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The Casino Economy: Indian Gaming, Tribal Sovereignty, and Economic Independence for the
Puyallup Tribe of Indians

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Abstract

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The Emerald Queen Casino is a landmark in Tacoma, Washington that was made possible by the Indian Gaming Regulatory Act of 1988, a federal law establishing the governing structure for Indian gaming and which subsequently provided the opportunity for substantial economic independence to emerge for American Indian tribes across the United States. Opening in 1996, the Emerald Queen Casino, owned and operated by the Puyallup Tribe of Indians, is unique in Washington State in that it is located in an urban environment within the city limits of Tacoma. This unique geography has allowed the Emerald Queen to become one of the most prosperous Indian casinos in the Pacific Northwest.

In this thesis I examine through factual data and autoethnography the positive and negative impacts of the Emerald Queen Casino on the Puyallup Tribe and the surrounding local community. Specifically, I focus on several of the benefits of the casino economy, including

business and resource development, support of higher education, and creating opportunities for employment. I also focus on several of the detrimental effects of the casino economy, including complacency, drug abuse, and domestic issues. By exploring these positive and negative elements, we will begin to see how the Tribe has grown to become a vital component of the South Sound economy as well as having to contend with many longstanding and new social challenges in the Tribal community.

Keywords: Indian Gaming, American Indians, Casino Economy, Socioeconomic Issues

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This is for you Isabella – remember to stay strong and the future will be yours.

Humankind has not woven the web of life. We are but one thread within it. Whatever we do to the web, we do to ourselves. All things are bound together. All things connect.

- Chief Si'ahl, Chief of the Duwamish Tribe

Introduction

For countless visitors to American Indian casinos today, there is often an underlying sense of historical inconsistency amidst all the brightly lit and noisily melodic slot machines, the mingling decks of hundreds of playing cards, and the whirlwind spinning of roulette wheels. As they continue to venture further in, popular depictions of the American Indian easily erode away from these visitors' consciousness, in turn being replaced by an image of a newly independent Indigenous people, an image in which American Indians are now in complete control of their own destiny, and perhaps most important, are now free from the burdensome shackles of social and economic degradation.

There is a certain irony in this interpretation of American Indian culture that can be placed amongst the heftiest of stereotypes surrounding how we view them today. As conventionalized imagery of American Indians by Western culture have construed their essence as a people throughout the American consciousness for over five centuries now, and with that imagery shifting contextually to fit the dynamic of popular culture at particular points throughout history, the image and representation of the "Indian casino" has also found its way into popular American culture and discourse. Just as the "stoic elder," the "Indian princess," and the "Indian as savage," have all been popular stereotypes of the America of yesteryear, so too has the image of the "casino Indian" now become popular.

The introduction of the casino economy throughout the American landscape has been accompanied by a new version of an ongoing contentious relationship between tribal

communities and state governments over who has proper authority of gaming on tribal reservation land. As numerous tribes began to participate in the casino economy in the late 1980's and early 1990's, state governments showcased an increasing amount of resistance towards these tribal gaming operations, further pushing the legal bases for regulating gaming and thereby diminishing tribes' statuses as sovereign nations. While the traditional issues surrounding tribal sovereignty have generally focused on the concept of land, the latest integration now incorporates gambling as well, although still retaining a familiar tension as tribes, states, and the federal government continue their long held disputes.

The Emerald Queen Casino (EQC), which is located in Washington State and is owned and operated by the Puyallup Tribe of Indians, is unusually situated within an urban environment in Tacoma, Washington. This locational positioning of the casino within an urban environment is also reflective of the Puyallup tribal membership itself, a majority of whose members live within the urban sprawl of the surrounding Tacoma area. This locational position for the Puyallup Tribe has led it to become one of the most prosperous Indian casinos in the Pacific Northwest, but it has also led it to face many new social and economic challenges for its membership and the Tribe as a whole, many of which I focus on in my research.

As a member of the Puyallup Tribe of Indians, I have seen firsthand the effects of the casino economy and how it has transformed us as a community. I grew up in a time prior to the introduction of the EQC, a time when much of the Tribal community was relatively poor and life on the reservation was incredibly difficult. My mother and grandmother would tell me stories about how challenging life was for not only our Tribe, but for American Indians as a whole living in a place that had been their homeland for thousands of years preceding the encroachment

of European settlers. Our Indigenous brothers and sisters across the American landscape were devastated by their arrival, with the settlers bringing with them disease, oppression, and death.

To even entertain the thought of an Indian-owned casino operation a mere half a century ago would have been preposterous considering the discriminatory practices of American capitalism that were exhibited at the time. Over the last several decades though, the staples of the casino economy have become implicitly intertwined with depictions of the American Indian. Expressions such as the “rich Indian” slowly began to manifest publicly as some tribes became incredibly prosperous due to casino profits. It now appears that capitalism, the very economic system that marginalized American Indians for so many years, had now become a viable economic development strategy for tribal communities across the United States.

So why should we care about American Indian gaming? The casino economy has become a valuable tool for economic independence. Casino profits have given tribal communities immense economic, social, and political power. With the use of casino profits, for example, the Puyallup Tribe of Indians have had the opportunity to purchase back some of their land that was ceded under the Land Settlement of 1989. Such profits have also been utilized to salvage numerous poverty stricken and disenfranchised tribal communities from a life of destitution. This marginalization primarily stemmed from having to continually deal with the destructive aftermath of colonialism, and in many ways, is still actively accosting Tribal members, and various other tribal communities, to this very today.

Yet these recently developed powers have also given many tribes a renewed and strong voice within a Western culture that has too often deemed them unfit to even have one. Stigmatized as a disenfranchised people without much recognized input into the narrative of American history, the notion of the “more money you have, the louder your voice is,” could not

ring more true for many tribes participating in the casino economy today. The casino economy has elevated their statuses as sovereign nations, such that their voices are now heard on matters of significance to them as a people.

Despite the difficult position that many tribal communities still find themselves in, they have remained proud and unassimilated, having not simply disappeared into the American populace as some may have been lead to believe. Tribal communities have strongly retained their statuses as sovereign nations within America, often exerting their rights when necessary. With the continued development and subsequent participation in the casino economy by tribal communities, Indian gaming has now become the contemporary focal point for the long-standing struggle between tribal communities, the various states, and the federal government in reshaping and understanding of tribal sovereignty.

Tribes, in spite of many having casino operations today, are still relatively the poorest communities in the United States. Some tribes do not even have the opportunity to participate in the casino economy because they are not federally recognized. Even tribal communities who have garnered immense wealth from their respective casino profits still face harmful social problems that have plagued their respective communities long before casino operations appeared. Through all the glitz and glamour encompassing the ambience of an Indian casino, there are still real problems facing Indian country. Drug abuse, alcoholism, sexual abuse, and domestic issues are continuing to afflict Indigenous populations despite these new avenues of wealth stemming from the casino economy.

If we are to appropriately examine the considerable complexities that encompass the realm of Indian gaming, we can begin to see a reshaping of conventional knowledge regarding tribal communities and their participation within the casino economy. Utilizing the historicity

surrounding Indian gaming as a foundation, I focus upon this particular question within my thesis: What are both the positive and negative socioeconomic implications surrounding the Puyallup Tribe of Indians and their participation with the casino economy? On a lesser note, how has the notion of economic independence changed given the Tribe's participation within a casino economy? Building upon the implementation of the IGRA, I look in this thesis at the Puyallup Tribe of Indians, their arduous journey towards being a participant in the casino economy, how this process has led to many challenging social issues, as well as how it has brought economic growth, for not only its own membership, but the wider community in which it is situated. On a lesser not, I also look at how tribal sovereignty and economic independence have changed as a result of the Tribe's participation within a casino economy.

The secondary objective of my thesis is to bridge levels of understanding between the historicity surrounding Indian gaming and how the positive and negative elements of the casino economy have influenced and interacted with the Puyallup Tribe. Each chapter follows the historical implications that reside behind the casino economy and Indian gaming, beginning with the traditional forms of tribal gaming conveyed within American Indian culture, to the modern application of Indian gaming as a larger practice lending itself to modes of economic independency, and concluding with an extended examination of the processes of the casino economy as applied to the Puyallup Tribe.

Chapter 1, "Indigenuity and Ways of Knowing," provides the methodological and philosophical foundation for which I will be examining my personal relationship to my researched material as an Indigenous individual and researcher. Exploring the fundamental differences between Western and Indigenous ways of knowing and understanding the world, we see the different processes in which the Western and Indigenous forms of knowing have been

historically constructed. Furthermore, interpreting my position as a Puyallup Tribal member as an integral facet of my lived experience, we see how an Indigenous research paradigm can be applied in order to properly facilitate an Indigenous perspective on Indian gaming, and to a larger extent, that of the casino economy.

Chapter 2, “Conversations Surrounding Indian Gaming,” is essentially a review of the existing literature that supported and coincided with my thesis research. It covers the primary areas surrounding the early foundations of Indian gaming, the casino economy and its transformation of tribal sovereignty, the social and economic impacts stemming from modern Indian gaming on contemporary American Indian tribal societies, concluding with a brief history of the Puyallup Tribe of Indians.

Chapter 3, “The Emergence of Gaming in Indian Country,” chronicles the traditional roots of Indian gaming that were practice throughout various American Indian societies prior to the modern application of Indian gaming that we know today. This leads into examining early examples, such as tribes located in California and Florida operating bingo and card room establishments, and the legal conflicts that arose as seen in the court cases of *Seminole v. Butterworth*, *Barona Group of Capitan Grande Band v. Duffy*, and *California v. Cabazon Band of Mission Indians*. Here we see the formation for which the casino economy emerged as a viable possibility for impoverished tribal communities to pursue forms of economic independence.

Chapter 4, “The Indian Gaming Regulatory Act of 1988,” looks at the legal frameworks that led to the culmination of the Indian Gaming Regulatory Act (IGRA), which provided the governing the structure for Indian gaming to take place on tribal reservation lands. With the creation and subsequent application of IGRA in tribal communities that were striving for economic independence through the casino economy, we see the legal constraints that were

implemented in order to effectively regulate the expanding practice of Indian gaming within those tribal communities. Also examining the complications and challenges that have come about, this chapter takes a look at the court case *Seminole Tribe v. Florida* and its implications in transforming the deliberation process held between tribes and states held under the tribal-state compacts within IGRA.

Chapter 5, “Native Capitalism and the Challenges of a Modern Casino Economy,” explores the various reasons that culminate into why a tribe may choose to participate in the casino economy today. This chapter also examines the economic and social impact of Indian gaming found throughout contemporary tribal communities, exploring both the nuances and fine distinctions that may arise surrounding its modern day applications, looking at the effects of it also within the larger, non-Indian community.

Chapter 6, “History of the Puyallup Tribe of Indians,” provides a history of the Puyallup Tribe. Beginning with pre-contact with European settlers, this chapter expands to include the implications of the Medicine Creek Treaty of 1854, the Fishing Wars of the 1960s and 1970’s, and culminating in the Puyallup Land Claims Settlement. This chapter provides the basis for which the historical trajectory of the Puyallup Tribe had provided the opportunity for which economic development could take place.

Chapter 7, “Economic Independence and the Emerald Queen Casino,” looks at the aftereffects of the Puyallup Land Claims settlement and how it had provided the possibility for the Tribe to pursue gaming as a practical option to alleviate their expended federal revenue. This decision led the way to the construction of a bingo hall and the eventual communal decision to enter into the casino economy with the Emerald Queen Casino. Leading to the rapid transformation of the Puyallup Tribe’s community and their relationship to the larger non-Indian

community, we see the Emerald Queen Casino becoming one of the most successful examples of the casino economy in the Pacific Northwest.

Chapter 8, “The Impact of the Casino Economy on the Puyallup Tribe of Indians,” offers an intimate account of the numerous positive and negative elements of the casino economy from my perspective as a Puyallup Tribal member. This intimate account examines the nature in which the casino economy has been beneficial to the community and larger non-Indian community while also having to tackle difficult social issues, and in many cases, even perpetuating them.

Chapter 9, “Where Does the Puyallup Tribe Go from Here?,” is the concluding chapter detailing the future livelihood of the Puyallup Tribe as it exists in the casino economy. This chapter contemplates the foundation for which a more wholesome communal understanding and dialogue can emerge regarding the casino economy, in hopes of it resulting in a more appreciable awareness of the beneficial opportunities provided through the casino economy as well the astute recognition pertaining to the trappings of excessive materialism and persistent and recently developed social ailments.

Chapter 1: Indigenuity and Ways of Knowing

Before discussing the realm of Indian gaming, one must always consider the importance of the historical processes of gaming as an assertion of capitalism and how that assertion differs considerably from that of Indigenous knowledge and tribal sovereignty. Without this critical examination, Indian gaming is outwardly viewed as an unfair opportunity afforded to American Indians to make a profit in an area of business enterprise that legally limited non-Indian competitive participation. Considering the American philosophical underpinnings advocating for free market capitalism, individuals unfamiliar with issues surrounding American Indian history will find this opportunity to participate in the casino economy as a practice to fervently resist in order to level the competitive economic playing field.

This perspective has on many occasions fostered an immense dislike from state governments and local businesses towards tribal communities who operate casinos, viewing them as taking advantage of their statuses as sovereign nations and violating the law. For example, in a 2014 News Tribune newspaper article regarding the boom of Indian gaming in the Pacific Northwest, non-Indian gambling companies argued that tribes held an unfair monopoly over slot machines (Schrader, 2014). Larger arguments such as “Indians don’t pay taxes,” or “Indian tribes only use casino profits to help themselves,” are continually repeated, with these falsifications permeating throughout local communities and becoming the conventional beliefs upheld by individuals regarding tribal communities and their participation in the casino economy. Tribes who operate casinos are thus viewed as unequally tipping the economic scale in their favor, while non-Indians have little-to-no opportunity to compete with them.

As we have seen in countless instances throughout American history though, it is often the reverse that has been true for American Indians. While non-Indians have been given

numerous chances to fulfill and live out the ideals that culminate in what we know collectively as the “American dream” - that of democracy, liberty, equality, and opportunity - American Indians, as in the case of many other Indigenous peoples throughout the world, have historically been severely limited in their capacity to control their own economic destiny due to colonial limitations (Berkhofer, 1978). Outside the realm of economics, preventative measures have also been taken by non-Indian authorities to avert expressions of the political, social, and spiritual practices of American Indians. This can be seen in harmful practices such as the federal government forcibly removing Indigenous populations from their original lands, the devastating assimilation efforts brought about by boarding schools, and the forced sterilization of Indigenous women, all of which are only a few of the preventative measures taken by authorities to control American Indians.

It has consequently been incredibly challenging for such a marginalized group to be successful in the American economic, political, and social structures, which have continually minimized their active participation within them for so many decades let alone centuries (Jacobson, 2000). Once provided the opportunity to be successful through some economic, political, or social means, it is generally an uphill battle from there as authoritative forces - whether governmental, federal, local, business, civil, or perhaps all collectively - attempt to further prevent them from being “too successful” within structures that have primarily served and catered to Anglo-Americans over that of American Indians and other various ethnic groups throughout history (Hosmer & O’Neill, 2004).

Nevertheless, American Indians currently find themselves in a unique position in that many tribal communities have now made considerable strides to attain some form of economic independence. While previous periods in American history have seen American Indian

communities as having to respond to governmental policies and actions, we are now seeing progress being made in the other direction. With the continued development of American Indian enterprise, American Indians have now placed local, state, and federal government institutions as the ones in which to respond to the demands brought forth by them. This is mainly due to the rapid economic success stemming from Indian gaming, providing the foundation for which economic independence could come about through the capitalistic practice of gambling. Economic freedom has thereby become a reality for many tribal communities through the casino economy, pointing to a critical shift in history regarding the possibility for exponential economic development to arise within American Indian communities.

As a bold expressing of capitalism, the casino economy has fundamentally reshaped tribal communities. As Indian gaming has increasingly become a channel for economic development and prosperity, the American Indian has begun to pursue this practice of capitalism as a way to support efforts of self-sufficiency. This pursuit is continuing to evolve to this day, with many differing viewpoints on the manner stemming from both American Indians and non-Indians alike. If we were to apply this question strictly on a state-by-state basis, the complexity of it expands even further, and within the context of intertribal relations, even more so. For many governmental institutions, there has also been a significant ideological push to advocate for state authority to supersede that of tribal jurisdiction, once again bringing issues of tribal sovereignty back to the forefront.

This effort by governmental institutions has largely manifested itself within the legal sphere, with numerous court cases revolving around the lawful interpretations of Indian gaming in relation to tribal sovereignty. These court cases, several of which I will be exploring in the second chapter, have been pivotal examples pertaining to the tenuous relationship between

American Indians and non-Indians, expressing the confrontational relationship shared between the two groups. In order to more fully comprehend how these disagreements influence the practice of Indian gaming, we must acknowledge that there are fundamentally distinct philosophical differences that exist between American Indian and non-Indian cultures, culminating in immensely diverging world views. Only then can we more appropriately contextualize the function of the casino economy and its place in American Indian country.

