



The Incredible Shrinking Chukchansi Tribe

by Malcolm Maclachlan

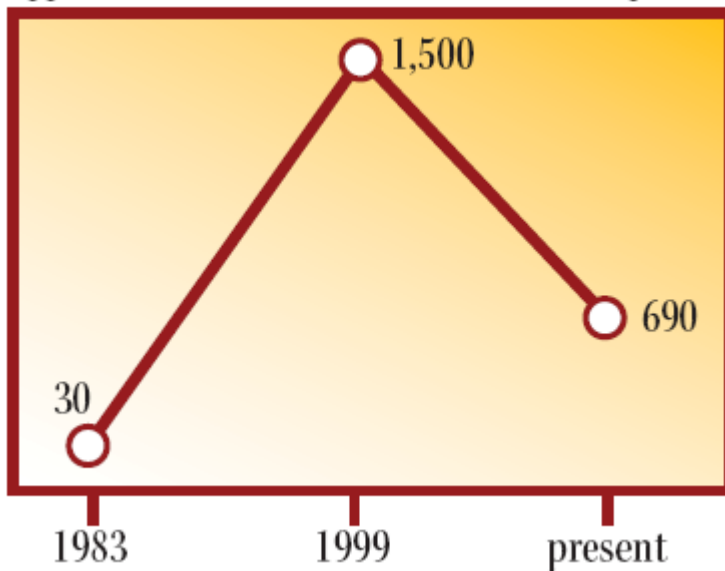
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One of California's major gaming tribes, the Picayune Rancheria of the Chukchansi Indians, has kicked out more than 500 members in the last year.

Last week, letters went out to another 69 people, according to activist Laura Wass of the American Indian Movement. At a recent tribal-council meeting, she said, representatives of the tribe stated that another 200 people would soon get letters.

All told, around 3,000 people have been kicked out of California Indian tribes since the advent of casino gaming in the state. But these former Chukchansis make up the single largest block of disenrolled tribal members in California. The numbers put the tribe at the center of a growing dispute over who gets to enjoy the newfound wealth of being a member of a California gaming tribe.

Approximate size of Chukchansi Tribe 1983-present



From a low of fewer than 30 members in 1988, the tribe grew to nearly 1,500 in 1999. Tribal councilwoman Dixie Jackson was quoted in the Madera Tribune a year ago saying the tribe had 1,200 members. At a June 23 tribal membership meeting, the tribal council announced that the tribe had 691 members--more than 500 fewer people. This rapid expansion and contraction of the tribe has led to complaints from disenrolled members that they were used to pump up the tribes numbers as it

sought federal dollars and a casino, then discarded once they had served their purpose.

Several former Chukchansi said they expect the tribe to drop below 100 people by next year. Still-enrolled members have been pushing for the tribe to begin parceling out much of the approximately \$4 million-plus a month the tribe gets from the Chukchansi Gold Resort & Casino.

Disenrolled members say the math is clear. If you divide \$50 million in annual casino revenues by 1,200 Chukchansis, you get around \$42,000 each. At 500, it would be



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\$100,000. If the tribe goes under 100, members could conceivably get annual payments of \$500,000.

The particulars of who's in and who's out bring up more questions. Former tribal council members and even some of the original 22 from 1988 have been kicked out. Some people have been removed and then invited back.

One of these, one-time tribal councilwoman Jane Wyatt, was removed from the tribe, along with 10 members of her family, in 1996 after allegations of major theft and embezzlement. Now she's back in and is seen as one of the tribe's major powerbrokers--even though part of her alleged crimes was the theft and loss of tribal membership records. The lack of these records, in turn, is sometimes being used to remove tribal members.

Three disenrolled Chukchansi--Mary Chapman, Cathy Corey and Bryan Galt--all identified one-time Wyatt as one of the ringleaders of the disenrollments. According to tribal documents, Wyatt was recalled from office in 1992 and kicked out of the tribe four years later for numerous crimes: taking \$22,091.56 from a tribal checking account, taking three vehicles.

A history document compiled by the tribe in 2003 also refers to "a devastating loss of tribal records" due to a theft it blamed on Wyatt and her family. References to these stolen records also appear in a 1999 resolution from the tribal council that states "the original records of Tribal Enrollment were lost and/or destroyed prior to June 26, 1995."

In August 2000, Wyatt was quoted in an article in Indian Country Today saying she had been disenrolled because of a made up embezzlement charge and charged the tribe with trying to kick people out to increase their own share of gaming revenues. She also wrote several letters to the tribal council and government agencies in the late 1990s protesting her "unlawful and malicious disenrollment." In June 1999, the Bureau of Indian Affairs sent a letter to the tribe threatening to suspend federal recognition of tribe due to irregularities with tribal enrollment.

However, by 2002 or early 2003, Wyatt and her family were back in the tribe. Current tribal chairman Dustin Graham is a relative by marriage. Wyatt and her family had land needed for the casino and she was invited back, according to Chapman, Corey and Galt.

"Nobody said anything," Wass said. "All of the sudden, she started showing up at Tribal council meetings again."

Chapman, Corey and Galt all told essentially the same story about their disenrollment hearings. They received letters notifying them of a hearing before the tribal council on their enrollment status. Only one person could speak per each family; if the family brought an attorney to speak for them, no one from the family could speak. The council presented evidence the defendants were not allowed to see. The tribe recorded the hearings, but would not allow those facing disenrollment to do the same. After the hearing was over, disenrollment letters came quickly, often within a couple days.



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"Once you got that letter saying you were going to have a hearing, that was basically it," said Chapman.

Chapman and 20 members of her extended family were removed last fall. She said she enrolled in the tribe in 1993, long before there was even a hint of gaming revenues for joining, and she said she can trace her ancestry to Chul-Bum, her full-blooded Chukchansi great grandmother.

