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Ending Discrimination Against New Jersey's Native Americans

by Barbara Sheehan

Before civil rights laws were enacted in America, some states had three separate drinking fountains—one labeled “whites,” one labeled “colored.” And the other?—“Indian.”

Discrimination against Native Americans in our country dates back many years. This subject came to the forefront in New Jersey at the end of 2007 when a report to then-New Jersey Governor Jon S. Corzine found “that subtle even blatant discrimination [against Native Americans] still can thrive in New Jersey.” The report was prepared by the New Jersey Committee on Native American Community Affairs, a group established in 2006 to investigate concerns voiced by tribal members in New Jersey.

In particular, the committee was charged with looking into the tragic shooting death of a tribal member by a state park police officer in Mahwah in April 2006. That incident involved an unarmed Native American man named Emil Mann who was shot while trying to break up an altercation between his cousin and another state park police officer. Questioning the need for such an extreme use of force by the police, many in the Native American community viewed the shooting as an example of the ongoing discrimination against the Ramapough Lenape Indians, of which Mann was a member. The incident fueled concerns about discrimination that had existed for many years.

In addition to considering this controversial matter, in its report the New Jersey Committee on Native American Community Affairs addressed issues of civil rights, education, fair housing, environmental protection, health care, infrastructure and equal opportunity.

“As with many reports, the mirror we turned on fellow citizens, government officials and ourselves was sobering,” the report stated. “It reflects lingering discrimination, ignorance of state history and culture, and cynicism rather than [>continued on page 2](#)

Fighting Terrorism at Home

by Cheryl Baisden

Since the Continental Army — with General George Washington at its helm — was formed to defend America's 13 colonies during the Revolutionary War, the purpose of our government-sponsored military at home has been to defend democracy and equality by protecting U.S. citizens from outside forces. Over the past 25 years there has been growing concern that the U.S. military could be inadvertently training domestic terrorists.

According to the Southern Poverty Law Center (SPLC), a nonprofit civil rights organization that has monitored **extremist** activities since 1981, individuals with racist and anti-government sentiments are joining the U.S. military to gain hands-on training in combat and strategy, as well as an understanding of how our armed forces protect the public. They can then use this knowledge to their advantage in planning and carrying out attacks,

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shining celebration of the state's tribal members whose descendants have lived here peacefully and productively for more than 350 years." The report goes on to state the committee was "disappointed to learn that New Jersey lags behind at least 15 other states, which recognize, respect and celebrate their tribal people through legislative, executive or agency action."

New Jersey's Native Americans

Long before New Jersey was settled by the Dutch in 1618 or became a British Royal Province in 1702, Native Americans occupied this land. Native American influences can be found in the names of many towns in the Garden State, such as Hackensack, Manasquan, Watchung, Lackawanna and Cheesequake.

According to the committee's report, a significant number of Native Americans live in New Jersey. Reports estimate approximately 20,000 New Jersey citizens belong to one of the three tribes that are

indigenous to the state. Those tribes include the Nanticoke Lenni-Lenape of Cumberland and Salem counties, the Powhatan Renape of Burlington County, and the Ramapough Lenape of Mahwah and Ringwood.

According to Autumn Wind Scott, who chairs the New Jersey Commission on American Indian Affairs, the total number of Native Americans in New Jersey is closer to 70,000 when intertribal people are included. These are people who are not counted among New Jersey's three tribes but work and live in the state and are affected by the same issues that challenge all Native Americans. Intertribal people in New Jersey represent such Native American Nations as the Mohawk, Cayuga, Seneca, Cherokee, Delaware, Apache, Lakota and Hopi.

Fighting discrimination

Pastor John Norwood, a Nanticoke Lenni-Lenape Tribal Councilman in New Jersey, said students might be surprised to know "we have never looked like the southwestern stereotype. That we never lived in teepees in New Jersey. That we have a complex and beautiful culture. That 'playing Indian' by wearing our regalia and misappropriating our cultural and spiritual practices is insulting to many of us..."

Because of the way they have been treated in the past, some Native Americans, particularly those from older generations, are reluctant to openly reveal their heritage. Pastor Norwood confirmed that the discrimination identified in the 2007 New Jersey report is very real.

