

# Gaming

JESSICA R. CATTELINO

American Indian tribally operated casinos exploded in the late twentieth century. Gaming transformed reservation economies and public opinions across the United States, augmenting American Indians' political and economic power even as it exposed them to new scrutiny in American law, politics, and public culture. Gaming became "the" issue in American Indian politics not only because unprecedented amounts of money flowed onto Indian lands, but also because gaming raised fundamental questions about the role of American Indians in United States politics and culture, the scope and meanings of sovereignty, and the ways that economy structures identity and equality in Indian Country and America.

## Scale and Growth

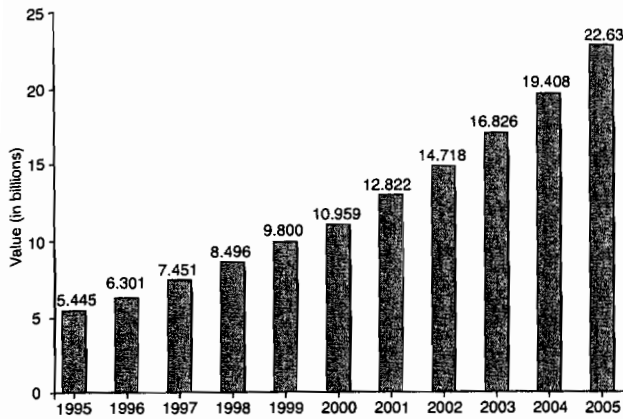
Tribal gaming, or gaming operated by American Indian tribal governments on Indian lands, became big business in the 1990s and 2000s (vol. 14:160, 651). According to the National Indian Gaming Association, 223 of 341 federally recognized tribes in the continental United States operated gaming facilities in 2004 (National Indian Gaming Association 2004:6). In that year Indian gaming grossed \$19.4 billion in revenues, as reported by the National Indian Gaming Commission. Tribal gaming revenues had grown rapidly, from \$5.4 billion in 1995 to over \$22 billion in 2005 (fig. 1). The top 15 (4.1% of 367) tribal gaming operations earned 37.1% of revenues in 2004, while the bottom 94 casinos (26%) grossed 0.4% of revenues (National Indian Gaming Commission 2006). The scale and economic impact of tribal casinos varied dramatically, from some of the world's largest casinos located near population centers to modest one-room operations on scattered rural Indian reservations. Not all American Indian people benefited directly from tribal gaming, and numerous casino operations were not successful, closing or downsizing soon after opening. Meanwhile, advocates for Indian social services and other programs continued to emphasize the poverty and urgent needs of most Indian people, who in the early 2000s remained among the poorest groups in the United States.

The birth and growth of Indian gaming was part of a nationwide expansion of gambling in the United States. Gross

revenues from all gaming grew from \$39.8 billion in 1994 to \$78.6 billion in 2004, nearly doubling in a decade. Of that \$78.6 billion, Indian gaming accounted for approximately 25 percent, while lotteries totaled \$21.4 billion and commercial casinos grossed \$30.6 billion (American Gaming Association 2006).

The origins of tribal gaming were modest. On December 14, 1979, The Seminole Tribe of Florida opened the first tribally operated high-stakes bingo hall in Native North America on the corner of State Road 7 and Stirling Road in Hollywood, Florida. Broward County sheriff Robert Butterworth promptly sought to close the bingo hall, arguing that it violated state gambling laws. The Seminole Tribe successfully defended gaming in the courts, winning a federal appellate court ruling that the relevant Florida state gaming regulations were civil, not criminal, and as such that the tribe, not the state, had jurisdiction over tribal gaming (658 F.2d 310 [5th Cir. 1981]). In 1987, the United States Supreme Court ruled similarly in *California v. Cabazon Band of Mission Indians* (480 U.S. 202 [1987]) that the tribal government could operate high-stakes card rooms. This ruling drew a distinction between state gaming laws that were criminal/prohibitory and those that were civil/regulatory, affirming tribal governments' protection from the civil laws. Subsequently, tribal governments across the continent began to launch gaming operations. Ensuing pressures from states and other interests led Congress to enact the Indian Gaming Regulatory Act in 1988 (Public Law 100-497).

