

# n a t i o n



The Lenape of Southeastern Pennsylvania are just one of many Indian groups that are trying to keep their culture alive. But their efforts have gotten tangled in a bigger issue — gaming. Is there a future for the Native American past?

BY SAMANTHA DRAKE | PHOTOGRAPHS BY CARLOS ALEJANDRO

Tammanend Beer is only three years old, but the dark-haired, dark-eyed boy with the mischievous smile is helping to preserve the past and reinvigorate the future of his family.

Tammanend is one of the youngest members of a group of Lenape Indians living in the area. He doesn't realize it yet, but every time he learns a new word in the language of his Lenape ancestors, he contributes to the resurgence of pride in Lenape tradition and Native American heritage in general that is building momentum every year.

Not that the little boy will share his knowledge with just anyone. Momentarily abashed, his whispered Lenape word for "deer" gets lost as he hides his face against his father, Jim Beer. The elder Beer is a little more forthcoming. He is the spokes-

man for Bob Redhawk Ruth of Norristown, chief of the Lenape Nation of Eastern Pennsylvania.

Beer is a house painter by day and a musician in a band called Unami, which mixes traditional Native American music and folk music. He is also teaching his two sons, Tammanend and eight-month-old Ahlankw, Lenape traditions and values. Beer, of Sellersville, feels he walks in two worlds. He feels uncomfortable with much of modern society. "When I get in my car and drive, I feel like an alien," he says. "I know it's unnatural, but I know I have to do it."

He seems an unlikely person to be lobbying state officials, but his sense of practicality has made him one of the people at the forefront in advancing Lenape interests with the state of Pennsylvania. The Lenape

Indians are caught in a struggle among state officials in which some claim the very future of Pennsylvania is at stake.

The Lenape Nation of Eastern Pennsylvania wants to be officially recognized by the state as a tribe. But the group's efforts have stalled while the state grapples with the perceived consequences of recognition. Officially recognized tribes in other states have used their status to build casinos, which is permissible under federal law. Pennsylvania officials say they want to be sure they know what they are getting into.

## Pennsylvania's Original Inhabitants

The Lenape, also known as the Lenni Lenape and the Delaware Indians, were among the original inhabitants of Pennsylvania, New Jersey, Delaware and New York.



In the Lenape language, "Lenape" means "the people." Many were forced to migrate north and westward when European settlers began to arrive in the 17th century. Today Lenape Indians continue to live on the East Coast, but many can also be found in Oklahoma, Wisconsin and Canada.

Tammanend Beer will undoubtedly grow up knowing his name has a special place in Lenape history. Lenape Chief Tammanend is revered as a hero for the pact he made in 1683 with William Penn, which allowed their respective peoples to live together in harmony, at least for a time.

Pennsylvania's namesake arrived in the New World in 1682 and made a point of getting to know the local indigenous people. Penn, a Quaker, met Tammanend in the Lenape village of Perkasio in Bucks County, then later invited the chief to stay at his home in Philadelphia. Penn and Tammanend signed the Treaty of Brotherhood, and the chief agreed to sell Penn the land between the Pennypack and Neshaminy

Rivers, with the understanding that the tribe would be permitted to remain on the land.

Even today, the Lenape consider Penn and Tammanend's friendship to be a golden age in tribal relations. Less than 20 years after Penn's death in 1718, however, the peaceful coexistence began to unravel over land disputes. The first is known as the Walking Purchase, in which three men were hired to walk for a day-and-a-half to delineate the boundaries of land to be bought from the Lenape. But the men didn't walk the property—they ran as fast as they could—and the soured deal became the basis for many years of hard feelings.

Lenape Indians are unique among Native Americans, says Chief Bob Redhawk Ruth. (He says Ruth was added to his family's name by missionaries, who gave Biblical names to the Native Americans they encountered.) The first Europeans that the Lenapes had contact with were Quakers, not soldiers, and for a time they lived alongside the settlers. Lenapes

were commissioned officers in the Continental Army at Valley Forge and in the Civil War. So part of the history of Pennsylvania, Redhawk says, is Lenape history.

Redhawk has been chief for four years. Tribal decisions are made by a seven-member council, but among the chief's duties are presiding over ceremonies and mediating disputes between families. Meeting with state officials is also part of the job description. Both he and previous chiefs have met with the state many times on the subject of recognition, but have made little headway so far.