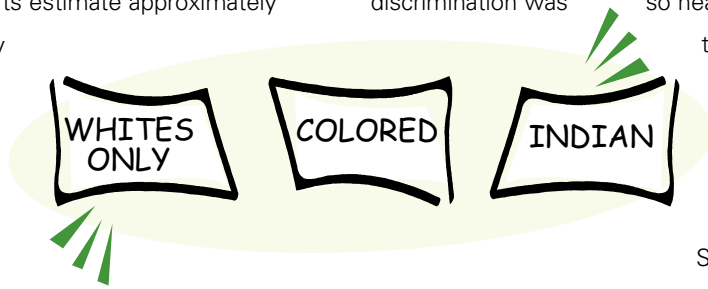
"I know of no member of our tribe that has not, and does not, experience discrimination," Pastor Norwood responded in an email. "The discrimination was so heavy years ago, that many elders never spoke of their tribal identity to non-Natives. Some elders still fear being on our

official rolls because they are convinced that the government will one day turn against the tribe and take the little bit of land we have left. Our children deal with stereotypes in schools, insulting mascots, a denial that any American Indians remained in New Jersey, an undermining of their potential in the academic arena, and even physical assault by non-Native youth."

In the face of adversity, strong cultural bonds and a sense of community and tradition serve to hold tribal members together, Norwood relayed.

Environmental injustice

Of the problems brought to light in the 2007 report, perhaps one of the most devastating injustices concerns an environmental disaster in



the Ramapo Mountains of Northern New Jersey. This area has long been home to the Ramapough Lenape Indian Tribe. For generations they have raised their children, lived off the land and celebrated their culture there.

Their way of life changed, however, when sinkholes and paint sludge were discovered on properties throughout their community, and when many people in the tribe fell ill as a result of toxic dumping that occurred there for more than two decades. The dumping has been largely attributed to the former Ford Motor Company plant in Mahwah.

According to the 2007 report, preliminary data regarding the contamination revealed heightened levels of respiratory disease, skin disease, female reproductive disorders, miscarriages, birth defects, learning disabilities, behavioral problems in children, and various cancers.

This site was designated as a Superfund site in 1983 by the U.S. Environmental Protection Agency (EPA), resulting in a mandatory cleanup. The site was de-listed in 1994 and then re-listed in October 2006. Reportedly, this was the first time in the country that a site had to be put back on the Superfund list after being removed.

Many contend that this is another example of discrimination against Native Americans in New Jersey.

What next?

The New Jersey Committee on Native American Community Affairs report was helpful in bringing people's attention to some of the issues facing Native Americans in New Jersey. As a result, a dialogue was started on how to improve

the situation and move forward.

Still, Wind Scott said change is slow in coming. Part of this she attributes to politics. For example, each time there is a change in the administration and a new governor is elected, initiatives lag as new leaders must be brought up to speed. Wind Scott also cited a stubbornness on the part of some people in the state to change or even to acknowledge the existence of Native Americans in New Jersey.

As far back as the late '90s, the commission identified 77 schools in New Jersey with offensive mascots and sent these schools letters asking them to address the problem. Wind Scott said they heard back from only one school.

Reluctance to change lies not with the existing students, who she said are inclined to "do the right thing," but with the alumni.

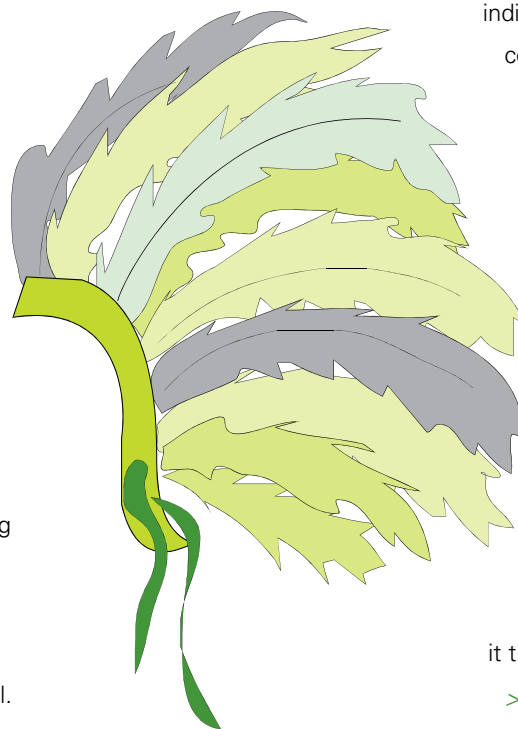
Mascots aren't the only area of education where change is sought. Wind Scott said that efforts are under way to expand the core curriculum standards in

New Jersey to include lessons about the history of New Jersey's

indigenous people—a content area that she said is sorely lacking.

