, an asset in peacetime trade, was put to use in 1777, feeding General George Washington's hungry troops during their desperate winter at Valley Forge. An Oneida, Polly Cooper (who also was called Polly Cook), served as Washington's cook for much of the war, at his specific request. Washington asked his staff to employ a Native American cook because of the commander's fondness for meals made from corn.

During the mid-eighteenth century, the Oneidas lived on roughly 5.3 million acres in central New York. Despite their aid in the American Revolution, New York Oneida lands were steadily eroded after United States independence was formalized in the Treaty of Paris (1783). During the mid-nineteenth century, within less than twenty years, Oneida land holdings were reduced from several hundred thousand to about 60,000 acres.³

Land purchases around 1800 sharply reduced the Oneida territory. These treaties were written to the advantage of several land companies with the assistance of New York State, which lacked federal approval required by federal "non-intercourse acts" passed during and after 1790. Facing disenfranchisement in New York State, during the 1820s and 1830s, about 700 Oneidas emigrated to the present-day state of Wisconsin, settling on land purchased from the Winnebagos and Menominees.⁴

By 1930, New York Oneida landholdings were down to about 1,000 acres. Various land dealings continued to erode even that amount of land. By the late-twentieth century, the Oneida Reservation in New York was down to thirty-two acres east of Syracuse. Some investment capital was provided in 1974,

with a \$1.2 million award (including accrued interest) from the Indian Claims Commission. Economic stimulus also was provided late in the 1980s by the construction of casinos in both New York and Wisconsin. By the late 1990s, Oneida landholdings in New York State had been increased by about 4,000 acres, largely through investment of casino profits.⁵

On January 21, 1974, the US Supreme Court sustained the Oneidas' position that the non-intercourse acts applied to takings of their lands by New York State. This decision opened the way for other New England tribes, most notably the Passamaquoddy and Penobscot of Maine, to sue for recovery of lands lost in violation of the non-intercourse acts, passed between 1790 and 1834, which required that all sales of Native American lands be approved by the federal government.

The New York Oneidas' present surge of economic development began during the early 1990s. The Turning Stone Casino, twenty-five miles east of Syracuse, produced 1,900 jobs and has become, according to Halbritter, the fifth most popular tourist attraction in New York State. By 1997, the casino and other Oneida businesses were employing 2,600 people, making the Oneida Nation the second largest employer in Central New York. By the late 1990s, 2.5 million people were visiting the Turning Stone annually.

In addition to land purchases, the Oneida Nation has used some of its gambling profits to start other businesses, such as the Oneida Textile Printing Facility in Canastota, the New York Oneidas' first effort at diversification outside of gambling. Oneida Textile, located in a renovated 6,000-foot structure, prints and markets T-shirts, sweatshirts, and other items of clothing. A 285-room luxury hotel was opened in September 1997, adding 450 jobs. Casino profits also have been used to build a council house, a health-services center, a cultural center and museum, a recreational center (with a swimming pool, a gymnasium, and lacrosse box), scholarship programs, medical, dental, and optical facilities, job training, legal assistance, Oneida language and music classes, meals for elders, and day care.⁶

DISSENT AMONG THE NEW YORK ONEIDAS

The burgeoning business climate has been attended by some controversy from Oneidas who assert that the New York Oneidas have built a business empire on an illegitimate claim to a political base that does not exist in treaty, law, or Iroquois custom. Two reporters writing for the *New York Times* characterized the situation in Oneida: "The root of the Oneida story is a bitter dispute between the traditionalist aunt who resuscitated the Oneidas and her modernist nephew who built the casino."⁷ The *Times*' first error in this piece was its characterization of the conflict as a family squabble. It's more than that. Factually, the *Times* did worse in this piece; before a correction was published, its report placed the Onondagas' reservation "near Buffalo," when it is south of Syracuse, New York, roughly 150 miles away.⁸

A family conflict is present here, but it is a single, superficial, dimension of the Oneidas' situation. Maisie Shenandoah, a Wolf Clan mother among the Oneidas, has certainly spoken out against her nephew Ray Halbritter. She

called Halbritter “an overfed despot with a taste for Italian suits, ruling from a white palace near the New York State Thruway”—an office at the Turning Stone casino that overlooks the championship-caliber Shenandoah Golf Course. “He’s a petty tyrant,” she said.⁹

Halbritter, who attended Harvard, does not apologize for having helped to create an economic juggernaut that has helped to build housing, a health clinic and other programs, as well as per capita payments for individual Oneidas (from which Maisie Shenandoah and others who oppose his methods have been excluded). According to Christiansen Capital Advisors, a Manhattan consulting company that maintains a database of gambling statistics, the Turning Stone Casino Resort in Verona takes in an estimated \$167 million in annual revenue, with a profit margin as high as 50 percent.¹⁰ From these profits, each enrolled Oneida member (except the dissidents) was receiving a quarterly check of \$1,100 late in the year 2001.

Halbritter, who first moved from the Syracuse suburbs to the trailers of the thirty-two acres with his mother, Gloria (one of Maisie Shenandoah’s sisters) believes that his aunt Maisie remains chained to a past that may be rich with tradition, but little else. “Sometimes, people are sort of imprisoned in poverty so long that they begin to believe that the bars are there for their own protection,” he said.¹¹ Late in the 1990s, most of Halbritter’s most vocal opponents still lived on the thirty-two acres when the Oneida Nation government enacted a new housing code meant to evict them from their trailer homes.

