Hotel Kino
Amalia A.M. Reyes

Conversations of the tired; the dead; the lost; the hopeful; the same.

Hot air blows from where? Who can tell.
The room smells of a hundred and of fresh smoke.
I lie down and close my eyes. Talk. Let’s talk. The TV blinks on. Showers anyone?

Conversations of the tired; the dead; the lost; the hopeful; the same.
Was it in the 70’s, 80’s, 90’s? Movement is the key word.
Marches followed by guns. Did someone say F.B.I.? Or was it B.I.A.? regardless.
Indian, is an issue. Hot air blows from nowhere. I get up. Restless at 3 a.m.
Like the curtains across the alley. A.I.M. to where? A.I.M. toward undying marches.

Conversations of the tired; the dead; the lost; the hopeful; the same.
Soon our minds shut down. The cooler takes over. Humming its song of death.

Hotel Kino actually exists. It is on the main road in Hermosillo, heading toward Obregon. It was late, 3:00 o’clock in the morning, as we finally made our way to the hotel room. There were four of us, one Italian, two Tohono O’odham, and the one Taqui. The night was extremely humid and hot. Some of Hermosillo survives with air conditioners, but most suffer and pray for a small breeze. We were on a tight budget... we all slept in one room... and we talked until we fell asleep.

Sovereignty and Peoplehood
Tom Holm

The term “sovereignty” perplexes students of American Indian policy perhaps more than any other concept. The word comes from the Old French soverain or souverain and was usually used in reference to a king or lord who had the undisputed right to make decisions and act accordingly with or without the benefit of counsel, religious sanction or consent of the governed. The word is also very likely linked to the Old French rene from which, in turn, the English derived the word “rein.” Reins, of course, are used to control horses and the terminology aptly applies to those who maintained absolute control over particular populations and territories under the European feudal system: mounted, arms-bearing, property-owning “thugs in armor” known as knights. Sovereignty, which was imposed on the English by the Norman conquest of 1066 and hence became an Anglo-French word, has come to mean the acknowledged legal authority of a ruler or a state. Sovereignty, then, is a Western European concept that is often associated with taking and holding ground in a military sense. The authority to wield power, simple coercion, underpins the concept of sovereignty.

Today, sovereignty is linked with statehood rather than with kings or mounted knights. Essentially a state is the hierarchical apparatus—government, elites, institutions—that controls a definable territory or nation. Over the years, political philosophers and academicians have developed a set of definitions of the ways in which human beings organize themselves socially and politically. These categories tend to be hierarchical and reflect a social and cultural Darwinian notion that human organization is a process that matches biological evolution in that it progresses from the simple to the complex as a result of competition for territory, the need to control the environment or to fend off other, more predatory human groups. To use this Western terminology, the “lowest,” most “simple,” and most “primitive” form of socio-political organization is the “bands.” This form is defined as a small group—perhaps twenty to fifty people—of hunters or foragers led by an informally acknowledged headman who primarily handles domestic disputes and leads the group in various economic and religious activities. The next, highest, socio-political level, according to Western scholars, is the “tribe.” The tribe usually incorporates a few thousand people into a single social, but not necessarily political, organization. It is considered to be an association of kin groups that link themselves to a hypothetical or mythical ancestor. There is usually no centralized form of political organization other than an informal council of elders or other acknowledged leaders who lead by example rather than by coercion. In these types of socio-political systems, authority was either "traditional" (ceremonies, religious authority, patriarchy, matriarchy) or "charismatic" (individuals of exemplary sanctity, heroism, knowledge or character). 2

In this scheme, the state is the highest and most “modern” form of socio-political organization. States are thought of as incorporating large numbers of people under a single, highly centralized form of government. The government has the legitimate authority to collect taxes, draft labor, raise armies and decree laws. It uses coercive institutions—police, military—to protect the state or maintain order within. This organizational form, whether called a “kingdom,” “city-state,” or “nation-state,” has nearly total control over its members (citizens or subjects) and seeks or maintains political efficacy over a well-defined territory. Sovereignty is considered to be inherent in statehood, because the authority to use coercive power rests on a prescribed and presumably rational means of selecting persons to fill the offices of state. In the Western mind, sovereignty ultimately rests on the power of compulsion.