Then there is the issue of bullying. The report cited "bullying of American Indian students who indicate their heritage or demonstrate it through their

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Did you know...?

Here are a few more things you might be interested to learn about Native Americans in the United States.

- There are over 550 American Indian tribes that have tribal governments, which are recognized by the United States in a government-to-government relationship.
- There are approximately 300 federal Indian reservations in the United States. On an Indian reservation the tribal government performs many of the same functions that state governments do.
- There are 12 Indian Reservations that are larger than Rhode Island and nine reservations larger than Delaware (1,316,480 acres). The Navajo Reservation, which is the largest at 14 million acres, is larger than nine states (Maryland, Vermont, New Hampshire, Massachusetts, New Jersey, Hawaii, Connecticut, Delaware and Rhode Island).

Source: FindLaw.com, an on-line legal resource, with information provided by the U.S. Department of Justice.

Fighting Terrorism *continued from page 1*

which is why the SPLC has consistently asked that a zero-tolerance policy be enforced. By the end of 2009, the SPLC had identified 512 anti-government groups operating in the United States and 75 domestic terrorism plots.

Imploring the government

In a letter to legislators, SPLC co-founder and chief trial counsel Morris Dees wrote, "In the wake of several high-profile murders by extremists of the radical right, we urge your committees to investigate the threat posed by racial extremists who may be serving in the military to ensure that our armed forces are not inadvertently training future domestic terrorists. Evidence continues to mount that current Pentagon policies are inadequate to prevent racial extremists from joining and serving in the armed forces."

SPLC President Richard Cohen, in a letter to Secretary of Defense Robert Gates, wrote, "Of all institutions in our society, the U.S. military is the absolute last place extremists can be permitted to exist."

The SPLC has stated its case numerous times to the U.S. government over the years, most visibly following the 1995 bombing of an Oklahoma federal building by former Army Sgt. Timothy McVeigh, which killed 168 people. Revelations that McVeigh, a decorated Gulf War combat veteran, distributed racist material while serving his country led the Army to form a task force and the House Armed Services Committee to hold hearings

on extremism in the military. Their findings caused the Department of Defense to more clearly define its regulations, prohibiting extremist activities.

Those regulations state, "Military personnel must reject participation in organizations that espouse supremacist causes. Active participation, such as publicly demonstrating or rallying, fund raising, recruiting and training members, organizing or leading such organizations, or otherwise engaging in activities in relation to such organizations... that are viewed by command to be detrimental to the good order, discipline or mission accomplishment of the unit, is incompatible with Military Service, and is, therefore, prohibited."



In an article for *Stars and Stripes*, Mark Potok, director of SPLC's Intelligence Project, noted "active participation" can be confusing.

"That is the phrase that is often misunderstood," Potok said. "We know for a fact that military officials, in many cases, read 'active participation' as only recruiting people into another group, or only participating in some kind of hate group event off base."

A report released by the SPLC in 2006, a full 10 years after the military regulations were amended, shows the problem remains and the number of extremists in the military could be in the thousands. In fact, the report quotes Scott Barfield, a U.S. Defense Department investigator, as saying: "Recruiters are knowingly allowing neo-Nazis and white supremacists to

join the armed forces, and commanders don't remove them from the military even after we positively identify them as extremists or gang members."

According to Barfield, in one year he provided evidence on 320 extremists in Fort Lewis, Washington, where he was based, but only two were discharged. In the report, he states, "We've got Aryan Nation graffiti in Baghdad. That's a problem."

Following the SPLC report's release, 40 members of Congress sponsored a resolution urging the secretary of defense to "immediately institute a zero-tolerance policy with regard to racial and ethnic extremism in the military," noting they "pose a major domestic security threat to the

nation and undermine the cohesiveness of its fighting force.”

