

OUSTED CLAN SAYS TRIBE NOW GAINS

Don Bartletti / LAT
By David Kelly, Los Angeles Times Staff Writer
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TEMECULA, Calif.—When Pechanga Indian leaders hired anthropologist John Johnson in 2004, they had one request: find out if the Madariaga clan were truly members of the tribe.

Generations of them had grown up on the reservation. Family patriarch Lawrence Madariaga, 90, had built his home there, erected the local clinic, served on tribal committees and lived on Hunter Lane, named after his great-grandmother, Paulina Hunter. He even received a lifetime achievement award from the tribe.

Johnson, curator of anthropology at the Santa Barbara Museum of Natural History and an expert on Luiseño Indian genealogy, spent months poring over documents and concluded that the family was indeed descended from Hunter. And based on the evidence, he said he was 90% certain she was a Temecula Indian from the Pechanga reservation. Members must show proof of lineal descent from an original tribal ancestor.

Johnson presented his findings to the tribal enrollment committee, explained what it meant and then watched it all be ignored.

Last year the committee voted out the family—a total of 90 adults and about 50 children.

The monthly checks stopped. The healthcare stopped. The children were forced from the tribal school. Family members were able to keep their homes on the land allotted to Paulina Hunter in 1897 but were restricted as to where they could go on the reservation.

Since their ouster, family members say, payments to remaining members are now about \$30,000 a month.

LAWSUIT FILED

In May, they filed a lawsuit against tribal leaders, including Mark Macarro, the chairman, demanding to be reinstated. They said their lineage was better documented than most and that their ancestor was one of the original residents of the reservation.

The case is now pending in federal court in Los Angeles.

Macarro did not respond to interview requests, but in a statement on the tribe's website he denied that casino money played a part in the disenrollments. He said tribes need the ability to "correct past errors and protect the integrity of their citizenry."

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“The responsibility of determining who is and is not a citizen of the tribe falls squarely on Indian tribes,” he said.

The same argument has been used across the nation as tribes, nearly all with casinos, have expelled thousands of members.

Tribes in New York, Rhode Island and Nevada have kicked out members. The Cherokee Nation in Oklahoma voted this year to disenroll about 2,800 members known as “Freedmen,” who were either black or racially mixed.

But the purging has been most intense among California gaming tribes, which have ejected nearly 3,000 from tribal rolls since 1999, according to activists and experts who track the issue.

Tribal leaders say they are redressing past mistakes or ridding themselves of opportunists looking to cash in on casino wealth. Those tossed out say petty internal politics fueled by greed are driving the expulsions—the fewer members, the greater the cut of gaming profits for those remaining.

Before the Madariagas, Pechanga threw out some 200 members of the Miranda family, despite reams of documents they presented tracing their lineage to Pablo Apis, a Pechanga chief. The tribe is now estimated to have jettisoned nearly a fourth of its membership, leaving about 1,370.

John Gomez Jr., one of the Mirandas ejected in 2004, sued, but a federal court in Riverside ruled that membership was a tribal matter. The California and U.S. Supreme Courts declined to hear the case.

The Bureau of Indian Affairs said it can’t intervene on membership issues unless a tribe has an agreement with it to play such a role.

In the end, tribal sovereignty trumps all.

“There is no oversight to the process; they can violate tribal law or federal law or the Indian Civil Rights Act and there is no recourse,” Gomez said.

Among California tribes, none has kicked out more people than the Picayune Rancheria of Chukchansi Indians near Fresno. Once 1,200 strong, the tribe has booted about 600 members and is looking at 200 or 300 more, according to Indian activists opposed to the practice.

TRIBAL SOVEREIGNTY

“Anyone who says this is about money should take a close look at the tribe’s constitution and eligibility requirements instead of making quick judgments based on media stories,”

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said Mark Levitan, lawyer for the Chukchansi. “The fundamental aspect of respecting tribal sovereignty is respecting its decision as it pertains to enrollment.”

Laura Wass, who heads the American Indian Movement’s Fresno office, dismisses that defense.

“Sovereignty is nothing but a facade; otherwise, you wouldn’t need approval for a casino or have your programs ratified by the federal government,” she said. “The only thing they don’t need approval for is membership.”

