The Cow Creeks' Revenge

It may or may not be a real tribe, but it sure is a real business.
Words & photos by Tim Findley

Somewhere, Chief Miwaleta must be smiling. A few may still question the actual heritage of some 1,400 tribal members. Others may say the sovereign nation along Interstate 5 in southern Oregon has already gone too far. But Miwaleta's Cow Creek Band of the Southern Umpqua has done the old chief proud.

And it is all due mostly to the relentless determination of a little old lady who presides over a veritable Cow Creek empire. She uses the same no-nonsense business approach she once used in managing three bars, a couple of restaurants and a Levi's store at the neglected opposite end of Canyonville, Ore., from where a magnificent bald eagle now dominates the entrance to the Seven Feathers Casino and Resort.

Eighty-five-year-old Cow Creek tribal chairwoman Sue Shaffer resembles that elderly aunt who always gave you sturdy socks at Christmas. Standing a couple of prim inches short of five feet with her hair done in a sort of modified bun showing only streaks of gray, she might even seem frail. That impression won't last long.

"This is a sovereign nation," Shaffer says, emphatically snapping a finger at a tribal brochure that proves it. "Does the city pay taxes? Does the county? The federal government? Tribes are governments. It's a constitutional right. Oregon state law mandates a government-to-government relationship between the federally recognized tribes and the state. Sovereignty is serious with me and it is with this tribe."

The 300-room Vegas-style casino and convention center includes a major truck stop, a huge and gloriously arranged RV park, several restaurants, swimming pools, and exercise rooms, all attentively managed, as Shaffer demands. The tribe has its own utilities company, and an independent dam and treatment plant are in the works. That's not to mention Cow Creek's ranches and houses, insurance company, media center, tribal health and social welfare facilities, and dozens of other small businesses like bars, motels, restaurants, and a new freeway rest stop built, like the new off-ramps to the casino, specifically for the tribe. Altogether, it covers about 4,000 acres so far between Canyonville and Roseburg.

"Sovereignty is serious with me and it is with this tribe." Sue Shaffer's relentless determination brought together the Cow Creek empire between Canyonville and Roseburg, Ore. Some say she is Italian, others Spanish, but she insists she is a direct descendant of Chief Miwaleta.

"That's not much compared to the 60,000 acres we were promised," says Shaffer. But the tribe is working on that under what it says is a 1,000-year plan. None of its holdings are taxable or even regulated by any authority beyond Shaffer and the tribal council. The annual payroll for more than 1,000 employees, both Indian and non-Indian, is around $30 million a year, making Cow Creek at least the second largest employer in the county, next only to the Roseburg Timber Company.

At the bottom of Canyonville's old main street, a couple of miles south of that new casino exit 99, the powder blue Pastime tavern stands for sale near the old one-lane stone bridge. Its empty stools are still visible through the window, lined up in front of a bar Sue Shaffer need never see again.

This is the old part of town built in rowdy fashion during the heyday of the logging industry, but struggling along now with a smattering of mostly '50s "antique" stores and a couple of bars and restaurants not yet absorbed into tax-free tribal trust property. Folks there generally know the politically correct value of keeping their opinion of the tribe to themselves. A few, like old Arlee Bates who only recently switched to Pepsi after a half-century of wearing out the hard stuff, remember when Sue Shaffer and husband, George, ran both the Pastime and the Bridge, only a rough and tumble block or so apart.

"She was Italian then," Bates says with a small cackle in his voice. "If you'da said she was Indian, she woulda thrown you out."

Maybe there was good reason in the '60s and '70s for not advertising Native American heritage, especially in a bar, but whether some thought she was Italian or, as others said, Spanish, none would disagree with Arlee that even then Sue was "tough as nails."

In a flowing long flowered skirt and business-ready dark blouse that seems perfect for a country school room, Shaffer prefers these days to talk over a polished table at the back of the impressively appointed tribal council chambers in Roseburg, some 50 miles north of Canyonville. She has people, including a full-time press agent for this, but Shaffer prefers to handle it by herself. It's not she who gets intimidated.

"They can question our heritage all they want," she says. "We know who we are. We don't have to prove it to anybody."

Certainly not anymore since the 1980s when Shaffer almost single-handedly beat back the doubts and objections of the Bureau of Indian Affairs and even members of Congress to at last win federal recognition lost when Miwaleta died and the rest of the tribe was thought to have been killed or sent into captivity during the 1855 Rogue Indian War.