According to the *New York Times* account, “After a decade-long power struggle marked by occasional violence, [Ray Halbritter] ultimately prevailed, and in 1987 was endorsed by Maisie Shenandoah as Wolf Clan representative. By the early 1990s, the Oneida leaders representing the two other clans had died, leaving Halbritter as the sole representative. In 1993 he signed a casino compact with Gov. Mario M. Cuomo without formal consent from his people. By then, he and his aunt had had a falling out.”¹² The falling-out soon hardened along familiar lines in Indian Country: assimilationist versus traditionalist. “Our nation is run like a corporation,” said Vicky Shenandoah, one of Mrs. Shenandoah’s daughters. “But I would not trade my Indianness for money wealth. That won’t be here tomorrow.”¹³

Many Haudenosaunee (Iroquois) traditionalists believe that Halbritter is operating under self-assumed authority, in defiant opposition to the structure of the thousand-year-old confederacy, as well as the two-hundred-year-old beliefs of the Seneca prophet Handsome Lake, who abhorred four things that he said would doom his people: whiskey, the Bible, the fiddle, and gambling. Gambling proponents who do not follow the Code of Handsome Lake (Gaiawiiio) have asserted that games of chance were part of Oneida culture before the code was established (although large-scale commercial gaming with a mainly non-Indian clientele has no historical precedent). The Wisconsin Oneidas, however, have become hosts to sizable casino operations (and their financial benefits) without the acerbic cultural divisiveness that has troubled the New York Oneidas. They have been very careful to use casino revenues to support cultural activities, and to allow many voices to shape policy.

Rick Hill Sr., a Tuscarora leader, has warned that gambling has translated into the three *Gs*—greed, guns, and grief. From Seneca promoters of new

casinos, cut-rate cigarettes and gasoline without off-reservation taxes to Mohawks who “bottle” untaxed smokes across the border with Canada, Hill has said that young Iroquois are being seduced. “They all want to be the next Halbritter,” he said derisively.¹⁴

In the meantime, Halbritter seems to regard the confederacy mainly as a toothless (and largely moneyless) debating society. “Our revenue has enabled us to take control of our own destiny more than any political or theoretical speech can make,” he has said. “While people meet and make speeches, we’re actually doing things.”¹⁵

WHO GOVERNS THE NEW YORK ONEIDAS?

In May 1993 the Haudenosaunee (Iroquois Confederacy) Grand Council at Onondaga refused to recognize Halbritter’s authority as a representative of the New York Oneidas. Halbritter earlier had been selected by the Grand Council as a message carrier or “eyes and ears” from the Oneidas to the Grand Council, to serve alongside Lyman Johns and Richard Chris-john, a position which, according to Diane Schenandoah, a faith-keeper of the Oneida Wolf Clan (and daughter of Maisie), “did not carry any legislative or administrative authority but did secure for the Oneidas a presence at the Grand Council.”¹⁶

As Barbara A. Gray, who is Mohawk and a Ph.D. candidate in justice studies at Arizona State University, points out, “Halbritter was appointed by Wolf Clan Mother Maisie Shenandoah to be a sub-chief. By Haudenosaunee traditional law, a sub-chief is to be the eyes and ears of the Nation. In effect, he is a bench-warmer keeping the spot filled, until such time that he is removed or condoled. Halbritter was never condoled, i.e., officially raised to be a full chief, which takes agreement and ceremonial procedures from the Grand Council of the Haudenosaunee Confederacy.”¹⁷

The Onondaga Grand Council’s decision was affirmed by the Bureau of Indian Affairs in August 1993, only to be reversed twenty-four hours later when a New York congressman, Sherwood Boehlert, an avid supporter of commercial gambling, persuaded Bill Clinton’s White House to reinstate Halbritter’s federal recognition. To those who assert special-interest politics, Halbritter’s supporters replied that the reversal was obtained with affidavits supporting the action from a majority of New York Oneidas.

Following the deaths of Johns and Chris-john, and lacking further consultation with the matrilineal Oneidas’ clan mothers, Halbritter created a body calling itself the Men’s Council, whose members served at his pleasure, much like a corporation’s board of directors. Halbritter then created a corporate body that he and the Men’s Council called “The Oneida Indian Nation of New York.” This government disregarded the traditional clan-based leadership structure of the Oneidas, which is unincorporated and unrecognized by New York State. In a belated effort to express a modicum of support for a tradition in which women make many key decisions, Halbritter later attempted to balance his Men’s Council by selecting a number of elderly women to act as “clan mothers” in his governance structure. None of the “clan mothers” so

selected were chosen according to traditional criteria, under which such a position is hereditary, not elective. They were not clan mothers by tradition or custom, but a female counterpart of the Men's Council.

According to Diane Schenandoah, "If we were to honor our obligations as *Onyota'a:ka*, [Oneida people] and as Haudenosaunee, we had to seek a replacement for Halbritter while fulfilling a long-standing Confederate request to appoint *rotiiane* [leaders] and clanmothers in accordance with the Great Law." To do so placed traditional Oneidas in a bind, because by exercising their freedom of expression they risked their standing as Oneidas, and stood to lose all tribal benefits, placing their homes and livelihoods in serious jeopardy. During May 1995, the traditional people held a "March for Democracy." Many Oneidas lost all tribal benefits, including health insurance, tribal stipends, access to all tribal buildings and events, as well as their tribal jobs, for expressing their opposition to Halbritter openly by taking part in this march.¹⁸

As a severe critic of the Haudenosaunee Grand Council, Halbritter labeled traditional Oneidas as "dissidents" who have lost their voices. Wrote Schenandoah: "Without a trial or hearing we have been found to be guilty by the 'men's council' of conspiring with the Confederacy, meeting with Wisconsin-based Oneidas and being in the company of unnamed, but apparently dangerous, 'Canadians.' Halbritter has taken away our benefits while denying us, at risk of arrest, access to our Oneida facilities, including the Longhouse. He has punished Oneidas for speaking to the press, enacted ordinances which are unknown to residents, and passed laws which he can change on a whim."¹⁹

On March 20, 1995, according to the traditionalists, members of the Oneida Wolf Clan gathered to meet at their Longhouse, only to find that the locks had been changed. The police officers were instructed to arrest anyone trying to enter. The Men's Council also raised the ire of the traditionalists by holding meetings in the Longhouse, a place heretofore devoted to the Handsome Lake religion, which is strenuously anti-gambling.