Indigenous and Western Ways of Knowing: A History of Challenge

The definition of the term “epistemology” denotes a theorization of knowledge, an examination of what differentiates warranted belief from opinion. The Western application of this term has historically advocated for a sense of superiority in regard to elevating its own ways of knowing while disregarding other forms expressed by the various Indigenous societies and peoples it had come into contact with. Through this conventional interpretation of knowing, Western scientific research has historically justified its own self-importance as being the most “civilized” one within the realm of knowing, utilizing scientific disciplines in order reinforce this notion (Teves, Smith, & Raheja, 2015). Western epistemological practices have in turn often repudiated its own “uncivilized” origins by allocating those older forms of knowing as in the past. The past is therefore envisioned as a bygone era that has given way to more “modern” civilized forms of knowledge development. Western scientific knowledge development can thus be situated as continually striving to support its own constructed notion of superiority by contrasting itself alongside that of traditional, uncivilized forms of knowing. By pursuing such a direction, it has created and supported a hierarchal structure that delegates Indigenous modes of knowledge as untrustworthy or fallacious in nature, placing them up against that of the perceived enlightened model offered up by Western modes of knowing. With this confrontational basis,

Western knowledge claims have historically vehemently opposed, misunderstood, or attempted to abolish rival claims to knowledge.

The historical implications of this approach have led to numerous contentious and violent encounters, as accounted in the various early European colonial excursions into the Americas and their interactions with Indigenous populations. There was an obsessive need to supplant, and at times utterly destroy, the Indigenous lifeways, religions, and ways of understanding the world that the European settlers had come into contact with (Berkhofer, 1978). Later practices of this could be seen through the forceful removals of tribal peoples to designated reservation lands, pseudo-scientific hypotheses such as eugenics that supported racism, or the crude assimilation efforts by the federal government, just to mention a few. The perceived notion of Western knowledge as being inherently superior to all other forms can find itself manifested throughout American history and aggressively acted upon. The Western system of knowing can then ultimately be seen demonstrated as a pathway advocating for striding forward and replacing perceived dilapidated systems of knowing, as in the case of Indigenous knowledge, further expounding upon its interpretative understanding that all progress, no matter what it pertains to, is deemed more favorable. The past is then situated as an element of history that we should position ourselves away from, leaving it behind as to make way for superior Western ways of knowing. This philosophy was brought into existence and physically exerted onto American Indians, essentially viewing them as barrier to what constituted a Western form of “progress” as exemplified in Manifest Destiny, a widely held belief in the 19th century that promoted continental expansion in America (Nichols, 2003).

This Western form of knowing, and subsequently that of progress, directly conflicts with that of Indigenous forms of knowing, with the latter recognizing the importance of a direct

connection to the past, and more significantly, that of our ancestral patterns of understanding the world around us. Whereas Western truth claims focus extensively on the forward trajectory of historical progress, Indigenous epistemological practices look towards the past as a vital element in understanding their place in the present. There is a living dynamism that pertains to Indigenous knowledge, with it equally shifting throughout countless generations while remaining wholly persistent at the same time.

Besides this recognition of the past and how it relates to us in the present, there is also a powerful connection to the community as well. The importance placed upon the community is highly expressed from those individuals within the community itself, with many of them publicly declaring how community is a vital element to understanding who they are and how they are linked to the past. There is a continual acknowledgement of how the past is inextricably linked to the community as a whole, with our ancestors still being amongst us and supporting our endeavors in the present. Community is regarded as paramount facet of our lives, which is further grounded in the political, familial, and other circumstances of a particular place (Denzin, Lincoln, & Smith, 2008).

This significance of place is undoubtedly one of the most crucial elements in defining who we are as Indigenous peoples. Many tribal communities view their ancestors as still residing in the place in which they have dwelled for countless generations, centuries, and decades, being bound to the land itself. From a spiritual sense, their presence still resonates with us today, with our ancestral lineage becoming a vital association to that of our traditional lands. We acknowledge that our ancestors walked our traditional lands for centuries, offering us a unique connection towards understanding who we are as a tribal community based upon that place. This can be seen expressed in the traditional customs that have been passed down that directly tie into

use of the land, as in the example of fishing, hunting, or religious and spiritual activities, all of which hold ancestral lineage in high regard.

The importance of the past and place culminates in how we construct worldviews, which play a notable part in how we can interpret the considerable differences held between Indigenous and Western ways of discerning the world. Worldviews are cognitive and perceptual processes used to make sense of the societal structures we interact with. They are constructed through the various social interactions that take place in our lives, shaping our understanding of our place in the world. However, our worldviews usually reinforce our understanding that these are the way in which things actually are. While they do not necessarily change in any serious fashion, they can slowly transform over the course of time, ultimately leading to us shifting our worldviews.

Within any society, there is a predominant worldview that is embraced by a majority of people within that society. While we can see that different worldviews can and do exist simultaneously alongside this predominant societal worldview, these are not normally held by a significant portion of that society and are often delegated as marginalized perspectives on seeing and interpreting the world. Indigenous worldviews are deemed as residing in the latter group, being found within a smaller segment of American society than that of other, more prominent worldviews. These elements of Indigenous ways of knowing can also be seen as encompassing three interacting worldviews - the physical, human, and sacred (Foley, 2003). The physical world is our connection and respect of the land itself. We do not interpret the land as something that we can own, instead viewing it as a respectable relationship between the environment and humanity that must be upheld and that we must be consciously made aware of. The human world provides the basis for all communal and familial interactions, in which the traditional customs and practices are realized expressions of those interactions. The sacred world deals partly within the

realm of the metaphysical and physical, being seen expressed through acts of healing, traditional laws, and the oral history of tribal communities (Foley, 2003).

These worldviews also consist of a close relationship to the environment and community. There is a strong need to support everything around them, with a relational comprehension of the overall world. While not always harmonious, there was a constant need to restore harmony through efforts of healing if there was an unbalance found within the community or the environment. These relational values promoted practices of courteous individualism, in which members of a community are granted significant liberty for publicly expressing one's feelings because it was identified through the social structure of that community that individuals were to contemplate the needs of their community over that of their own concerns (Graham, 2002). This is vastly different from that of Western practices of individualism, which places the self before that of others and the larger community.

These Indigenous ways of knowing and philosophical practices are an aspect that I am thoroughly familiar with due to me having Indigenous ancestry. As a Puyallup Tribal member, I have grown up with this living dynamism within my family and extended community, learning to understand the world around me in a much different manner from other non-Indian people. I remember that seemingly small actions that I performed when I was younger, such as respecting my elders, helping those around me before myself, and greatly honoring those who spoke good words, were something that I had believed to be regular occurrences for everyone else. It was not until I was older that I began to understand that those communal actions were a part of my culture and that they often had conflicted with the American practice of individualism.

American individualism, which places the self before others, is not a practice that has been traditionally applied to Indigenous societies, instead allocating much of their attention to

the interdependence established through community (Tinker, 2008). The historicity surrounding the American perspective of the self, finding its origins in the religious and spiritual practices of the Hellenistic period, continuing through the Protestant Reformation, and ultimately being reinforced through American hegemonic capitalism, views the individual as a valuable facet of defining who we are as human beings (Tinker, 2008). The notion that everyone is unique and should be free to do as they wish correlated with a societal structure of market relations, with people only being connected through the act of freely buying and selling material commodities (Sandel, 2012).

This perspective has become a defining characteristic of what it means to be an American, becoming a deeply entrenched element of our national consciousness. Through this way of thinking, we are all viewed as uniquely different and separate from one another, standing alone amidst the whole as a unique member of American society, and to a further extent the entire human race (Schwartz, 1994). This obsessive promotion of the self has arguably done more damage than good in that it alienates us from our communities and those around us, encouraging a lack of consideration for others as well as bolstering egotistical behavior (Deloria, 1979). This promotion further extends itself to an assortment of other social and physical detachments - from an absence of concern for the environment, nations, and all other living creatures - all of which is detrimental to the authentic reality of our interdependency to that of the world we live in.

As an Indigenous researcher, by integrating these two worldviews within my work I can recognize how they both contribute to our understanding of what Indian gaming means to different segments of American society. Due to the nature of my research dealing with the casino economy, tribal communities, and the social and economic implications that arise from their

interaction, the differences between Western and Indigenous expressions of understanding the world must be acknowledged as a fundamental element towards more fully grasping the structure of Indian gaming and how it has reshaped both the internal and external perspectives on contemporary American Indians.

Due to the nature of these two diverging worldviews, which unfortunately goes unacknowledged by many American citizens due to the insular nature in which our American society regards as history, there are considerable misunderstandings that revolve around Indian gaming, and perhaps not surprisingly, that of American Indians in general. The Western form of historical formulation has frequently omitted the significant historical impacts that American Indian culture has made throughout American history (Moore, 2003). Given this reality, the misunderstandings surrounding Indian gaming are greatly expanded upon due to the unreliable knowledge that is the basis for American Indians and their connection to tribal sovereignty, with many people not even having a clue as to how tribal sovereignty actually functions, let alone interacts with that of the casino economy.

By establishing these fundamental differences here, we can more properly comprehend both the external and internal social and economic structures that reside within Indian gaming. As an Indigenous researcher, and as someone who has Indigenous ancestry, it is important to compare and contrast these two ways of viewing the world, mainly because I have lived in both, contemplating and examining them as an element of my life as a person living in contemporary America. The prevailing American worldview that consists of and heavily encourages individualism and free market capitalism is an element of American society that I have discovered as dissimilar to the traditional Indigenous lifeways that I have been taught to be aware of since I was young. Recognizing this contrast is essential to my role as an Indigenous

researcher because it provides me with the ability to see how different components of each worldview intersects and interacts with one another. Examining this intersectionality provides us with a more complete understanding as to the transformative processes that are taking place inside many tribal communities participating in the casino economy today. Without this understanding, we are only left with polarized viewpoints from both within the American Indian population and outside of it, further promoting significant misunderstandings across the spectrum. If we do not take into consideration the entire scope of what Indian gaming entails, it may become increasingly difficult to respond and address the equivocal nature of many of the issues that surround it.

The Lived Experience: An Indigenous Standpoint Theory

My role as a participant observer within my own community can also be realized through an Indigenous standpoint theory, which is another element that I am adhering to within this work. This methodology pertains to the importance of authority and its roots in individualize knowledge and perspective. By using an ethnographical methodology alongside of that of being a participant observer, I can deliver a deeper and more comprehensive exploration into how the casino economy has impacted my community as well as myself and those around me. Since autoethnography pertains to a researcher who studies the models of behavior, language, and actions of a cultural group in a natural setting over a prolonged period, this correlates well to my status as a member of an Indigenous community (Creswell, 2003). Furthermore, this approach resides within the realm of qualitative research, connecting the lived experiences of the researcher to their researched material, as in my case (Creswell, 2003).

Examining the power of marginalized perspectives in order to better facilitate a more impartial outlook of the world, I can implement standpoint theory under the basis for which

ethnographical and participant observations can emerge, pursuing how marginalized individuals or communities can bring forth knowledge that may not be readily accessible or known to those residing outside of that particular community (Ardill, 2013). Applying the methods of autoethnography and participant observation will provide an outlet for a voice such as my own to emerge that does not necessarily reflect that of the dominant culture group, which is representative of white positions of power and privilege in American society.

If we are to look at the overall societal structure of America, not all culture groups within it experience things in the same way. The viewpoints of the dominant culture group are perceived to be more valid than those expressed within marginalized groups due to their elevated position of social influence and impact (Ardill, 2013). Those existing within the marginalized groups must become habituated to the understandings of the dominant culture, learning to develop ways in which they can exist as a part of the ascendant group. These diverse levels of social and relational infrastructures are boldly identified as a key element within standpoint theory, with it as a method acknowledging how these differences interact and affect one another. With the basic foundation of standpoint theory in mind, we can now turn to an Indigenous standpoint theory interpreted through the applied ethnographical and participant observer methods for better understanding how Indian gaming has impacted my own community of the Puyallup Tribe of Indians. Indigenous standpoint theory will allow me to utilize my situated knowledge in order to provide insight into my own community.

Lived experiences are incredibly important to the application of Indigenous standpoint theory within the realm of Indigenous studies. Through the expression of the participant observer, we can effectively delve into social, economic, political, and spiritual concepts if they interact with our own lived experiences. In turn, they provide a significantly more intimate

account of the cultural systems that exist within a community. The significance of community also factors heavily into this notion of situated knowledge, with ancestral knowledge being viewed as passable through generations and accumulating as time progresses, influencing the broad communal world views of the descendants who have received the knowledge (Tinker, 2008). The experiences of my ancestors live through me, using their voices, stories, and ways of knowing to formulate my understanding of the world around me. For example, my grandmother and mother had taught me to respect elders and to help them whenever possible. Whether this is getting them a plate of food at a potluck, or making sure that they have everything they need to live healthfully at home, respecting tribal elders has become an inseparable facet of who I am today.

It is through this understanding that knowledge can also emerge, detailing the elements of the individual and the connection to their local community. (Cajete, 2000). Knowledge, especially within the realm of Indigenuity, is acquired through the relationships we develop and share amongst the members of our community, with Indigenous populations understanding the importance of this process (Cajete, 2000). As an Indigenous researcher and individual, I understand how this form of knowledge production can formulate into constructive modes of communal understanding and responsive activism. Viewing the lived experience as a potential impetus to such activism, these lived experiences can be viewed as a practical component towards community change.

The chosen applications of autoethnography, participant observations, and the reasoned ways in which to view the world are integral facets of my research, providing the methodological structure in which to discern my material more attentively. Not only that, but these applications are reflective of how I interpret communal knowledge and how that shapes my personal

conception of knowledge itself. I deeply care about bringing in an authentic perspective in my work, especially since it is examining the effects of the casino economy and how such an economy has reshaped the community I am a part of.

With the introduction of the casino economy, the Puyallup Tribal community has slowly changed in numerous ways. While the results of many of these changes are subjective in nature, one can see through my research the components of a society that is transforming, dealing with a variety of newly emerging and persisting social, economic, political and spiritual challenges. While it is often demanding to remain objectively neutral in the academic sense when my own research is so closely tied to my own community, finding the strength to welcome this aspect of who I am is crucial in interpreting my role as an Indigenous researcher. This is vitally important to not only my own community, but certainly that of myself as well.

Chapter 2: The Conversation Surrounding Indian Gaming

The following chapter is an analysis of the existing literature that I had read concerning Indian gaming and its relevance to my thesis topic on Indian gaming in the Pacific Northwest. This chapter begins with the casino economy slowly transforming Indigenous ways of knowing to that of Western ways of knowing through capitalism. Next we explore the legal structures surrounding Indian gaming and the transformation of tribal sovereignty through the casino economy, looking at the nature of the modern casino economy and its implementation within contemporary American Indian tribal societies. I conclude this chapter with a look at the history of the Puyallup Tribe of Indians, as it provides a foundation for my examination of their interaction as a Tribe with the casino economy.

Considering the differences between Western and Indigenous ways of knowing, in *Native Science: Natural Laws of Interdependence*, author Gregory Cajete examines the Indigenous perspective regarding the natural world and our inseparable connection to it as living beings. Cajete views the interdependency of the world around him as a distinct measure of Indigenous knowledge and how this is often opposed to Western ways of knowing that elicit individualism and separation. Cajete's research correlates with my examination of the transformations of tribal communities, in my particular case, that of their interaction with the casino economy. With the financial rewards of Indian gaming transforming tribal communities in ways that further envelope them into Western modes of capitalism, tribes must continually confront the effects of an economic system such as the casino economy that directly participates in propagating selfish and individualistic practices. These practices go against the Indigenous traditions that supported community and selflessness.

Similarly to the way in which Indian gaming has changed the traditions of many tribal communities, Indian gaming has also ultimately influenced tribal sovereignty and the socioeconomic aspects of American Indian communities. In *The Social and Economic Impact of Native American Casinos*, authors Willam Evans and Julie Topoleski examine and provide the statistical data concerning the impact of American Indian casinos and their positive and negative effects within tribal communities and non-Indian communities. This examination of the multisided effects of American Indian casinos is often omitted within the academic conversation surrounding the impact of Indian gaming on tribal and surrounding communities, so a study such as this is vital in providing the statistical data valuable in examining the complexities of Indian gaming. A great deal of the published studies and articles surrounding the impact of Indian gaming generally proclaim the positive effects of it as an economic practice and do little to explore the negative effects. My own work also examines the multisided effects of Indian gaming on tribal communities, and in my case, providing a personal examination of the Puyallup Tribe of Indians. Evans and Topoleski's work provides the opportunity for which such an approach can emerge, with the growing necessity to present both sides of the contemporary Indian gaming phenomenon.

Entering into the legal realm that encompasses Indian gaming, my work also explores the legal complexities that have arisen between tribes, states, and the federal government due to the consistently changing infrastructure of Indian gaming. In *Indian Gaming and Tribal Sovereignty: The Casino Compromise* by authors Stephen Andrew Light and Kathryn R. L. Rand, we see an examination of the complex political and legal processes that have developed between tribal, state, and federal governments. Extending even further, we see both Light and Rand argue for tribal sovereignty as an essential element towards understanding Indian gaming law and the

political structuring that resides behind it, viewing it as a unique opportunity for tribal self-determination to emerge. Furthermore, *The Casino Compromise* provides an exploration of the particular relationship shared between tribal sovereignty and Indian gaming in an attempt to provide a comprehensive account of the complex legalism surrounding tribal nations and their application of gaming on reservation lands. Light and Rand preface their work by looking at the controversies and misunderstandings that have been ascribed to American Indian tribes that operate casinos. Recognizing that there is an often a great lack of knowledge surrounding many issues of Indian gaming, both throughout academia and the public at a large, both authors interpret their research as an outlet towards addressing that lack of knowledge and providing some context in which the public can more effectively overcome some of the misconceptions regarding Indian gaming.