The U.S. Census Bureau reports that in 2000, Native Americans, including Alaskan Natives, made up 0.1 percent of the population in Pennsylvania and 0.9 percent of the United States population. The Bureau of Indian Affairs, part of the U.S. Department of the Interior, reports that there are more than 562 federally recognized Native American tribes in 32 states. None are in Pennsylvania. *see lenape page 137*



## PENDING BILL WOULD CREATE CRITERIA AND COMMISSION

As proposed by Rep. Louise Williams Bishop, House Bill No. 63 requires a tribe to meet a rigorous set of criteria before being officially recognized by the state. The criteria follow the federal government's strict requirements for federal recognition. A commission on Indian Affairs, also created by the bill, would recommend that a group be recognized as a tribe if the following criteria were met:

- the group has been identified as Native American and part of a continuous Native American community from before 1790 to the present;
- the members of the group are descendants from a tribe that existed before 1790;
- the group is indigenous to a specific area in Pennsylvania since before 1790; and
- the group is composed mainly of those who do not belong to another group and are not part of a splinter faction from a recognized group.

According to Bishop's bill, the group must be able to present documentation of:

- a long-standing relationship with the government;
- the group's repeated dealings with local, state or federal government officials;
- identification of the group as Native American by anthropologists, historians, genealogists or other scholars;

- repeated identification of the group as Native American in government, church, school, medical or family records (other documentation may include newspapers, books, photographs or oral histories);
- membership criteria and procedures established by the group; and
- a list of all individuals in the group's current and previous rolls and identification of the county in which each lives.

The commission would then certify a group as a Native American organization if it met criteria including:

- the organization consists only of members;
- the organization has been incorporated in the state of Pennsylvania for more than two years; and
- more than half of the membership is Native American.

If the federal recognition process can be used as a guide, achieving state recognition would be a lengthy and potentially costly undertaking.



The various Lenape groups have their own criteria for membership. To be considered a Lenape, according to Redhawk, one must be able to trace your ancestry back to a signer of one of the historic treaties or to a Lenape ancestor listed on the census rolls of 1790 or 1810. Beer's wife, Pacadaossay, is a traditional Lenape dancer who is having her genealogy traced to determine if she actually has Lenape blood. But there is no such thing as being "half Lenape" or "part Lenape," Beer says. "You either are or you aren't."

Some people have well-documented claims, but many more do not because until at least the mid-20th century, discrimination discouraged people from admitting their Native American heritage. Native Americans were not even considered U.S. citizens until passage of the Indian Citizen Act in 1924.

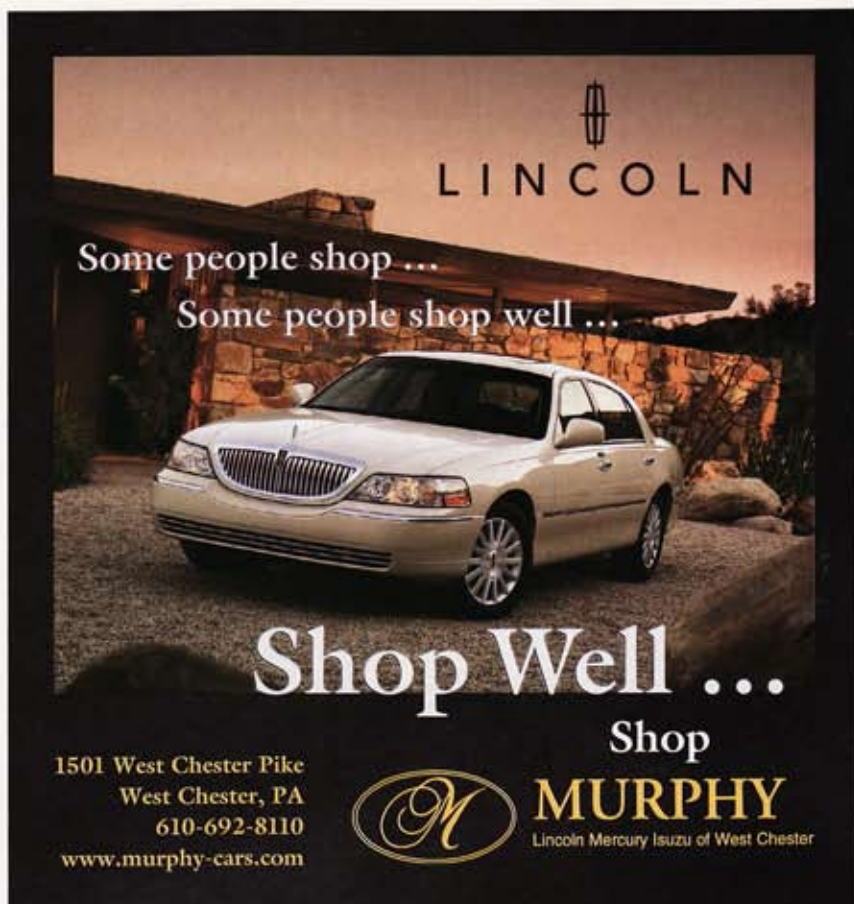
#### BENEFITS OF RECOGNITION

The Lenape Nation of Eastern Pennsylvania may not have official status, but it is certified as a non-profit corporation so it may qualify for assistance through various state and federal grants. But official recognition from Harrisburg would bring a variety of immediate and important benefits, including:

