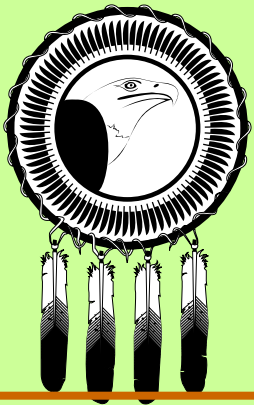


# The Politics of Indian Gaming in the United States

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Katherine A. Spilde, Ph.D.



The Harvard Project on  
American Indian Economic  
Development

John F. Kennedy School of Government  
Harvard University  
79 John F. Kennedy Street, Cambridge, MA 02138

# 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.

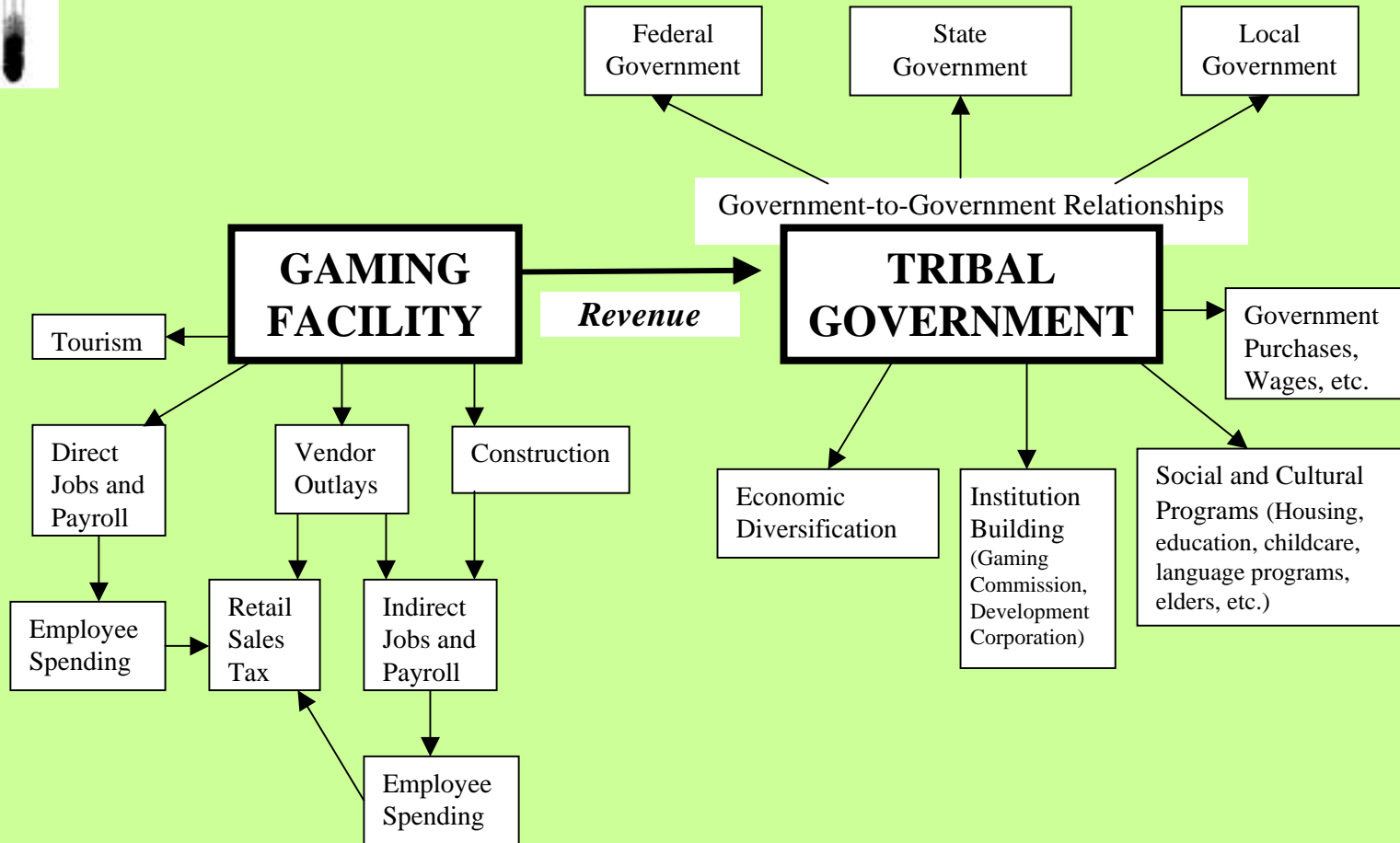
# Research History

- 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

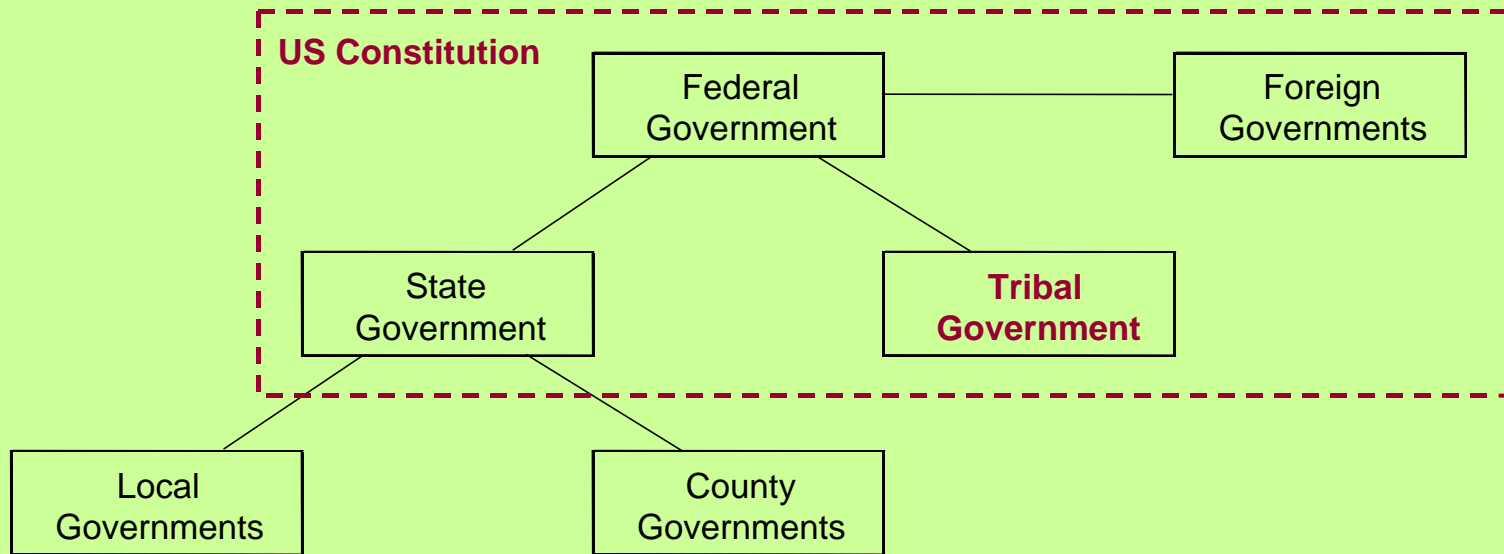
- Self Determination Era
- Tribal initiative (Seminole, Cabazon)
- Supreme Court decided Cabazon in 1987
- Congress passed IGRA in 1988
- NIGC/ Classes of Gaming/Compacts
- Uses of Indian Gaming Revenues for governmental purposes

# 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](http://www.indiangaming.org/library)
- [www.ncai.org](http://www.ncai.org)
- [www.indianz.com](http://www.indianz.com)
- [www.pechanga.net](http://www.pechanga.net)
- [www.ncai.gov](http://www.ncai.gov)
- [www.ksg.harvard.edu/hpaied](http://www.ksg.harvard.edu/hpaied)