Their work does a commendable job in exploring the diverse range of experiences that many tribal communities undergo when entering or having entered into the casino economy. Tribal sovereignty remains the focal point though, as it is viewed by Light and Rand as a fundamental element towards grasping the legal and political structure of Indian gaming as a whole, with Indian gaming remaining a viable expression of tribal self-determination and opportunity. At the same time though, Indian gaming, as the title of the book suggests, consists of a compromise between tribal sovereignty and the ability to be able to participate within the casino economy itself. There is a tradeoff that almost always occurs, leading to a reshaping of sovereignty taking place amongst tribes that operate casinos on reservation land. In pointing this out, Light and Rand also see a possible diminishment of sovereignty for many tribes who decide to operate casinos, as state and federal authorities can now exceedingly interfere into tribal

affairs and attempt to redirect practices of tribal self-determination due to an increase in political oversight.

Nevertheless, *The Casino Compromise* is a relatively well-written examination regarding tribal sovereignty and the casino economy. It provides an overview of Indian gaming that tackles some of its major issues, such as the interrelationship between tribal sovereignty and state and local governments, which is a contentious dilemma for many tribal communities wanting to enter into the casino economy. It does go a considerable distance towards attempting to resolve some of the major complexities that have come about within the realm of tribal economic and social levels of development, and which provides a commendable look into the general framework of Indian gaming.

Similar to *Indian Gaming And Tribal Sovereignty: The Casino Compromise*, Walter Dale Mason's *Indian Gaming: Tribal Sovereignty and American Politics* discusses the complex conflicts that have come to fruition within the Indian gaming world. While the previous book primarily focused on providing a general overview of Indian gaming as whole, Mason adheres to particular cases of tribes in Oklahoma and New Mexico, while also examining the origins and subsequent effects of the IGRA and its immediate aftermath throughout Indian country.

Mason's analysis of IGRA provides a foundation for which he further explores the political and legal connections that were made between tribal communities that operated casinos and the political sway that resides in Washington D.C. For much of the beginning of his work, Mason seemingly provides a historical look into sovereignty itself and its future applications to both tribal communities and the gambling establishments they operate, which for the uninitiated is quite welcomed because it provides some insight into the significant role that tribal sovereignty has played within the contemporary Indian casino economy. If you are familiar with

such material already, the beginning seems a little bit on the redundant side, but it does serve its purpose.

As Mason enters deeper into the legal conflicts surrounding IGRA itself, the tone of his work becomes slightly more interesting. With Mason's discussion on Indian gaming, he presents the reader with the compromising nature surrounding IGRA and its implementation, exploring the role of the states and their proposed newfound abilities towards regulating, to some degree, Indian gaming within the realm of Class III gaming. As the proposed role of IGRA continually shifted though, so did the nature of a state to fully regulate Class III gaming, which had led to some contested issues in the aftermath of IGRA. We see that IGRA had once again reignited the flames of tribal sovereignty and its battle with that of non-Indian governments, which remains one of Mason's more critical points throughout the book.

Mason does delve into some territory that showcases the dualistic approach that tribal communities often must undertake in order to successfully operate a casino. This can be seen in the form of tribes advocating their legal recognition as sovereign nations while at the same time existing and cooperating within the realm of state and federal politics. We see Mason promoting the argument that through the introduction and codification of Indian gaming into law, tribes have been given the chance to assert their status as sovereign nations, radically transforming their relationship to that of the various levels of governmental institutions within the United States.

While we do read that casino profits have been providing tribal communities the opportunity to develop more of a voice in the realm of politics and economics, we also read about the tremendous opportunities for tribal growth stemming from such profits. These expressions of self-sufficiency have elevated American Indian tribes, who are the poorest

communities in the United States, to new heights as they enter into the modern economy through gaming. Mason also looks at the impact of gaming negotiations, with a negotiation process that is applied to tribal-state compacts allowing for dialogue to now exist between state and local governments, which previously was absent. The intergovernmental aspects held between federal, state, and tribal governments make for the most interesting segments offered up by Mason, with tribes now utilizing their political and economic powers to benefit their respective communities.

Moving away from the legalism encompassing Indian gaming, the social and economic impact stemming from Indian gaming becomes equally as important towards understanding the fundamentals of tribal growth. In *New Capitalists: Law, Politics, and Identity Surrounding Casino Gaming on Native American Land* by Eve Darian-Smith, we can view several studies that pertain primarily to the impact of Indian gaming on tribal reservations. Leaning towards a more anthropological approach in regard to her research, Smith details the challenges that many contemporary American Indians, a historically marginalized population, must face as they enter into the corporate entertainment industry and subsequent casino economy. Smith also examines how factors such as the negative and positive stereotypes that tribal communities must cope with influence public perception of Indian gaming. Considering the state of the Puyallup Tribe of Indians and their participation within the casino economy, there is a constant balance that must occur between retaining traditional life ways while at the same time participating in an unconcealed form of capitalism through the casino economy.

This balance extends to capitalism as an economic practice drastically changing the traditional life ways, many times completely transforming them in the process. In *Native Pathways: American Indian Culture and Economic Development in the Twentieth Century* by Brian Hosmer and Collen O'Neill depict the historicity surrounding American Indian economic

development within the United States. Their research looks particularly at the role that capitalism has in its interaction with traditional cultural beliefs and practices, reshaping the sense of identity that we now see within contemporary American Indian communities. One particularly relevant chapter is by Jessica R. Cattelino titled *Casino Roots: The Cultural Production of Twentieth-Century Seminole Economic Development*, which regards casinos as a “new stage in the long and complex history of Native Americans’ economic, political, and cultural struggles” (Hosmer & O’Neill, 2004). Cattelino goes further to examine the economic impact that gambling has had on the Seminole Tribe, piecing together their role in reshaping IGRA.

From a historical standpoint, my status as a Puyallup Tribal member is deeply rooted in a sense of historicity and ancestry that dates back countless generations. This historicity and ancestry has deeply influenced this work you are reading now. It is not too often that someone can read about their own tribal community in a professional perspective, let alone have it be written by individuals who are also tribal members or those who have worked extremely close with the tribal community itself. Fortunately, such is the case with *Land of the Welcoming People - A History of the Puyallup Tribe*, which was written with the guidance of both the Puyallup Tribal community and those who helped in archiving its history, utilizing the written word to translate numerous oral historical stories provided by Puyallup Tribal Elders as well as those attuned to the history of the Tribe. There is always a sense of worry when it comes to translating oral history and traditions, practices that are often considered sacred and that should only be told, as well as known, to other members of that particular community.

As a Puyallup Tribal member myself, I had already known a general historic overview of the Tribe from close family and community members. I knew about the Fishing Wars, the Land Settlement, the Medicine Creek Treaty, just to name a few, all of which I had learned from my

grandmother, mother, and other Tribal members before I had even read about them in any books. Of course, when I did read books about them, they provided supplementary insight into those events, but the power of oral traditions was vital in me initially understanding them and what they meant to our people. These are aspects that I had grown up with and knew prior before reading this work.

The whole process of self-determination for the Tribe is important element of this particular work. Viewing the introduction of the casino economy as an outlet for financial self-determination is a vital component towards how we view the status of the Puyallup Tribe today. Seeing that they have used much of their casino profits to expand the growth of the Tribe is especially informational to read about. As someone whose own thesis work deals directly with the casino economy, it is nice to see both a qualitative and quantitative approach taken here, presenting statistical information as is but also using it to reinforce what the casino economy has done to improve the community as a whole. As a historical basis for which I can further develop my research into the casino economy itself, this work provides a guide for which I could envision the economic trajectory of my tribal community and how the casino economy and influenced that trajectory.

Chapter 3: The Emergence of Gaming in Indian Country

While contemporary notions of Indian gaming practices elicit images of slot-filled casinos, massive bingo halls, or jam-packed poker rooms, American Indians have been participating in diverse forms of Indian gaming for many generations. Indian gaming, as the term is envisioned today, makes reference to a variety of American Indian issues surrounding tribal sovereignty, independence, and economic development, all of which originated from the card rooms and bingo halls on reservations in the 1970's through the 1980's (Rand & Light, 2006). This would later culminate in the landmark passage of the Indian Gaming Regulatory Act (IGRA) of 1988, a federal law establishing the governing structure for Indian gaming as a whole.

Indian Gaming and its Traditional Roots

Prior to this passage, elements of Indian gaming were already well practiced by many tribal communities, finding its roots in the traditional communal games that many tribes practiced for generations. These games usually revolved around incentive forms of trade, sportsmanship, as well as communal networking (Culin, 1975). In particular, the tribal communities of North America partake in a lavish history of traditional gaming that find their origins in cultural creation tales. The mythological foundations of many of these games reinforce a sacredness that reflected the strong bond shared between the game and the spiritual connection between the participants and their respective communities.

While many of these games are unique to their respective tribal community, and are often reflective of that particular community, universal gaming categories do indeed exist within American Indian culture (Oxendine, 1988). There are two commonly expressed forms of gaming categories revolving around games of chance and games of agility (Culin, 1975). While games of agility focused extensively on aspects of physicality, members of the community would place

wagers on participants of these games, with the level of importance of them to the community playing a pivotal role in the amount that was to be wagered (Oxendine, 1988).

Similar to games of agility in regards to wagering, games of chance heavily encouraged wagering as a facet of communal participation. Games of chance include a variety of games, such as stick games and dice games, for example (Oxendine, 1988). Stick games were primarily centered around guessing, with one player dividing a number of sticks into two separate groups and the opposite player having to guess which group had an even or uneven amount, and in some cases, having to pick a group that contained a special stick (Oxendine, 1988). In the instance of dice games, they consisted of a point-based playing style in which the players threw a variety of small objects against skins or pelts (Oxendien, 1988).

Unlike a Western viewpoint regarding these types of gambling, which at various times throughout history has labeled it as a wrongful or even sinful practice, tribal communities did not necessarily view their participation in gambling in that same vein. In many tribal communities, wagering was interpreted as a giving action that helped the community as a whole due to it reshaping the way in which wealth was distributed within it (Oxenhide, 1988). There was a balance that was achieved through its practice, with mythological tales describing the honest gambler, who genuinely played, and the wicked gambler, who cheated when they played, battling against one another with the honest gambler ultimately winning (Gabriel, 1996). There was a restoring of harmony that provided the moral standing of many of these tales.

Gambling to American Indians was an instrumental aspect of daily life, with it as a continuous societal element that was imbued with symbolic and religious significance and meaning. Gambling was not associated with elements of immoral behavior, as was so often seen expressed in Western societies where a commanding presence of Christian moralism related the

practice of gambling to be unethical. For the majority of the population in America, there still resides a sense of uneasiness about gambling and its relation to its exploitative endeavors. With an alternative view of gambling, American Indians understood that there were valuable lessons that could be learned from being successful or unsuccessful in gambling. These lessons could be found and explored throughout the various mythological tales and traditions that usually consisted of the struggle with misfortune, viewing them as a vital component of human growth and communal knowledge.

One such mythological tale went by the name “The Gambler of Miskut Wins Good Luck,” which finds its origins from the Hupa people of Northwestern California (Curtis, 1924/1970). This tale dealt with the aforementioned archetypes of the “good” gambler and the “wicked” gambler, while also addressing the perilous effects that excessive gambling has on the individual as well as the community. This tale’s central character was a young man named “Miskut Gambler,” whose game of choice were stick games. Miskut Gambler had lost everything that he had to his rival by playing these games, with his parents so angry at his actions that they were not willing to help him and even suggested that he might as well go die. Filled with despair, Miskut Gambler asked around for a place to find “good luck,” and was told by a man to head upstream to the mouth of the creek and enter into the water there. Miskut Gambler traveled there and went into the water, disappearing for ten days. Members from his community began looking for him and discovered him there in a frail physical state and unable to speak. For a year he was in this condition. As he built up his strength, he then started to play stick games again, winning back all that he had lost in one night of playing by defeating his rival (Curtis, 1924/1970).

The rewards for winning varied as much as the diversity of the games themselves. Rewards ranged from clothing and jewelry to weaponry and money, all of which depended on the level of stakes surrounding each game and their respective wagers. Alongside that of the aforementioned mythological tales warning against foul play and excessiveness, tribal communities also dealt with the detrimental effects that could arise from gambling by implementing an assortment of social constraints and pressures. Community members would often look down on those who gambled immoderately and gamblers would only be allowed to wager the amount they actually had at the time the wager took place, which removed debt from the equation. Due to the perspective of gambling as a communal activity that was centered not on impoverishing members, but rather a distribution of wealth and public participation, many actions were taken to restrict the damaging effects that gambling may have had on the community as a whole (Oxendine, 1988).

Tribal communities interpreted gambling not as some offset practice to accumulate vast amounts of wealth, but rather it was an important element of the cultural, social, and spiritual fabric of their respective societies. It was fundamental aspect of who they were as a people, deeply connecting them as a community in the process of playing these traditional games. These traditional games, similar to many of the practices and actions upheld by American Indian communities, were significantly affected with the encroaching influence of European settlers and modes of colonization experienced throughout the United States (Oxendine, 1988). The increasing leverage of colonial religious-based teachings and the legal stratifications of the United States government led to a decrease in participation of many of these traditional games by tribal communities.

The impacts of European settlement practices and policies also effected the wealth and prosperity of many tribal communities and placed them into immense poverty due to land left, genocide, and forced reorganization onto reservations (Oxendine, 1988). With fewer items to wager and a reduced time to dedicate to communal gaming activities, traditional gaming had been drastically diminished as a practice within many of these tribal communities. Despite this unfortunate outcome, many tribal communities still practice and participate within their traditional games today, retaining the cultural, social, and spiritual significance of them throughout their various ceremonies and events.

Modern Roots of Economic Development in Indian Country

In order to facilitate a general level of understanding surrounding the modern interpretations of Indian gaming, it would be appropriate to return to examining an earlier time within the American Indian history. With the vehement struggle to control the New World by European powers and the ensuing history of federal-tribal dealings in the United States, the notion of the “Indian problem” had steadily arose throughout the governmental and social systems of the non-Indian American populace (Wax & Buchanan, 1975). Many attempts were made by the federal government in the early twentieth century to resolve this “problem,” which usually resorted to violent conflict, forced relocations efforts onto reservation lands, and treaties that were eventually broken in order to do so. By the late twentieth century, the Indian problem has thus been reinterpreted into the socioeconomic challenges that are facing tribal communities, particularly those on reservation lands (Wax & Buchanan, 1975). Many of these issues included drug and alcohol abuse, domestic violence, health issues, and crime.

While these drastic actions on part of the federal government were highly damaging to American Indian populations, the federal government had also promoted a policy of economic

independence, with efforts being initiated to encourage tribal communities to strive for polices surrounding self-determination. While these efforts were credible, difficult challenges still faced tribal communities as immense poverty and unemployment made it a strenuous task for business enterprise to successfully develop under the reservation system. Reservations had traditionally offered very little opportunity for any kind of commercial development to occur within them, with hardly any chance to service non-Indian communities as well (Rand & Light, 2005). Despite these circumstances, many tribal communities still pursued various forms of economic development within a reservation system that made it incredibly difficult to do so.

The opening of the 1970's heralded Indian gaming as a practical solution for which tribal economic development could arise on the reservation system, with its humble origins being discovered throughout the card rooms and bingo halls found throughout numerous tribal reservations across the country. This practical opportunity for economy development had inevitably intertwined itself with elements of American Indian sovereignty, closely linking economic independence with that of tribal independence. As tribal communities increased the amount of card and bingo operations on their reservations, their respective state governments heavily disputed their actions.

By pursuing such risky economic endeavors at the time, they transgressed against copious local and state civil regulatory laws pertaining to gambling. These included such things as the designated amount of prizes, the number of games that could be operated, and the hours of operation of their gambling establishments (Levin, 1997). As a result of these actions by tribes, state officials often issued threats to shut down or stall gambling operations on tribal reservations, subjecting them to state laws in an attempt to overrule their status as sovereign entities. Numerous tribes combated these threats, deciding to head to federal court in order to

argue that their statuses as sovereign nations exempted them from state law and its attempted application on reservation land.

In the late 1970's and early 1980's, a handful of tribes, mostly situated in California and Florida, had opened up bingo establishments in order to generate some form of revenue on their respective reservation lands. Bingo was one of the possible outlets for generating revenue and proven to be a generous model for pursuing economic development within the constraints of a reservation system that offered limited chance to do so. Bingo had thus become one of the primary opportunities for tribal governments and communities to successfully develop their economy. Bingo establishments were also cost effective and had strong potential for promising returns on investment, further encouraging tribal communities to participate (Cornell & Kalt, 1992).

As in the case of both Florida and California, but particularly in Florida, bingo was deemed a legal form of gambling but was highly regulated and criminal offenses were strictly enforced if necessary. Due to federal laws limiting the degree in which the state could impose any sort of regulation on tribal reservation land, tribes were able to facilitate games within their bingo halls that did not have to comply with any civil regulatory measures enforced by the state. On the other hand, the state produced the argument that they could impose regulations on what occurs on tribal reservations, and that Congress had indeed authorized such an action. Subsequently, efforts were made to fine and close down bingo establishments because they did not comply with state civil regulatory laws (Cornell & Kalt, 1992). Pressures increasingly mounted as state intervention in tribal affairs once again brought up the extent in which the state could interfere as an outside entity concerning issues of tribal sovereignty.

Two paramount examples that exemplified these legal affairs can be seen in the respective cases brought about by the Seminole Tribe of Florida and the Barona Group of the Capitan Grande Band of Mission Indians of California and the interactions with their respective states. In the case of the Seminole Tribe, they contacted a private company to help them build a bingo establishment on their reservation. While Florida law does permit bingo, it had also implemented civil regulatory measures that allowed for the persecution of individuals and groups who had violated those measures. Upon discovering that the Seminole Tribe was investing in a bingo establishment, the Broward County sheriff had publicly announced that he would impose the aforementioned state civil regulatory measures within the boundaries of the Seminole Tribal Reservation. The Tribe subsequently took legal action to counter such impositions by the state, thus ushering in *Seminole v. Butterworth*.