Federal gaming laws have shaped the history and status of tribal casinos, but the top-down perspective of federal law can blind observers to the origins and meanings of Indian gaming. The origin of tribal gaming in its current form, after all, was not with federal law but with tribal action. Tribes such as Florida Seminoles (fig. 2) and Cabazons opened casinos as an assertion of their sovereignty-based right to operate and regulate on-reservation activities, but even more as a mechanism for reversing sustained and endemic reservation poverty. Decisions about whether and how to pursue gaming prompted Native communities to debate their pasts, futures, and values. Some tribal nations, including the Navajo, Onondaga, and Hopi Nations, rejected gaming, at least during the initial years, for diverse reasons that included fear of gambling's social consequences and philosophical, religious, and moral opposition to gambling.



Natl. Ind. Gaming Commission 2006.

Fig. 1. Increase in tribal gaming revenues, 1995–2005.

The history of tribal gaming took shape in relation to other forms of twentieth-century tribal economic development. Historical and anthropological scholarship shows that American Indian tribes pursued myriad economic development projects throughout the twentieth century, with only rare success. On most reservations gaming was the first economic activity to overcome the structural barriers—such as federal veto power, impaired title to land and resources, limited access to capital, distance from markets, and systematic poverty and educational disadvantage—that hindered economic development (Jorgensen 1998). Yet tribal gaming did not simply drop from the sky unto Indian reservations, like a “new buffalo,” nor was it a federal grant to alleviate American Indian poverty. Instead, tribal gaming emerged from the actions of Indian people and from a complex history in which American Indian economic development had been

entangled with deeply political questions about indigenous cultural distinctiveness and tribal sovereignty. From Menominee sawmills (Hosmer 1999) to Navajo wage labor and weaving (O’Neill 2005), American Indians long were engaged in diverse forms of economic action that became significant in political and cultural debates about indigeneity (Hosmer and O’Neill 2004). Native people linked some of these forms to tradition, while others were viewed as economic vehicles rather than expressions of indigeneity. Tribal gaming is among the newest and most controversial of these contingent economic forms.

### Legal Framework

The Indian Gaming Regulatory Act of 1988 stated its purposes as threefold: first, to provide a statutory basis for tribal gaming in order to promote tribal economic development and governance; second, to authorize regulation of tribal gaming; and third, to establish the National Indian Gaming Commission as the federal regulatory authority over tribal gaming (25 U.S.C. §§ 2701–2721). As gaming law scholar William Eadington argued, this act “triggered the most significant economic and social change to affect American Indian tribes since the founding of the Nation” (Eadington 1998:vi). Passage of the Act resulted from several political and economic processes: the economic success of tribal gaming; the efforts of states to regulate tribal gaming and control organized crime; the desire of tribes to assert sovereignty and avoid local and state regulation; the Reagan administration’s effort to promote tribal economic self-sufficiency and reduce federal spending; and the attempt of Las Vegas and Atlantic City gambling interests to



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Fig. 2. Casinos. left, Seminole Indian Casino in Immokalee, Fla., built in 1994, featuring a bingo hall. This is a mall operation. Photograph by Luis M. Alvarez, 1998. right, Aerial view of the Pechanga Resort and Casino on the Pechanga Indian Reservation (Luiseño) near Temecula, Calif. Photograph by Ric Francis, 2002.

limit competition (Anders 1998; Eadington 1998; Light and Rand 2005; Mullis and Kamper 2000; Rand and Light 2006; Wilmer 1997).

The Act outlined three classes of tribal gaming, which became important as the bases for differing levels of regulation and the focal points of legal and political maneuvering. First, "class I gaming" refers to social games with prizes of minimal value or traditional forms of Indian gaming (for examples, see Gabriel 1996). "Class II gaming" includes bingo (paper and electronic) played for money and card games (excluding banking games like blackjack) not prohibited by the laws of the state, so long as they are played in conformity with state regulations. The most controversial is "class III gaming," which includes all forms of gaming, such as slot machines (fig. 3), that do not fall under class I or class II. Class I gaming is within the exclusive jurisdiction of Indian tribes, and class II gaming is also within tribal jurisdiction, but subject to provisions of the Indian Gaming Regulatory Act. The Act limited the use of class II and III tribal gaming revenues to: funding for tribal government operations; provisions for the general welfare of the tribe and its members; promotion of tribal economic development; donations to charity; and funding of local government agencies. A tribe pursuing class III gaming must enter into negotiations with the state for the purpose of entering into a tribal-state compact governing gaming activities, and this provision has been the focus of litigation, political battles, and debate about sovereignty and federalism. States are to negotiate in good faith, but this has not always occurred. The Act originally specified that federal courts had jurisdiction over state failures to enter into good-faith negotiations, but in the important federalism case *Seminole Tribe v. Florida*