According to Schenandoah, the Men's Council then created an Oneida Nation Court over which Halbritter had veto power. She said that Halbritter and the Men's Council held themselves above the verdicts of the court, and that they enforce its decisions with "one of the largest 'Indian' police agencies in the United States, now estimated to consist of over 50 officers, not one of whom is Native or has any training in Iroquois laws or customs."²⁰

THE PRICE OF OPPOSITION

By the year 2000, the Men's Council had enacted a housing code, and then began using its provisions to evict from their homes several of the corporate structure's most severe critics. Most of them lived in trailer homes on the thirty-two acres. The housing code and bulldozing of homes was presented not as an attempt to silence his opponents, but as a way to "beautify" the reservation. The evicted people were told to apply for newly constructed "Oneida homes." Schenandoah, speaking for the traditionalists, commented:

Yet we, the traditional Oneidas, did not qualify for the proposed homes since our membership was suspended. We suspect the housing plans are a way to remove us from our homes on the only undisputed land retained by the Oneidas: the 32 acres south of the city of Oneida.²¹

Most of the twenty-two families who were living on the thirty-two-acre territory in the spring of 2000 agreed to inspections. Every home entered by the Oneida Nation Police was condemned and subsequently bulldozed. By the fall of 2001, only seven families remained.²² Many of the homes previously demolished were in excellent condition, according to their owners. According to Schenandoah, "When we tried using our own resources to improve our homes we were threatened with arrest by the Oneida Nation Police for violation of ordinances unknown to us."²³

One of the traditionalists, Danielle Schenandoah Patterson, a single mother of three children, flatly refused to move. Faced with an Oneida Nation condemnation order, Patterson had been trying to repair her home on her meager income, doing beadwork. The Oneida Nation had refused to comply with a 1998 Madison County court order to garnish the paycheck of her ex-husband, who was an Oneida Nation employee, because of Patterson's political views. Patterson is among the Oneidas who were stripped of their "rights" as Oneidas because they opposed Halbritter's management of the Oneida Nation.²⁴

Traditionalist observers said that Arthur Pierce, Oneida Nation public-safety commissioner, threatened to take away Patterson's children because she had no central heating, then wrote a letter to Stoneleigh Housing, ordering workers there not to deliver a furnace that Patterson had obtained until after the Oneida Nation Police carried out their inspection. Traditionalist observers then watched Oneida Nation Police cars patrol the thirty-two acres twenty-four hours a day to prevent delivery of the furnace.²⁵ In the meantime, Mark Emery, an Oneida Nation public-relations spokesman, said that the mobile home's condemnation was necessary "for the sake of the children" (aged seven, eight, and ten at the time) who lived there with Patterson.²⁶

On November 16, 2001, Patterson was confronted by Oneida Nation Police at the entrance to her residence after she refused them entry to conduct an inspection that she believed was an excuse to bulldoze her home. Patterson feared that if she allowed the inspection, her home would face the fate of eleven others on the Oneida Indian Territory that previously had been inspected, condemned, and immediately demolished. Several of the traditionalists gathered at Patterson's home. Patterson's sister, Diane Schenandoah, said, "Physically, if they come in with bulldozers, they're going to have to flatten a few of us," she said. "They're going to have to run over us."²⁷

Joe Hernandez, a general contractor from Sparta, New Jersey, helped make some repairs to the home. Hernandez gave reporters a quick tour of the mobile home. "This trailer's insulated pretty well," Hernandez said. "It's a darn good trailer." Hernandez said he saw nothing to merit condemnation. "I mean, it does need a couple repairs, but it's a sound house," said Hernandez, who carries a wallet full of cards certifying him to work in various construction

fields. "Everything that I've seen so far is repairable and can be repaired in a reasonable amount of time."²⁸

Accounts of Patterson's arrest on November 16 varied widely, according to press reports. Patterson said she was driving away from her home Friday evening with her mother, Maisie Shenandoah, and her daughter Jolene, seven, when she saw about twenty cars head toward her home, carrying about thirty police. Patterson said that she turned her vehicle around and returned to the mobile home, only to find the cars, which included Oneida Nation Police cars and unmarked vehicles, blocking her driveway. One report said that "She said Arthur Pierce, the nation's public safety commissioner, approached her carrying a long, metal wrecking bar and a piece of paper from the Onedia Tribal Court granting legal permission to enter her home." After Patterson told the intruders to leave, according to her account, "Pierce and four other officers then grabbed her arms and jacket and pulled her away from her door."²⁹

Emery said that the Oneida Nation had obtained an emergency inspection order from Stewart Hancock, a nation tribal judge. Emery said Patterson refused to allow police inside. Police attempted to arrest her for defying the court order, and she attacked them, Emery said. Nation police charged Patterson with second-degree criminal contempt and resisting arrest, according to Emery.³⁰ According to a report in the *Syracuse Post-Standard*, "During the inspection, Patterson was arrested on accusations of refusing to allow officers inside and kicking a police officer during a scuffle on her porch."³¹ Patterson also was injured in the scuffle.