The defense offered up by state of Florida in the case focused primarily on the congressional permit that allowed states the legal jurisdiction over tribes under Public Law 280, a law passed by Congress in 1953 that allowed specific states, in this case Florida, criminal and limited civil jurisdiction within the boundaries of tribal reservations. (Goldberg & Singleton, 2005). Florida had reasoned that due to Public Law 280, they held criminal jurisdiction within the boundaries of the Seminole Tribe and could prosecute the Tribe for violating civil regulatory laws. The Court of Appeals for the Fifth Circuit ruled in *Seminole v. Butterworth* in 1981 that the state of Florida had only the right to impose criminal prohibitions on the Seminole Tribal Reservation and could not impose civil regulatory measures. Due to Florida generally allowing bingo to be subjected to civil regulatory measures, the court decision had permitted the Tribe to continue operating their bingo establishment.

As in the case of the Seminole Tribe, the Barona Group of the Capitan Grande Band of Mission Indians followed the example set forth by the Seminole Tribe and decided to open up their own bingo establishment by contracting with a private management company. The state of California, similar to Florida, had allowed bingo games in their state, but they were also to be subjected to laws of the state. Law enforcement had deemed the Barona Group as violating civil regulatory measures regarding their bingo establishment, with imminent threats to close down their operation and arrest their customers and employees (Rand & Light, 2006). As ruled in the 1982 court case *Barona Group of Capitan Grande Band v. Duffy*, the Court for the Ninth Circuit adopted an almost identical ruling as in *Seminole v. Butterworth*, which stated that bingo did not violate any state laws and thereby did not give the state authority to regulate bingo operations on the Barona Group's tribal reservation lands.

Both *Seminole v. Butterworth* and *Barona Group of Capitan Grande Band v. Duffy* had provided a pivotal turning point regarding tribes and their ability to view gaming as a viable form of economic development within the confinement of a reservation. Given their landmark decisions, the 1980's saw a rapid rise in tribal gaming throughout the United States, with many tribal communities opening and operating bingo establishments and card rooms, even implementing blackjack and poker in their operations as well. While they were not allowed to have slot machines or an assortment of other casino games you would find in popular destinations such as Las Vegas or Atlantic City, tribes participating in the casino economy grossed immense wealth during the late 1980's, furthering advancing the benefits for those who participated in the early stages of its implementation (Rand & Light, 2006). While many of these court cases set the precedence for limiting state power concerning newly encouraged forms of Indian gaming, some states still decided to enforce regulations on tribal reservations.

As the number of gambling operations on tribal reservations continued to climb into the 1980's, so too had tribal communities asserting their rights as sovereign nations that were free from many of the governmental regulations established by the states (Levin, 1997). This certainly did not alleviate the amount of resistance from state governments though, as the legal confrontations stemming from the increase in gambling operations had instead encouraged state officials even more so to pursue preventative measures, in turn severely affecting the nature in which Indian gaming was to exist on tribal reservations.

California v. Cabazon Band of Mission Indians: A Pivotal Opportunity for Indian Gaming

While both *Seminole v. Butterworth* and *Barona Group of Capitan Grande Band v. Duffy* provided an opportunity for the concept of Indian gaming to more fully develop, it was the landmark 1987 Supreme Court decision in *California v. Cabazon Band of Mission Indians* that had significantly solidified that opportunity. It began with the Cabazon and Morongo Bands of Mission Indians, two small Calhuilla tribes located near Riverside County, California, both of which operated bingo halls on their respective reservation lands. The Cabazon Band had also operated a card room that contained poker and various card games for people to play. Both of the tribes gambling establishments were open to the general public and primarily served that of the non-Indian population who were entering onto reservation lands (Rand & Light, 2008).

As mentioned earlier within *Barona Group of Capitan Grande Band v. Duffy*, the law in California had authorized charitable bingo games to take place, with a limitation on jackpot amounts per game and the proceeds from the bingo profits having to be used for the purpose of supporting charities only. These state laws were strictly enforced, with violators being charged with criminal offenses as a consequence of violating them. Furthermore, within Riverside County itself, where the Cabazon and Morongo tribes are located, there were also regulations

placed upon bingo games, with an additional prohibition regarding various forms of card games, which included poker, from being played within the region.

Similar to the prior cases of *Seminole v. Butterworth* and *Barona Group of Capitan Grande Band v. Duffy*, the Cabazon and Morongo were challenged in 1986 by both the state of California and Riverside County authorities pertaining to their gambling operations as violating the law and advocated that the Court should reinforce the regulations relating to the operation of their bingo halls. Due to these the violations, California State officials proceeded to move forward on shutting down all the gambling establishments located on Cabazon and Morongo reservation lands, as they perceived the tribes to be severely breaking the law. As state officials continued to issue threats to the both tribes, the case made its way up to the Supreme Court.

California asserted that since both Cabazon and Morongo operated high-stake bingo halls and card rooms, they were in explicit violation of state and local law and that the Court should offer California the legal authority to regulate gambling within the boundaries of the tribal reservation lands (Rand & Light, 2008). Public Law 280 was once again raised as a perceivably viable motion for which California could hold legal jurisdiction over that of the tribes through the abrogation of tribal sovereignty, in turn authorizing the enforcement of state and local law on the Cabazon and Morongo reservation lands. Both the Cabazon and Morongo challenged this notion of legal jurisdiction, with both of them asserting that given their statuses as sovereign nations, it had provided them the jurisdictional protection from state involvement pertaining to their gambling activities and establishments.

While Public Law 280 had given certain states the opportunity to hold jurisdiction over tribes that resided within the borders of their respective states, it had only broadly permitted them criminal jurisdiction and no more than minimal civil jurisdiction. Through California's

adherence to Public Law 280, the state claimed that if their regulatory laws constituted the legal barring of particular forms of gambling on a criminal basis, then the state also held the power to enforce those same state laws on tribal reservation lands if the tribes were in violation of them. However, this would only be the case if the gambling laws enforced within California were not civil regulatory laws but rather criminal regulatory laws, in which the state then could not enforce them on tribal reservation lands because it would be an infringement on tribal sovereignty (Mason, 2000). If the latter was judged to be true, then the conflict would shift in the other direction and California would then be the one that was violating the law if they attempted to regulate forms of gambling on tribal reservation land.

After examining the distinctions held between civil and criminal regulatory laws and their application in regard to Cabazon and Morongo, in 1987, the Court reasoned that since California did in fact sanctioned gambling, even promoting participation in it through the state lottery system, its laws had thereby allowed for gambling to take place and for the subsequent regulation of it to occur (Mason, 2000). In its final decision, the Court stated that the gambling activities and operations that were being held on the Cabazon and Morongo reservation lands were permissible in California, with the applicable gambling laws being interpreted as remaining largely under civil rather than criminal regulatory laws, hence they could not be imposed on tribal reservation lands under federal law (Duthu, 2008).

While difference of opinions concerning the interpretations of civil and criminal regulatory laws had remained at the discernible forefront of *California v. Cabazon Band of Mission Indians*, the extent in which tribal sovereignty could be exercised under Public Law 280 is what truly remained at its core. Public Law 280 had provided an outlet for the growth of state power and for which a diminishment of tribal sovereignty could arise, with a small number of

states having the ability to interfere within the affairs of tribal communities. This is what California was led to believe as well, exerting its supposed legalistic power stemming from Public Law 280 in an attempt to shut down the practices of gambling that was taking place on the reservation lands of the Cabazon and Morongo tribes.

What the ruling of *California v. Cabazon Band of Mission Indians* had ultimately proved was that California and other states did not actually have the legal authority to completely regulate gambling on tribal reservation lands. Questions regarding Indian gaming would now only become a matter of significance in states where practices of gambling were strongly prohibited. Due to California and numerous other states having lessened their laws on gambling to allow for charitable bingo and state lotteries to come about, few states had actually implemented legal policies that could notably impede upon the methods for which Indian gaming could take place on reservation lands.

Bearing this reality in mind, the outcome of *California v. Cabazon Band of Mission Indians* was undoubtedly a momentous opportunity for Indian gaming to take place on tribal reservation lands. Tribes were offered the incredible possibility for generous economic development to occur within their communities, in turn easing the process for which American Indians, a traditionally marginalized population within their own historical lands, to become self-sufficient and economically independent. While the decision did weigh heavily in favor of further empowering applicable notions of tribal sovereignty, Congress quickly acted to control this newfound opening, and introduced in 1988 the Indian Gaming Regulatory Act in order to provide the regulatory framework of what we now see throughout Indian gaming today.

Chapter 4: The Indian Gaming Regulatory Act of 1988

Within the legal structure of the American political system, the prominent position that the Supreme Court of the United States has in interpreting law is not its only important function. It also functions in assembling diverse groups and organizations in finding some commonality with one another as well as coordinating the legal responses to its case decisions throughout the numerous political branches of the government. This was most certainly seen in the aftermath of *California v. Cabazon Band of Mission Indians*, in which the Court's decision diminished the authorization power the state held over Indian gaming, in the end leading to the opportunity for a sizable expansion of the casino economy to take place across Indian country. This outcome was immensely concerning to both governmental entities and commercial gambling establishments, each of which would be greatly affected by the Indian gaming phenomenon.

As the *California v. Cabazon Band of Mission Indians* case was being examined by the Supreme Court, both tribal communities and state governments had tried to solicit Congress in order to establish legislative efforts to regulate Indian gaming. As the expansive growth of Indian gaming continued throughout the 1980's and the escalating tensions between state power and tribal sovereignty had garnered the attention of Congress, in 1985 committee hearings on Indian gaming started to be held. During this time, the Department of the Interior estimated that roughly 80 tribes were operating gambling establishments on their reservations, with some of the tribal high-stakes bingo halls bringing in upwards to \$1 million each month of operation (Rand & Light, 2008). A considerable number of tribes operated their own gambling establishments, while other tribes had help from external management companies, with an even fewer number being owned and ran by individual members from the tribes.

The states had implored Congress to exert its legislative power to restrict tribal sovereignty by sanctioning state regulation of tribal gambling establishments, underlining the substantial danger of organized crime entering into Indian gaming and what the appropriate role was for states in regard to regulating gaming in general. States also proclaimed economic interests as well, urging Congress to remove tribal exemption from state regulatory measures in order to see that they were on equal ground in comparison to the various charitable and private gambling establishments. The states had also advocated for the implementation of federal law to allow states to be able to tax Indian gambling establishments.

The tribes, on the other hand, expressed a very different view on how the Congress should respond. They were against that of the regulatory measures that the states sought, instead advocating for that of tribal regulation since it was pertinent within the realm of tribal sovereignty. Tribes had also specified the vitalness for economic development to occur within their communities, viewing Indian gaming as a practical method for which tribal governments could effectively pursue that desired result. The favorable successes that various tribes had with high-stakes bingo halls presented Indian gaming as a very practical outlet for which economic development and job growth could occur on the reservation. Tribes were expecting Congress to contend for some regulatory measures regarding Indian gaming, with tribes supporting federal regulation rather than that from the states.

Rather surprisingly, legislative efforts by the federal government had already been made to protect the concept of Indian gaming if the decision in *California v. Cabazon Band of Mission Indians* went in the other direction, supporting California instead of the Tribes'. Early iterations of a possible gaming bill focused extensively on Indian gaming being interpreted as a usable expression of economic development that prevented state regulation from interfering (Rand &

Light, 2006). With the surprising decision in *California v. Cabazon Band of Mission Indians* giving the Tribes' power, Congress had to act rapidly to establish a regulatory framework that would sustain some semblance of order regarding Indian gaming and the relationship between tribes and state governments. The decision had also effectively antagonized opponents that were against Indian gaming, with them aggressively seeking the influence of Congress to pursue legislation that would reinforce state regulation being place upon tribal reservations.

A political compromise had to be made because it would provide some organizational balance between the state and tribal governments, both of which were in considerable influx as to the future direction of Indian gaming after *California v. Cabazon Band of Mission Indians*. The expeditious rise of unregulated gaming that could take place within tribal reservation lands was transforming from a possibility to a reality. If this was the future pathway of Indian gaming, it would have led to inevitable and consistent conflict between tribes and state governments. There was a need to rectify, to some extent, the increasingly diverging relationship that states shared between tribes operating gambling establishments. At the same time, gaming was also to remain as a realistic form for which tribes could facilitate revenue in response to federal efforts to support measures of tribal economic development and self-sufficiency.

With the help of the House of Interior Committee and the Senate of Indian Affairs Committee, work on a bill that would later be known as the Indian Gaming Regulatory Act came underway, with it overseeing and implementing regulatory measures within Indian gaming. Perhaps the most essential element of the legislative bill consisted of categorizing the various levels of gaming that could take place on tribal reservation lands, as well as appropriately allocating the necessary regulations for each level (Rand & Light, 2008). In one of the more surprising suggestions, bingo was to continue to be largely regulated by the tribes themselves

with very little oversight from the federal government, which mainly stemmed from the minimal issues that it had experienced as a tribal gambling practice and the established longevity in which it had developed throughout Indian country. The practice of traditional games of chance was also to be left up to the tribes to regulate as well and without any oversight from the federal government.

It was the prospect for casino gaming that was of particular interest and focus for the two aforementioned governmental committees, and where the true potentiality for any substantial problematic issues encompassing gaming regulation could expand. As a cash-driven endeavor, numerous opponents to Indian gaming believed that casino gaming would inevitably promote criminal activities, both unorganized or organized, to occur on and around tribal reservations, and to a larger extent, the state as well. The argumentative strength established by the states for more regulatory intrusion into Indian gaming because of casino gaming was even more prominent now due to the imminent fear of this becoming a reality, viewing it as a way for which to further advocate for state involvement in tribal affairs.

In an attempt to provide some equilibrium pertaining to both tribal and state attentiveness as to where the future for Indian gaming would be heading, the notion of “tribal-state compacts” was formulated in an attempt to resolve this dilemma. These suggested compacts were to be employed as a way to have a state and tribe come to negotiable terms on the regulatory framework for which high stakes casino-level gaming would be conducted on a tribal reservation. As the special interests that were vying for legislative action on behalf of both the tribes and states continued to lead to conflict through the development of the bill itself, the compacts were seen as one a way to rectify this legalistic quagmire and to quell heated debate.

The bill ultimately provided a way for states to retain some semblance of protection from what they perceived as the increase potential for rampant Indian gaming to happen throughout their respective state. As these compacts were not restricted to states that held mandated powers over tribes through the implementation of Public Law 280, instead including every state, tribal sovereignty was thus reduced as state power rapidly grew (Rand & Light, 2005). A compromise had to be made or else the future development of Indian gaming would undoubtedly remain a contentious element between tribal and state affairs.

On October 17, 1988, the Indian Gaming Regulatory Act was enacted, initially passing through the Senate and then the House, marking a rapid process for the passage for the bill. IGRA was pivotal point within the history of Indian gaming, significantly transforming the result after *California v. Cabazon Band of Mission Indians* to see to it that gaming was regulated in some manageable manner on tribal reservations. Congress had attempted to provide some stability amongst the contending interests of the tribes, the states, the federal government, and the non-Indian commercial gaming establishments that were in conflict over whether tribes or states should have the most leverage, ultimately implementing IGRA to facilitate some way in which to do so.

In order to more appropriately assist oversight by the federal government of Indian casinos, as well as enforce IGRA on tribes operating casinos, Congress formed the National Indian Gaming Commission (NIGC) on October 18, 1988, a day after IGRA was signed into law (Darian-Smith, 2004). The Commission is a federal regulatory agency that is centered entirely on regulating Indian gaming, acting as an independent agency within the Department of the Interior. Working within the structure provided through IGRA, the Commission regulates the various gaming activities that take place on reservation land by tribes, organizing its regulatory functions

to assess the conduct of tribal gaming operations as well as to impose responsive actions for violating elements of IGRA and its relation to tribal communities.

One of the other central powers of NIGC involves its ability to approve tribal gaming edicts and management under a supervisory role in regulating bingo operations on reservation lands as well as limited card operations (Rand & Light, 2008). The chairperson of NIGC can advocate for gaming edicts or regulatory measures that pertain to casino-level gaming and bingo operations, which is a necessary condition for a tribal operations of the games (Rand & Light, 2008). Furthermore, the NIGC is also responsible for tribal regulatory measures of gambling establishments as well as having the ability to approve tribal regulatory edicts, including having a supervisory role in licensing vital management administrators and employees (Rand & Light, 2008).

IGRA classifies gaming into three prominent categories, delegating them into “classes” that provide concise descriptions of what types of gaming tribes could partake in. Class 1 gaming is defined as traditional forms of Indian and social gaming consisting of minimal prizes, with regulatory authority being exercised primarily within tribal governments and not held under the jurisdiction of the IGRA. Class II gaming is defined as the game of bingo, with the addition of smaller games such as pull-tabs and punchboards as well. Non-banked card games are also included, with those games being specifically against other players and not against the house. Tribes entering into Class II gaming must adopt a gaming ordinance that is to be approved by NIGC, with tribal governments regulating their participation with the oversight of the Commission.

One of the most important classes is Class III gaming, which is defined as all forms of gaming that does not reside within Class I and II entries of gaming. Games that commonly reside

within the realm of Class III gaming are slot machines, craps, roulette, blackjack, and an extensive list of card games and games of chance. There are three particular requirements that tribes must adhere to before entering into Class III gaming. The first is that the particular form of Class III gaming that the tribe wants to partake in must be permitted within the state in which they reside. Secondly, the tribe must construct a tribal gaming ordinance that has been approved by the NIGC. Finally, the tribe and state must have negotiated a gaming compact that has been approved by the Secretary of the Interior.