"Seven survived," Shaffer insists. "They hid out in the Upper Umpqua valleys even as masked 'exterminators' rode out from the mining camps trying to kill every Indian they could find." And, as the years went on, the families of those seven, including Shaffer's own grandmother, formed the basis of the tribe's revival.

Like most people in those more enlightened times of the 1970s, Steve Kremer believed the story. He was just a kid anyway, born into a family of rugged loggers and outdoorsmen. He was fascinated with the old trails through hardwood forests and beneath towering canopies of old-growth Douglas fir his grandfather showed him. He and his best buddy ran off at one point, vowing to let their beards grow and become mountain men. Their parents found them two days later in a winter-empty fire lookout station. The two would-be mountain men were 11 years old.

For all his young years, Kremer retraced those trails, sometimes with his grandfather hunting cougars and bears. His grandfather ran the dogs, and young Steve was armed with the only weapon permitted him—a Daisy BB gun.

"I read everything I could find about the people who were here before," Kremer says. "I just wanted to know who they were, what they did." He would become a logger and road construction supervisor, but he never lost his passion for knowing more about this region of the South Umpqua River. It was a trail that would lead inevitably to Sue Shaffer.

Steve Kremer, born into a family of loggers and outdoorsmen, loves history and research. He suggested to Sue Shaffer that the casino Cow Creeks "lacked authenticity." It was like taking on a cougar with his Daisy.

Marilyn Kittelman, on the other hand, is a rancher's wife and horse trainer. She has a social conscience that led her to run for a seat on the three-member Douglas County Commission where she rapidly became its president. Like Kremer, she had always admired the tales of Miwaleta's people, and says she still does, despite her alarm over the steady pace of tribal purchases removing more and more land and business from the county tax rolls. Political trails in Douglas County also lead inevitably to Sue.

PHOTO COURTESY MARILYN KITTELMAN

Douglas County Commissioner Marilyn Kittelman questions the expansion of tribal trust lands. Loss of tax revenue from environmental restrictions imposed on logging and more land being placed into tax-free trusts by the tribe are disastrous for the county.

"I feel sad for Kittelman," says the Cow Creek boss lady. "I think it's really too bad. We're a government at a higher level than a county commission. That's a war that was over a long time ago. We won."

Miwaleta always wanted peace. Hordes of settlers following the Applegate Trail were overrunning tribal lands and eliminating part of their food source by cutting down oak and maple trees. By 1853, Miwaleta knew there was no chance of stopping them. He hoped that, by becoming the first tribe in the Pacific Northwest to sign a federal treaty, he could save his people. The Cow Creeks and Umpquas relinquished hundreds of thousands of square miles in return for a promised 60,000-acre reservation along the river. They also got a roughly assembled wagonload of pants, bandanas, flags and a few implements that were supposed to promise later help in establishing new agriculture. But Miwaleta died before the land was delivered and within two years, young men from his tribe had joined the Rogue Indian Wars raging near Medford, thus, the U.S. authorities said, breaking the treaty.

The year she was born, 1922, Sue Shaffer says her parents purchased a home alongside the Upper Southern Umpqua near what had been the wintering grounds of the ancient tribe. She says she remembers meetings of the seven Cow Creek families from then on through the next 50 years. The families are Nona, Rondeau, Dumont, Pariseau, Dompierre, Petit, and LaChance or Rainville.

"I have minutes I took myself of a meeting in 1939 when I was only a teenager," Shaffer says, "and my mother kept notes all the way back into the teens and twenties."

Those notes kept by Shaffer but seldom, if ever, seen by anyone else, provided proof that what was left of the tribe never disbanded.

Still, the tribe, thought to be extinct, was "terminated" under misguided policies of the Eisenhower administration. Then, in 1979, legislation signed by presidents Carter and Reagan offered tribes the opportunity to file in the U.S. Court of Claims demanding restitution for lands taken from them.

The Bureau of Indian Affairs and even some members of Congress at first resisted allowing a Cow Creek claim, ruling that the seven had not proven their heritage. One bureaucrat said Shaffer's lists and minutes more resembled a "corporate organization" than a tribal roll. Apparently Sue Shaffer convinced former Interior Department secretary Morris Udall to speak on their behalf.

