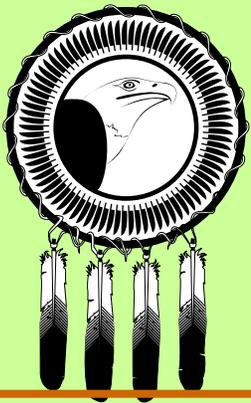


The Politics of Indian Gaming in the United States

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American Indian Economic
Development

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Presentation Outline

- Indian Gaming Research Overview
- Development and scope of Indian gaming in the United States
- Why Indian gaming works
- Evolution of ‘rich Indian’ image and its use in contemporary federal Indian policy debates and in the media
- Tribal responses to attacks on American Indian identity and Indian gaming.

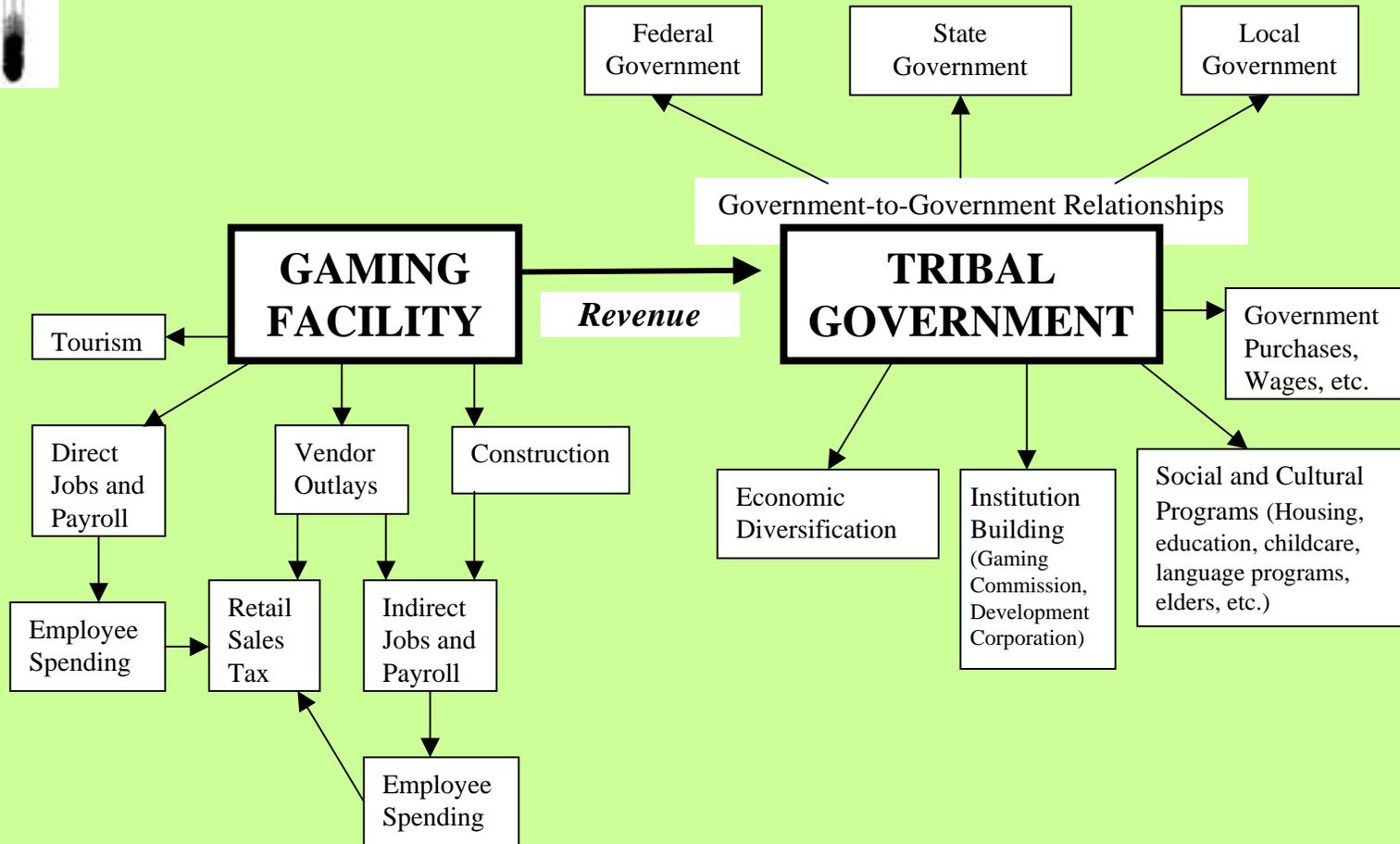
Research History

- Dissertation Research on the White Earth Reservation in Northern Minnesota (1994-1998)
- Policy Analyst/Writer for National Gambling Impact Study Commission (1998-1999)
- Director of Research for the National Indian Gaming Association (168 Tribes) (1999-2001)
- Sr. Research Associate, Harvard Project on American Indian Economic Development (2001-pres.)