Native American tribes have often been denied full-sovereign status for several reasons. In the first place,
they are considered "tribes" and thus are categorized as "pre-states," "non-states," or "primitive" societies lacking a systematic method of delegating authority, coercive institutions, well-defined national boundaries and centralized forms of government. In short, Native American tribes rarely met the criteria of sovereign statehood as defined by Western thinkers and scholars. Secondly, Native Americans are viewed as a conquered group, subject to and dependent on the conquering state. In the United States, Native Americans have what has been termed "limited sovereignty," a dejure or legally proscribed form of sovereignty essentially meaning that the tribes possess certain sovereign rights as have been defined in the American courts of law. From this point of view, the rights of sovereignty left to the tribes are either acknowledged or are "given" to Native American tribes by the courts acting under the authority of the U.S. Constitution.

The problems with these lines of thought are many and complex. When the Europeans came to the New World, they recognized the tribes as sovereign nation-states. The fact that treaties were made between Indian tribes and European kingdoms is strong evidence that the crowned heads of England, Spain, Holland and other nations viewed Native American tribes as being autonomous, self-governing bodies that controlled defined territories. International rules of behavior and customary practices held that treaties could only be made between two or more sovereign states. Consequently, Native American tribes have the rights of sovereigns based on the fact that other states recognized them as sovereign entities. Native American sovereignty, therefore, can be seen as inherent and thus pro-constitutional.

On the other hand, several students of Indian-white relations have argued that treaties made by Europeans and Euro-Americans with Native Americans were really contingent and expedient measures. Tribes were not really "states" that could compel all of their citizens to comply with the provisions agreed to in the treaties. Not only that but the tribes had very different views in regard to the ownership of real property and did not have the systemic means of conveying land titles and delineating clear territorial boundaries. Moreover, tribal leadership was usually vested in individuals with charismatic or traditional authority rather than in the offices of state. A tribal leader may agree upon something one day that his charismatic successor might refute the next.

Some of these arguments have merit, albeit within a certain ideological framework. Certainly the tribes did not have bureaucracies that surveyed real estate and recorded land titles. But the ownership of real property had little meaning for most of the tribes. Native Americans knew their tribal boundaries but thought of those boundaries in cultural, environmental, religious or symbolic terms. Feasts, enclosures, crown lands, freeholds or titles in fee simple did not exist in Native North America prior to the advent of the whites. In addition, the general weakness of coercive power in traditional and charismatic forms of political authority tends to undermine the idea of a sovereignty in Western European thought. After all, the original terms were applied to a hierarchical system that readily used the force of arms to compel compliance to the whims of a single ruler or to an aristocracy or to defend their proprietorship over a specific territory. Forms of traditional authority are usually advisory rather than compulsory and charismatic authority can be fleeting.

Sovereignty, therefore, has not strayed much from its original Medieval European meaning. Neither has the meaning of statehood for that matter, because the state still rests on its ability to use force to maintain itself and protect its borders. These ideas reflect the notion that the fundamental organization of statehood is for war both externally and internally.

This conception of state sovereignty, however, ignores its full definition. Sovereignty is basically the acknowledged and undisputed ability of a group of people to govern themselves whatever their military capabilities. Acknowledged sovereign states in fact exist without military forces or as protectorates of other more powerful states. Let us begin the following question: If sovereignty is not necessarily based on coercive power, then on what grounds does it rest?

De facto or "real" sovereignty is inherent in a people. Cultures and social, political and economic systems all change, but peoplehood is remarkably and consistently persistent. The conquering knights of medieval times, among whom the term sovereignty originated, actually obtained a legal, or de jure, form of sovereignty by force of arms. They obviously had power in their ability to use force and their rule only became real after they had coerced a given people into submission. They made the laws. But medieval kings' sovereignty was directly taken from the conquered and when the noble lords were no more, in addition, the general weakness of coercive power in traditional and charismatic forms of political authority tends to undermine the idea of a sovereignty in Western European thought. After all, the original terms were applied to a hierarchical system that readily used the force of arms to compel compliance to the whims of a single ruler or to an aristocracy or to defend their proprietorship over a specific territory. Forms of traditional authority are usually advisory rather than compulsory and charismatic authority can be fleeting.

