

# The Indian Removal Act and Commercial Gambling

By

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America before the coming of the European immigrants originally belonged to the Red Indians - a race that lived on this land for centuries. The Indians believed that the earth was their mother - a place with beautiful mountains, glimmering lakes, rushing rivers, and peaceful streams - a place where buffalo, deer and other wildlife immigrated freely on an unrestricted land - a place where mirror like ponds reflected the face of their proud ancestors. What happened to them? Where are they now? What are they doing to earn their living? Omar had to know.

For a brief period after the American Revolution, the United States adopted a policy toward American Indians known as the “conquest” theory. In the Treaty of Fort Stanwix of 1784, the Iroquois had to cede lands in western New York and Pennsylvania. Those Iroquois living in the United States - many had gone to Canada where the English gave them refuge - rapidly degenerated as a nation during the last decades of the eighteenth century. The Shawnees, Miamis, Delawareans, Ottawans, Wyandots, and Potawatomis watching the decline of the Iroquois formed their own confederacy and informed the United States that the Ohio River was the boundary between their lands and those of the settlers. It was much a matter of time before further hostilities ensued.

The “Indian Removal” policy was implemented to clear land for white settlers. Insatiable greed for land remained a primary consideration. The removal of the Five Civilized Tribes; the Choctaws, Creeks, Chickasaws, Cherokees, and Seminoles was a dismal page in United States history. By the 1820’s the Cherokees, who had established a written constitution modeled after the United States Constitution, resisted removal.

In 1830 the Congress of the United States passed “The Indian Removal Act.” President Andrew Jackson quickly signed the bill into law.

In one of the saddest episodes of the brief American history, men, women and children were taken from their land, herded into makeshift forts with minimal facilities and food, and then forced to march a thousand miles in horrible conditions. More than one hundred thousand American Indians

eventually crossed the Mississippi River under the authority of the Indian Removal Act.

About 4000 Cherokee died as a result of the removal. The route they traversed and the journey itself became known as the “Trail of Tears.”

During the late 1800’s the Indians were nearly finished their subjugation complete, their number decimated. The killing, enslavement, and land theft had begun with the arrival of the Europeans.

Between 1790 and 1830 the population of Georgia increased to six-fold. The western push to the settlers created a problem. Georgians continued to take Native American lands and force the Indians to the frontiers. By 1825 the Lower Creek had been completely removed from the state under provisions of the Treaty of Indian Springs. By 1827 the Creek were gone.

The massacre of Cheyenne Indians at Sand Creek, Colorado territory on November 29, 1864 was listed as a battle in the records of the U.S. army. So too was the massacre at Wounded Knee. However a more disturbing fact had emerged regarding Wounded Knee. It appeared that the Indians who were massacred were actually prisoners of war. The women and children who tried to escape were hunted down and killed. The Indian children who were hiding in a small cave were asked by the soldiers to come out, as they would not be harmed. When they did crawl out they were hacked to death with sabers. The dead bodies were all left on the ground for five days before being buried.

Ironically, for this massacre Congress awarded the Medal of Honor! It is not to deny any legitimate heroic action, but it is difficult for any rational mind to see the killing of unarmed women and children prisoners as heroic, by any definition.

Any Indian nation that has a formal relationship with the United States government is federally recognized. Tribes that are federally recognized are eligible for certain benefits and services from the U.S. government. There are 556 federally recognized Indian nations in the lower 48 states and in Alaska. However, the passage of termination policies in the 1950s ended federal recognition for 61 Indian tribes in six states and relocated tribal members to urban areas where they were expected to find jobs and assimilate. Since 1978, only 15 tribes have received federal recognition through federal acknowledgement process.

The federal government promised to provide benefits and rights to the American Indian peoples in perpetuity in exchange of their land and other resources.

The services and benefits available the federally recognized tribes are dental and medical care. Grants and programs for education, housing programs, aid for developing tribal governments and courts, resource management and various miscellaneous services.