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Fig. 3. Mary Ann Andreas, chairman of the Morongo Band of Mission Indians (Cahuilla, Serrano), standing in front of some of the more than 1,000 gaming machines in the Casino Morongo outside Cabazon, Calif. By 2007 the Morongo Casino Resort and Spa offered over 2,600 slot machines, bingo, and 12 kinds of table games, with a sequestered area for high rollers, as well as 11 restaurants and bars. Photograph by Damian Dovarganes, 1998.

(517 U.S. 44 [1996]) the Supreme Court ruled that under the Eleventh Amendment states were immune from suit by tribes in federal court unless a state had waived its sovereign immunity. Efforts to find a remedy remained underway in 2006, with some tribes pursuing class III agreements directly with the secretary of the interior; this "fix" would place gaming negotiations at a nation-to-nation level between tribal governments and the federal government.

The National Indian Gaming Commission, established by the Indian Gaming Regulatory Act, is the independent federal agency that regulates tribal gaming. It conducts background investigations, limits the terms of tribal contracts with casino management companies, reviews tribal ordinances to ensure compliance with federal law, and enacted and enforces a set of regulations entitled the "Minimum Internal Control Standards." The Commission has the authority to fine and close tribal gaming operations (K. Washburn 2001).

At the core of tribal gaming are questions of tribal sovereignty. Gaming "represents a stand for political independence as tribes assert their sovereign right to determine for themselves what they can control on tribal lands" (W.D. Mason 2000:4). Across the United States, gaming has led to new disputes over the relative power of tribal and state sovereignty. Yet gaming also has afforded tribes financial resources for defending their sovereignty in the courts, the press, and the halls of legislatures. Gaming-funded tribal attorneys and lobbyists have built unprecedented power in Washington, D.C., and state capitals. Gaming-related defenses of tribal sovereignty through the American political and legal systems perpetuate processes whereby American Indians have built sovereignty through political, economic, and other forms of incorporation (Harvey 2000). Perhaps most importantly, gaming has strengthened tribal sovereignty by enabling some indigenous groups to regain control over key aspects of day-to-day self-governance and by allowing Native peoples to make decisions about how to live in the present and toward the future.

Gaming also poses significant risks to tribal sovereignty. Tribes had wagered their sovereignty on casinos, and Chippewa author Gerald Vizenor (1990, 1993) cautioned that only strong leadership could protect tribal sovereignty and the moral traditions of tribal cultures. Lakota journalist and publisher Tim Giago (2006) generally shared this concern. Gaming could be seen as an example of how sovereignty became demarcated by differential spatial criminalization, with the result that Indian tribes risked joining offshore corporations in a race to the ethical bottom (Perry 2006). Light and Rand (2005) proposed that such concerns could be alleviated if gaming law were guided by indigenous conceptions of sovereignty, and that it therefore could be undertaken through respectful compromise among all sovereigns. Gaming both points to the structural limitations on tribal sovereignty and affords the tools whereby tribes can reinforce their sovereignty. This illustrates the deeply material and contingent nature of sovereignty itself. By re-