Complications and Oppositions: Continuing Challenges for the IGRA

As the notion of high stakes casino-level gaming in Indian country has surrounded itself with a fair amount controversy over the years, the signing of IGRA into law has not excluded high stakes casino-level gaming from remaining a controversial aspect of contemporary American Indian culture. This debatable factor of IGRA encompasses the negative responses from the public, the pursuit of upholding monopolistic practices by rival gaming interests, and the quarrelsome nature of negotiations held between state and tribes regarding gaming compacts. These three concerns have continually influenced the public perception of IGRA, showcasing the arduous tasks that it must contend with as a legislative act.

Negative public reaction to IGRA, and Indian gaming in general, has largely varied between the practice of gambling itself and the use of tax-monies to help initially facilitate gaming operations on tribal reservations. From an ethical standpoint, many individuals may regard gambling as inappropriate, harmful, perhaps even sinful to those who participate in it in any way, expanding this outlook to view Indian gaming on tribal reservations as having an increasingly negative impact from the increase in crime and traffic that may arise from operating a casino. The issue of taxes also garners a rather significant critical response as well, with some

individuals viewing tribes who operate gaming establishments on tax-exempt reservation land while using tax monies granted from the Bureau of Indian Affairs to do so as grossly unfair.

Due to the nature of Indian gaming, the regulatory measures offered through IGRA have made it difficult for opposing non-Indian commercial casinos to counter. The tax-exempt nature of reservation land, and subsequently that of Indian casinos, has given tribes an advantage over that of competing non-Indian commercial casinos. As high-stakes casino-level gambling establishments have become more readily accessible under IGRA, many tribal communities have had the opportunity to participate in the casino economy. As a result of this, many non-Indian casinos have aggressively lobbied for increasing state power in regard to regulating Indian gaming, seeing that it would limit the prosperity of Indian casinos.

Another prominent integrated element of IGRA was that of the aforementioned tribal-state compacts. This once suggested concept was now solidified through the implementation of IGRA, with a particular focus on Class III gaming. These compacts were to be introduced and negotiated upon when a tribe wanted to enter into high stakes casino-level gaming, otherwise categorized under Class III gaming, with the state and tribe coming to an agreement as to how this would be accomplished. In many instances, the negotiations of these compacts were incredibly challenging to settle, with some states advocating for no casino gaming due to the ethical issues while powerful interest groups that supported non-Indian commercial casino establishments persuaded other states to do the same. The very nature of tribal-state compacts would soon be tested though, becoming a point of serious contention with the newly emerging casino economy.

Seminole Tribe v. Florida: Transforming the Deliberation Process

While Indian gaming was categorized and codified through IGRA, it had also provided tribes with a new revenue source in which to further promote tribal economic development, all of which was grounded in discourse encompassing tribal sovereignty and its place within an emerging casino economy. While the concept of tribal sovereignty has always been a contentious matter, the legal implications involving state and tribal interactions following the establishment of IGRA has led to a variety of contemporary dilemmas concerning Indian gaming and its intersectionality to tribal sovereignty. One such controversy occurred in 1996 under the Supreme Court Case *Seminole Tribe v. Florida*, with a decision that brought into question tribal governmental powers in relation to state powers regarding tribal-state compacts.

With IGRA continuing to permit tribes to engage within gaming on their respective reservation lands, *Seminole Tribe v. Florida* brought into question the very foundation in which tribes could enter into negotiations with a state as sovereign entities. Under IGRA, tribal-state compacts were a necessary component of bringing both tribes and states to the negotiation table in order to facilitate discussion on possible Class III gaming occurring on the tribal reservation, being a statute that dictated the governing nature of Indian gaming. If a state failed to entered into a negotiation with a tribe, that tribe could in turn take legal action against the state in federal court, and if the state still refused to enter into negotiations, the matter could be placed within the hands of the Secretary of the Interior in order to resolve any issues of dispute.

When the Seminole Tribe of Florida attempted to enter into negotiations with the state of Florida concerning a Class III gaming compact, Florida State Governor Lawton Chiles and the state of Florida declined, provoking the Seminole Tribe to take legal action against the state of Florida and indirectly that of Governor Chiles as well. When the District Court decided not to

dismiss the case, the United States Court of Appeals for the Eleventh Circuit reversed the decision stating that the Eleventh Amendment blocked the suit. In a divided 5-4 ruling decision, the United States Supreme Court concurred with a ruling that struck down the initial suit by the Seminole Tribe as unconstitutional and that it interfered with the sovereign immunity of states.

The Court held that the federal courts were ineffective in considering the plaintiff tribe's suit claims that the state had violated the Indian Gaming Regulatory Act (Meltzer, 1996). The element of state sovereignty came into conflict with that of tribal sovereignty, with the sovereign immunity of the state coming into question but ultimately taking precedence in the deciding ruling. Chief Justice Rehnquist specified that, "IGRA established an intricate but limited remedial scheme for suits against the state as such" (Meltzer, 1996). This reevaluating of the limits of IGRA by the Supreme Court had dissenters of the ruling - Justices Stevens, Souter, Breyer and Ginsburg - state that never before had "The Court held Congress constitutionally powerless to subject a state to suit in federal court and nothing in the Eleventh Amendment or in the Court's precedents required such a result" (Meltzer, 1996).

The main component of controversy derived from the interpretative analysis of the Eleventh Amendment itself. The Eleventh Amendment is deeply rooted with the realm of federalism, in turn advocating for a limitation of the powers expressed within federal courts to hear lawsuits that are brought forth by citizens against the various state governments within the United States. The Eleventh Amendment explicitly states:

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State (U. S. Const. amend. XI).

What the ruling decision in the *Seminole Tribe v. Florida* case had significantly influenced was the nature of power vested within IGRA, shielding the states from any form of suit, which was a highly proposed element within IGRA concerning the nature and process of tribal-state compacts and the negotiation efforts that were to be adhered to between tribes and states concerning Class III casino gaming on reservation land.

The issue of state sovereign immunity expressed within the Eleventh Amendment was found by the Court to preclude “Individual lawsuits brought under federal question as well as diversity jurisdiction” (Grant, 1997). The Court even brought up *Pennsylvania v. Union Gas Co.*, a 1989 Supreme Court case whose ruling gave Congress power to repeal the sovereign immunity of a state, only to later repudiate its ruling as unconstitutional and thus not to be taken as a valid form of Congressional power over that of a state.

This leveraging of state power was enforced through the final controversial ruling of *Seminole Tribe v. Florida*, in turn providing a new interpretation of state immunity as an area in which Congress could not interfere with. As the IGRA was a legal document constructed and established by Congress, it was interpreted by the majority ruling as an extension of Congress and thus deemed not able to interfere within a state given its immunity expressed under the Eleventh Amendment.

Secondary but equally as important as the judicial review of the Eleventh Amendment within the ruling was the introduction of the 1908 Supreme Court case of *Ex parte Young* as another element within *Seminole Tribe v. Florida* that needed to be addressed. *Ex parte Young* was a case in which the Court ruling allowed suits that had taken place within federal courts against individuals acting on behalf of the United States to proceed despite a state’s notion of sovereign immunity when the state’s actions violated the constitution. The ruling of *Seminole*

Tribe v. Florida essentially “Determined that the doctrine of Ex parte Young may not be used to enforce the IGRA against a state official” (Grant, 1997). When viewed and interpreted through the lens of IGRA, the Court found that, given the nature of the legal language found within IGRA concerning the intricacies of a tribal-state compact and the necessity to sue the state if needed, that a suit may be brought against the state but not a state official. Given this notion, Governor Chiles could not be sued by the Seminole Tribe as was originally interpreted within the legal language of IGRA, instead advocating that only the state in which he represented could be sued.

Seminole Tribe v. Florida was a pivotal case in establishing the legal framework in which tribal sovereignty, as in tribes being viewed as independent nations, could interact with elements of state sovereignty in regard to negotiating practices of Indian gaming on the reservation lands. While the interpretative language of the Supreme Court ruling was decisively in favor of the state of Florida, the Seminole Tribe was able to successfully open up negotiations with Florida down the line as the shifting political realm and various new governorships came to be.

While the fundamental goals of IGRA is to provide an avenue for which economic development, a strong tribal government, and tribal self-sufficiency can be achieved, its form as a legislative document is one that is continually transforming. Similar to the legal discourse surrounding the concept of tribal sovereignty as an applicable process for which American Indians can govern themselves, Indian gaming has become an extension of tribal sovereignty, and as such, has been delegated as a point of contentious debate amongst Indians and non-Indians alike. Due to its publicly acknowledged association with that of American Indians, Indian gaming has thus led the way as the foremost expression of contemporary applications of tribal sovereignty.

Despite its debatable nature, Indian gaming has also become an area in which American Indians have had considerable legal success. While many tribes in early American history have lost federal court cases and have subsequently faced irreparable damages from those decisions, Indian gaming has proven to be an outlet in which the judiciary process has been largely in favor of tribes. Many supporters of Indian gaming, often stemming from the tribal communities themselves, view it as a viable solution toward economic independence, in turn allowing tribal communities the opportunity to become more self-sufficient as time passes.

On the other end, many opponents of Indian gaming interpret it quite differently, viewing the distinct status of tribes as unfair due to their opportunity to operate gambling operations on tribal reservation land. These contemporary issues have significantly reshaped modes of understanding, interpreting, and exercising elements of tribal sovereignty within the context of the modern casino economy, leading to many of the transformative social and economic processes that many tribal communities who operate gambling operations experience today.

Chapter 5: Native Capitalism and the Challenges of a Modern Casino Economy

In its contemporary form, Indian gaming has become a practical channel for which economic independence has not only emerged as an attainable reality, but has already been achieved by numerous tribal communities. This has certainly been the case for the Puyallup Tribe of Indians. Through the pursuit and subsequent application of the casino economy, the possibility for economic independence has become a vital element of the modern exercising of tribal sovereignty. The impactful value that accompanies this pursuit is incredibly important as an outlet for which tribes can more appropriately sustain and cultivate their respective tribal culture and tradition. In regards to the present day realities of tribal communities, no other form of economic development outside that of the casino economy has helped more tribal communities lift themselves out of impoverishment and destitution.

There are a variety of factors that culminate into this factual reality. Poorly situated reservation lands, the lack of employment opportunities, mismanagement of tribal assets by governmental agencies, the instability of tribal governments, and many more, are all reasons that have contributed to the challenge of implementing successful measures of economic development on tribal reservations. Although the opinions surrounding Indian gaming widely vary from within tribal communities as well as outside of them, there has been minimal opportunity for any other real alternative to emerge that effectively supports the economic development of the most poverty-stricken ethnic group in the United States.

Lasting stereotypes of American Indians have also continued to substantiate the reality of a political and legal system that has historically perpetuated discriminatory practices against American Indians, making it an arduous task to seek development of any kind on tribal reservations. With this in mind, the casino economy has become singlehandedly one of the most

empirical forms in which to seek economic independence. One can see that without any form of economic independence, many American Indians become entangled within a perpetual system of impoverishment and persecution that is generational in its application. In the absence of economic independence, American Indians are not capable of fully taking part in mainstream politics and surely not that of the many capitalistic endeavors that could benefit them.

This extends to the notion of marginalization as well, which has greatly impacted the potentiality for American Indians to have a voice in manners that are pertinent to their own interests. The ability to operate a successful gambling establishment and generate revenue has provided American Indians the ability to achieve some expression of respect and equality in a dominant social system that has often delegated their concerns as lowly and unimportant. Through the inception and ensuing implementation of formalized Indian gaming across the United States, the marginalization of American Indians is slowly but surely transforming as they now have influence in areas which they did not have before.

As previously mentioned, modern Indian gaming has become associated with the categorized gambling establishments that can be found on tribal reservation lands that are nearly identical to the impressive establishments that can be seen in places such as Las Vegas, Macau, or Atlantic City. While Indian casinos can consist of a variety of Class I, II, and III levels of gaming, it is the Class III gaming which has proven to be the most lucrative and financially rewarding for tribes. Being composed of an assortment of slot machines, roulette and crap tables, blackjack, and much more, these casino-level games necessitate betting against the house, which favors the tribes considerably.

Tribes that have had the opportunity to implement Class III gaming on their reservation lands can compete with many non-Indian casinos across America, which has in turn caused the

most outspoken spectacles amongst the political and business opponents to that of Indian gaming. Such controversial discourse surrounding contemporary American Indians and their participation within the casino economy have often been met with considerable displays of confusion and misunderstanding by many individuals, most certainly that of non-Indians. One could even say displays of downright ignorance.

One such example comes from businessman and 2016 U.S. President-elect Donald Trump, who testified in 1993 before the House Subcommittee on Indian Affairs claiming that the Mashantucket Pequot Tribal Nation was not authentic as “They did not look like Indians” to him and that “They don’t look like Indians to Indians” (Implementation of Indian Gaming Regulatory Act, 1993). Not coincidentally, the Pequot Tribal Nation’s Foxwoods Resort Casino in Mashantucket, Connecticut had become the largest casino operation at the time in the Eastern United States, surpassing the Trump Plaza Hotel and Casino, which was located in Atlantic City, New Jersey.

On the other hand, many proponents of Indian gaming refer to it as the “new buffalo” due to it being a contemporary source for which economic and social perseverance can arise (Evans & Topoleski, 2002). This name alludes to the massive herds of buffalo that roamed the central plains and was the sustenance for tribal communities within that area, with much of the buffalo population being systematically decimated in the 19th century due to encroaching settlers, the United States military, and industrial development. In many ways, the American Indian experience shares a similar pathway, with the entire American Indian population having to face the fierce wrath of Westward expansion.

Considering the exposed and harsh realities that constitutes American Indian history, Indian gaming signifies a step forward towards economic freedom from that of the state and

federal government institutions that have traditionally restrained and managed American Indian populations for so long. While not all Indian gaming establishments have been successful, the handful that have seen relative prosperity have utilized their casino profits to notably improve, on a tangible level, outlets for education, residencies, and health. On a more traditional level, confidence as to the possibility for a promising future can be seen through Indian gaming, with a reinvigoration of cultural identity, customs, and practices.

The Economic Impact of Indian Gaming

Although the economic rewards that result from Indian gaming directly impact the tribal communities themselves, the effects of Indian gaming extend far beyond that of the tribal reservation boundaries. For the larger, non-Indian communities within the United States, the economic benefits that emanate from Indian gaming comprise a variety of contributions to the various state and local governments. These range from things such as the increase in job opportunities provided to the local community through tribal gambling establishments, to the sharing of casino profits throughout various municipalities of the state, all of which greatly affect the larger community.

The economic advantages to non-Indian communities that derive from Indian gaming primarily emerge from the revenue-sharing compacts that are held between that of a tribe and their respective state and local government, the philanthropic and communal donations, and the steady income of casino profits. Detrimental elements from Indian gaming can come to fruition from the occurrences in which tribal gaming establishments significantly change the management or employment structures that can be strenuous to non-reservation economies or from considerable surges in the cost of local infrastructure.

The most prominent economic impact of Indian gaming on the local and state governments takes place when tribes commit payments in compliance to their own revenue-sharing compact (Rand & Light, 2008). While the legal structuring of IGRA prevents any taxation by the state of tribal casinos under the stipulations that reside under a tribal-state compact, tribes can indeed propose to make payments to the state for beneficial additions that extend beyond the traditional elements of Class III gaming. These exclusive payments made by a tribe denote that they are willing to provide a percentage of their casino profits for the exclusive right to conduct casino-level gaming on their tribal reservation (Mason, 2000). Many contemporary revenue-sharing compacts now have a variety of diverse payment agreements that may include, but are not limited to, different levels of payments, taxation, predetermined annual payments.

While the economic impact of the Indian gaming can be seen expressed in an assortment of ways, the economic impact that is seen in the actual tribal communities themselves varies greatly from tribe to tribe. Due to the fact that it is the tribes who own and largely operate their own casinos, profits from those casinos are handed over directly into the tribal government itself, reducing considerably the transactional costs that would undoubtedly come about within other capitalistic industries. The casino economy has thus provided participating tribal communities positive benefits that are seen in the various attributes of the communal life of the tribe. The outward results seen through Indian gaming greatly benefit the tribal membership, with the tribal government utilizing the casino profits to offer an array of services to the tribal membership as well.

The detrimental costs of the casino economy on tribes can be seen primarily manifested in the reduction of economic benefits. The current dilapidated social, political, and economic

infrastructures found throughout many tribal reservations severely undercuts the ability for much of the casino revenue to successfully make its way throughout the entire tribal community, producing far fewer opportunities for any sizable development of the aforementioned infrastructures to occur. Payment made with casino revenue to external businesses and services also reduce the impact casino revenue can have within the tribal community itself, considering that a majority of businesses and services that may be necessary for the growing of the tribe are located outside the boundaries of the tribal reservation. The aspect of local and state governments taking a percentage will also directly impact gaming revenue, as is the possibility for many tribal communities that issue a per capita payment would greatly reduce the effect of casino revenue in helping the tribe.

The Social Impact of Indian Gaming

Bearing in mind the economic benefits that derive from Indian gaming that span from the development of tribal communities to supporting charitable and tax-related endeavors in the non-Indian population, the social costs of operating a gambling establishment can also reach far beyond that of the tribal reservation. While one may not initially think of the actual practice of gambling by individuals as being of any reasonable concern to tribes participating in the casino economy, it is certainly one of the most prevailing social issues that they have to confront given its substantial impact on communities, especially that of the non-Indian community.

