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GETTING A GRIP

BY MICHAEL I. NIMAN

Anti-Casino or Anti-Indian?

Are Activists Crossing the Line?

Those of us in Western New York who oppose war need to start paying attention to our own backyard. where community activists and developers are fanning the flames in the US and Canada's ceaselessly rekindling war against the Haudenosaunee (Iroquois Six Nations) Confederacy. Flareups are now occurring throughout Haudenosaunee territory. In the north, armed Ontario government forces are engaged in a standoff with residents and supporters of the Six Nations Grand River Reserve on contested land where a local developer is attempting to build a subdivision in the municipality of Caledonia. The three-month-old standoff is moving toward a violent climax as Ontario officials, responding to complaints from non-native residents, are threatening force to remove native protestors.

In the US, Central New York's Upstate Citizens for Equality (UCE) is using US courts to challenge Haudenosaunee sovereignty in Central New York—including that of the Oneida land where the Turning Stone Casino is located.

With things heating up, US federal officers mysteriously appeared in Caledonia, where native protestors blew their cover by commandeering their unmarked car. Canadian media reported that officials from the US Border Patrol were ostensibly in Canada to "observe" how Canadian police dealt with native protestors.

On both sides of the border, officials from the powerful settler states impose their laws and courts upon their Haudenosaunee neighbors when settling territorial disputes. The Haudenosaunee Confederacy, however, was never defeated by the US or Canada. Their territorial sovereignty is guaranteed by peace treaties signed in good faith with both nations and with Canada's British former landlords. This simple fact really isn't difficult to understand.

Sovereignty is the legal basis that allows the Seneca Nation, part of the Haudenosaunee Confederacy, to build a casino on its Buffalo Creek territory. For US citizens, the emergence of sovereign foreign territory in the middle of Buffalo is a difficult concept to swallow. This retaking of lost territory was made possible by a rather recent piece of congressional legislation articulating a deal with the Senecas allowing the US city of Salamanca to remain on their Cattaraugus reservation.

This deal poses a real challenge for anti-casino forces. How do you oppose casino plans by neighbors without opposing the right of those neighbors to exist? Or put simply, can you be anti-casino without being anti-Indian? Can you oppose casinos without supporting the centuries-old war against the Haudenosaunee?

The answer, of course, is yes. People oppose bingo without opposing the Catholic

Church. They organize against the lottery and the building of OTB parlors without opposing the existence of New York State. Ultimately, with creativity, anti-casino forces can oppose casinos, but not native sovereignty.

An ugly courtship

In Western New York, however, we're witnessing an ugly courtship between anti-casino and anti-Indian political forces. As someone who sees casinos as being destructive, I subscribed to the Coalition Against Gaming in New York's (CAGNY) listserv. As someone who actively supports the Cayuga Nation's struggle to regain a tiny portion of the land base they lost during the genocidal Sullivan Campaign of the 1790s, I was disheartened to see CAGNY Chair Joel Rose email a "good news" piece about a UCE court victory against Cayuga and Oneida land claims. UCE is not an anti-gambling organization. It's an anti-sovereignty organization. Hiding behind words like "equality," UCE fights against native land claims and the treatment of native nations as equals instead of as captive nations without sovereign rights.

UCE's court victory does not stand up to the muster of international law. As I've written before, it is a case of a powerful nation insisting that it has the unilateral right to adjudicate its disputes with neighbors without any outside, third-party arbitration. It's might makes right—the Bush doctrine.

Rose was excited because the case could eventually lead to the closing of the Oneida Turning Stone Casino. If so, it would also lead to some form of armed takeover of Oneida land—what we call war.

Rose is a well-intentioned activist with a commendable history of social activism. By cheering UCE's court victory, he's cheering the unilateral imposition of US law on a sovereign nation—much like the invasion of Iraq. While this imposition may lead to the closure of a casino, it's like nuking a city to kill one fugitive. The casino will be closed—but only after the Oneida's land is invaded and eradicated. That's nothing that any well intentioned person should celebrate.

I wrote to Rose, asking him why he reveled in the possible closure of one nation's casino 150 miles from here, while giving a pass to nearby Canadian casinos. Rose responded, writing that his group tries to "focus on what we can reasonably hope to have some influence over, and that does not include the actions of the government of Ontario."

Perhaps American forces will, as they have before, with a legal writ in hand, drive the Oneida from their land. It's less likely that anti-casino activists can lobby the American government to invade Canada and shut down their casinos. Hence, I guess, anti-casino forces focus on, as Rose puts it, what they "can reasonably hope to have some influence over."

Not truly sovereign?

Rose went on to explain that I “misunderstood the legal status of the Indian nations. They are sovereign,” he argued, “but the meaning of sovereign is something different than the sovereignty of truly foreign nations such as Canada.” He based his argument on the fact that there are Indians who are also US citizens, who pay US taxes and who vote in US elections. More Canadian and Mexican transplants fit into that category than Haudenosaunee, but I’ve never heard that argument used to negate Canadian or Mexican sovereignty. There are also Haudenosaunee who have refused dual-citizenship, travel on their own passports, never vote in US elections and don’t pay taxes.