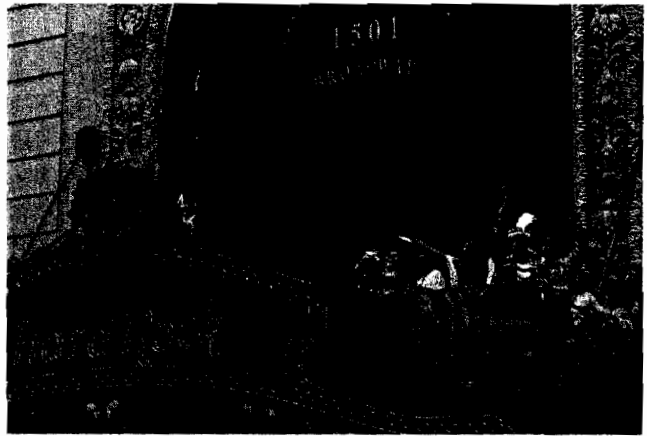
organizing the sovereignty of tribal nations, states, and the United States nation-state alike, gaming offers insights into the relational aspects of sovereignty and the complexity of interdependent sovereigns in a federalist system.

### The Impact of Tribal Gaming

Numerous scholars have examined the social and economic impact of tribal gaming for reservation and surrounding communities (Gardner, Kalt, and Spilde 2005; Grant, Spilde, and Taylor 2004; E. Henderson 1997; Light and Rand 2005; Stein 1997; Wilmer 1997). Published monographs on tribal gaming offer journalistic (Benedict 2001; Eisler 2001; Fromson 2003; Lane 1995); political science and legal (Light and Rand 2005; Mason 2000; Rand and Light 2006); legal anthropological (Darlan-Smith 2003); or literary (Pasquaretta 2003) analyses.

According to economists at the Harvard Project on American Indian Economic Development, real per capita and family incomes from 1990 (when Indian gaming was not widespread) to 2000 increased disproportionately for American Indians, when compared to the United States population as a whole. For tribes with gaming operations, gains were significantly higher. For example, the median United States household income grew by 4 percent during the 1990s, but for nongaming tribes the increase was 14 percent, and for gaming tribes the change was 35+ percent. Nonetheless, the median household income in Indian Country remained little more than half the national level (J.B. Taylor and J.P. Kalt 2005: xi–xii).

The annual budget of The Seminole Tribe of Florida, which launched Indian Country's gaming revolution in 1979, experienced dramatic growth in the subsequent 25 years: according to the tribe's general counsel, the 1979 budget was less than \$2 million, with most monies coming from the federal government. In 2006, net class II gaming revenues were approximately \$600 million, and the tribal budget was over 95 percent funded by gaming (vol. 14:445) (Seminole Tribe of Florida 2006). The tribal government operated a vast array of social service programs (e.g., health clinics and universal healthcare, life-long educational benefits, elder care, housing), economic initiatives (e.g., gaming, cattle, cigarette sales, citrus and sugarcane, tourism, and investments in real estate ventures—fig. 4), and cultural programs (e.g., a museum, cultural education classes, fairs and festivals, media outlets). Household incomes grew with per capita dividend distributions to each of the 3,000 tribal citizens, and Seminoles increasingly controlled their own governance and economic activity (Cattellino 2004, 2008). Seminoles' gaming operations enjoy unusual success as a result of their location near Florida's urban centers, but Seminoles' commitment to allocating gaming revenues toward self-governance is shared by many tribes. Indeed, from housing programs to education curricula, Seminole casino-



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Fig. 4. Members of the Seminole Tribe of Florida, including Bobby Henry, celebrating atop the Hard Rock Café marquee in Times Square, New York, after the tribe announced that it had acquired Hard Rock International, Dec. 7, 2006. The business includes 124 Hard Rock Cafés, 4 Hard Rock hotels, 2 Hard Rock casino hotels, 2 concert venues, and stakes in 3 other hotels. Photograph by Kathy Willens, 2006.

era control over tribal programs that previously had been run by the federal government represents the significance for tribal sovereignty of the day-to-day acts of tribal social service administration (Cattellino 2006).

Other tribal gaming operations are much more modest, and their measures of success differ. For example, in North Dakota most tribes considered their casinos successful because they created jobs for tribal members. The Three Affiliated Tribes' casino contributed to a reduction in reservation unemployment from 70 percent to approximately 30 percent (Light and Rand 2005:115). Casinos funded economic diversification, such as data entry and manufacturing businesses. As of 2005, no North Dakota tribe distributed per capita dividends.