"You mean to tell me that these people have waited 120 years, and you're trying to force them to wait another 20 years?" the tall and dominating Kennedy-era Democrat said.

Finally in 1984 Congress acknowledged the claim of the Cow Creeks. The Court awarded survivors payment for their promised reservation at 2.3 cents an acre—in contrast to open federal lands sold to settlers at the time for $1.25 an acre. Even then, the BIA wanted simply to have done with it by awarding the $1.3 million on a per-capita basis to those who could prove their heritage. Although some tribal members were eager to take the money, both they and the BIA underestimated the shrewd will of the tribal chairwoman.

"It was nothing. Nothing," she says. "That money was put away and it stays there in perpetuity. The only thing that can be used from that is the interest, and it's used for things like health care and some improvements. I can tell you this, we've hung on to that money. There is no per-capita payment to this tribe. I wouldn't allow it. We build people here, not dependency."

But carrying the official recognition that came with it like a coup stick, the little lady from Canyonville was about to ride out from the Umpqua like Crazy Horse looking for Custer. She could see the future coming.

"I pestered the Interior loan officer, Pat Hage, for a loan to get us started. He finally gave it to us just to get rid of me, I think."

The federal loan for Oregon's first bingo parlor was for $825,000, repayable on the longest term Shaffer could get, 13 years. With her guidance, the Cow Creeks paid it off in just over five years and never looked back.

"It was a 9,600-square-foot parlor with a little snack bar. As we could see our way with the income, we added on very prudently to build what you see there today. Everything we have, we paid for. That's our way." After passage of the 1988 Indian Gaming Act, Seven

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The Cow Creeks have a water treatment plant and a reservoir above the truck stop. The reservoir had to be drained, due to leaks.

Feathers became Oregon's first full-blown Indian casino.

Steve Kremer kept his research to himself for years. Those French-sounding seven families just didn't jibe with his research through old birth and death records. "They all had Indian heritage, but I couldn't find any evidence of them being Cow Creeks, and certainly not of the families being part of the tribe in 1853," Kremer says. The local paper wouldn't print his articles or even his letters raising such questions. But when he worked with a federal highway project in 2005 rerouting the Tiller Road around Sue Shaffer's family home on the river, he began to wonder about tribal influence. And when there were hints that the tribe intended to claim heritage status for the area known as the Huckleberry Patch high in the mountains where he still roamed, Kremer felt betrayed. Nothing he found in the old records indicated the Cow Creeks ever made special use of the Huckleberry Patch.

Sue Shaffer herself summoned him to discuss the matter, but when the husky road worker suggested to her that the casino Cow Creeks lacked authenticity, it was like taking on a cougar with his Daisy.

"Young man," he remembers her telling him as she rose to leave, "you better have

The New Buffalo

Lots of folks have taken to calling the phenomenon of Indian gaming "The New Buffalo." Since the 1988 passage of the Indian Gaming Regulatory Act, some 400 Native American gaming establishments have sprung up all over the United States. At least 220 tribes now run everything from small bingo parlors to the largest casino in the United States, Foxwood, owned by the Pequot tribe in Connecticut. Indian gaming produces revenue in excess of $18 billion a year, more than combined major sports franchises manage to do.

There has not been a year since passage of what many say was a hastily assembled and poorly written federal law that somebody in Congress has not tried to amend it. No one has ever succeeded.

While the reason is often put on long-owed Indian sovereignty, few doubt the real reason. Big bucks are being turned over, even by operations with frequently questioned actual Indian heritage. That includes the Pequots, thought at one time to be a vanished tribe, but now, according to the University of Connecticut, accounting for a solid eight percent of the state's production.

Most recently, complaints have risen in several states, including Oregon, about "reservation shopping" by casino-rich tribes buying up private property and businesses and converting them to nontaxable profits for the tribe. People wonder about how much of the money actually reaches the majority of tribal members, but the tribal governments' own authority usually turns those issues aside without trouble.

The FBI has established a special unit tasked with providing some oversight to prevent corruption, but federal authorities admit Las Vegas gets closer attention.

States have also established revenue sharing deals with the tribes, taking up to 25 percent of slot revenues in New Mexico, but attempts to go further with caps on tribal purchases and contributions to local tax bases have gotten nowhere.

Fully aware of what it takes to maintain such political success, Indian casinos pour in more than $8 million to political campaigns in election years. Former federal lobbyist Jack Abramoff touched off a major scandal by allegedly misusing more than $45 million in lobbying fees from casino tribes.