Then-Secretary of Defense Donald Rumsfeld responded that such a policy was already in place. But the prior year the Department of Defense itself reported the government’s existing policy was ineffective. “Effectively, the military has a ‘don’t ask, don’t tell’ policy pertaining to extremists. If individuals can perform satisfactorily, without making their extremist opinions overt...they are likely to be able to complete their contracts.”

Fighting a war

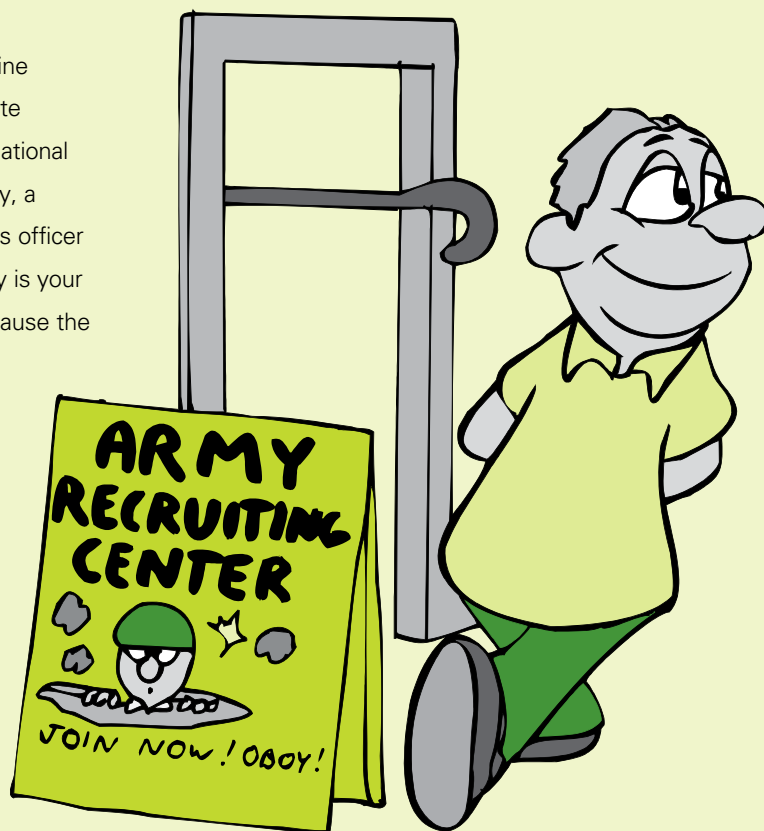
Part of the problem could be that recruiters are under pressure to meet quotas that are more difficult to reach than ever, due to the growing unpopularity of the war in Iraq. In an article that appeared on the Salon website, Carter F. Smith, a former military investigator who worked with the U.S. Army Criminal Investigation Command from 2004 to 2006, said, “When you need more soldiers, you lower the standards, whether you say so or not.” He told Salon that “military investigators may be concerned about white supremacists but they have a war to fight and they don’t have incentive to slow down.”

In addition, the FBI reported in a July 7, 2008 study, “supremacist leaders are encouraging followers who lack documented histories of neo-Nazi activity and overt racist insignia such as tattoos to infiltrate the military...in order to recruit and receive training for the benefit of the extremist movement.” From 2001 to 2008, the FBI identified 203 veterans involved in reported white supremacist incidents.”

In an article for *Resistance*, a magazine published by the white supremacist group National Alliance, Steven Barry, a former Special Forces officer wrote, “Light infantry is your branch of choice because the coming race war and the ethnic cleansing to follow will be very much an infantryman’s war.”

The government responds

A U.S. Department of Homeland Security report, titled *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*, released on April 7, 2009, supports the assertions made by the FBI. According to the report, the “economic downturn and the election of the first African American president present unique drivers for rightwing radicalization and recruitment....The current economic and political climate has some similarities to the 1990s, when rightwing extremism experienced a resurgence fueled largely by an economic recession, criticism about the outsourcing of jobs and the perceived threat to U.S. power and **sovereignty** by other foreign powers.” The report also stated, “The willingness of a small percentage of military personnel to join extremist groups during the 1990s because



they were disgruntled, disillusioned or suffering from the psychological effects of war is being replicated today.”

In response to the Homeland Security report, Rep. Alcee Hastings, of Florida, attached an amendment to the 2010 defense authorization bill. The amendment would ban “the recruitment, enlistment or retention of anyone tied to an extremist group.”