Undesirable effects of Indian gaming have, in some cases, included problem gambling among Native and non-Native consumers (Cozzetto and LaRoque 1996), increased tensions with non-Indian communities, factionalism, corruption, and citizenship disputes within Indian nations. The most dramatic intratribal conflict was among Mohawks at Akwesasne, where two Mohawks were killed, the casino damaged, and political factionalism intensified by casino disputes (Hornung 1991). Tribal government secrecy fueled political turmoil when the Eastern Band of Cherokee Indians pursued their first gaming operations in the early 1990s (vol. 14:44). The tribal council's gaming plans faced opposition from Christians (Southern Baptists), some of whom rejected gaming payouts as money derived from sinful activity, as well as from some Cherokees, who founded the Eastern Cherokee Defense League in an effort to preserve the traditional culture they thought casinos threatened (Oakley 2001). Gaming has produced new forms of indigenous

displacements along with successes, as illustrated by the casino-linked involuntary disenrollment of tribal members among Saginaw Chippewas, Tigua Indians of Isleta del Sur, and Oklahoma Seminoles (A. Gonzales 2003). Research is inconclusive on the causal relationship between gaming and membership disputes, though it is clear that publicity surrounding gaming proceeds has spurred many more Americans to contact tribes about establishing membership.

A notable consequence of tribal gaming has been the geographic redistribution of power, money, and media visibility in Indian Country. The locations of casino operations (fig. 5), with concentrations on the coasts and near urban centers, contrast with the location of Indian Country, which consists of large land holdings and populations in the rural West and Midwest. The contrast would be starker were the casino map to indicate profitability, since the most econom-



Fig. 5. Locations of Indian gaming operations and revenues per gaming operation by region in 2005. Regions, as defined by the National Indian Gaming Commission (2006), cross Bureau of Indian Affairs region/area office and cultural boundaries and are discontinuous in the East.



ically successful casinos are located near metropolitan centers and resorts.

Large casino profits, and concomitant visibility and political power, by recently federally recognized tribes and by low-membership coastal tribes have called attention to the existence of Native groups in areas of the country where Indians previously lacked visibility. Because coastal tribes generally do not share the symbolic repertoire of Plains peoples, who long served in American imagery as iconic of Indian people, popular ideas did not correspond to this geographic reordering of power in Indian Country. For Native people, this geographic reorientation reverberated in political organization (e.g., shaping the board membership and donor roster of groups like the Native American Rights Fund and the National Congress of American Indians), in cultural institutions (e.g., the donors and exhibits of the Smithsonian National Museum of the American Indian), and on the powwow circuit. New powwows with large prize monies extended the powwow highway eastward and to diverse reservations of gaming tribes across the United States. During the 1990s and early 2000s, geography was at the center of hard-fought disputes over off-reservation gaming, or the efforts of tribes to establish trust lands with casinos that were discontinuous with reservation lands. A cultural geography of gaming could illuminate broader political, social, and economic processes, as some geographers have suggested but not developed (Raento and Berry 1999; see also Lew and Van Otten 1998).

The uneven geographic and economic distribution of Indian gaming fueled criticism that gaming fails to serve all Native people, for example in a *Time Magazine* exposé (Barlett and Steele 2002, 2002a). This unevenness prompted some lawmakers to support “means-testing” for federal benefits to Indian tribes. It should be pointed out that such critiques homogenize Indian Country, treat gaming more as a social program than a sovereign act, and hold Native people more accountable than the general public for ongoing poverty among indigenous peoples.

### **New Institutions, New Politics**

Tribal gaming generated new institutions in Washington, D.C., and Indian Country. In addition to the National Indian Gaming Commission, intertribal gaming interest groups formed. The National Indian Gaming Association was founded in 1985 as a nonprofit organization of member Indian tribal nations and nonvoting associate members. The Association promotes tribal gaming interests and, according to its website, “operates as a clearinghouse and educational, legislative and public policy resource for tribes, policymakers and the public on Indian gaming issues and tribal community development” (National Indian Gaming Association 2006). Regional organizations emerged, such as the California Nations Indian Gaming Association, founded in

1988; the Great Plains Indian Gaming Association, founded in 1997; the Minnesota Indian Gaming Association, founded in 1987; and the Arizona Indian Gaming Association, founded in 1994. Regional associations act in accordance with member tribes’ priorities, generally advocating for gaming interests within state governance, pooling resources and expertise, maintaining a media presence, and in some cases holding regional trade shows and policy summits. Gaming revenues and interests have shaped multi-issue Native organizations. For example, the United South and Eastern Tribes, Inc., established in 1969 as a regional coalition group, began to hold its meetings at tribal casino-hotel convention centers and grew in power and size as a result of gaming success among member tribes.