According to traditionalist eyewitnesses, five to seven officers slammed Patterson against the door of her home. They yanked Maisie Shenandoah, who was sixty-nine years of age, off the porch. Eyewitnesses said the police grabbed Patterson from all sides, forced her off her porch, and pulled out chunks of her hair. According to the same eyewitnesses, as one of the officers announced that Patterson was being taken into custody for resisting arrest, her glasses were broken and a heavy silver bracelet she was wearing was bent out of shape as she was handcuffed. When Patterson screamed that they were hurting her and that she was not provoking them, one of the officers threatened her by shoving a can of mace in her face before she was hustled into one of the police cars.

The traditionalists said that once Patterson was removed, one of the police officers pried open the door of the house with a crowbar, breaking it beyond repair, as several police swarmed into the home. During the inspection, according to the same witnesses, police ripped open her bedroom drawers, throwing her clothes all over the floor, broke a lamp, dismantled her kitchen pipes and ripped out a triangular door in the bathroom.³²

Patterson said that her children were traumatized because of constant harassment by the Oneida Nation Police. The children had been living with Patterson's sister since Pierce's threat to remove them. One of the children, seven-year-old Jolene, fully witnessed the November 16 police "inspection."³³

Following her November confrontation with Oneida police, hospital reports said that Patterson was treated for "multiple contusions" at Oneida

Health Care Center. According to another report, Patterson went to the Oneida City Emergency Room and was treated for severe bruising, neck and back injuries, as well as emotional trauma resulting from the arrest.³⁴ The same day, Patterson was interrogated for several hours by an Oneida Nation judge and police during which, according to one account, she was told she faced three weeks in jail without legal representation. "I was sitting there with blood on my face, big chunks of hair falling from where they [had] pulled hair out of my head. And the judge told me to get a good lawyer and he laughed."³⁵

Speaking for the Oneida Nation, Emery said that "Patterson attacked nation police, not the other way around, and that her mobile home was treated respectfully."³⁶ Oneida City Police Chief David Meeker, who was present at the arrest, "said Patterson resisted arrest and that he did not see nation officers use excessive force in subduing her."³⁷

The Oneida Nation inspection report of Patterson's home, issued after the incidents of November 16, asserted that it was badly deteriorated and "in such an overall dilapidated condition that it is not fit for human habitation." The report described holes in the ceiling and floor, broken doors, boarded windows and a sink not connected to the drain, among reasons for the condemnation.³⁸ According to an account in the *Syracuse Post-Standard*, "The notice also said the mobile home has no heating system. It states that the home is condemned for demolition because the violations cannot be corrected. Pierce . . . signed the order."³⁹

Patterson said that when she returned to her home a day after the November 16 inspection, she found it trashed. A back door had been ripped open and plumbing had been taken apart and not put back together. Several people camped at Patterson's home scoffed at the condemnation notice. Jerry Shenandoah, Patterson's brother, said that much of the damage cited on the inspection report was inflicted on the house during the inspection. He referred to some broken doors and damage to sink pipes.⁴⁰

As the Oneida Nation condemned her home, Patterson protested: "The most current violations committed by Halbritter and his Casino Cartel include creating a housing/beautification project as a guise to eject all Natives from their homes and the land completely. . . . In one year, 11 families were evicted and their homes demolished. The Nation police lost their deputization agreement with the State of New York and the surrounding counties. Further illegal surveillance and spy reports of the Nation police were publicly exposed. This occurred in the beginning of the housing/beautification project when a secret ordinance was created, and allowed the theft of private boat and vehicle owners' property."⁴¹

"On November 16, 2001," Patterson continued, "I was violated at my home, along with my mother, the Oneida Wolf Clan Mother Maisie Schenandoah, who is 69 years old, and my seven-year-old daughter who witnessed the entire incident. As the police performed their forced-armed entry of my home that I own, I vocally refused the entry of my home; knowing that it was intention for eviction, which led to police brutality upon me and then my arrest."⁴² Patterson said she was not read her Miranda Rights until she had been taken to the police station seven miles from her home.

THE CONFRONTATION GRINDS ON

On December 2, 2001, word was carried on the Internet that Oneida Nation Police had banned photographers from entering the thirty-two acres. The same reports said that reporters who visited the thirty-two acres without advance permission risked arrest.⁴³ The traditional Iroquois invited observers, and cautioned about the risk of arrest. As of December 7, 2001, Danielle Patterson's furnace had been repaired and a new carbon-dioxide-detection system installed in her trailer.