***CABAZON, THE INDIAN GAMING REGULATORY ACT, AND
THE SOCIOECONOMIC CONSEQUENCES OF AMERICAN
INDIAN GOVERNMENTAL GAMING: A TEN-YEAR REVIEW***

Research products:

- Annotated bibliography of gaming research
- 4 case studies of individual tribes (Pechanga Tribe (CA); White Earth Band (MN); Tulalip Tribes (WA); Mohegan Tribe (CT))
- Census analysis: American Indians on reservations in 1990 and 2000 (non-gaming, gaming and U.S. all races comparison)



Policy Analysis: Two Stated Goals of the Indian Gaming Regulatory Act (IGRA):

- Support Economic Development for Tribal governments
- Strengthen Tribal governments

Economic Development and Nation Building are Mutually Reinforcing

- Harvard research finds that the key components to support economic development in Indian Country are strong institutions of self government; de facto sovereignty; strong leadership.
- To support their gaming facilities and facilitate economic diversification, tribal governments are creating culturally-appropriate institutions of self government, which then stabilize the business environment and encourage further development.

Creating Effective Institutions of Tribal Self Government: The Indian Gaming Revolution

- Federal Law requires institution building to support gaming. This process has triggered the creation of additional governmental institutions as tribes develop their economic and human resources.
- Tribal Development Corporations take many forms but have similar goals:
 - 1) to facilitate relationship-building with investors and developers,
 - 2) to streamline business transactions,
 - 3) to insulate tribal businesses from tribal politics,
 - 4) to develop institutional memory
 - 5) to create a stable environment where investors feel secure

Development of Indian Gaming in the United States

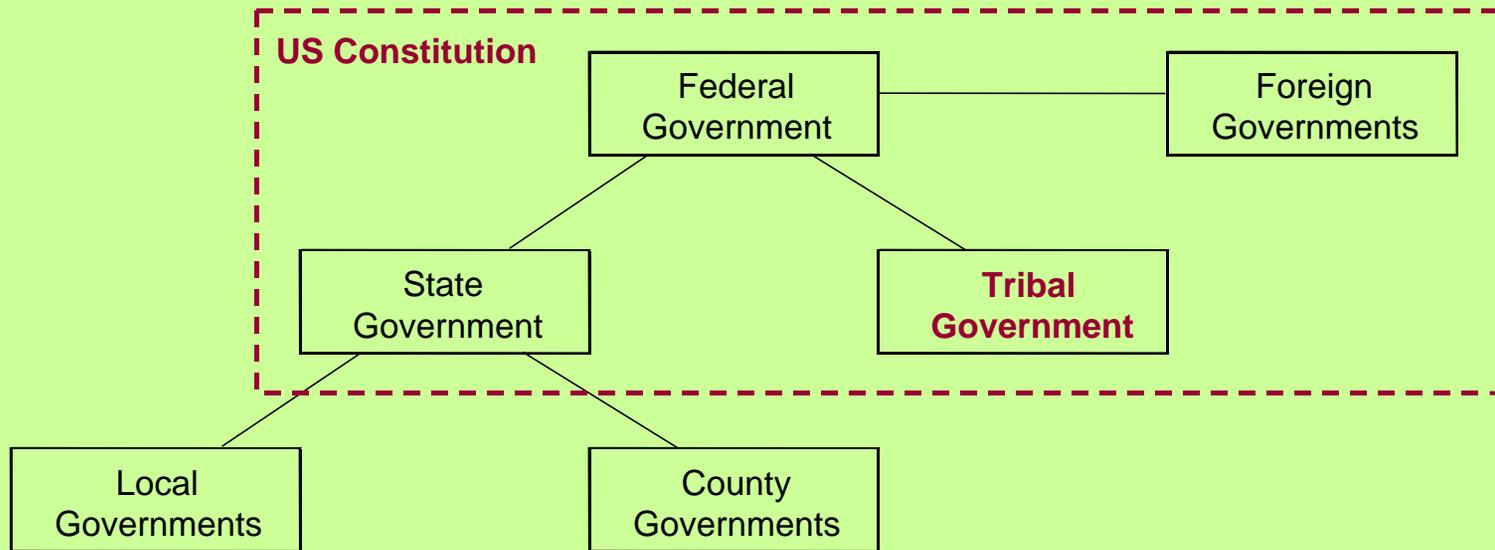
- Self Determination Era
- Tribal initiative (Seminole, Cabazon)
- Supreme Court decided Cabazon in 1987
- Congress passed IGRA in 1988
- NIGC/ Classes of Gaming/Compacts
- Uses of Indian Gaming Revenues for governmental purposes

Fundamental Principle of Tribal Sovereignty

- Tribal Sovereignty is pre-Constitutional and extra-Constitutional. Therefore, tribal governments are assumed to have the right to act unless their jurisdiction has been expressly limited by Congress.
- Conversely, state governments have no right to act in Indian affairs unless expressly granted that right by Congress.