Media outlets for Indian gaming news include: *Indian Gaming Magazine*, launched in 1990, and its associated website, [indiangaming.com](http://indiangaming.com); and the influential website ([Pechanga.net](http://Pechanga.net)) and daily e-news digest maintained by Victor Rocha, a citizen of the Pechanga Band of Luiseño Indians.

Tribal gaming opponents have organized politically, but as of 2006 antigaming local groups had not coalesced at the national level. There was at least one related national antitribal sovereignty group, Citizens Equal Rights Alliance. Among the more prominent groups of the late 1990s and early 2000s were the Connecticut Alliance Against Casino Expansion (J. Benedict 2001). In upstate New York, the organization Upstate Citizens for Equality, founded in opposition to an Oneida land claim, worked with the Coalition Against Gambling in New York to oppose Indian gaming. Similar groups emerged in California (Stand Up for California!, Concerned Citizens of Santa Ynez) and other states. They often sponsored petition drives and supported ballot initiatives opposing tribal gaming creation and expansion.

Academic institutions for the study of Indian gaming were established more slowly than trade, advocacy, and opposition groups. The Institute for the Study of Tribal Gaming Law and Policy at the University of North Dakota School of Law, Grand Forks, was founded by Kathryn Rand and Steven Light. The Harvard Project on American Indian Economic Development produced important gaming studies, and several law schools devoted resources to the study of Indian gaming law. In 2005, the Sycuan Band of the Kumeyaay Nation donated \$5.5 million to San Diego State University, California, to establish an academic curriculum and research institute focused on tribal gaming.

The emergence of tribal gaming-focused political and academic institutions—both for and against tribal gaming—points to the late-twentieth-century power of gaming as an organizing force in American politics (another example was the rapid growth of state lotteries). With gaming tribes growing vocal and powerful in economic development, employment, traffic and zoning, and jurisdictional debates, they began to reassert a place in the American federalist system and political process.

Gaming catapulted many tribes into the center of local and state politics. In California, for example, tribal political

power grew with casino wealth, and the 1998 Proposition 5 campaign (a statewide proposition to secure a compact authorizing class III tribal gaming) witnessed the emergence of tribes as major political players and contributors: the tribes invested over \$66 million in the campaign, with Nevada interests investing \$25 million (Goldberg and Champagne 2002). In 2000, several California tribes collaborated to sponsor Proposition 1A, a constitutional amendment that stipulated the terms of a gaming compact with the state. During this period, American Indians became major contributors to California electoral campaigns, their influence grew in state government, and they claimed “a place within the state’s political and social landscape” (Goldberg and Champagne 2002:60; see also Rosenthal 2004). Some have claimed that such initiatives buttressed aspects of colonial hegemony by reinforcing exclusive legal forms (Darian-Smith 2002), though it is also the case that gaming-based indigenous engagements with state and federal laws complicate and potentially shift American federalism. Tribes acted less like sovereigns than like interest groups, as they developed political strategies for influencing state political processes (Skopek, Engstrom, and Hansom 2005). This approach maintained a division between sovereign and interest group activities, a distinction that may be inappropriate for American Indian tribes and for nations more generally (which often act as interest groups). Tribal gaming relied on state law, and another view is that tribes acted less as cross-border agents than as internal state political players (K. Washburn 2003–2004).

Gaming compacts between tribal nations and states reordered their relative economic power, especially in states where failing budgets were supplemented substantially by tribal revenue-sharing. These negotiated contributions are not taxes, since state governments lack power to tax tribal governments. The forms they take are diverse, from fixed percentages of revenues in Connecticut to sliding percentage scales in California (fig. 6), New Mexico, and New York (Rand and Light 2006:152). Some revenue-sharing agreements, as in California, stipulate that tribes will contribute gaming revenues to nongaming tribes in the state (Darian-Smith 2003:64). Tribes provided \$750 million to state and local governments in 2003, a nearly one-third increase over 2002 (Light, Rand, and Meister 2004: 668).