The number of Indians living in the United States today is 2.5 million people living on reservations, while the remainder lived in urban and suburban settings.

After colonial era, the new U.S. Constitution continued to recognize Indian sovereignty on their reservations. In article 1, Section 8 – known as the Commerce Clause – the constitution declared that: “The Congress shall have the power to regulate Commerce with foreign nations and among the several states, and with the Indian tribes.”

In the late 1970s, the Seminole Nation paid close attention to a trend within several state governments that had established gambling lotteries to bring in badly needed newly revenues. Following the lead of such states, the Seminoles opened a bingo parlor. When Florida threatened to close the Seminole operation because it violated state law by offering high prizes, the Seminole sued in federal courts.

Thereafter, two distinct court cases – one in Florida and the other in California – shaped the future of Indian gaming. The courts rules that if state law criminally prohibits a form of gambling, then the tribes within the states may not engage in that activity. If state law merely regulates a particular form of gambling, then the tribes within the state may engage in that gaming free of state control. The Indians had the right to conduct gaming operations on their own land, as long as gaming such as bingo or “Las Vegas” nights were not criminally prohibited by the state.

In 1988 Congress passed the Indian Gaming Regulatory Act (IGRA), affirming the Supreme Court’s decision that federally recognized Indian tribes are sovereigns who can conduct gaming activities on their lands. By the end of the 20<sup>th</sup> century there were about now 212 Indian tribes in 24 states involved in some kind of gaming. The revenues generated from tribal casinos are revitalizing many reservations.

Gambling is forbidden in Islam, so just how big is gambling in America - an important question needing an answer.

To understand commercial gambling in America, it is helpful to understand its history, how it made its way from smoked-filled back rooms too many years ago to today's casinos and convenience stores across the entire nation.

After getting off to a shaky start in the 1600s, when the Puritans allowed neither cards nor dice in their houses, gambling became more reputable during the colonial period. The earliest settlements in America were funded, in part, by lotteries, encouraged and often sponsored by government.

Many of the frontiersmen were caught up in the gambling spirit. The frontiers went to west because they liked to gamble, not only for the sake of the profit it holds out to them, but also for the love of the constant excitement occasioned by that pursuit.

Riverboat gambling started to flourish about this time too, but soon evangelical reformers began their steady assault on gambling, viewing it as a threat to their vision of the United States as a Christian nation. Political reformers worried too that gambling upset the discipline required of a capitalist democracy. However, in these days nearly every state in the union had some kind of lottery.

The next wave of gambling appeared after the Civil War and the industrial revolution, when cities began to grow and immigrants began to move into the country in increasing numbers. Freed slaves, Irish, Germans, and southern and eastern Europeans were attracted to the "numbers" games, and although illegal, these games were popular and gambling prospered once again.

At the turn of the 20<sup>th</sup> century, Victorian morality led to a sort of national self-purification that included wars on drugs, gambling and municipal corruption. The territories of New Mexico and Arizona were told by Congress to outlaw their gambling in order to be admitted to statehood. Even Nevada outlawed all its casinos in 1909. Large stakes gambling became identified with organized crime. The psychology of gambling emerged as a science, with gamblers being labeled as pathological, as neurotics with an unconscious will to lose, and as immoral. Law enforcement moved in on gambling with renewed vigor, and gambling was on the decline until

prohibition was repealed in the 1930s, when bars reopened, and gambling surfaced again.

Some people think that gambling has a positive side. It reflects people's natural urge to take risks and escape to the world of make-believe. It fulfills the play impulse that human beings have, and for many, it is a means of social interaction and a way simply to have fun. It is also an industry that employs many people and pays many taxes.

In America, gambling has become a respectable business. By 1994, nearly every state permitted some form of commercial gambling. Gambling has become a family activity, with riverboats, imitation Wild West casinos and mining town resort themes.

Gambling has been integrated into the American everyday life, in the form of television game shows, in restaurants and resort hotels where kids are plying within a few feet of their parents pumping money into machines.