In a press statement, Rep. Hastings said, “The problem is that in many instances, recruiters and commanding officers are looking the other way. The United States government should not be providing the highest quality of military training in the world to individuals who hope to use that training in a ‘race war’ or in an effort to overthrow the United States government.” ■

Racism in Sports—Subtle but Steady Progress

by Phyllis Raybin Emert

Rev. Martin Luther King Jr. once hoped that his children would “not be judged by the color of their skin, but by the content of their character.” While the U.S. may have an African American president, racism still exists in American society, although it is subtler than in Dr. King’s day.

Does racism play a role in the sports world? Sports columnist Bob Ryan of *The Boston Globe* wrote that among the major organized sports in America, “...the National Basketball Association [NBA] is the most **egalitarian** ...institution in our society.”

In 2009, approximately 82 percent of all NBA players were African American and more than 70 international players came from over 30 different countries. As of January 2010, there were eight NBA head coaches of color, including Erik Spoelstra of the Miami Heat, a native of the Phillipines. At the executive level, there are few African Americans and only one majority owner of a team, Robert Johnson of the Charlotte Bobcats.

A legend sues his sport

One of those executives, former general manager of the Los Angeles Clippers and NBA Hall of Famer Elgin Baylor, would probably disagree with Ryan’s assessment of the NBA. Baylor filed a lawsuit against the Los Angeles Clippers and the NBA for race and age discrimination in February 2009.

Elgin Baylor played 14 years in the NBA as a forward for the original Minneapolis Lakers and then the Los Angeles Lakers. He was Rookie of the Year in 1959, was named to the All-NBA first team 10 times, and holds or shares more than half a dozen NBA or Lakers records. After retirement as a player, Baylor became

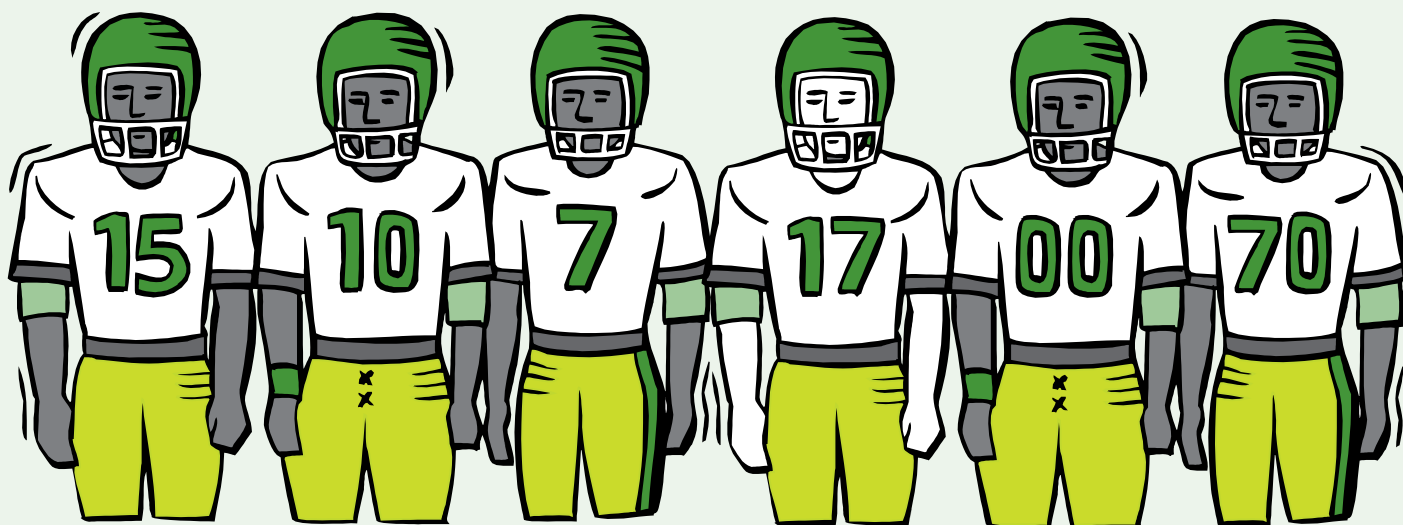
assistant coach and then head coach of the New Orleans Jazz. He was selected as one of the 50 greatest players in 1997 by a special panel of NBA players, coaches, general managers and team executives, as well as members of the media, and was the NBA executive of the year in 2006.