While many critics have viewed these tribal-state compacts as erosions of tribal sovereignty and as potentially destructive of tribal unity (W.D. Mason 2000:219), others have considered them to be acts of sovereignty (W.D. Mason 2000:188); in any case, gaming created unexpected realignments in American federalism (McCulloch 1994; Rand and Light 2006). Despite the prolific scholarship on federal Indian law and policy, little attention has been played to the role and processes of negotiation as an expression of sovereignty in the modern era. Tribal gaming compacts reflect the limits of tribal sovereignty under a federal law that compels tribes to negotiate with states and, simultaneously, act as a vehicle for the negotiation among sov-



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Fig. 6. Anthony Pico, chairman of the Viejas band of Kumeyaay (Ipai-Tipai), watching Gov. Arnold Schwarzenegger signing an Indian gambling compact with the tribe in Sacramento, Calif., June 21, 2004. The agreement, reached with 5 California tribes, allowed their tribal casinos to increase the number of slot machines beyond 2,000 per tribe. In return the tribes agreed to pay the state a licensing fee for each additional slot machine up to \$25,000 per machine. The tribes agreed to issue bonds to supply the state with \$1 billion of revenue. Photograph by Rich Pedroncelli.

eigns over resources, jurisdiction, and the distribution of wealth.

Some tribes have entered into revenue-sharing agreements with local governments. In California and other states, controversies arose when states failed to redistribute gaming revenues to county and municipal governments, as required under compacts. Often, tribes have relied on their non-Indian employees and other local advocates for support during conflicts with state governments (W.D. Mason 2000), and many municipalities, such as Coconut Creek, Florida, have reversed their initial suspicion of tribal casinos to become supporters (Cattelino 2007).

Gaming-based philanthropic giving opened channels of economic and social connection between American Indian tribes and their neighbors. Across the continent, tribes contributed gaming monies to local social service organizations, other Indian tribes and programs, and national causes such as disaster relief. Local charitable investments of gaming revenues provided “a model for philanthropy as a conduit to political power” (Spilde 2004:72). Nonetheless, tribal charitable giving often was ignored by local residents hostile to casino expansion or was interpreted as a “purely political gesture” (Darian-Smith 2003:86). Tribal charitable giving in the casino context, while clearly a political and moral claim in relation to casino controversies, must be understood against the historical backdrop of charitable giving to American Indians. For Florida Seminoles, gaming-era

charitable giving reversed relationships of generosity, power, and dependency that long had structured charity from non-Indians to Seminoles (Cattelino 2007).

Casino job creation and gaming-funded tribal philanthropy have strengthened local relationships. However, gaming has also fueled backlashes, sometimes against casino expansion but often more generally against Indian tribes and individuals. A 2002 survey showed that non-Indians in close proximity to the Chumash casino held stronger negative views toward Chumash casino expansion than did respondents living in Santa Barbara and other more distant California locales (Darlan-Smith 2003). The Meskwaki casino both strained and strengthened relations with local Whites in Iowa (Foley 2005).

### **Cultural Reckoning, Emergent Stereotypes, and Federal Recognition**

The 1999 final report of the National Gambling Impact Study Commission, a body established by Congress to conduct a study of gambling, noted: "a common theme among many opposed to Indian gambling is a concern that gambling may undermine the 'cultural integrity' of Indian communities" (The National Gambling Impact Study Commission 1999:6-3). Will the domination of the American gambling industry by Indian tribes advance self-determination without destroying the indigenous communities? "Or, will the high-stakes gambling trade contribute to the erasure of tribal identities and the complete assimilation of the people they distinguish?" (Pasquaretta 2003:137). The potential of gaming to revitalize indigenous community, illustrated by the Mashantucket case, contrasts with the corrosive effects of gaming upon internal divisions and traditionalism/modernization conflicts, as seen in Mohawk communities (Pasquaretta 1994:696; see also Fenelon 2000). If gambling controversies are structured by concerns about cultural loss and about whether gaming represents legitimate "Indianness" (Carpenter and Halbritter 2001), scholars have found it difficult to establish criteria by which "cultural loss" can be evaluated, and this in turn suggests the need to reconsider the analytical limits of the very notion of culture at stake in casino-related cultural loss narratives.