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The idea that groups of human beings constitute various "peoples" has always been understood but rarely as anyone attempted to define its basic elements. "Peoplehood" is a community of human beings that possesses a distinct language, a particular territory, a specific ceremonial cycle and a sacred history that essentially exists into existence, how they should behave in relation to their environment, when and how they perform ceremonies, and how they are related to each other within the community. Edward H. Spicer first outlined this conception in his classic studies, Cycles of Conquest and The Iyiyip: A Cultural History. It was explained further in George Pierre Castle and Gilbert Kusher's Persistent Peoples: Ceremonial Enclaves in Perspective. Robert K. Thomas, the Cherokee anthropologist, worked on the idea for several years and modified it to include the element of sacred history and demonstrated in numerous lectures and in a single paper how the elements of peoplehood are interlinked and interwoven so as to be inseparable. J. Diane Pearson, Ben Chevis and I further refined the idea and illustrated the interlinkage of the four factors of peoplehood in a paper presented at the Western Social Science Association conference in April 2000.

The diagram of the peoplehood model shows the four factors as they overlap, entwine, interpenetrate and interact. A group-particular language, by way of its nuances, references and grammar, gives a sacred history a meaning of its own, particularly if origin, creation, migration and other stories are spoken rather than written. Language defines place and vice-versa. Place names, for example, essentially bespeak of a relationship with the environment or describe an area within the context of a people's sacred history and culture. A particular people's language is usually liturgical as well as colloquial. Religious ceremonies are performed in a language specific to the group. On the other hand, language can be symbolic, and ritual language might not have meaning in any other context than in a particular religious ceremony.

Spicer, Castle and Kushner, and Thomas used the term "religion" as part of the four-fold peoplehood model. Pearson, Chevis and I modified this idea somewhat and refer to this element of peoplehood as a group's "ceremonial cycle." This was done to demonstrate how a group's religion is inseparably linked to language, sacred history and to a particular environment. Sacred histories explain why and how a ceremony takes place. They also provide the times and the circumstances for ceremonial practices. Peoples that have a historical and symbolic relationship with a particular place, observe and know its cycles of natural events—solstices and equinoxes, salmon runs, buffalo calving, the blooming of particular plants, the appearance of certain stars or planets—that occur at a certain time and place. Ceremonies most often
they are considered “tribes” and thus are categorized as “pre-states,” “non-states,” or “primitive” societies lacking a systematic method of delegating authority, coercive institutions, well-defined national boundaries and centralized forms of government. In short, Native American tribes rarely meet the criteria of sovereign statehood as defined by Western thinkers and scholars. Secondly, Native Americans are viewed as a conquered group, subject to and dependent on the conquering state. In the United States, Native Americans have what has been termed “limited sovereignty,” a dejure or de facto condition of sovereignty essentially meaning that the tribes possess certain sovereign rights as have been defined in the American courts of law. From this point of view, the rights of sovereignty left to the tribes are either acknowledged or are “given” to Native American tribes by the courts acting under the authority of the U.S. Constitution.

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coincide with seasonal, stellar, planetary, solar, floral or faunal changes that occur within the group’s particular territorial range. Group-particular territories are always mentioned in sacred histories and quite often creation stories specify landscapes as being especially holy. Ancestors are buried in particular places. Shrines are erected and certain parts of the immediate environment—plants, water, earth, and animal parts—are often utilized in religious ceremonies. Additionally, if a group has a viable religion, it must live in the expectation of divine intervention and the creation of more sacred places. Homelands are often considered holy lands because they are mentioned in sacred histories and even when groups are displaced from their original territories, the people continue to attach great symbolic and religious meaning to them. In short, the ceremonial cycle is linked by way of language and sacred history to a particular environment and ecology. It makes up a given people’s “world” and directly affects the group’s worldview.