Being viewed as an externalized cost of gaming, gambling addiction is a pathological disorder which can exhibit harmful behavior to not only that of the individual but also their family and the larger community. Rather unsurprisingly, one of the most prevalent issues for individuals who suffer from gambling addiction is that of accumulating considerable debt. The expectancy and desire to win games are magnified for those with gambling addictions, with the

persistent hope that one last spin of the wheel, pull of the slot handle, or the larger bet will make them win, spending more and more money to obtain that desired state.

A result from this behavior is that filing for bankruptcy is significantly more common for those with gambling addictions, with a high increase in unemployment and welfare benefits from those suffering from gambling addiction than from those who do not (Grant et al., 2010). As some individuals slip further into their gambling addictions, money is allocated towards supporting their addictions rather than being directed to sustaining their own lives or that of their families. Those with gambling addictions also experience a higher percentage of arrests and subsequent sentencing and are more probable to lose their job as a result of their destructive gambling habits (Grant et al., 2010). Gambling addiction can also be seen effecting the domestic realm as well. Instances of familial abuse and divorce are highly common, with the divorce rate being twice as high for sufferers of gambling addiction than those who do not (Dowling et al., 2014). Generational influence from gambling addiction can be seen as well, with children of gambling addicts being more likely to become addicting to gambling as well when they get older (Marotta, Cornelius, & Eadington, 2002).

Perhaps one of the most contested social issues than can arise from Indian gaming is that of crime. Many opponents of Indian gaming have used the possibility for criminal deeds to emerge on and around Indian casinos, in turn negatively impacting the larger community, as a viable concern as to why Indian casinos should not be allowed on tribal reservations. These concerns are not completely unwarranted though as the historical evidence revolving around the early foundation of casino gaming in America has often been directly linked to that of criminal organizations and the increase in crimes that proceeded the legalization of gambling. These

negative views of the external social costs of gambling have persisted for numerous years, with them now finding their way into Indian gaming.

Perhaps the most prominent area in which the social impact of Indian gaming can be felt is in the actual tribal communities that participate in the casino economy. American Indians have been the most impoverished ethnic group in the United States, living in immense poverty for decades and facing a plethora of social problems that have extended for generations. There has often been little-to-no opportunity for tribes to rise above these extreme levels of poverty, with a sense of perpetual poverty permeating throughout the entire reservation. It is this psychological reality that many tribes have had to confront on a daily basis, seeing no way out of the sexual, substance, and domestic abuse found on many tribal reservations across the United States.

It should come as no surprise then to see how Indian gaming has drastically transformed the tribal communities who operate gambling establishments. Many casino profits go towards improving the living standards of the community, seeing to it that the membership is taken care of and the necessary infrastructure is built to facilitate these improvements. Such improvements include medical clinics, schools, businesses, administrative costs, and many more, all of which may or may not have existed prior. The personal wellbeing of the memberships is also considered, with some tribes issuing per capita payments to their membership to support living costs and growing families. These monies have also been used to develop stronger tribal governments as well as to encourage the economic independence and self-sufficiency of the tribe, which is one of the goals supported through IGRA.

While Indian gaming has certainly alleviated many of the social and economic issues that tribes have historically faced, there are still social costs to consider pertaining to tribes who do participate in the casino economy. With the emerging influx of cash entering into the

community, a variety of factors can come into play. Individualism becomes a problem as some people may aggressively vie for control of money, pitting families against one another and destroying friendships. A rise in substance abuse can also become an issue, as tribal members who were addicted to drugs and alcohol can now more readily purchase them through their per capita payments, in turn prolonging their addictive states.

As tribal communities enter further into the casino economy, capitalistic tendencies may also slowly emerge. These can include pursuing actions of disenrolling longstanding tribal members from the tribe itself in order to support the greediness of other tribal members, causing the separation of families and the creation of tremendous conflict between tribal authorities and the tribal membership. This practice of exclusion has been highly controversial both from within and outside that of tribes, especially considering the perceived notion of tribal communities remaining resilient together, with this notion breaking apart as tribal inner fighting has taken place due to monetary greed and consumption.

Given the overlapping nature of both the social and economic costs and benefits that stem from Indian gaming, one can see that the level of success varies from tribe to tribe. Like other capitalistic industries, the casino economy has had its fair share of positive and negative attributes, all of which showcase the vast complexity that Indian gaming encompasses. While the casino economy has been incredibly successful for some tribes, it has also brought with it a considerable amount of newly emerging and developing issues that can influence the future direction of a tribe. The Puyallup Tribe of Indians are but one of many tribal communities throughout the United States who are faced with this complex conundrum. As the Tribe continues to radically transform through their participation within the casino economy, they must also begin to acknowledge the full extent in which this particular mode of capitalism has

continually changed the way in which our community functions and understands itself within a contemporary American society. Nevertheless, the history of the Puyallup Tribe prior to entering into the casino economy showcases their persistence to rise above the disparity and destitution they had experienced as a tribal people.

Chapter 6: History of the Puyallup Tribe of Indians

Post-Contact and the Implications of the Medicine Creek Treaty

The Medicine Creek Treaty established the Puyallup Reservation, designating 1,280 acres for the Tribe to live on. In 1857, President Franklin Pierce allotted an additional 18,060 acres to the Puyallup Tribe in response to the Puget Sound War. The newly added reservation land lay mostly along the Puyallup River and Commencement Bay. Under federal directives, Puyallup Tribal members began practicing farming, utilizing the natural meadows near the tribal flats to grow oats and wheat. Unlike many of the other tribal reservations in the Pacific Northwest that were situated a great distance from sizable non-Indian populations, the Puyallup Reservation was at the center of an expanding Tacoma population throughout the 1860's and 1870's. The closeness of the Puyallup Reservation to the growing Tacoma affected the Tribe immensely, which brought new pressures that impacted the development of the Tribe.

Considering everything that was promised to the Puyallup Tribe under the Medicine Creek Treaty, most of all of it would be disregarded by local and state officials. The recognition of fishing and hunting rights were largely ignored by the territorial and later state government for years to come. Also, the cash payments were minimized as well, with various government officials, not tribal members, deeming the amount and where it was to be applied. Often none of the aforementioned cash payments were allocated at all. Finally, most of the designated reservation land for tribes were to be later lost to settlers, various local cities and towns, and through legislation by the state and federal government (Kluger, 2011).

In 1887, the federal government passed the Allotment Act, otherwise known as the Dawes Act, in which the Puyallup Reservation was partitioned and given to individual Tribal members who would then be able to sell their land. Through manipulation and fraud by greedy

developers, settlers, and additional measures by Congress, much of the Puyallup Reservation land was removed from the possession of Tribal members, with the outcome being that the Tribe had lost a majority of their original reservation lands. Under the Indian Reorganization Act of 1934, the Tribe was restructured and the traditional tribal council was recognized by the federal government and a constitution was established.

In the 1960's and 1970's, the Puyallup Tribe, amongst other Puget Sound tribes, battled with the state of Washington over tribal off-reservation fishing on the Puyallup river, which the State had outlawed due to supposed conservatory measures, but were read by many local tribes as expressly anti-Indian in purpose. Salmon, which had always been a vital element to the lifeways of the Puyallup people, had been seriously depleted by the early twentieth century due to overharvesting and the redirection of riverways and streams in order to facilitate the growing needs for irrigation and power sources, with sport and commercial fishing also contributing to the rapid depletion (Wilkinson, 2000). Tribes in Washington fought to uphold their treaty rights to fish in their traditional and accustomed ways and locations. State officials, local officials, and tribal members clashed over these treaty rights, with many state and local officials arguing that the treaty rights did not apply outside the designated reservations (Wilkinson, 2000). Some officials even said that the treaty rights were completely null and void because certain tribes, such as the Puyallup Tribe, ceased to exist due to a lack of land remaining under their ownership. Tribal members and activists performed 'fish-ins' in response to the proposed illegal fishing on their part. Many tribal members defended their right to fish on and off the reservation, as was specified in the Treaty of Medicine Creek and various other treaties. Tribal members were arrested and beaten, and many tribal fishermen had their fishing gear and boats confiscated or stolen.

With escalating actions being taken between activists, state, and local officials, a series of legal upsets eventually culminated in the case *United States v. Washington*. This was a case which attempted to reaffirm the fishing rights of local tribes. In 1974, U.S. District Court Judge George Boldt ruled, in what would be widely known as the “Boldt Decision,” that the State had violated and infringed upon the fishing rights of various tribes throughout Washington State and that the treaties signed in the 1850’s had permitted tribes to take 50 percent of the harvestable runs of salmon and steelhead trout (Ruby & Brown, 1986). The ruling ultimately upheld that the treaty rights still applied and were a reserved right held under various treaties, including that of the Medicine Creek Treaty.

The Puyallup Land Claims Settlement

As the fishing rights issue for the Puyallup was largely resolved through the Boldt Decision of 1974, the issue of land was still a pressing concern for the Tribe. Due to the Dawes Act of 1887, much of the Puyallup Reservation lands were systematically removed from the possession of Puyallup Tribal members. With the continued growth of Tacoma, which had a population of roughly 40,000 in 1890, Washington state began to advocate for the withdrawing of protection surrounding Puyallup Reservation lands (Ruby & Brown, 1986). Public advocacy for this removal of protection led to the establishment of a Congressional commission in 1890 to sanction the selling of Puyallup Reservation allotments. In 1893, Congress established another commission to oversee and choose allotments that were unsuitable for the home or school construction and to make the allotments available for public auction. Reservation land that was not chosen remained in possession of Puyallup Tribal members and these lands would not be available for purchase for approximately a decade, and only when it expired would potential purchasers be able to negotiate with Tribal members (Ruby & Brown, 1986). In 1895, the sale of

Puyallup Reservation land began, which resulted in roughly half of the reservation being sold. Tribal members had asserted that they were under duress when they signed, not explicitly giving their permission to sell (Nagle, Jensen, & Erkinen, 2011). In addition, in 1899, Congressional action had provided railroad conglomerates the right-of-way through Puyallup Reservation lands. Amongst these newly available lands were precious waterfront areas that were hastily purchased by lumber, land, and railroad conglomerates (Ruby & Brown, 1986). By the time the decade-long restrictions had come to pass in 1903, practically all of the Puyallup Reservation lands were removed from their possession and placed in the ownership of non-Indian settlers and local business conglomerates (Deloria, 1977). In 1909, the Tribe attempted to recover tidelands that were originally in their possession in the *U.S. v. Ashton* case, but their efforts proved to be unsuccessful.

Heading into the 1970's, a tumultuous period due to the aftermath of the fishing rights struggle taking place, a key land issue was brought forth in *Andrus v. City of Tacoma* in 1978, in which the Secretary of the Interior, acting through an area director of the Bureau of Indian Affairs, started to place land into trust on the Puyallup Reservation. By starting to accept tracts of land that were located in Tacoma for the favorable use by the Puyallup Tribe, the Secretary's actions were met with local antagonism, especially since whenever the Puyallup Tribe or its membership had become the benefactor of an allotment of land, it directly disputed the tax, criminal, and civil jurisdiction held within that municipal (Nagle et al., 2011). The City of Tacoma subsequently took legal action against the Department of Interior. Statements from the plaintiff side went as far as proposing that the Puyallup Reservation did not properly exist due to the lack of land under their possession. District Judge Gesell, who presided over the controversial case, ruled that the Puyallup Tribe was indeed a historic tribe and was thus defined

by the boundaries of the reservation. This ruling provided the Tribe the substantial legal ability to allocate land into trust, which was a crucial component towards advancing the issue of land and its importance amongst the Puyallup Tribe.

Five years later in 1983, another key land case took place. With *Puyallup Indian Tribe v. Port of Tacoma*, the Ninth Circuit recognized the right of the Puyallup Tribe to twelve acres of riverbed land that resided along the Puyallup River (Puyallup Indian Tribe v. Port of Tacoma, 1983). Only a year later in 1984, the *Puyallup Tribe v. Port of Tacoma and Union Pacific Railroad* case was held, in which Puyallup Tribe filed a legal complaint against the Port of Tacoma and the Union Pacific Railroad in order to reacquire 120 acres of tideland flats that resided alongside Commencement Bay and the Puyallup River (Puyallup Tribe v. Port of Tacoma and Union Pacific Railroad, 1988). This legal complaint eventually brought into review the validity of the title to many of the port and industrial lands that were being held by the City of Tacoma. Many of the state highways were also within the boundaries of the claimed land by the Tribe. Given the extensiveness of the claimed land and its connection of the numerous buildings, port facilities, and housing that were located on the land, the House Report that partnered with the proposed Puyallup Land Claims Settlement placed the value of the land at roughly \$750 million in worth (Egan, 1988).

The controversial negotiations for the land claims shared between the Puyallup Tribe and the numerous cities, business entities, and local governments emerged after the *Puyallup Indian Tribe v. Port of Tacoma* court case took place. The issue of land had been on the minds of Tribal members for decades, becoming a point of immense contention. As the Puyallup Tribe continued to passionately engage in the legal efforts to recover their land, the negotiation process proved to

be an arduous undertaking that would impact the course of the Tribal community for years to come.

Preceding the vigorous struggle for the Puyallup Land Claims Settlement, the social and economic welfare of the Puyallup Tribal community was relatively poor. With a majority of reservation land being removed from the possession of the Tribe and its membership, there was little land available for economic development to occur. Many Tribal members were unemployed because of local anti-Indian sentiment. Many Tribal members were recipients of the welfare system, and used food banks just to survive. With many Tribal members suffering the effects of the Tribe being in a poverty-stricken situation, alcoholism and drug use was also steadily rising. (Ruby & Brown, 1986).

What added to the immense challenge of negotiating the land claims was that the state of Washington and the various city governments were vigorously opposing the means for which the Tribe could place land into trust. This led to the indirect blocking of any kind reasonable opportunity for economic development for the Tribe to come to fruition. The tumultuous relationship between various governments, non-Indians, and the Puyallup Tribe included unabashed displays of racism and discrimination towards Tribal members, not only from locals, but also from political and civil authorities as well.

Consistent attempts by the citizenry, local authorities, and governmental entities kept the Puyallup Tribe in a perpetual state of impoverishment. Despite the Puyallup Reservation being comprised of a variety of channels for which international trade could emerge as well as appreciable access to the interstate freeways, the Tribe still faced economic challenges. Vehement attempts to impede the Tribe from participating in such economic expansion was taking place in Tacoma and its bordering towns, cities, and municipalities. The concerted efforts

to remove the Puyallup Tribe from sharing in the prominent and growing economy was already recognized by the Tribal membership and its leaders for many decades.

It wasn't until the *Puyallup Indian Tribe v. Port of Tacoma* that Puyallup tribe land negotiation became a practical option. Distinguished political figures such as Congressman Norm Dicks and Senator Daniel Inouye supported and helped the Tribe enter into negotiations. Senator Inouye, former Chairman of the Senate Select Committee on Indian Affairs, advocated for the Puyallup Land claims on the Senate side and Congressman Dicks advocated on the House side. The land claims issues brought with it considerable debate on both sides of the argument. Some Puyallup Tribal members felt that the Tribe was essentially selling out by entering into negotiations and were betraying their reservation land for monetary gain. A few Tribal members even believed that the actual thought of entering into negotiations was pointless, instead suggesting that Tribal members should just go out and remove the non-Indians from the properties they had won in past court cases. Due to the lawful nature surrounding the Tribe being the owners of the property, Tribal members reasoned that the Tribe should have been the ones to decide what to do with it.

The idea of non-Indians attempting to take charge and dictate how much land the Puyallup Tribe could receive was not viewed favorably by many Tribal members. In some more extreme cases, non-Indians explicitly threatened some of the Puyallup Tribal Council members. With a majority of their reservation lands having already been taken, largely through scheming by non-Indians, some members did not have confidence in non-Indian entities outside of the Tribe being involved in the land claims issue, even if those non-Indians were genuinely attempting to support the efforts by the Tribe.

Regardless of many of these concerns, the negotiation process did allow the opportunity for compromise. Important channels of communication began to be established, with the Tribe and the various local governments meeting to discuss crucial elements of the land claims issue such as the use of land, reservation boundary rights, and jurisdiction. The non-Indian side had also developed a blue ribbon committee in order to facilitate and survey the issues of land, water, air, international trade, economic development, and how the Puyallup Tribe was situated within these non-Indian worldviews.

Rather unexpectedly, an educational process started to emerge from the negotiation process itself, which encompassed both the Tribe and non-Indian entities. The method in which the negotiations were conducted had essentially forced the Puyallup Tribe and non-Indian entities to come to the table in order to discuss various areas of concern, which included taxation and land trust matters. The negotiation process had established a system for notifying the surrounding cities, local governments, and the Puyallup Tribe regarding issues consisting of the development of land and conflicts arising from trust land. This system of notification ultimately provided the ability for workable agreements to be put forth regarding the land claims.

The entire process relied a great deal upon educating all parties involved. Bringing forth many of the longstanding issues by the Puyallup Tribe to local governments, what developed was a shareable level of understanding that bridged together two very different worldviews. Many persistent issues between the various local governments and cities were also resolved, or at the very least provided the catalyst for which they could be resolved. Without the negotiation process, the land claims issue would have continued to exist to this very day. It generated a healing process through which the larger community was affected, and where communication

was viewed as a viable component towards bringing together people of various cultural backgrounds and agendas.

As the negotiations came to a conclusion in the late 1980's, a settlement package was produced that consisted of approximately \$163 million made available in land, fisheries, social and economic development, and the construction of the Blair Navigation Project (Settlement of Land Claims of the Puyallup Tribe of Indians in the State of Washington, 1989). In 1990, the Puyallup Tribe officially accepted and signed the settlement package, which would be called the Puyallup Land Claims Settlement Act. It was, at the time, the largest land claims settlement in American history between that of an American Indian tribe and the United States government.