Controversial as it is, nothing since the buffalo has worked better to improve the lives of so many Native Americans, and that's what the Indian Gaming Act intended to do.—Tim Findley

This is Cow Creek with Cow Creek Falls about five miles west of Riddle. This was the Cow Creeks' camp, with Chief Miwaleta living on the north side of the river and Chief Quaintioson on the south.

yourself good legal counsel before you question our tribal heritage."

Kremer doesn't yet have a lawyer, but he has a trunkful of Catholic records kept by priests who traveled with the Hudson Bay Company in the early and mid-19th century, showing births, deaths, marriages and children.

"And when I started looking in those books, it was amazingly simple. Anybody would see it." All seven families were there, with lineage down to at least two generations. "There were some Walla Wallas and some Spokanes [northwestern tribes] and even some Seaulteaux. Most of them had settled in the Willamette Valley [north of Roseburg] and didn't come to the Umpqua until the 1860s or even the 1870s. Nobody was a Cow Creek with family here in 1853."

Kremer says Shaffer's own great-grandmother, Susan Nonta Thomasan, is recorded as a half Algonquin and half Walla Walla Indian from Fort Colville, Wash., who moved to Douglas County in 1865.

Marilyn Kittelman already knew what to expect from tribal leadership. One county commissioner who questioned the expansion of tribal trust lands in the county had faced a recall election—and lost. Kittelman is convinced that a similar failed recall attempt against her was financed by the tribe.

Douglas County had already been reeled by a serious loss of tax revenue from environmental restrictions imposed on the logging industry. One school district had closed and county fire fighters, depleted by a major forest blaze in the '90s, doubted they would be adequate to meet another without new funding. Beyond that, small businesses and ranches that contributed to county funds for roads and other infrastructure were being purchased and placed into a tax-free trust at an increasing rate by the tribe.

Kittelman and another commissioner campaigned for a county ballot measure on which voters would decide whether to put a cap on further tribal purchases. Shaffer calls it "racist," saying, "I have never seen this kind of hate." Shortly after that and following the intervention of Oregon senators Ron Wyden (D) and Gordon Smith (R) suggesting the county should "get along," the other commissioner changed his vote and the ballot measure was withdrawn.

"I believe in the right of the tribe to self-governance of their own people on their own land," Kittelman wrote. "What I don't support is the balkanization of Douglas County into pockets of land where law enforcement cannot go without permission from the tribe, where U.S. citizens have no rights or protection under the laws of the United States."

Sue Shaffer listened to that complaint for yet another time. Could she understand the county's concerns?

"GodDAMN IT!" she erupts with a surprisingly mighty whack of her small fist on the table. "That crap makes me mad! I'll tell you the truth, I'm sick of it! I'll tell you what, there are all these tax incentives, there's enterprise zones to bring more industry in. We've seen examples of them take advantage of the tax incentives and when the time runs out, they're gone. The tribe is still here…I have no patience with this little crap."

The tribe is required under agreement with the state to contribute six percent of its profits to community needs. Tribal promotions claim they put in more than that, amounting to a million dollars a year for educational and social needs.

Seven Feathers Casino, like other tribal enterprises exempt from federal regulation or even uninvited police authority does, however, chip in to political campaigns. Always among the top 10 tribal casinos to make political contributions, Seven Feathers and the Cow Creek tribe put in $224,000 to campaigns in 2004 and $233,000 in 2006, according to the Center for Responsive Government. Unlike most tribes that divide their contributions about 60-40 between Democrats and Republicans, Cow Creek sends at least 98 percent of its contributions to Democrats.

The casino is run by a burly former security guard they call Boomer, who old Arlee Bates might peg as looking Italian, but under Shaffer's leadership there has never been any question of corruption. She and all of her board members make $800 a month—"IF," Shaffer says, "they attend all the meetings." There are no expense accounts and no perks.

"Everything we make we plow back in," she says. "We have about 4,000 acres in trust now and I want us to buy more as we can afford it—as much as we can. Why shouldn't we?"

Are they who they say they are? The government says so. Are they ruining the local tax base? Time will tell. But, though it might bring no real cheer to all of Douglas County, it seems certain that somewhere Miwaleta must be smiling. ■

Tim Findley is an honorary Crow.