Corey and her family were part of the "600 list" that came in between 1989 and 1992, years before the propositions that created tribal gaming in California. She was disenrolled with 41 members of her extended family in October.

"This was not an issue of people getting enrolled to get the proceeds of the casino," said Corey, who refers to the recent disenrollments at Chukchansi and elsewhere as a "paper genocide."

Like many California tribes, the issue of who is and is not a Chukchansi can get complicated, according to activist Wass of the American Indian Movement. An explicit policy of genocide by the federal and state government reduced California's Indian population from nearly 300,000 to less than 25,000 between 1800 and 1900. After that, many Indians were confined to rancherias and often moved around.

The Chukchansi's situation is particularly messy. The tribe was one of many in California that lost their federal status in 1954. The Picayune Rancheria joined with 16 others in a 1979 lawsuit against the federal government. This came to be known as the Tillie Hardwick case, after one of the defendants, after they forced the federal government to settle in 1983. Tillie Hardwick died in 1999. In 2003, her family was disenrolled from the Pinoleville Tribe, which had regained federal recognition via the court case that bears her name.

"Disenrollment didn't exist before the casinos," Wass said.

Like many of the other California tribes that were reconstituted by this case, the Chukchansi began seeking out Chukchansi descendants who had spread out to other parts of California in order to increase their membership and access to federal dollars. Even some of the recently disenrolled said that some people got into the tribe who probably shouldn't have.

"There was no rhyme or reason as to how they let people into the tribe," said Galt, who served with Chapman on the tribe's enrollment committee from 2003 to 2005. Galt added that a few people had been kicked out after claiming membership in more than one tribe.



Bryan Galt, a disenrolled Chukchansi

Galt created a checklist to be used for future enrollments, based on specific ancestry and past residence on the rancheria. But he said the guidelines are being used to assert increasingly narrow and arbitrary justifications for kicking people out, Galt said, which he never intended.



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"The tribal council, in what I would say is the dumbest moment of their lives, decided to apply the list to everyone enrolled since 1990," Galt said.

He and others protested in a series of letters to the tribal council, of which he was once a member. The notice of disenrollment he received in October states that he and his family "are of Chukchansi blood, but were not enrolled prior to the April 3, 1990 deadline." Galt said he is a direct descendant of Saw-Walai, a tribal elder who was one of the signers of the tribes 1852 treaty with the federal government. Galt said he was fired from his job as a restaurant manager at the casino after his disenrollment, and that many other disenrollment members won't speak out for fear of losing their casino jobs, as well.

The tribe's lobbyist, William Gonzalez, said he was not well-versed in the enrollment issues and declined to comment. Capitol Weekly called and e-mailed the tribe, but no tribal councilperson or spokesperson called back. Representatives of the Bureau of Indian Affairs and California Indian Legal Services also did not return calls.

Tribal disenrollments since 1998

Berry Creek Rancheria	57	Picayune Rancheria	
Big Sandy Rancheria	30	(Chukchansi)	1,000+*
Cold Springs Rancheria	60	Pinoleville.....	30
Enterprise Rancheria.....	72	Redding Rancheria:.....	76
Guideville	20	Santa Rosa Rancheria:	160
Jackson Rancheria	100	Sheep Ranch Rancheria:.....	1
Latonville:	26	Table Mountain	
Mooretown Rancheria	70	Rancheria:	185
Pechanga Reservation:	560	TOTAL	2516**

Source: Laura Wass, American Indian Movement

**includes pending cases*

***not a complete list*

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Shrinking tribes are a growing issue

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Who determines who is an Indian? The tribe's themselves--with no recourse for those who are told they don't belong. "They holler 'sovereignty' and you can't sue," said Mary Chapman, who was removed from the Chukchansi Indians of the Picayune Rancheria last October.

"The courts just kick it out." Advocates for the disenrolled are trying to change this. With race tracks and card clubs putting four referenda on the ballot next year to allow voters to recall the gaming compacts recently approved by the Legislature, the disenrolled may get their chance to take their case to voters.

"I keep hearing people say 'This isn't what I voted for,'" said another disenrolled Chukchansi, Bryan Galt, of people he talked to who voted for Proposition 5 and 1A, the 1998 and 2000 initiatives that created tribal gaming in California. "I think it's going to play a huge roll in the upcoming ballot initiatives," said John Gomez, a disenrolled Pechanga who has become one of the most prominent leaders of the disenrolled. He said voters could see a lot of disenrolled Indians telling their stories in television and radio commercials next year. Last month, a Fresno-area Democratic politician was able to push a resolution through the Native American Caucus of the California Democratic Party calling for reform of the Indian Civil Rights Act of 1968.

Steve Haze--who is part Cherokee but not enrolled in the tribe--was an unsuccessful Democratic nominee in the 21st Congressional district last year. He said he got interested in the issue because his area boasts several tribes, three major gaming operations and is "ground zero" for disenrollment. He first brought up the idea at the party's state convention in San Diego in April. Democratic presidential candidate Dennis Kucinich was there and spoke passionately in favor of the idea, Haze said.



Steve Haze

"The reaction was overwhelming displeasure," Haze said. "There was no applause." On July 13, the day after Governor Arnold Schwarzenegger signed four amended gaming compact for California's largest tribes, Haze brought his resolution to the state party's executive board meeting in Sacramento. He said Chukchansi tribal chairman Dustin Graham and council member Morris Reid spoke against the idea "They didn't know that half the audience had been disenrolled," Haze said.

The measure passed 24-13. It states that disenrollment and other abuses by Indians against Indians "are contrary to the longstanding values, principles and ideals of the Democratic Party" and calls on the state to move toward a gaming model that benefits all California Indians.