Tribal Governments are Recognized Sovereigns

The US Constitution explicitly recognizes four sovereigns:



Scope of Indian Gaming in the United States

- 563 Federally-Recognized Tribes in U.S.
- 196 Tribes with some form of gaming
- 330 Gaming Facilities
- 28 States with Indian gaming
- 255 tribal-state compacts

Why Indian Gaming Works

- 1) Tribal governments initiate Indian gaming rather than having it imposed upon them;
- 2) Indian gaming recognizes tribal sovereignty and allows tribes to exercise their sovereignty as a development resource;
- 3) Indian gaming creates a tribal tax base, allowing tribal governments to fully fund their social programs;
- 4) Indian gaming supports “nation building” activities, encouraging the creation of strong institutions of self-governance and partnership building for diversification.

The 'Rich Indian' Image

- Targets tribal sovereignty in two ways:
 - 1) Argues that Indian nations do not **DESERVE** tribal sovereignty because they are “not really Indian” anymore
 - 2) Argues that Indian nations do not really **NEED** what they used to need because there is now a ‘surplus’

The “Deserve” Argument

- Indian nations and Indian people are “not really Indian” because they are no longer suffering
- Authentic ‘Indianness’ is equated with poverty, creating two categories, Rich Indians and Real Indians
- Subtle corollary wherein this argument is combined with veiled concern regarding gaming’s potential to erode “traditional tribal values.”

The “Need” Argument

- Indian nations no longer “need” treaty rights for hunting, fishing, or gathering in order to sustain themselves
- Indian nations have a surplus of resources now, so they should share with “real Indians” and with other governments.
- “Means testing” should determine whether or not Indian nations receive their federal funds
- Indian nations should pay property taxes and gaming taxes because they can afford to

Indian Gaming and the politics of identity

- Attacks on Indian Gaming Industry become attacks on Indian identity (various ways of not being a “real” Indian anymore)
- Books about the Mashantucket Pequot Tribal Nation in Connecticut have begun to racialize American Indian identity again, overlooking tribes’ unique political status
- Federal Acknowledgment Process becoming political and linked to gaming
- Land into trust applications being denied

Framing Shifts in the Media

- Indian Tribes are Cultural/Religious Groups
- Indian Tribes are Sovereign Cultural Groups
- Indian Tribes are Governments (Nations)
- Indian Nations are Governments with Gaming Rights
- Indian Tribes are Businesses Running Casinos
- Indian Tribes are Political Groups that use Political Contributions to Support their Businesses
- Indian Tribes Act as Special Interest Groups when it is Convenient and Governments when it is Convenient and this is “not fair”

How are images being used to target gaming resources?

- Creating a false surplus by invoking notions of what tribal members ‘deserve’ and ‘need’
- Framing the issue as one of “fair share” rather than understanding historical relationships
- Undermining tribal sovereignty by focusing on individual Indian identity (race or blood) rather than collective tribal government rights
- Pitting groups against each other: federally recognized tribes v. unrecognized tribes; rich Indians v. ‘real’ Indians; gaming v. non-gaming

Images serve as a distraction

- Overlook the fact that 2/3 of Indian nations have no gaming at all
- Ignore the fact that revenues are not evenly distributed: 19% of the facilities account for 77% of total Indian gaming revenues
- Mask Indian gaming's profound social benefits
- Fail to account for how many non-Indians are profiting from Indian gaming
- Blame "Rich Indians" for not helping "real/poor" Indians, distracting from the federal government's miserable record on Indian affairs

What are tribal governments doing in response?

- Investing heavily in creating media messages about themselves
- Educating public and policy makers about tribal sovereignty and Indian gaming rights
- Investing in research about the social and economic impacts of Indian gaming on local non-Indian communities and state treasuries
- Creating political clout through being good neighbors and organizing locally
- Participating in the policy process-local,state, federal-through lobbying, contributing and voting

Minimizing Economic and Political Risk through Diversification

- Tribes create businesses on the reservation that directly support the gaming facility:
 - Hotels, restaurants, gift shops.
- Tribes establish businesses on the reservation that rely upon tourists but not necessarily gaming customers:
 - Gas stations, golf courses, water parks, museums, outlet malls.
- Tribes create businesses on the reservation that export products off the reservation:
 - Water bottling plants, fruit orchards, ranches, clothing.
- Tribes purchase or develop businesses off reservation:
 - Business parks, restaurants, franchises.

Indian gaming and political organizing are mutually reinforcing

- Tribal governments must first create a political space for their economic development
- Creating this political space involves a new form of organizing and activism and costs money.
- While Indian gaming is a lightning rod issue that demands more activism, it is also the economic engine that can ultimately fund these efforts.
- Most important project is to control self image and media messages in order to avoid racial definitions of “Indianness.”

For More Information:

- www.indiangaming.org/library
- www.ncai.org
- www.indianz.com
- www.pechanga.net
- www.ncai.gov
- www.ksg.harvard.edu/hpaied