As Patterson refused to leave her home, in mid-December, the Oneida Indian Nation announced that it had offered her a four-bedroom rental house. Nation officials said that they wrote to Patterson to tell her the house was available for her and her three children. Patterson could live in the rental house, in the nation-owned Village of the White Pines, six months for free, and then pay rent according to her income. Clint Hill, a Men's Council member, said that Patterson was offered the house over people on a waiting list because she and her children needed safe housing.⁴⁴

Patterson appealed the demolition order in tribal court. She told the Syracuse *Post-Standard* that she hadn't received the letter offering the rental house and, in any event, she didn't want it. "That's ridiculous," she told a Syracuse *Post-Standard* reporter. "Why would I pay rent to them for a house that I could never own? Why would I pay rent to them if I already own my own home?"⁴⁵

On December 30, 2001, dissident Oneidas held a protest outside an Oneida Council meeting presided over by Halbritter in the Longhouse. During the course of the protest, the dissidents asserted that the Oneida Nation Police assaulted twenty-four protesters. According to one account from the scene, "Clint Hill of Halbritter's council hit Joe Hernandez with his truck." Hernandez was not seriously injured.⁴⁶

Danielle Patterson watched the altercation at about 10 A.M. from her house. "I held a open house the same time as Halbritter's meeting," Patterson said "I put a huge sign on my house that said 'YOU CAN BREAK MY DOORS BUT NOT MY SPIRIT!!!' Halbritter's mother Gloria . . . tore our signs up and assaulted the protesters as well. Halbritter and his Nation prosecutor told the Oneidas in his meeting that he has big plans for this land and he's going to do whatever it takes to evict all remaining families off this land."⁴⁷

The Oneida Nation's public-relations office called the protest "a blatant attempt to intimidate members and disrupt the proceedings of a Nation government activity."⁴⁸ A press release said protesters were wearing Nazi swastikas, and compared them to the Taliban.⁴⁹ The Nation Police were filming the protest, Emery said, as "police evidence."⁵⁰ "That's such a lie," Diane Schenandoah said of the swastika accusation. She said that one protester wore a Nazi swastika with a line through it on his shirt, and the shirt read "No More Hitler," comparing Halbritter's regime to the Hitler regime in Nazi Germany.⁵¹

The Men's Council's statement compared the protesters to the Taliban terrorist regime in Afghanistan. "They had their faces covered, looking for all the world like the Taliban," the statement said. "If they feel strongly about an

issue, why must they hide their faces in shame?”⁵² “The Shenandoah family today showed just how much disrespect they have for Oneida members, not just the government,” the statement said. “They invited these trained troublemakers to Nation lands in the hope of inciting violence.”⁵³ The statement continued:

Sunday’s little stunt proves that people like Joanne Shenandoah and Danielle Patterson are not interested in justice, fair play and making peace. All they want is to disrupt the peace and tranquility of the Nation and are willing to use professional agitators and innocent children to achieve their misguided ends. All they accomplished was to defile the Nation’s lands. . . . It takes more than a few out-of-state trespassers and a handful of greed-driven malcontents to interrupt the business of the Nation.⁵⁴

By January 2002 the Onyota’a:ka (traditional Oneida) had organized a series of social events to raise awareness and support. Said Diane Schenandoah:

We know our struggle is far more than a simple family dispute but involves every right and freedom held sacred to all Haudenosaunee. We are opposed to trading our ancestral lands for casino compacts; we want traditional leadership, and seek a return to our ancestral democratic heritage. Anyone who dismisses the Onyota’a:ka situation as a “family” matter not only belittles the suffering of the Oneidas but demonstrates contempt for the decisions of the Grand Council itself. For many, it is all too convenient to trivialize the Oneida struggle since it provides them with a weak excuse not to get involved when they know it is time to make a unified stand before the situation at the 32 acres degenerates to a point where more people are injured. What the Onyota’a:ka are to all Haudenosaunee is a conscience, an opportunity to do what is good and right. For those who cannot rouse themselves to action when the issues are so crystal clear this is the time to step aside and let the courageous ones restore freedom to the People of the Standing Stone.⁵⁵

In early February 2002, the Oneida Indian Nation Court’s appeals judge upheld forced inspections of homes on nation land. The judge, Richard Simons, said the nation possesses the legal power to inspect homes under nation ordinances. “While the interest of property owners to be free from searches from their homes is substantial, it necessarily must be outweighed by the community’s need to protect itself by identifying and abating conditions dangerous to its citizens,” Simons wrote.⁵⁶

The decision was rendered in the case of Ray and Elizabeth Roberts, who had refused to allow inspections required by nation ordinances. Simons said the nation had proven that the home inspections were reasonable. He said the nation’s Redevelopment Ordinance “addresses a particular and localized problem on Territory Road.”⁵⁷

Danielle Patterson, who continued to occupy her trailer home against the nation's expressed wishes, criticized Simons' decision and the entire nation court system. "This whole ridiculous court system is in violation of the Great Law," Patterson said. "They are a foreign government imposing their laws on our land."⁵⁸

By mid-February 2002 only eight traditional families remained on the thirty-two acres, as construction crews continued to lay industrial-sized sewer and water pipes in the area, preparing for a thus-far undisclosed project. As of April 2002, Danielle Patterson was still living in her trailer on the thirty-two acres, but was afraid to leave it, even for work or errands, out of fear that it would be demolished when she returned.

As controversy continued regarding the Halbritter government's legitimacy, Onondaga Sid Hill was sworn in April 14, 2002, as the new Tadadaho (speaker) of the traditional Haudenosaunee Confederacy council. Chiefs and clan mothers from as far away as Wisconsin crowded into the Onondaga Longhouse to witness the eight-hour ceremony. Halbritter and his Men's Council (including his half-brother, Clint Hill) were pointedly not invited.