Gambling in America has exploded as a national pastime. Between the early 1980s and the early 1990s, legal gambling grew at almost twice the rate of personal incomes. Between 1988 and 1984, casino revenues in the United States nearly doubled from 8 billion dollars to 15 billion dollars annually. The number of American households in which at least one member visited a casino doubled between 1990 and 1993 from 46 to 92 million.

In total, about 150 million Americans walked into casinos in 1995, an outstanding increase of 235 percent over 1990, nearly as many as went that year to watch basketball, baseball, football, hockey, golf, and car races combined.

In 1996 Americans wagered 515 billion dollars in legal betting resulting in gross revenues of 48 billion dollars for gambling proprietors, not including revenue from tribally-operated gambling. Those numbers do not include gambling on Indian Reservations. In one year, between 1993 and 1994, reservation wagering rose by 22 percent. Lottery revenues in America rose by over 11 percent from 1995 to 1996 recording 42.9 billion dollars. It seemed then that gambling in the United States is one of the fastest growing industries, where profits of 30 to 50 percent a year are not unusual.

One might say, "So business is good, what's wrong with gambling?"

What are wrong are the tremendous costs to the American society. Somewhere around 5 percent of all gamblers become compulsive gamblers, and 90 percent of them turn to crime to support their habits, with 80 percent contemplating suicide and 14 percent actually attempting it. There are as many as 9.3 million adults and 1.3 million teenagers with some form of problem gambling behavior in the United States in 1994. Teenagers and the elderly are the fastest growing categories of addicted gamblers. Bankruptcy rates were found to be 18 percent higher in counties with at least one gambling facility.

With respect to gambling related crime, the American Insurance Institute estimated that 40 percent of all white-collar crime has its roots in gambling. It was estimated that in 1996, 90 billion dollars was bet illegally in the United States just on sports games. By contrast, America's drug trade is estimated to be at about 49 billion dollars per year.

One of the reasons for the growth in gambling activity is that state and local governments, in a rush to find new sources of revenue to provide governmental services, have signed on as beneficiaries of the gambling industry's profits. Taxes on tobacco, alcohol, and gambling are easier to impose and increase than others.

Governments of the American states are beginning to rely more and more on gambling revenues. Nationwide, there are now 184 tribes operating around 275 Indian-owned casinos throughout the United States. Americans spend more than 4.8 billion dollars a year in these casinos. A few states have entered into revenue-sharing agreements where the states get up to 25 percent of gambling revenue from tribal casinos.

Now we can see in the United States whole cities are built on gambling. Allah has declared in the Koran that gambling is an abomination and unlawful:

*“O you who believe! Most certainly intoxicants and gambling and idol worship and fortune telling are an abomination of Satan's handiwork, so shun it, that you may prosper.” (Al Maidah, 90).*

Allah through Divine Law has prohibited intoxicants and gambling primarily because they cause human beings to forget Allah. The human mind and body easily become addicted to drugs and games of chance. Once addicted,

mankind's desire to continually be stimulated by them into all forms of corruption and violence among themselves.

Allah says in the Koran:

*“Satan desires only to cause enmity and hatred between you with intoxicants and gambling, and to hinder you from the remembrance of Allah and from prayer, will you then desist?” (Al Maidah, 91).*

Allah's blessing could be removed from earth when people violate his laws. Unlawful money is widely circulated in the American society to the extent of exposing the whole nation to Allah's wrath. The American society is already full of perversities. People have turned from right to wrong. The high civilization America is enjoying now might turn into ruins if Allah's vengeance descended on the deviators. Satan sowed in their hearts the seeds of enmity and hatred against one another and turned them aside from the remembrance of Allah by means of games of chance.

It is strange that the past scriptures of the Jews and the Christians i.e. the Torah and Bible have no mention of prohibition of gambling. It is unbelievable that the books revealed to the Prophets of Israelites would not have the provision of prohibition of gambling despite the fact that gambling entailed economic and spiritual corruption of their nation.