The local, state, and private entities supplied over half the amount that was designated in the settlement package, with the federal government stepping in to provide the remainder. The Tribe also received approximately 900 acres of land, with property being provided for the future development of industry, fishery, and the marine terminal (S. H.R.932, 1989). The federal government also created a \$22 million permanent trust fund, which provided the opportunity for health, social, and welfare services to all Tribal members (S. H.R.402, 1989). The state of Washington, the Puyallup Tribe, and local governments and authorities were to work collaboratively to preserve the fishing habitat, with the addition of a navigation agreement being reached that was to reduce the risk of future conflict between fishing by the Tribe and commercial shipping enterprises (S. H.R.402, 1989). A \$10 million fund was also provided in order to support this collaborative effort made by both parties. In return for all these measures, the Puyallup Tribe relinquished the rights to 20,000 acres of land and removed the title to all land that was originally held under the Tribe in Washington State. Furthermore, this comprised of providing each local government the legal right to impose its own environmental laws within its

own land without interference from one local government to another. Lastly, the Puyallup Tribe had no right to interfere with the development of several local projects that would have minimal impact on the local fisheries.

The outcome of the Puyallup Land Claims Settlement delivered the opportunity for considerable economic development, employment, school and health services, and most significantly, bringing pride back to many of the Puyallup Tribal members. Self-determination is a key element towards the social and economic development of numerous American Indian tribes throughout the United States and the Puyallup Tribe is a shining example in attempting to fulfill that desire. While the negotiation process was undoubtedly controversial, it gave the Tribe its first crucial steps towards proving their own mode of self-sufficiency as an Indigenous population.

Chapter 7: Economic Independence and the Emerald Queen Casino

For the Puyallup Tribe, the possibility for economic self-sufficiency became a reality after the Puyallup Land Claims Settlement, with the Tribe deciding to pursue gaming as a viable source for revitalizing their exhaustive federal revenue. Comparable to other tribes at the time, the Puyallup Tribe envisioned bingo as an outlet for which future endeavors into the realm of gaming could be taken. The Tribe opened a 36,993-square-foot bingo hall in the city of Fife in 1992 which seated upwards of 1,500 people, with the entire facility costing \$2.1 million (Seattle Times, 1992). The monies from the Land Claims Settlement were utilized to facilitate the construction of the bingo hall.

With the revenue that was being generated from the bingo hall, the utilization of more of the land that was gained through the Land Claims Settlement in order to continue pursuing gaming came to fruition. The next step for the Tribe was to develop prime property that had been made available to them on the Tacoma waterway. The waterfront property was deemed highly valuable as its location was at the Blair Waterway. With the consideration that casino-level gaming had been pursued rapidly by other tribes in the states after the introduction of IGRA, casino-level gaming was now viewed as a workable solution for which the Puyallup Tribe could obtain economic independence. With this reality was being discerned by the Tribe as a whole, the controversy surrounding the issue of casino-level gaming being implemented on the Tribal reservation had risen amongst members of the Tribal community.

As had taken place in the disputes encompassing the land claims controversy, contrasting viewpoints amongst the Tribal membership pertaining to the implementation of casino-level gaming on the Tribal reservation being a positive or negative was a real concern. For many Tribal members, a casino was interpreted as a form of excessive materialism that would

significantly harm cultural and traditional pathways, viewing the issue in terms of an ethical basis. Other Tribal members took a more pragmatic approach based upon past evidence seen at other casinos of an increase in organized crime in and around the casino taking place. On the other hand, some Tribal members considered the introduction of a casino in a very different manner, viewing it as a way for which the Tribe could rise above impoverishment and despair that was taking place within the community. Others even saw it as the only way for which the Tribe could have any hope for its future to be saved.

With controversy surrounding the implementation of the casino being at a high, a vote was put to the Tribe on whether a casino was to be opened or not. In a surprising turn of events, many of the Tribal members had voted yes on a casino being built on the Tribal reservation. Ultimately viewing it as a way for which to employ Tribal members, and at the same time further develop revenue generating sources, in 1996 the Puyallup Tribe had opened their very first casino, the Emerald Queen Casino (EQC). Unlike other Indian casinos, the EQC was constructed as a paddlewheel riverboat, with a large portion of the casino being located on the actual waterway, with a variation of slot machines and table games being made available to visitors (Nagle et al., 2011). The casino was not simply viewed as a gaming location, with many tourists visiting the area as well and viewing the casino as a landmark in Tacoma.

With the success of the casino, the emerging pathway for self-determination and economic independence become a real possibility for the Tribe after years of discouragement. Not only had the Tribe personally benefitted from the casino, but the revenue generated from it had helped those outside of its own community as well. The casino had imparted roughly 1,000 jobs to non-Tribal individuals that complemented the varied populations of the Tacoma area, with the casino rising to become one of the largest employers in the Pierce County region Nagle

et al., 2011). Not only had the casino provided employment to the local community, it had also utilized a local bank to handle all financial issues, and a construction companies to build the casino and maintain it, all of which reflected how the Tribe wanted to support not only their own community, but that of the larger community too (Nagle et al., 2011).

As the casino approached nearly a decade in operation, it ran into an issue that placed the entire casino operation into jeopardy. Port of Tacoma authorities had made known to the Tribe plans to develop a new port facility for the shipping conglomerate Evergreen, which would be placed on the Blair Waterway (Nagle et al., 2011). Alongside of this proposal was that in order for the construction to take place, the main road leading to the casino would have to be closed. Lawyers working for the Tribe had brought forth the real possibility that closure of the road would detrimentally effect the casino revenue and casino employees as visitors to the EQC would decrease. On a governmental note, since the tribal government had placed its offices near the casino as well, the daily operations of the tribal government would be hindered as well.

To make matters even more challenging, the Port of Tacoma has specified a strict date for which the port facility deal had to be concluded, which placed the Tribe in a precarious situation as they had only been made aware of deal only months prior. With the Tribe heavily relying upon the casino revenue to supports itself, they had to quickly come up with a solution to address this potentially damaging situation. On top of this, the legality of trust lands became another issue to contend with for the Tribe as they pondered if they could build a new casino if the current one had to close. At the time, the state of Washington would only agree to the construction of an Indian gambling establishment on trust land available to the Tribe, which was a difficult manner considering that the Tribe held no trust land properties sizable enough for a casino to be placed upon.

This complex situation made for a proper solution for the Tribe extremely arduous. On one hand, the Tribe could have taken some form of legal action against the Port of Tacoma and their proposal to Evergreen in order to stall for more time for the federal government to allot more trust land to the Tribe. On the other hand, the Tribe could negotiate with the state of Washington to allow for a renegotiation of the regulatory policies dealing with concept of casinos having to be placed solely on trust land, with the hopes that the Tribe could simultaneously have the casino be placed on reservation land as well as have it being placed under trust status. Deciding to not pursue any legal action against the Port of Tacoma, the Tribe enter into negotiations with the state of Washington for the construction of a new casino being placed on reservation land. Under these negotiations, a partnership was formed that included Tribal leadership, the local governments from Pierce County and the City of Tacoma, state officials, and individuals involved with the Puyallup Land Claims Settlement. Similar to previous undertakings, the Tribe sought congressional support in order to receive governmental assistance to their appeal.

After much consideration and discussion, the state had decided to the accept the Tribe's request to construct and open a new casino at a location of their own selection rather than having to have it be placed solely on trust land. After this momentous decision, the Tribe had purchased the Best Western Hotel and Conference Center and began to reconstruct it in order to have it be completed before the closing of the original EQC. The Tribal government had also decided to the relocate to their administrative offices to the Eastside of Tacoma and the center of what is the Puyallup Tribal Reservation.

The Tribe also expanded with a tent facility in what would later be known as the Emerald Queen Casino I-5 in early 2004, exceeding the size of the original EQC location and providing a

variety of slot machines and table games. In agreement with the development of the port facility and the Port of Tacoma, the original EQC was also closed in 2004, with the riverboat remaining there to this day. After immense efforts to renovate the Best Western Hotel and Conference Center, the new Emerald Queen Casino and Hotel was opened on December 29, 2004 in Fife, with the hotel portion of the casino opening year later. This new casino combined with the I-5 location made the EQC one of the largest Indian casinos in the state of Washington and became the main outlet for revenue for the Tribe.

As the Puyallup Tribe delved head first in the casino economy, it has transformed the ways in which they have lived as well as provide a path for economic growth to occur. Once deemed extremely poor and impoverished as an Indigenous community, the casino economy has given them the opportunity to surpass the cruel realities that they have had to undergo for over a century. This process of change has situated the Tribe as one of the more successful examples of Indian gaming in the Pacific Northwest, emerging as a viable component of the South Sound economy. This has certainly benefited the membership of the Tribe in many ways, and provided them opportunities to improve their lives. However, while the casino economy has undoubtedly brought prosperity to the Tribe, it has also brought with it a multitude of social issues, both new and emerging.

Chapter 8: The Impact of the Casino Economy on the Puyallup Tribe of Indians

As a member of the Puyallup Tribe of Indians, the concept of Indian gaming was an element of my life that was consistently present. While I did not understand the functional relationship between the Emerald Queen Casino and the Puyallup Tribe until I was much older, our Tribal casino had always resonated with me as an extension of my community and for which we held as Tribal members held collective ownership over. It had become an integral component of our community for which was now intrinsically tied to the future economic development of my people and provided a way for us as an overall community to rise out of poverty and despair.

Though I was aware of this relationship since a young age, I also remember the original EQC as a place in which tribal membership meetings and luncheons were held and where the community gathered for special events. In order to access these meetings and gatherings, my mom and dad had to scurry my younger sister and I through the front of the casino in order to get to the paddlewheel riverboat located in the back. We were both under the age of twenty-one at the time and it was illegal for us to be around casino-level gambling. In a symbolic moment of hindsight, one could foresee that gaming had been shifted to the forefront of who we were as a people and as a community, with our participation in the realm of gaming becoming an essential discussion point for all matters surrounding the future development of the Tribe.

Over the course of the last several decades, the relationship between the Tribe and the casino economy has permeated our entire community, with the various positive and negative impacts being experienced by all Tribal members to some degree. As this relationship continues to develop, gaming is being viewed significantly less as a foreign component to the traditional and cultural lifeways of our community. It has instead become an inseparable component of how we define ourselves as individuals and as collectively as tribal people. The casino economy, for

better or worse, is now a fundamental aspect that constitutes who we are as a contemporary Indigenous population, weaving its way through our daily lives in the most equally appreciable and harmful ways.

It is this dichotomy that lends itself to being further examined, exploring the manners in which the casino economy has influenced my particular Tribal community. I promote that without such an attentive focus on both the positive and negative impacts of the casino economy, we cannot actively recognize and attend to the social and economic issues that we face as a tribal community. If many of these social and economic issues are left unattended or simply ignored, we may eventually find ourselves with the inability to effectively respond to them in a manner that would sufficiently prevent future generations from being negatively impacted. With this in mind, I first examine the positive impact of the casino economy on the Puyallup Tribe. Secondly, I will focus on the negative impact of the casino economy.

The Positive Impact of the Casino Economy on the Puyallup Tribe

When one considers the historical processes of the Puyallup Tribe and their struggle to reclaim much of what they had lost in terms of land, language, and tradition, the introduction of the casino economy provided an example of how poverty-stricken Indigenous communities become more economically independent. As was touched upon in the previous chapter, the EQC has been the gateway through which my Tribe has accumulated considerable wealth and being the vehicle to more effectively control their economic destiny. This wealth has been utilized to primarily help sustain the infrastructure of the Tribe and its growing membership, with the Tribe supporting the economic growth of the extended community as well.

Since the establishment of the EQC in 1996, the Tribe has become a significant component of the Pierce County community. Due to the Puyallup Reservation being primarily

situated within an urban environment, this has provided the Tribe with a rather uncomplicated accessibility towards community outreach, with the non-Indian community being an active participant in the very community the Tribe serves through the EQC. Providing funding for municipal projects, environmental, and educational programs, the Tribe has grown to become one the largest employer in Pierce County as well as generously donating much of its wealth to various local charitable organizations (Puyallup Tribal News, 2015).

Providing jobs to the broader community and supportive spending measures. As the Puyallup Tribe is one of the largest employers within the Pierce County region, it currently employs over 3,000 individuals (Puyallup Tribal News, 2015). These individuals work within the Tribe's many governmental, administrative, education, health, housing, corporate, and economic development sectors. The employees are not all members of the Puyallup Tribe, with many employees being from various tribes across the United States. I know many individuals who work for the Tribe who are actual members, members of other tribes, and non-Indian, all which showcases the diversity of the Tribe's workforce. Supportive spending has been an active expression of the Tribe's willingness to help those around them as well, increasing the funding it provides over the course of the last several years. As of 2015, it had expended over \$491 million to the local community, with this spending helping out in numerous ways (Puyallup Tribal News, 2015). This spending has been used to provide the wages and employment benefits to the Tribe's employees as well as the purchasing of material goods and services from the local community. Furthermore, it has also been used to purchase the services of construction contractors and companies in the area to help develop Tribal projects.

Charitable donations and community support. With the Tribe sponsoring dozens of charitable organizations and associations each year, it is increasingly becoming known for its

generous donations. Over the years the Tribe has donated funds to the March of Dimes, Toys for Tots, Northwest Harvest, University of Washington-Tacoma, American Cancer Society, Tacoma Rescue Mission, Crime Stoppers, amongst various other organizations and associations. The Tribe also co-sponsors well known communal events such as the Taste of Tacoma and the Puyallup Tribe Giving Bus, with the latter supporting local young students with school-related gifts (Nagle, 2015). The Tribe utilizes around \$1 million dollars per year in order to facilitate these donations.

Provided services to the Tribal membership and financial benefits. While the Tribe has shown its dedication to helping the larger community, it provides services to its own community as well. Health and dental facilities have been constructed in order to service the needs of the Tribal membership, as well as those individuals from other tribes. Alongside this has been the construction of a 34,000-square-foot Puyallup Tribal Community center which provides areas in which the community can gather, with a special preference for supporting activities pertaining to younger Tribal members.

As for the Tribe showing respect to its elder members, the House of Respect Elders Center was opened in 2009, directly supporting the elders within the community through health and fitness management, a monthly luncheon, and communal gatherings consisting of elders from other tribal communities. Expanding to include housing development, the Puyallup Nation Housing Authority has also been established to provide better housing for its membership as well as other American Indians living on or near the Puyallup Reservation, including special housing units for tribal elders.

Perhaps one of the most publicly known facets and undertakings by the Puyallup Tribe is that of the dispersal of its casino profits directly back to its Tribal membership. This comes in the

form of a monthly check that varies in the amount depending on the age of the individual. This has been the most direct display of the rewards of the casino economy and that of the membership. These per capita payments have done a lot to remove many members from having to undergo a life of poverty, providing them the financial backing to support their families in an adequate manner. It has also given Tribal members the financial means in which to better secure their personal economic livelihoods and futures.

The per capita system also prioritizes the decisions regarding how money should be utilized to individual members and families, which is where financial support is most needed. Since the financial support of the community is important, having the opportunity for the members of the Tribe to impart payments that will improve and bring positivity back into their lives through an appreciable level of financial freedom has been positive. With the accumulation of wealth from casino profits, the Tribe recognizes the fact the Tribal members are shareholders in the estate of the Tribe itself and seeing to it that they receive the rewards from such profits.

Providing opportunities towards fulfilling educational goals. For those adults and youth wishing to obtain various levels of education, the Tribe offers funding that assists with the costs of supplies, mentoring, and perhaps most importantly, tuition. As an individual who is attending college, the Higher Education program has provided the financial support for which I could successfully follow and achieve my educational goals. In my personal opinion, this is one of the most vital programs that the Tribe has ever provided to its membership. In a world in which rising costs of tuition have often prevented many Indigenous peoples from attending college or seeking higher levels of education, the Higher Education program has provided the opportunity and facilitation for Tribal members can pursue their educational goals.

The casino economy has ultimately benefited the economic status of the Tribe. As one can discern from the information above, the casino economy has had a tremendous impact on the Puyallup Tribe, bridging the support of communities as well as making sure that its membership is properly taken care of. The monies that the Tribe has gained through the EQC has provided opportunity for the Tribe to more fully seek outlets through which economic independence can emerge. Since the inception of the EQC, the Tribe has carefully transitioned from its meager conditions to that of being relatively wealthy as a whole, an accomplishment that not too many tribal communities participating in the casino economy have been able to achieve.

While the financial support offered through the casino economy has no doubt significantly impacted the Tribal community in a positive way, it has also provided the means for healthy dialogue to occur between the Tribe and various non-Indian entities. Similar to the Land Claims Settlement, the casino economy has allowed for the Tribe and the state and local governments, business ventures, and civilian organizations to come to the table and discuss matters of importance to each party. Whereas before they were an estranged community that could not be heard, the Tribe now has a voice in matters that concern them due to their economic role within the larger community.

Nevertheless, there are negative aspects to the casino economy as well. These adverse issues have resided mainly in the realm of community, but they should be considered as deriving from the economic wealth that the Tribe has attained over the years. As the Tribe further enters into the casino economy, these issues may become more prominent within the membership, which could ultimately result in them as a community having to cope with the tragic repercussions of not publicly discussing such issues. Taking this into consideration, I now examine the negative impact of the casino economy on the Puyallup Tribe.

