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Tribes' riches increase membership battles

Gambling is a big business for American Indian tribes — and that means big money for their members. But a growing number say they're being forced out of the pot. Rachel Dornhelm has the story.

BOB MOON: Thanksgiving is a joyous occasion for many. But not all Americans are celebrating. For American Indians, it can be bittersweet. Some even consider it a day of mourning. After all, being part of a Native American tribe has not been an easy road since the Pilgrims arrived on these shores. But there's a new struggle going on in some tribal communities. And as Rachel Dornhelm reports, there's a lot of money at stake.

RACHEL DORNHELM: Bob Foreman used to be tribal chairman of the Redding Rancheria tribe in Northern California. His mother sold the family's land to the tribe so it could start a casino in the '90s. A lot has changed since then. The tribe is prosperous now, but Bob Foreman and his family were disenrolled from the group at a tribal hearing two years ago.

BOB FOREMAN: We had all types of witnesses there, an anthropology person, a person who did our DNA, and all these papers here which shows that we qualified.

The problems started when the tribe demanded a birth certificate proving Foreman's mother wasn't just, say, adopted by Indians. Foreman's daughter Carla Maslin says there wasn't a document from the home birth and the real issue was greed. Indian tribes traditionally split any casino income among all members. This was a way to cut one family out and boost income to the rest.

CARLA MASLIN: They had to start a witchhunt, basically, and put in the minds of the membership — the rest of the voting members — that we're not who we are. And then it was, 'just think how much money you'll get when the 76 members of the Foremans are out.'

The tribe was just under 300 people, so the move translated into a big raise. Maslin, a former health director at the tribe's clinic, says without her family, everyone's income jumped about \$3,000 a month.

The Foremans say they were targeted because they questioned how both casino money and federal tribal money was used.

MASLIN: You know, we would bring things up. Or if we saw other situations where corruption was happening or we wanted to try to stop it, we would always bring it to the table.

Maslin says in their fight to stay the family even disinterred ancestors for DNA testing. The tests would have proved her grandmother was not adopted in almost any U.S. court setting. Redding Rancheria tribal leaders referred questions about the case to their attorney. He says the tribe went to great lengths to give the Foremans two fair hearings. But he acknowledged that the final jury in this case were members of Redding Rancheria, not disinterested parties.

Native activists, like John Gomez Jr., claim more than 1,500 people from 23 tribes have been disenrolled in recent years, often for speaking out.

JOHN GOMEZ JR.: The core issue, of course, is that tribal officials don't believe they have to provide their members with the rights guaranteed by the United States Constitution or with the rights enumerated in the Indian Civil Rights Act.

Gomez should know. His family was kicked out of the Pachonga tribe in 2004. He worked in the legal department then and says tribal sovereignty laws allow no legal recourse. He's quick to say not all tribes behave this way. And he wants an amendment to the Indian Civil Rights Act so Indians can appeal tribal rulings to federal courts.

Dale Risling, from the Bureau of Indian Affairs' Pacific office, is skeptical any such legislation could pass. But he says more disenrolled people have asked him for help since 2000, but sovereignty has tied his hands.

DALE RISLING: I think where we could play a role is working with tribes in the development of judicial systems, of codes, providing technical assistance and advice in those areas.

That's little comfort to Carla Maslin, back at Redding Rancheria.

MASLIN: It's like if you had something that was handed down through your family, and you knew who you were all your life, and somebody comes along and they make up a lie. It would be wrong and you would have a place to go. We don't have a place to go.

She says she's tried to explain the situation to her children as best she can. Meanwhile, the family hopes for reenrollment.

In Redding, I'm Rachel Dornhelm for Marketplace.