The Methodist Church has slammed all forms of gambling as harmful instrument of the Devil. The church bases this on the verse “nor do anything whereby thy brother stumbles, or is offended, or is made weak” (Romans 14:21), arguing that gambling harms society and so must be shunned. However as seen quite common within the Christian Church a lot of principles are being compromised on, and most churches actually allow gambling. The Roman Catholics even allow bingo to be played within their institutions. Judaism is split over its verdict on the lottery. The majority of rabbis say that it is permitted. Of those some say that, although permitted, a gambler is not suitable as witness, nor his charity accepted.

The position of Islam on gambling is that it is prohibited, harmful and destructive to society. Gambling is addictive by nature, a practice that takes money from the poor with the perceived, yet illusive promise that they may win something without having to work for it.

The Koran makes it clear that prosperity does not come through gambling. Gambling causes families to break, societies to suffer, and the economy to

deteriorate. It leads to addictions, depletes individual and family resources, and creates a false economy and superficial jobs that add nothing to the local or national gross product. It also promotes the notion that man may take that for which he has not earned or worked for, which violates the ethical foundation of any decent society.

Those who profit are the gambling industry moguls who invest heavily in lobbying local governments for permission to open their establishments. Local governments also receive a nominal return in taxes and licensing fees. However, legalized gambling consistently fails to live up to the promised return, and in fact inflicts greater harm in terms of economic and social costs.

The Koran teaches that the price of gambling is hatred and discord among men, and studies bear witness to this fact. Gamblers often resort to crime in order to pay debts, appease bookies, maintain appearances, and garner more money to gamble.

It is a basic principle in Islam that man must not take which he has not earned or worked for.

In Islam man is not permitted to do a forbidden act even if it leads to some good. In Islam the ends do not justify the means. Would you sell drugs to finance the building of a mosque? Islam urges man to rely on Allah and earns his income with his feet firmly planted on the ground and not relies on dreams and national lottery. All forms of gambling are forbidden in Islam, and Allah helps those who help themselves.

Gambling makes a person rely on accidents, luck, and wishful thinking for his earnings instead of hard work. This is an attitude that directly harms not only himself and his family, but also the society in which he lives because he deprived it from the benefit of his labor.

Prophet Mohamed said:

*“Whosoever play backgammon is as if he dyes his hands with the flesh of swine and its blood.”*

*“Whoever says to his companion ‘Come on, let’s gamble’ let him give in charity (as penance)”*



*“A time will come upon the people when one will not care how one gains one’s money, legally or illegally.”*

*“The flesh and body that are raised on unlawful sustenance shall not enter paradise. Hell fire is more deserving to the flesh that grows on one’s body out of unlawful sustenance.”*

*“Allah is pure, and He accepts only that which is pure.”*

Wealth has to be earned from lawful business activities. Money should not be spent on unlawful products and services, nor should money be spent to show off wealth or spent in vain. Allah owns the wealth of the world permanently, and humans are the temporary holders of it.

Islam promotes the idea of basic fairness in society, and prohibits the rich from preying on the poor. Gambling victimizes the poor with the promise of an easy escape from their circumstances. Those who least can afford it tend to gamble most. Thus gambling amounts to an extra tax on the poor, known on economic terms as “regressive tax” because players of all income levels that gamble similar amounts will lose at equal rates. Consequently, lower income gamblers pay proportionately more voluntary tax dollars than higher income gamblers.

Policy makers must not consider gambling as a new source of revenue, they should rather search for moral, sustainable alternatives to solutions for budget shortfalls. Any industry that undermines the community’s work ethics, economy, security, and morality cannot be accepted as a legitimate part of any decent society.

The history of the U.S. is full of genocide, control and arrogance. Beside the extermination of the Indians, America looking after her own interests raised crisis and troubles in the world. America interfered to throw away the rule in Iran (1953), Guatemala (1954, 1963), Dominican (1963, 1965), Brazil (1965), Chili (1973), Grenada (1983), hit Libya (1986) and Panama (1989), and in the third millennium Afghanistan and Iraq.