Baylor joined the Clippers in 1986 as vice president of basketball operations and was then promoted to general manager. He worked 22 years with the Clippers until October 2008 when the team announced he had resigned. Baylor, however, claimed he was fired. During his tenure in Los Angeles, the Clippers had a poor record despite high draft picks and made the playoffs only four times.

Lawsuit claims racism

At a news conference held after Baylor filed a 22-page complaint in Los Angeles Superior Court, Baylor said, “The way I was treated by the NBA and the Clippers was unfair and in many ways discriminatory. It was wrong.” He explained, “I worked with the Clipper organization on a contract for only my first six years, until 1993...For the remainder of the time I was told I did not need a formal written agreement. Donald Sterling [the owner of the Clippers] always informed me, whenever I asked about my contract situation and my salary, that I was a ‘lifer,’ that I would remain with the Clipper family until I decided to retire.”

Baylor contended that he put together the 2006–2007 team that made it to the second round of the playoffs and exceeded everyone’s expectations. While the Clipper head coach was acknowledged and rewarded with a long-term contract worth over \$20 million, Baylor was offered nothing. In August 2008, Baylor



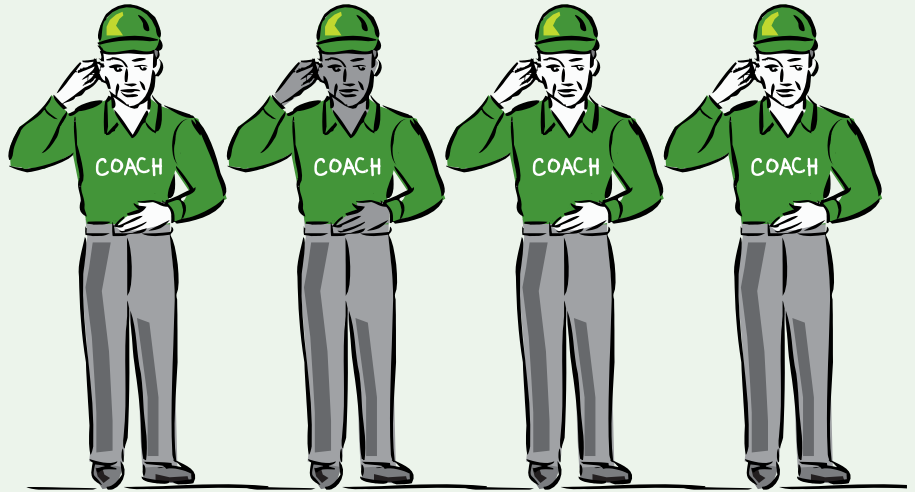
said the Clippers organization offered to pay him \$10,000 per month as a consultant and he was told to “take it or leave it.” Baylor explained that he had invested so much in the Clippers and the NBA he was traumatized and devastated by the situation. He did not take the offer but he insisted he did not resign.

The lawsuit alleges that “Baylor’s salary had been frozen at a comparatively paltry \$350,000 since 2003.” The NBA was also named in the lawsuit and Baylor noted that they “condoned, adopted and ratified this gross pay disparity,” knowing that he earned less than white general managers. Baylor’s lawyer, Alvin Pittman declared that “minorities can play the game but the NBA is deaf, blind and mute when it comes to the issue of employment discrimination within the executive ranks.” The president of the Clippers, Andy Roeser, was also named in the lawsuit, because Baylor claimed Roeser harassed him about his age. Baylor is in his middle-70s.

League lawyers submitted a motion to the Los Angeles Superior Court to dismiss the part of the lawsuit against the NBA on the grounds that it did not employ Baylor. The judge denied the motion in December 2009 and suggested the attorneys settle the case out of court. Both parties hoped to resolve the case with a private mediator instead of going to trial.