Among the Seneca, both pro- and anti-casino forces are united in celebrating the return of a small portion of the Buffalo Creek reservation to Seneca control. Writing for *The Buffalo News*, Mike Beebe captured this sentiment in his June 4, page-one story, entitled, “For Senecas, return to Buffalo Creek helps right an old wrong.” Beebe quotes UB anthropology doctoral candidate Sidney Horton, who places the original Seneca loss of Buffalo Creek in an era of “ethnic cleansing.” He explains that, “It is incredible to me that what happened in Buffalo during its early years is not known to its residents today.” Horton goes on to explain that it was a “dark chapter in United States history” involving “racism and avarice.”

Four days after Beebe’s piece was published, UB English professor and *Artvoice* columnist Bruce Jackson attacked it in these pages on June 8, claiming it was

“grounded in a fallacy,” that Buffalo Creek wasn’t originally Seneca territory. While Jackson is attacking Beebe for presenting a simplistic history, his own interpretation of history is equally simplistic and politically charged.

Fantasy pasts?

Under the incendiary subhead, “Fantasy pasts,” Jackson writes that Buffalo Creek wasn’t originally Seneca land—it belonged to the “Erielhonans [Eries] and the Neutrals,” which, according to Jackson, “the Iroquois [Haudenosaunee] wiped out.” He also argues that Buffalo Creek was never Seneca territory until George Washington gave it to them. If this story is correct, then, given the machinations of history, wouldn’t the Seneca/Haudenosaunee own this territory twice over, having both stolen it from the Eries and the Neutrals, then having received it again from George Washington? And if the Seneca have no claim on the land, based solely on the fact that they aren’t the aboriginal occupants, then how is it ours?

Deputy Erie County Executive Bruce Fisher made the same argument as Jackson four days earlier on Jackson’s blog (www.buffaloreport.com). Both cite Federal Judge Richard Arcara’s decision against a previous Seneca land claim on Grand Island as their source, with Jackson adding that the US Supreme Court upheld that decision on Monday, June 5. The problem is that, first off, under international law, Arcara’s court doesn’t have the right to unilaterally adjudicate a case between itself and another nation. Secondly, Arcara isn’t a his-

torian. And the new Supreme Court—we know what they are.

This is essentially the problem—Euro-American arrogance. We ignore sovereignty. We impose our laws. We dictate solutions to problems we are party to. And we even insist on our own interpretations of history when they suit us.

Many truths

Different interpretations of history serve different political ends. Haudenosaunee oral historians and scholars tell a story of Eries and Neutrals ravaged by European diseases and asking to be adopted into the Seneca Nation. According to this version, their customs and traditions blended with those of the Seneca, whose people now share the values and mores of the Erie and the Neutrals. The same historians and scholars argue that the Grand Council of the Haudenosaunee, and not George Washington, moved the seat of Seneca government to Buffalo Creek so Haudenosaunee could move further from white settlers who were colonizing their territories to the east.

There’s also the fact that the genocide—the “wiping out” described by Jackson—doesn’t jibe with historic Haudenosaunee patterns observed by both native and non-native historians. Rather than practice the European tradition of genocide, Haudenosaunee assimilated enemies in somewhat the same way Americans are trying to assimilate the Haudenosaunee today. Written accounts by Euro-American historians offer strong evidence to support this assertion. Even accounts that claim the

Haudenosaunee went to war with the Erie, Huron and Neutrals over the beaver trade also claim they incorporated the people of defeated nations into their own. Hence, Jesuit missionaries reported in the 1650s that almost two thirds of one Haudenosaunee Mohawk community were ethnic Hurons and Algonquians.

Whether the Seneca conquered or rescued the Erie and Neutral nations, it is unlikely that they “wiped them out.” Hence, today’s Seneca are also the Erie and Neutrals that Jackson claims are the aboriginal residents of Buffalo Creek.

Crossing the line to racism

The uncomfortable question is, when do well-intentioned anti-casino activists unwittingly cross the line to racism? Is it when we lose the ability to see Indians as having the same rights to keep and interpret their own history as we do? Is it when we assume that our government has a paternal right to arrange Indian affairs as we see fit? Is it when we negate the existence of native legal systems because their ways are alien to us? Is it when we never question our own assumed right to impose our legal structures over Indian territory? Is it when we assume words like “equality” don’t quite apply to native governments? Is it when we interpret native rights to sovereignty as an unconquered people to be somehow less than those of Canadians or Mexicans? Is it when we brand Indians as criminals for following their laws instead of ours? Or is it when we as journalists use our columns to fan the flames of war without even knowing it? av

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