In the 1990s America interfered to destroy Iraq, invaded Haiti and Somalia. And now the picture of the American had changed to other forms. The American is the speculator in international stock markets causing the decline of the Sterling pound, and the collapse of the Malaysian local currency. He

is the congressman legislating laws to impose economic punishments on companies dealing with Iran and Libya. He raises dust opposing the deal between the French company Totale and Iran. He is the politician who bids on religious freedom for the sake of his political ambition even if the price would be denominational riots as happened in Russia, China and Muslim countries. He is the political planner who refused to sign the agreement regarding prohibition of the use of ground mines. He is the one supporting economic sanction that detrimentally affects children and the elderly in Iraq. And last but not least, he is the cowboy who invades the world under the umbrella of free trade, while fortifying his own trade with the arm of protection.

There is a tremendous danger encompassing the United States. It is true that America is getting stronger, but she is certainly loosing.

The American life revolves around money and personal pursuit of happiness. Never mind about the ethics Allah has created the universe on.

One can easily discern the disease of America. There is disorder in society, in its deeds and guarding principles. Drug menace, gun culture, murders, breaking families, problems of teenagers growing under such dangerous conditions and other dangerous evils, are going to do America more damage than an external enemy could inflict! All moral principles tremble to the ground. Most of the people here are after entertainment and enjoyment. They think that life is there just to enjoy. America needs a healing touch to overcome the problems it is facing. America should restore society's moral laws.

America with its greatness and might had led the world for almost half a century in different areas of life. But things would not remain the same if the American society worsens. What goes up must come down. The heavier the thing is, more damaging occurs when it falls down. Why America is directing its energy towards goals that are nothing but mirage? Immediate steps must be taken to get back to the basics. America must get rid of all evils and brings back once again the moral values. The solution lies in Allah's system that none can match or dare to break, Allah's given system of living and governance. There is no benefit denying His laws and adopting man made ones. Satan is destroying them by blindfolding their senses. The Americans must rush to take refuge with Allah from Satan and his false assurances if they want Allah to be their guide and protector. If they fail to

seek Allah's guidance and help, Satan will guide them to the path of destruction. Those who are enjoying the present life to the core do not want to listen to the words of Allah. They have strong passion for their own thinking and attitudes. The losers are always those who rebel against Allah and commit sinful acts. They lead a free life style, and transgress insolently in the land. Their insolence is only against themselves. The wealth they possess is only the enjoyment of this worldly life, then they will be returned to Allah and He will tell them the things they did. They forget that life is short and that the angel of death doesn't make any mistakes. They are not going to deceive Allah or escape from His punishment.

Thank Allah that Muslims around the world adopt the Koranic path of life. Although Muslim's societies are not relatively developed as their contemporaries in the West, they are morally stable. Allah has already shown them His path to peace and success in the present life and in the world to come. They are not dragged into the whirlpool of worldly attractions which destroy a person's life. Only those who believe and listen to Allah and His Prophets are saved from Satan's magic.

The Americans are talking about unrestricted freedom, free of speech, democracy, and human rights, and they don't see that growing drug addiction, teenage pregnancy, alcoholism, depression, fornication, divorce, and crime inside their own society are due to uncontrolled freedom.

Are the Americans so cherishing their freedom to the extent of totally misusing their human rights? They are legalizing sodomy, adultery is thought of as no big deal. Sacrifice of children through abortion is in the 30 to 40 million ranges. All these unlawful things are repugnant to Allah.

A Muslim may wonder! Is Allah's wrath about to be poured on the land? A land that has sinned terribly against the laws of Allah! If the food of the people is unlawful, their drink is unlawful, their clothes are unlawful and their nourishment is unlawful, how their supplication is then accepted?

If the ethics of a country has gone her downfall is near. I find myself whispering: "America your glamour has gone."