Wass has sat in on enrollment hearings for Chukchansi members.

“When you go into one of these hearings, you are immediately told you have no chance of appeal and you can’t ask them to explain their findings,” she said. “It’s a kangaroo court where they are judge and jury.”

Now she is organizing a letter-writing campaign urging celebrities not to perform at the Chukchansi Gold Resort & Casino in Coarsegold, Calif. John Gomez, who founded the American Indian Rights and Resources Organization, is doing the same but targeting Pechanga Resort & Casino in Temecula.

The tactic has already worked. Bill Cosby canceled his Sept. 2 appearance at Chukchansi.

Bill Cosby “is unwilling to be caught in the middle of this dispute,” said David Brokaw, his public relations representative. “Mr. Cosby is more than willing to perform at Chukchansi Gold when the matter has been settled.”

Brokaw represents many performers who make Indian casino appearances.

“I know that people I work with, like Bill Cosby, are certainly going to be sensitive to it,” he said.

The notion of Native Americans, who died by the millions from disease or war with whites, thinning their own ranks is a new one, experts say.

“After the self-determination period in the 1960s and ‘70s they were looking for members, but as gaming came on there were a number of tribes looking at membership rolls and trying to restrict them,” said Daniel Littlefield, director of the Sequoyah Research Center at the University of Arkansas in Little Rock. The center has the largest archive of tribal publications in the world.

Littlefield said that if tribes continue this way they will need to ensure that members marry other members or risk “running out of blood.”

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“It will reduce the number of people they pay casino money to,” he said. “But in the end the tribe will become extinct.”

In the Madariaga case, the family compiled hundreds of pages of records and affidavits to prove the identity of its members, including a document signed by President William McKinley allotting 19 acres to Paulina Hunter and her heirs on the Pechanga reservation.

Meanwhile, Johnson, the anthropologist hired by the tribe, reviewed baptism and marriage records, census data and BIA documents. He said he was 90% certain of Hunter’s background, but not 100% because a collection of birth, death and marriage records has been missing from Mission San Luis Rey in Oceanside for 150 years. Many Indians were married and baptized there. Johnson said he filled in most gaps with information from other sources.

But in the end it was all useless.

According to records of the proceedings, the enrollment committee didn’t accept the evidence.

“They referenced my study but ignored the historical record entirely,” Johnson said. “Then they contrived several reasons to justify the disenrollment.”

They even accepted a letter from prison by former tribal chairman Vince Belasco Ibanez, who was doing time for child molestation. Ibanez told the committee the Madariagas came from the San Gabriel Mission and Paulina Hunter wasn’t an Indian at all. He congratulated them for “beating these impostors and all the others too.”

LIFE-CHANGING OUTCOME

The disenrollment ended life as the Madariagas knew it. The \$20,000 casino checks stopped, and things went downhill from there.

Sophia Madariaga, 87, had to stop her \$1,500 monthly injections for arthritis, a disease that has left her hands swollen and gnarled. Her husband must now help dress her in the morning.

Her daughter Ronnette Hernandez, 62, who survived colon cancer, was left without insurance. “I can’t even contemplate the cancer coming back,” she said. “I have a feeling that no matter what paperwork we had, they would have thrown us out.”

Tribal security came to the school and told 5-year-old Danny Madariaga he had to leave, the family said.

The Madariaga and Miranda families believe that one reason they were targeted was because of how they voted on tribal matters, specifically when they voted against several

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members running for the Pechanga Development Corp. board, which oversees the resort and casino.

Many Madariagas still live on Hunter Lane, a street anchored by the grand old white house owned by Lawrence and Sophia Madariaga. A tall oak shades the home, and grapevines grow in nearby fields.

Lawrence Madariaga remembers life here before the casino made so many so rich. There was no electricity, plumbing or wells. Only a handful of people lived on the reservation.

“People were very poor,” he said. “They had orange crates for shelves and gunny sacks for front doors and curtains. When they needed money, my wife was the bank; she made small loans.”

Despite the controversy, Madariaga smiles often and seems at ease on Hunter Lane. He’s proud of his house, the clinic he built—which he can no longer use—and the history he claims as his birthright.

“I know who I am,” he said. “And no one is going to make me leave this place.”

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