DANIELLE PATTERSON'S STRUGGLE CONTINUES

The Oneida Nation's attempts to demolish Danielle Patterson's trailer home on the 32 acres continued throughout the summer, into the fall of 2002. Speaking for the Nation, public safety director Arthur Pierce on June 21 told a closed hearing of the Oneida tribal court that Patterson's trailer was "a fire trap," with no smoke alarms, plywood blocking a window in a child's bedroom, and piles of clothing blocking walkway, warmed by electric space heaters.⁵⁹ Pierce was the only witness at the hearing that had been convened to decide whether Patterson's home should be condemned and demolished. Pierce testified that an inspector hired by the Nation had found numerous violations in Patterson's trailer that could not be repaired without completely rebuilding it. These included, according to a report in the *Syracuse Post-Standard*, lack of "a permanent foundation, windows were knocked out, doors [that] didn't fit properly, the heating system [that] didn't work, the kitchen sink...not connected to the drain, the roof was leaking, and the floors were rotting."⁶⁰ "It was obvious," said Pierce, that "the trailer was dangerous unsafe and not suitable for human habitation."⁶¹ Patterson did not attend that hearing. Her lawyer, Barbara Olshansky of the Center for Constitutional Rights in New York City, said she was angered that Judge Stewart Hancock III Hancock had held the hearing on the condemnation order without her present. After the hearing, Patterson said, through Olshansky:

I will not defend a country that has no honor when it comes to their own citizens. I am appalled that the President of this country can spout his anger at terrorism and allow it to run rampant under his nose....God Bless America? United We Stand? For this? For extermination? For loss of human, civil and constitutional rights in the land

of the free? Well, maybe the powers that be in Washington D.C. need to wrap themselves in that flag and march to Yankee Doodle Dandy because that means as much as their words. Shame on you United States Government.⁶²

Judge Hancock on August 21 upheld the demolition order against Patterson's home, to be carried out on later than September 15. Previously, an appeal hearing in defense of Patterson's home had been scheduled in the same court for September 23, eight days after the deadline of the demolition order. By the legal logic of the court, she faced the possibility of defending her right to live in a demolished home.

The day after the demolition order was made public, Patterson described, via the Internet, squad cars of Oneida police cruising around the house like hungry sharks, with her children in a panic. By the first week of September, Christian Peacemakers had pitched about a dozen tents in Patterson's yard, answering a call by her to witness the anticipated demolition. The Peacemakers specialize in obstructing violence; they are a project of the Mennonite churches of the U.S. and Canada and the Friends United Meeting. In addition to their Oneida camp, during the later summer of 2002 the Peacemakers maintained teams in Hebron in the West Bank and in Colombia.

Reports from the scene described "Multi-colored pup tents...springing up around the condemned trailer of Danielle [Shenandoah] Patterson at the end of Territory Road."⁶³ As the tent village grew, Oneida Nation spokesman Mark Emery said, "It's never helpful for outside agitators to be part of any situation." Of the characterization that they were "outside agitators," one of the Quakers joked: "Are they afraid we are going to throw oatmeal at them or something?"⁶⁴

During the weekend of September 14-15, residents of the camp around Patterson's home prepared to form a human chain, anticipating the arrival of bulldozers. Some of the Christian Peacemakers compared Patterson's situation to that of Palestinians on the West Bank whose homes were demolished by the Israeli Army. "I was in Hebron in a so-called time of peace in 1997," said Anne Herman of Binghamton, N.Y. "People's houses were being demolished because they didn't have a permit to build, or they didn't have a permit to add on or repair. The same thing is happening here." Herman also said that the Oneida nation police resembled Mexican security forces in Chiapas, Mexico, as they put down a rebellion of Mayan farmers who sought land reform and equal rights.⁶⁵ The court's self-imposed September 15 deadline came and went without incident, as the Patterson family and roughly 200 guests waited for the bulldozers.

On September 24, the Oneida Tribal Court brought Patterson to trial *in absentia* for alleged assault and contempt of court. Oneida Nation prosecutor Peter Carmen contended that Patterson had violated a tribal court order by refusing to allow an inspector into her home the previous November. He has also charged Patterson with assault for kicking a nation police officer as he tried to restrain her. Carmen asked the judge to sign a warrant for Patterson's arrest and have her brought to court, Heath said. "They clearly planned to end this standoff...by bringing her in on that warrant, no matter what it took,"

said Joe Heath, representing Patterson.⁶⁶

Judge Richard Simons refused to sign the warrant and postponed the trial until October 14 after Heath questioned the legality of a contract between the Oneida Nation and the Lewis County Jail. The Nation has no jail of its own. "Lewis County has no authority to receive inmates from the Oneida tribal court," said Scott Steinhardt, spokesman for the state Commission of Corrections.⁶⁷

October dawned with Patterson still in her home, and roughly three-dozen observers still camped outside. Appeals circulated over the Internet for winter camping supplies. Shortly after 3 p.m. Friday, October 18, 2002, however, Patterson was arrested by approximately a dozen, well-armed non-Indian Oneida Nation police on a warrant for criminal contempt and assault issued the same day by the Oneida Nation Tribal Court. The warrant's stated intent was to force her attendance at a tribal court hearing the following Monday. She was first taken to tribal headquarters where she was denied bail at an impromptu hearing with no legal representation present. She then was transported to a jail 325 miles away in Cambria County, Pennsylvania, 50 miles from Pittsburgh. (The Cambria County jail in Pennsylvania also houses inmates for the Mashantucket Pequot tribe of Connecticut.) Patterson's three children were taken in by her sisters.