- An official sense of identity. Redhawk estimates there are no more than 500 members of the Lenape Nation of Eastern Pennsylvania, which are scattered from the Philadelphia area to the Poconos. If the group obtained state recognition, it could establish a cultural center to serve as a gathering place and a headquarters. The unofficial headquarters now is Norristown because that is where Redhawk lives.

- Access to educational opportunities. State recognition would entitle the tribe to special resources, including scholarships and grants, and make it possible to carry out a variety of initiatives. The group wants to develop a curriculum for teaching their children the Lenape language and ways. With state funding, the Lenape would be able to focus on educating their children and develop classes in areas such as organic farming, environmental preservation and survival skills. The Lenape are also trying to catalog the area's religious sites, most of which have been destroyed by development.

- The right to say Lenape crafts are

A Lincoln sedan is parked in front of a rustic stone building. The Lincoln logo and name are at the top. Text reads: "Some people shop ... Some people shop well ... Shop Well ... Shop MURPHY Lincoln Mercury Isuzu of West Chester". Contact information: "1501 West Chester Pike West Chester, PA 610-692-8110 www.murphy-cars.com".

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A still life image featuring pumpkins, a cup of coffee, and a slice of pie. Text reads: "Main Line Today Fall Dining Guide Coming in August 2003".

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“Indian made.” Under the federal Arts and Crafts Bill of 1990, only recognized Native American tribes are permitted to call their crafts “Indian made.” All others could face fines or even jail time for illegally appropriating the “Indian made” label.

- The right to conduct traditional ceremonies and rituals. Only recognized tribes are protected under the Native American Religious Freedom Act.

- The right to re-bury ancestors. The Native American Graves Protection and Repatriation Act of 1990 permits Native Americans to properly re-bury the excavated remains of their ancestors. Once again, the law protects only tribes recognized by federal or state governments.

Receiving state recognition would also end a stressful and time-consuming struggle for the Lenape by allowing them to focus completely on their way of life. Knowledge is being lost as older generations slip away. Members of younger generations grow up learning only bits and pieces of their heritage.

“We’re at a crossroads right now. A lot of people who speak our language are passing on,” says Redhawk. “It’s hard to keep kids interested in learning our ways.”

There are only a few people left in his tribe who speak Lenape fluently, says Beer. A movement is underway in other areas of the country and Canada to develop educational materials to increase the number of Lenape language speakers.

But old habits die hard for those with long memories. Redhawk notes that one elder in his tribe is more than 100 years old, but refuses to speak the Lenape language because of all-too-clear memories of a time when she was punished for it. And because so few speakers are left, it is difficult for others to learn true conversational Lenape. Beer has been studying the language for half his life and is still not fluent. Learning new Lenape words around the dinner table is a nightly routine for his sons, but more formal education would help make the language second nature to them.

### HURDLES TO OVERCOME

But first, the Lenape Indians must overcome a few formidable obstacles before they can be recognized.

Despite the existence of numerous Native American groups in the state, Pennsylvania has no commission or agency to oversee Native American activities or rule on requests for official recognition.

The state also does not have any criteria for determining what groups qualify to be recognized as Native American tribes. State Representative Louise Williams Bishop wants to change that. Bishop, D-Philadelphia, is pushing legislation that would establish a commission on Native American affairs and write criteria for officially recognizing the state’s tribes.

“It’s an opportunity for Native Americans to help themselves,” Bishop says. “It’s a wonderful opportunity for us to learn about them.”

The issue of gaming rights is the other major hurdle. Ever since the Indian Gaming Regulatory Act was passed in 1988, Native Americans have been inextricably linked in the public’s mind with gambling.

The law regulates three levels of gaming: traditional or social Indian gaming, bingo and casino-style gaming. According to the National Indian Gaming Commission, there were 290 tribal gaming establishments in the United States in 2001 and 39 of them each raised more than \$100 million during the fiscal year.