Diversity in the NFL

It was not that long ago that the National Football League (NFL) came under scrutiny for its own problems with diversity off the field. Currently, the NFL is the only professional sports organization in which owners are required to interview at least one minority candidate when hiring a new head coach. This is required by the Rooney Rule, named after the owner of the Pittsburgh Steelers, Dan Rooney, who was chairman of the football owner’s committee on diversity. It was established in response to a 2002 study, titled “Black Coaches in the National Football League: Superior Performances, Inferior Opportunities.” The study used statistics to show that very few black coaches were hired compared to whites in the NFL; that these black coaches outperformed their white counterparts; and that they were often the first fired by the team owners. The NFL response to the study was the Rooney Rule, which avoided a possible lawsuit.



According to sports columnist William C. Rhoden of *The New York Times*, the Rooney Rule was extended in June 2009 to also “include all front-officer positions under football operations.” He also reported that the League has created the new position of executive vice president for human resources and chief diversity officer. Rhoden noted in his column that “five of the last six Super Bowl teams have had either an African American head coach or an African American general manager.”

As of the end of 2009 the NFL had four African American head coaches and four African American general managers. As a measure of its success, since the Rooney Rule was instituted, 11 African American coaches have been hired in the league. Prior to the Rooney Rule, only six of 400 head coaches were African American dating back to the beginning of the league in 1920.

Cyrus Mehri, one of the authors of the 2002 study that sparked the Rooney Rule, told *The Washington Post*, “I think you have to look at it as a great success...You know it’s a great success when it matters to the owners. From a process point of view, they’re doing everything we asked them to do. Now does that mean we’ve eradicated bias in the NFL? No. It’s part of America. But we’ve made great strides. We couldn’t have written a better script.”

Around the globe

Sports journalist Matthew Syed suggested in a *Times of London* article that a Rooney Rule is long overdue in European soccer to remedy the lack of minorities in management positions. “The lack of a prosecution of a club on equal opportunity grounds was taken by many as proof that no serious problem existed. But the complacency of that stance can be seen by widening the perspective.

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Racism in Sports *continued from page 7*<

There are now only two black men among the 72 managers in the Football [soccer] League (and none in the Premier League), and only one black chief executive. Given that blacks constitute about 25 percent of the players, this is as close to a proof of a culture of racism as it is possible to get.”

Sayed quoted lawyer Brian Collins, who wrote in the *New York University Law Review*, “The Rooney Rule’s effectiveness lies in its potential

to deconstruct hidden biases. A decision-maker harboring unconscious bias is forced to confront his own partiality by meeting face-to-face with a candidate he might never have previously considered.”

Syed went on to write in his column, “A Rooney Rule is not merely overdue; it is the acid test of the sport’s willingness to confront its institutionalized racism.” ■

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manner of dress (for example, by wearing their hair in braids).” It also called out “statements by uninformed or bigoted teachers who claim that there are no American Indian tribal groups in New Jersey, and proclaim that Native American students must be members of other racial or ethnic groups.” In its report, the committee recommended that more be done to address bullying and other issues in schools, such as workshops for teachers on American Indian history.

Also, on a much broader scale, the report examined action needed to address areas such as access to jobs and health care, protection of Native American burial grounds, and access to affordable housing. Action is also needed to enable Native Americans in New Jersey to qualify for federal benefits, the report noted.

It is believed that changes sought must begin with legislation that officially recognizes the three Native American tribes indigenous to New Jersey. A bill is now pending in the New Jersey legislature that provides official state recognition of these tribes “for the limited purpose of assisting these tribes in establishing eligibility for federal education, job training, and housing benefits and federal protection for the sale of artwork and of the right to engage in traditional religious practices and ceremonies.”

Further, Wind Scott said that the commission is working to achieve legislation that would allow for protection of American Indian burial grounds and artifacts. This legislation would also expand the commission to include non-voting members from key departments of state, which, she said, would help ensure direct communication with departments that provide services Native Americans direly need.

In the meantime, Wind Scott echoes Pastor Norwood’s sentiment that Native Americans in New Jersey keep their momentum going through strength of community, the structure of their tribes and mentoring. Wind Scott, who is now a mother and grandmother, was born in New York, and has three grandparents of American Indian descent. Today, in addition to chairing the commission, she visits different groups in the state, such as scouting troops, and shares her ancestry’s rich history with others. It’s another way she works to support the Native American tradition that she holds so dear and to help ensure a bright future for her grandchildren. In spite of the challenges she has seen in her lifetime, she remains determined.

“I do see a changing in a small way,” Wind Scott said. ■