The peoplehood model adequately reminds us as scholars that human societies are all complex and that Native Americans entwine everyday life with religious practice and the view that human beings are part of, rather than in opposition to, their environments. The model is a holistic matrix and reflects a much more accurate picture of the ways in which Native Americans act, react, pass along knowledge and connect with the ordinary as well as the supernatural worlds. The concept also goes beyond viewing human beings according to race, ethnicity, religion, social class or even nationality. Peoplehood, more than any other form of socio-political organization, is the most basic. It is the basis of nationalism and the original organization of states. Equally, the model of peoplehood serves to explain and define codes of conduct, civility, behavior within a given environment and relationships between people. What we term “law” and the enforcement thereof, is unquestionably a part of the peoplehood matrix. Sovereignty, therefore, is inherent in peoplehood. The concept renders terms such as “uncivilized,” “pre-state,” “primitive,” and “limited sovereignty,” academically useless—except to explain how these inaccurate concepts have been utilized to justify theft, cultural suppression and genocide.

Notes
3. I am indebted to my friend and colleague, Professor Eileen Lown for explaining the concept of deities and deities’ sovereignty terms.


What Determines American Indian Economic Success? Evidence from Tribal and Individual American Indian Enterprises

Miriam Jorgensen and Jonathan Taylor

Prior analysis of American Indian nations’ unemployment, poverty, and growth rates indicates that poverty in Indian Country is a problem of institutions—particularly political institutions—not a problem of economics per se. Using unique data on Indian-owned enterprises, this article sheds light on one of the core institutions of enterprise success—corporate governance. Indian enterprises that are subject to undue political influence—especially the influence of elected officials who serve as members of enterprise boards—frequently fail to thrive. Thus, enterprises without politically influenced corporate governance cannot generate optimistic profits for reinvesting in the community or for sustaining employment growth. Nonetheless, institutional means of separating business from politics are readily available—even for Indian nations committed to tribal ownership of significant portions of their economies.

The subject of economic development in Indian Country is well-plowed territory. Presidential Commissions and Congressional Committees have investigated, tribal policy makers have experimented, bankers have innovated, and Indian entrepreneurs have put their time, talent, and treasure at risk. As a consequence of this multi-fronted attack on underdevelopment, a number of salient patterns of success are coming into focus. This report applies statistical techniques to new data gathered in a joint effort by the National Congress of American Indians (NCAI), Alliance Management Systems, and the Harvard Project on American Indian Economic Development (hereinafter “the Harvard Project”) funded by the Economic Development Administration of the U.S. Department of Commerce (EDA). The analysis uses survey responses from scores of tribal and individually owned Indian enterprises, representing nine commercial sectors, to isolate factors that contribute to enterprise success. The analysis is in accord with previous research and reinforces policy approaches that are the most successful enterprises in Indian Country already follow. The findings also suggest that new directions in federal policy are warranted.

Previous Research of the Harvard Project

The Harvard Project began in the mid-1980s with the question: What strategies work around Indian Country for reducing chronic Indian poverty? At the time, Indian gaming operations were modest and yet some tribes seemed to be pulling ahead of their peers in terms of reducing unemployment and sustaining tribal economies. Project researchers sought to find out what they were doing and why it worked. Since then, project professors, fellows, and graduate students have logged hundreds of person-days on the ground in Indian Country and consistently find that there are three keys to Indian economic development. These keys are:

1. Sovereignty Matters Where tribes make their own decisions about what approaches to take and what resources to develop, they consistently outperform outside decision-makers. Whether it is timber operations under PL 93-638, Indian Health Service programs under self-governance compacts, or water rights made secure under a treaty settlement, tribes do better when they themselves make the decisions. Because tribes bear the consequences of their governments’ decision-making, whereas the Bureau of Indian Affairs, non-tribal developers, state governments, and other outsiders do not, tribes that make their own development decisions do better.

2. Culture Matters Not long ago, the federal government espoused the argument that acculturation was a means to development. Indians, they argued, would develop as soon as they shed their “Indian-ness.” Research by the Harvard Project finds exactly the opposite: Indian culture is a resource that shoves up the strength of government and has concrete impacts upon such bottom line results as forest productivity and housing quality. Not only does the consent of