With that kind of money at stake, some state officials fear that giving Native Americans state recognition will open the floodgates to casino developers. The lottery is the only kind of gambling currently permitted in Pennsylvania, but Governor Ed Rendell has proposed a plan that would bring in an estimated \$500 million a year for public schools and property tax cuts through slot machines at the state’s horse racing tracks, including Philadelphia Park. Several Democratic state legislators favor gambling to boost tax revenues in a sluggish economy. There is also legislation pending to establish a commission to regulate gambling throughout the state and to authorize riverboat gambling.

### CONSEQUENCES WEIGHED

One of the staunchest opponents of gambling is Representative Paul Clymer, R-Bucks, who heads the House State Government Committee, which is reviewing Bishop’s bill. Clymer maintains he is not against providing benefits to Lenapes, but he is concerned about the interest surrounding the assignment of potential gaming rights.

Beer says his tribe wants to have a ceremony with the state in which Lenape Indians would pledge that neither they nor their children would have anything to do with gambling. He says all of Pennsylvania would be invited. “Their gambling issues

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do not apply to our people," Beer says flatly. "It's not our interest to go into gambling. I wish that we could somehow let them rip open our chests and see our hearts about this."

The Lenapes may not be interested in gaming, Clymer counters, but tribes outside Pennsylvania, including the Six Nations in Canada and the Seneca Nation in New York, have expressed interest in exploring opportunities in the state. Even Lenape attitudes may change in five or 10 years as gambling becomes even more profitable. "We can't be naïve about the consequences," says Clymer.

Beer acknowledges that gambling has raised a lot of money for tribes in other states and helped them build their own cultural centers. The Delaware Tribe of Western Oklahoma, a federally recognized Lenape tribe, runs the Gold River Bingo and Casino in Anadarko, Oklahoma. But gaming has also been a source of friction within tribes. Beer is adamant that the Lenape Nation of Eastern Pennsylvania has no interest in gaming, now or ever. "The other side of that is that I can't speak for every Lenape in the state," he concedes.

Beer estimates there are a half a dozen legitimate Lenape groups in Pennsylvania that want to be recognized by the state. State officials would have to work with each group individually. The Lenape Coalition, for example, based near Allentown, is also seeking state recognition and is reportedly firm in its anti-gambling stance. Other Lenape groups are scattered across Pennsylvania.

Bishop acknowledges that her bill would have an easier time if gambling were permitted in Pennsylvania. But Native Americans shouldn't take the opposition personally. "[Clymer] is not Native-American biased, he's gambling biased," Bishop says. "He is opposed to gambling, period."

And yet, if gambling were permitted in Pennsylvania tomorrow, Native Americans would be unable to set up a casino or any other gaming facility even if they wanted to. Technically, only the federal government can bestow gaming rights on a Native American tribe.

The Bureau of Indian Affairs has seven rigorous criteria that must be met before a tribe can be officially recognized by the federal government. One of the criteria is that the tribe must already be recognized by the state where its members live. In addition, a Native American tribe can only

build a gaming establishment on land that the federal government designated as a reservation before 1940. There is no such land in Pennsylvania.

#### ANOTHER VOICE

There is no question that emotions play a large role in the dispute. Have the parties reached an impasse? Not necessarily, says an Arcadia University graduate student.

Josh Strozeski, in his first year of the Philadelphia-based university's International Peace and Conflict Resolution Masters program, says the conflict is more of a legal question than a battle of wills.

He and five classmates have taken on the question of state recognition for the Lenapes as part of the program's mediation practicum. Having researched the subject and talked to the key players, the students have made recommendations to state officials on how Harrisburg and the Lenape Indians could reach an understanding.

The students recommend a formal treaty between the state and the Lenape Indians on gambling in which the Lenape Indians agree to give up gaming rights. The state would hold in trust any land that the Lenape acquire so that it would continue to be governed by state law, not Native American law.

Last year Lenape representatives and their supporters signed the Treaty of Renewed Brotherhood at Penn's estate of Pennsbury Manor in Bucks County to commit to continuing peaceful relations and to reaffirm Lenape values. Signed 300 years after Penn and Tammanend's treaty, the document also calls for official recognition of the Lenape Indians and the building of a cultural center.

The Treaty of Renewed Brotherhood is seen as a positive step in the Lenapes' relationship with the people of Pennsylvania. Believers in Lenape prophecy say now is the time for the Lenape to be heard. The Lenape people have entered the Time of the Fourth Crow, believed to be the time when the people will return to their original purpose as caretakers of the earth, Beer says.

But time can sometimes weigh heavily. Children are growing up and elders are passing on every year. The members of the Lenape Nation of Eastern Pennsylvania are anxious that their intentions be understood and accepted before it is too late.

"We are on the brink of losing so much," says Beer. "It's an ache we live with every day." ♦

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