On Monday, October 21, Oneida Nation police transported Patterson back to the Oneida territory and compelled her to stand trial. Before jury selection began for an ordeal that Patterson was sure would convict her of anything the prosecution requested she consented to a plea bargain in which she pleaded guilty to one count of criminal contempt, a misdemeanor. The agreement freed Patterson of the felony assault charge but compelled her to leave her home within 24 hours. She also agreed not to interfere when crews came to demolish the home. Joe Heath, Patterson's lawyer, said she was forced to submit to the "brute force" of the nation. "She had no choice," said Heath. "When you hold a gun to somebody's head and say, 'I'm the boss,' what are they going to say? Leadership does not come from raw power being imposed on your people. It comes from compassion for your people."⁶⁸

Oneida Nation Prosecutor Peter Carmen praised the plea bargain as "an important resolution for law enforcement purposes because it ensures a peaceful, nonviolent end to this case."⁶⁹ Heath replied that the Oneida Nation's assertion that it is simply trying to ensure safe housing is "a farce."⁷⁰ He pointed out that Halbritter's Oneidas employ a large police force but has no fire department. "They claim to be concerned about housing and fire safety of Danielle and her children. But if we look at the result of all this, she is now homeless, they have locked her up over the weekend and they have caused her children trauma," Heath said.⁷¹

Shortly after 1 p.m., Tuesday, October 22, heavy equipment crushed Danielle Patterson's trailer on Territory Road. The demolition occurred behind a cordon of Oneida nation police who brandished cans of pepper spray and shoved several people away from their police line.

Patterson moved to an emergency shelter pending location of a permanent home. "They took my house but they didn't take my spirit," said

Patterson, huddled in a blanket on the back deck at the home of her sister, Oneida folksinger Joanne Schenandoah, in Oneida Castle. "I see the demolition of my home as a foundation of our victory, for all these illegal actions will be seen for the world's review."⁷² Patterson said she did not know where she and her children will live. Nation officials have cut off her tribal benefits, so she will not receive \$50,000 in housing assistance provided to Oneida members who have not criticized the Halbritter regime. "My first cousin, Ray Halbritter, uses unlawful and inhumane tactics against our people who will not bow to his illegitimate leadership and his casino cartel," Patterson said.⁷³

Coincidentally, one week after Danielle Patterson Schenandoah's trailer home was demolished, the Oneida Nation's business developers announced details describing an expansion of its gambling-based activities, including two championship-caliber golf courses, a 20-story hotel, a separate 100-room luxury hotel, 70,000 additional square feet of gaming space, a spa, and a convention center "capable of hosting thousands."⁷⁴

CONTROVERSY CONCERNING A PROPOSED LAND SETTLEMENT

As the New York Oneidas' government applied pressure to the last of the traditionalists on the thirty-two acres, it also was moving toward a settlement of the Oneidas' centuries-old land claim involving more than 270,000 acres in and near Madison and Oneida counties. The US Supreme Court had adjudicated the claim in the Oneidas' favor in 1974, with particulars to be negotiated.⁷⁵

Three groups of Oneidas (New York, Wisconsin, and Canada) are parties to the suit, in which the Oneidas and the US Justice Department contend that between 1795 and 1840, state and local governments signed twenty-six illegal treaties and several other "purchase agreements" with the Oneidas. Congress approved none of those transactions as required under the non-intercourse acts. These acts, which were passed to prevent just the kind of fraud by states and individuals that cost the Iroquois much of their land base, required federal approval for land transactions that was not obtained. In the late eighteenth century, as at the turn of the millennium, the law often was incidental to moneyed power. The Oneidas' land claims were upheld by the US Supreme Court a quarter-century ago, but, as of the year 2002, no land had yet been awarded.

During mid-February Governor Pataki, Halbritter, and a number of local officials announced a proposed settlement of the long-stalled land claim. Notable by their exclusion at the announcement were representatives of roughly 20,000 Oneidas living in Wisconsin and Canada. In the proposed agreement, the Oneida Indian Nation of New York agreed to reacquire no more than 35,000 acres of reservation land. The New York Oneida Nation also agreed to purchase no more than 5,000 acres of land during the first ten years after the agreement. In effect, Halbritter's Oneidas relinquished a claim to 215,000 acres that had been adjudicated by the US Supreme Court.

The Oneidas represented by Halbritter comprise less than 5 percent of those who asserted rights in the land claim. While the New York Oneidas asserted a membership of about 1,000 (not counting expelled dissidents) the

Oneidas of the Thames, in Ontario, have roughly 5,000 enrolled members, and the Wisconsin Oneidas 15,000. Governor Pataki, in other words, was attempting to settle a two-hundred-year-old claim with the consent roughly 5 percent of the aggrieved parties.

The agreement offered Oneidas outside of New York State some monetary compensation, although no one seemed certain how much, under what conditions, or whom would pay. The proposed settlement included a proposed payment of \$500 million purportedly to be funded by the State of New York and the federal government. Of that amount, \$50 million was earmarked for Madison and Oneida counties, with \$450 earmarked for the Oneida Indian Nation. To protect the counties, a \$100 million fund also would be created by the Oneida Nation and the state to reimburse local governments for lost property and sales taxes as the Oneidas purchased land and took it off the tax rolls. According to a report from Turtle Island Native Network, "If the other two plaintiffs in the land claim suit (the Wisconsin and the Canadian Oneidas) choose to participate in the settlement, they will share in a portion of the remaining \$450 million."⁷⁶ The exact amount to be shared was open to dispute, ranging from half (an amount cited by the governor's office) to substantially less than that (the New York Oneidas' preference).