Tribal gaming has raised questions of indigenous authenticity that take two primary forms: concerns that gaming tribes are "losing their culture" and doubts about the legitimacy of groups' claims to Indianness in the casino context, especially accusations that groups seeking federal recognition as Indian tribes do so primarily for monetary reasons. These two ways of thinking about indigenous authenticity overlap, as illustrated by the controversies surrounding Mashantucket Pequot's gaming presence in the northeastern United States. Debates over Pequot federal recognition focus on the relationship between their casino ambitions and their authenticity as an Indian group (J. Benedict 2001;

Cramer 2005; Eisler 2001; Fromson 2003). The Mashantucket Pequot Museum and Research Center and the Foxwoods Resort Casino, Connecticut, each have undertaken representational strategies to reinforce legitimate indigenous identity in the face of widespread popular and legal critique. Faced with journalistic and legal challenges to their legitimacy as a people and a tribe, Pequots built institutions and engaged in representational practices (e.g., museum exhibits, casino design) that contributed to a project of nation-building based on historical continuity (Bodinger de Uriarte 2003). Like other Native people, Mashantucket Pequots "compartmentalized" their casino, describing it as a financial vehicle but not an expression of culture (Lawlor 2005:168). At the core of gaming controversies are identity and the politics of representation, and in the Pequot case, "the tribe's success is a victory of self-representation" (Pasquaretta 2003:90).

Casino-linked debates over indigenous authenticity have erected even greater barriers to groups seeking federal recognition as American Indian tribes. Late-twentieth-century casino controversies influenced tribal acknowledgement, which is the processes whereby the federal government examines and grants or denies recognition to groups claiming tribal status. Only federally recognized tribes can operate Indian casinos, and gaining recognition is an expensive and time-consuming process, costing nearly one million dollars per petition between 1995 and 2005 (Cramer 2005:54). As a result, many petitioning groups turned to casino financiers to fund research and legal fees associated with the acknowledgement process. This, and the specters of race and money that long have haunted politics about Indians in the United States, led to a public backlash against groups seeking recognition. Petitioners sometimes were asked to forgo casino plans in exchange for recognition backing by local, state, and federal officials. Federal recognition controversies show that casinos go to the heart of indigenous authenticity and have material effects upon American political processes of recognizing indigenous identity and community.

"Rich-Indian racism" was named as one of the most potent American cultural phenomena linked to tribal gaming. It relies upon images of Indian people as poor, such that any wealth is "surplus" and thus available for expropriation. Along with fueling arguments about authenticity, the "rich Indian" image undermined tribal sovereignty (Spilde 1998, 2004). "Rich Indian" stereotypes permeated California gaming debates (Darlan-Smith 2003). "In precasino days, some Whites looked down on Mesquakis [Meskwakis] for their poverty. Now some seem to dislike them for their wealth" (Foley 2005:301).

### **The Future**

In the early twenty-first century public debates over gaming remained unsettled (Kallen 2006). It remained to be seen



whether Congress would limit tribal gaming rights, and whether market saturation or state expansion of commercial gaming would reduce tribal casinos' profitability. At tribal leadership conferences and economic summits the topic was diversification, but tribes struggle to diversify economic development beyond gaming and related industries such as hotels and resorts. In some cases, tensions remained high between intratribal groups that support and oppose gaming, and across Indian Country tribes continued to experiment with how to restructure governance and responsibly manage new income streams in the context of gaming expansion.

State-tribal relations were ill-defined, with negotiations over casino revenue-sharing agreements reshaping the sovereignty not only of Indian tribes but also of states.

Beyond these policy considerations, gaming raises important moral and scholarly issues with regard to money, sovereignty, and indigeneity. Native peoples face tough questions about the meanings of casino wealth and the moral obligations of sovereignty within and across political boundaries. At stake are the lived experiences and future of indigeneity, the scope of tribal sovereignty, and the negotiation of citizenship and difference in the United States.