The proposed agreement's explicit exclusion of any out-of-state Oneida group from acquisition of any land in New York State infuriated the Wisconsin Oneidas. Their general manager, Bill Gollnick, said: "Our tribal council has said there would be no settlement without an agreement on land. We are talking about our ancestral lands. . . . The majority are here [in Wisconsin] because the state of New York took our land and we have been seeking retribution for seven generations."⁷⁷ Arlinda Locklear, an attorney for the Wisconsin Oneidas, said that courts had ruled that all of the three surviving branches of the Oneidas have a legitimate claim to the more than 270,000 acres in dispute. The New York Oneidas cannot negotiate for the other two groups, she said. "The cases are not over."⁷⁸

Within a week, the Wisconsin Oneidas had filed twenty federal lawsuits seeking private lands in Central New York, all meant to derail the proposed agreement. As the year 2002 progressed, the Wisconsin Oneidas filed several dozen other, similar lawsuits in waves of twenty at a time. By the end of March 2002, sixty such lawsuits had been filed, seeking about 2,000 acres of land. Locklear said that the Wisconsin Oneidas wanted land, but do not intend to establish a reservation in New York. "We are deeply troubled to pursue this course," the Wisconsin tribe said in a written statement. "At the same time, however, we must establish the legal foundations that support our position."⁷⁹

Halbritter himself quickly alienated the rest of the Oneidas by calling them "greedy outsiders."⁸⁰

Halbritter's New York Oneidas further accused the Wisconsin tribe of seeking a New York casino, caring only about money, and showing no interest in their homeland since leaving it many years ago. Halbritter was quoted on the front page of his own newspaper, *Indian Country Today*, as asserting that the Wisconsin Oneidas had been away from New York so long that they had forgotten the location of their homeland, a profound insult.⁸¹

On March 28, 2002, Locklear said that the Wisconsin Oneidas would drop the sixty lawsuits if New York State allowed them back into negotiations. "The state has not contacted us since we filed the lawsuits," Locklear said. "The tribe is currently discussing filing more lawsuits." "We believe their demands are unreasonable," replied Suzanne Morris, speaking for Pataki. "We fully expect a dismissal. They have no standing to sue. These cases are frivolous and are a waste of time."⁸²

Within a week of Pataki's assertion that the Wisconsin Oneidas had no standing to sue, a seventy-page decision, handed down March 29, 2002, by Judge Lawrence E. Kahn in the Northern District of New York, held the opposite. Kahn ruled that both the Wisconsin and Ontario Oneidas did, indeed, have standing to sue. The judge threw out New York State's assertion that the passage of time had erased their ability to sue for land in New York State. Before the end of summer, yet another New York judge threw out the Wisconsin Oneidas' suits, agreeing with Pataki's assertion that they had no right to sue individual landowners. The Oneidas then announced plans to appeal.

CONCLUSION

Like many contemporary conflicts involving economic development in Indian Country, the current contest of wills among the New York Oneidas presently lacks a firm resolution or conclusion. As this account was being prepared, the remaining traditionalists on the thirty-two acres continued to stand their ground, as the Wisconsin Oneidas continued to file suits against property owners in the area to protest their exclusion from the land deal. The slots at the Turning Stone continued to turn, and money continued to flow. The Shenandoah family continued to raise questions about the Halbritter government's political legitimacy.

The recent events in Oneida country take place in a struggle over gambling that has wracked the People of the Longhouse for many years. The debate over gambling as an economic-development tool has been especially sharp in Iroquois country in part because of the two-century-old anti-gambling tradition of the Handsome Lake religion.

The casino issue has divided the Senecas for several years. Supporters and opponents clashed in 1995, when gambling was a major issue in a Seneca Nation presidential election that was decided by three votes. Opposing groups encamped for several months in adjacent Seneca government buildings; the confrontation climaxed with a gun battle that killed three men. The same factional differences were evident seven years later as the Senecas debated plans for as many as three new casinos under their jurisdiction under Governor Pataki's economic-development plans. The Akwesasne Mohawks, who probably will open at least one casino in the Catskills under the same plans, have been beset by tensions along the same lines. Two men died in factional violence there during 1990.⁸³

Dean Howard Smith, writing in *Modern Tribal Development* (2000) erects a theoretical context in which he seeks reservation economic development consistent with "the cultural integrity and sovereignty of the Native American

nations . . . leading to cultural integrity, self-determination, and self-sufficiency.”⁸⁴ Instead of being assimilated into an industrial capitalistic system, Smith believes that Native American traditions can be used to design “a new type of system that incorporates competitive behavior, social compatibility and adaptation, and environmental concerns.”⁸⁵

The Oneida Nation of New York under the leadership of Ray Halbritter has used gambling to create a powerful economic motor. While some Oneidas have relished its benefits, many traditionalists feel like strangers in their own land as they have been evicted from their homes, watched by non-Indian police, and cut off from tribal benefits because they have exercised their human rights to dissent. Many of them have come to ask, What kind of sovereignty is this? Any resolution of this conflict must consider the traditionalists’ rights to live in the security of their own homes, their freedom to express their points of view with full benefits of Oneida Nation membership. Only under such conditions will economic development be taking place in a culturally appropriate context.

The words of Vine Deloria Jr. and Clifford Lytle, in *The Nations Within*, resonate in this situation, even though they are now almost two decades old. They described the tension between Native communal ethics and an emphasis on individual economic assertion that is engrained in mainstream US culture. They also stressed a need to combine traditional beliefs with modern ways of making a living, specifically mentioning the Iroquois who work in “high steel” as a recently minted urban “tradition.” Whatever the shape of Native economies to come, according to Deloria and Lytle, a community must be comfortable with them. The level of repressed dissent among the New York Oneidas has made such comfort impossible. “Economic stability,” they wrote, “depends at least in part on the feeling of familiarity of the people with their means of making a living.”⁸⁶ To date, such stability has eluded the Halbritter-led government.

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