The Negative Impact of the Casino Economy on the Puyallup Tribe

While the positive elements of the casino economy and its relationship to Puyallup Tribe has been elaborated upon in the previous section, the negative elements have usually been relegated to marginalized discussion points from the community. Whereas the communal activism of the Tribe was fervently energetic during the 1950s-1970s, much of this activism has now been abated, increasingly with the introduction of the casino economy. This passiveness can be seen in a failure to address important issues such as individual complacency, dissuasion from pursuing education, and the corruptive effects of the per capita system.

It is with this in mind that I begin examining the casino economy through my own personal observations as a Puyallup Tribal member. As an individual who has seen the inception of the Emerald Queen Casino, I view myself as a positional observer who has not only actively taken part in the casino economy, but has also seen how it has influenced the social structure of the Tribal community. I believe it is these observational experiences on the part of myself as a Tribal member, and perhaps most importantly, that of a willfully engaged Tribal member, that an ethnographic account can be created in which I offer a distinctive and more intimate perspective on what occurs in the Tribe with regards to the influence of the casino economy. The first area I examine is the per capita system and its relationship to complacency, which is perhaps the preeminent foundation from which we can examine other issues.

The per capita system and its functionary role in reinforcing complacency. As historical progress has shown, the introduction of capitalism into a community dramatically alters the social and cultural landscapes of that particular community, with the Tribe certainly not being an exception to this transformative process. With the introduction of the casino economy, the Puyallup Tribe has given a considerable amount of its casino profits back to its membership

through the form of a monthly per capita check that is designated to each Tribal member. The cash amount of these checks vary depending on the age of the individual. While the economic benefits that stem from the issuing of these per capita checks have no doubt aided greatly in providing Tribal members the supplementary income to live comfortably, it has also come to my attention that it has created substantial levels of complacency amongst some Tribal members, particularly that of the younger generation.

The monthly per capita checks given to Tribal members have resulted in a mindset maintained by many that they do not need to find employment or pursue any pathway to advancing their education or technical training. Several of my own family members and people that I know within the Tribe have surrendered to this mindset, simply waiting around to receive their per capita checks every month. They express little to no actualized ambitions or goals, and if they do indeed have some, they do little to show towards making them come to fruition. Some of them even have their own families to attend to but do nothing to supplement the income outside of what the Tribe is providing them. Surprisingly, despite them receiving money from the Tribe, they often barely make it through the month without running short of funds. I often ponder about if those individuals did not have the per capita - would they be able to sufficiently support themselves let alone their growing family?

In essence, the per capita system has become a form of social welfare for many members. It as an operating extension and function of the casino economy has replaced one form of individual and family assistance that was traditionally based upon federal governmental aid and/or communal assistance, to that of excessive dependency on the per capita payments issued by the Tribe. This latter form of newfound social welfare retains many of the detrimental results that have become associated with traditional, government-based social welfare, including a

decrease in employment and work behavior, a lack of interest in pursuing levels of education, and persistent domestic and community social ailments. These harmful external costs often oppose many of the positive elements in Indigenous cultures and traditions, in which the individual had to strive arduously to support their family, community, and themselves in fulfillment of living a wholesome and healthy life.

While financial support is unquestionably a welcomed addition to my community, without much understanding as to how wealth is to be effectively utilized, the accessibility of such funds can be more destructive to some members than can be good. While the financial needs of the certain members may have been initially fulfilled through the per capita checks, if they do not understand how to properly manage their finances, then the money from the checks will frequently be used inappropriately. This can be destructive to familial as well as communal relationships, which are what bind us together as an Indigenous people. The use of economic incentives can also greatly damage the core of what has traditionally constituted the importance of the family unit, with many now viewing the birthing of children as a way to facilitate an increase in monetary accumulation primarily for themselves.

Individuals having children in order to receive financial benefits. There is often an unspoken but visible practice that many Tribal members have participated in throughout the years which has lent itself to the rapid growth of the Tribal population. While I am certainly not advocating that having children is negative practice, and while I personally agree with the belief that more children being born in our community is an encouraging step towards bettering our future as an Indigenous people, it is the selfish reasoning behind some of the parents to have additional children in order to receive more money that should be of collective concern.

Given the practices of the Tribe providing per capita checks to children as well as adults, I have noticed that many Tribal members, including members within my own family, having multiple children in order to gain financial benefits from the Tribe. While it is beneficial and courteous of the Tribe to lend financial support to its youngest members, it has also positioned many parents or soon-to-be parents to have more children in order to receive additional per capita checks each month. While not every individual who has or recently has had children shares in this way of thinking, and it would be unfair to make generalizations of the entire community, the reality is that it is a disturbing practice due to it altering how we should properly view and respect our children and how they contribute to the family unit outside of simply providing an outlet for monetary accumulation. It is sad to see that for some people, the incentive to have children is more of a budgetary process for which the parents benefit substantially over that of their children.

For the individuals who do think this way, they start to have more children not simply out of the loving act of wanting to produce and raise their own family, but to primarily accumulate considerable wealth through their children. I have known Tribal members who have had upwards of 5-8 children, with them not working or going to school but instead receiving multiple per capita checks a month. There is seemingly no effort to be the primary supporter of their family, instead having the Tribe fulfill that position and be the breadwinner. Most of them are able-bodied enough to be employable if they only chose to do so. On the other hand, some may even suffer from substance abuse or not being able to properly raise their children in an appropriate and nurturing environment, negatively affecting the wellbeing and future development of their children in the process.

An example of this is that of a family member of mine and his girlfriend that have continually wanted to purchase a house for some time. They currently have one child between them and a step-son from the girlfriend's previous relationship. Neither of them work, nor have they attempted to obtain employment within the last five years. As they currently live in an apartment, they have both wanted a house in order to raise their family. Seeing that one of my other family members had recently purchased a house, they felt compelled to do the same. It should be noted that the family member who had purchased the house also has a job in order to support the monthly payments necessary to keep the house. Rather unsurprising to us all, the family member and his girlfriend recently announced that they are having another child even though they said they did not any plans to do so. They intend to purchase a house soon after the child is born.

There is a two-fold reality to their situation though, as is the case for other Tribal members who view children in this manner, and in many ways it is a vicious cycle. As they believe that having more children will allow them to receive more financial benefits from the Tribe, they do not completely factor in the actions that go into making subsequent payments when purchasing a house, car, or whatever the material good may be. In the case of my family member and his girlfriend, they will probably soon find out that even if they could purchase a house through the financial benefits deriving from their first child and soon to be second child together, their monthly house payments will prove to be challenging for them to meet. The only other alternative to being able to make these payments outside of getting a job, which seems unlikely, is to have more children. This is their solution and since the per capita checks facilitate and even encourage such behavior on their part, the vicious cycle thus continues. This can prove to be a mainly positive or negative cycle depending on how the parents interpret the genuine

purpose of having children and them more fully understanding their role as parents. And while this is a challenge for many parents, when the children turn 18-years-old, they too have to contend with the effects of considerable wealth being placed within their hands.

The financial burden of turning 18-years-old. In most cases, turning 18-years-old is a rite of passage demarcating the arrival into legal adulthood. In the case of Puyallup Tribal members, turning 18-years-old also signifies the receiving of a significant sum of money. This money has been, with all good intentions, envisioned as way for young adults to jumpstart their lives, giving them a boost when they enter into the adult world. It can often be the exact opposite. With the aforementioned age and associated monies usually coinciding with their graduation from high school, some young members opt to drop out of school rather than finish. In other instances, complacency once again becomes a solution for some young members, with their initial hopes of going to college becoming irrelevant when they arrive at 18-years-old, instead deciding to frivolously spend their recently given wealth rather than become employed, start a business, or seek higher education, amongst other possibilities.

A particular family member of mine did just that. While originally wanting to attend a college in order to become a veterinarian, her future looked incredibly bright as she was going to pursue a goal that was close to her heart. I remember hearing her happily tell me in the years leading up to her high school graduation that this was something she really wanted to do. Even during her final year in high school, she had constantly told other family members and myself that she was going straight to college right after graduation. Upon reaching 18-years-old and receiving her allotted cash, she did graduate from high school, but she had decided to put off attending college and instead went on multiple vacations and immediately purchased a house. Within several years, she had spent practically everything and was now in no practical position

to pursue her goal of becoming a veterinarian. She had also developed a drug habit, which affected many of her relationships with family and friends.

With the widely held modern perception that you only need to go to college in order to get a good paying job afterwards, the notion of already having money at your disposal further complicates the role that education has in one's life. Since higher education is often associated with the perception that you receive a degree or specified level of training in order to get employed, if you already have a lot of money at your disposal, what is the point of going to college for many of these young adults? While I am certainly not implying that every individual who does this is thinking in this manner, it does lend itself to consider the noble aspirations and goals one may have had suddenly vanishing from their minds once money comes into the picture.

I find that this is partly due to the contemporary societal understanding of the role that education has in our lives, combined with that of the influx of money that dissuades many younger members from actually finishing school or pursuing higher levels of education or training afterwards. An increase in salary has become popularly associated with the level of education one receives, and since many younger members have just received a large amount of money right before they graduate, they see no real reason to better themselves by continuing to pursue schooling or training. It is an unfortunate but real occurrence within the community, an example of how money can prove to be a hindrance just as much as it can be beneficial to one's personal development and function with society.

The prolonging of substance abuse. With the per capita system, the ease of accessing drugs and alcohol has drastically increased. Many members who are addicted or may have recently turned to using drugs or alcohol have utilized their monthly payments as a way to

purchase such substances. This supply of cash has provided the outlet for which these individuals can prolong their substance abuse, whereas it was challenging to effectively to do so before without considerable financial consequences.

This was the case for one of my cousins. This affected her in two ways. First, my cousin had been suffering from substance abuse ever since she was a teenager, having experience such traumatic events as being gang raped while under the influence of alcohol. Stemming from this tragic occurrence was the joyous birth of her first born daughter. Despite this turbulent period in her life, her addictive lifestyle carried well over into her early twenties, and coincided with the birthing of several more children. Her addiction became an ongoing issue for her as she repeatedly went in and out of treatment, fighting to control her addiction but always falling back into it due to her environment being a negative influence upon her ability to successfully recover.

The per capita payments had become the fuel through which she could feed her addiction, using it each month to purchase alcohol, heroine, and methamphetamine from the streets. She had six children altogether when she almost died from an overdose. I have heard of many more examples throughout the community where Tribal members who are parents have fallen further into their addictions due to them using their per capita checks to purchase whatever drug they wanted, in turn resulting in their children being taken away and having to enter into rehabilitation facilities. In worst case scenarios, the parent died from their substance abuse, leaving their children as orphans to be raised by grandparents, other family members, or individuals within the community.

The foster care system. One of the areas that has also affected me personally is children being placed in foster care due to a parental neglect. That same aforementioned cousin had lost all six of her children to the Puyallup Tribe's Children Services department due to her addictions.

I have known many other individuals who have experienced the same thing. The per capita checks and drug addictive lifestyles do not mix well with the raising of children, and it is often the case that these children are removed from their homes and separated from their parents at an early age due to the child neglect deriving from substance abuse and other domestic hazards brought about by the parents. While these children are removed from their biological parents and are given a new home, they often do not forget this if they are old enough to remember, which may ultimately end up impacting them psychologically for years to come.

Is the per capita system entirely to blame for these removals? While I do not necessarily think so, as there is a sense of individual responsibility that must be recognized, the interrelationship between the per capita system and substance abuse can be seen in many other examples in the community outside of my cousin's experience. Would these removals of children have not occurred, and perhaps more importantly, would the addictions of these individuals been quelled if they had not been given the financial ability to sustain their drug and alcohol riddled lifestyles? While this is certainly debatable, it is in actuality occurring on a daily basis within the Tribal community, with the per capita system being a fundamental element to factor in.

I have heard talk and talk, but nothing is done. Good words do not last long unless they amount to something.

- Chief Joseph, Chief of the Nez Pierce Tribe

Chapter 9: Where Does the Puyallup Tribe Go from Here?

Considering the complex dichotomies that exist between the casino economy and the Puyallup Tribe that I have discussed in the previous chapter, how do we as an Indigenous community begin addressing many of these concerns? Without question my Tribe has risen itself from the depths of tremendous poverty and despair, seeing to it that future generations have the means to live and prosper, in contrast to the harsh realities that many of our most recent ancestors and living elders have had to experience. Many of our ancestors and living elders have persevered through immense difficulties, fighting both physically and mentally to uphold our traditional and cultural pathways and to see the injustices done to our community rectified. Our ancestors and living elders ultimately have fought long and hard to see that we do not have to undergo the same hardships they did. With them having to face immeasurable odds in securing their right to exist as an Indigenous people, they have come up against the loss of land, culture, and life. Through all of this, they truly lived up to preserving who we were and who we are today, having sacrificed so much to maintain the sacredness of our customs and ways of life as persistent elements of our community.

The casino economy has, in many ways, been viewed as a response to all of these historical tribulations, a recompense for what we as a community have had to endure throughout history. I know many Tribal members who feel this way, viewing the financial benefits as a way to retaliate against an oppressive governmental and cultural system that has kept them down for so long. I agree with this sentiment to a certain extent, especially since I understand the historical

processes which lead to such a perspective emerging. We were a downtrodden community due to the structures of repression that were placed upon us, but our descendants fought vigorously to see that we made it through, and remain resolute in doing so to this today.

However, the casino economy has ultimately changed my Tribe in enormous ways, transforming much of its membership in the process. When one thinks of the traditional values and customs that the Puyallup Tribe upholds to this day, it would be unwise to not see how the casino economy has reshaped many of those values to fit within a market driven system. One must bear in mind that sole purpose of the casino economy, similar to other expressions of capitalism, is to accumulate as much profit as possible. While this influx of immense wealth has been beneficial to sustaining the economic development of the Tribe, it has also affected the mental and social attitudes of the membership, influencing the way in which they understand their relationship to the casino economy.

For many Tribal members, especially the younger generation, they may not have a complete understanding of how and why we as an Indigenous community have built and continue to operate casino establishments within the reservation boundaries. Individuals who are unaware of the historical implications and necessities for the casino, and ensuing participation in the casino economy, experience an ignorance of the purpose of the casino economy and the pursuance of such capitalistic endeavors. All that many Tribal members see is the financial rewards that come from the casino profits, never truly understanding the purposes for which these monies are provided to us and how to utilize them effectively.

It is this lack of understanding the fundamental role and means by which we benefit from the casino economy that I as a researcher remain greatly concerned about. This was one of the primary reasons I chose to examine the topic of the casino economy and its relationship to my

Tribe, as I had often been confronted by other members with an immense passiveness pertaining to the purpose of the casino rather than any comprehensive level of understanding that purpose. Without this understanding by the current generation and future generations, our community may slowly become entangled in the trappings of excess and materialism that can resonate from the practices of capitalism.

Without this sense of communal education taking place within the membership, in the future we may find ourselves as Tribe in a position where any positive social development from within the community will steadily decline and be replaced with purely economic development. This would mainly find its origins in the lack of knowledge and information of the casino economy found throughout the community, in which members are totally detached from any modes of understanding the means for which they receive money from the casino economy, ultimately leading to a drastic increase in unemployment, attitudes of complacency, and the Tribe's social assistance programs. I believe that given the proper information concerning the casino economy and applications within our own Tribal community, the membership would have a fuller understanding for the process by which the casino came about and the rewards that it provides to us as Tribal members. Being made aware of these elements will provide a greater appreciation of the role the casino has played in our lives, thus transforming the way we think about the benefits of the casino economy.

As for many of the harmful effects that have derived from the casino economy, I would also like to see preventative measures implemented rather than reactionary measures. Many of the social issues surrounding the misuse of the per capita system, perpetual substance abuse, and the modes of complacency, amongst several others, are where the Tribe can put a considerable amount of financial and social efforts towards addressing. While all of these issues are

formidable obstacles to overcome for any community, they are often compounded upon here due to the historical trauma experienced by many members for generations.

Some of these issues have been longstanding and continue to persist in a communal environment where things are supposed to be improving each year. If we actively address some of the negative influences in our community, then we can put forth communal efforts to reverse some negative qualities that currently exist. We have the financial capacity to do so, but I feel that we at times fail to remember how we are all interconnected as a community, not simply individualized members who cannot do anything to restore social and spiritual harmony. This sense of selfishness can be directly related to the practice of capitalism, which aggressively situates the individual above that of the community. We have seen how this practice has negatively impacted America as a whole in a variety of ways, with it increasingly being exercised in my own Tribal community under the auspices of the casino economy.

We must understand that wealth is but one component in helping to sustain the longevity of our tribal communities. It does not resolve all societal ills. We as an indigenous population are unique in that we are intrinsically bound together, connected by the vast history and traditions established by our ancestors. It is through these connections that we must recognize how the future of our respective tribal communities is impacted by the casino economy. Without this awareness we may slowly begin to lose who we are as a people, with profits taking precedence over the traditional life pathways that have held us together and ultimately connected us for countless generations, and with great hope, for countless generations to come.

In the face of all these social challenges, the Puyallup Tribe has been a powerful example of how the casino economy has reshaped and uplifted an Indigenous community that was desperately impoverished, having lost practically everything over the course of century. With the

Land Claims Settlement revitalizing their community, we can see that the Tribe has put forth efforts to pursue the economic development they had urgently needed at the time. While there are still many internal problems the Tribe must contend with, its external practice of giving is an excellent reflection of who we are.

The contemporary role that the Puyallup Tribe plays in not only the Puget Sound, but Washington State, cannot be understated. The extent of the Tribe's ability to give back to the larger community is an ideal they have consistently upheld, showcasing the need for wealthier communities to help and support other communities around them. With the giving of monetary support to innumerable charitable organizations, municipal projects, non-profit organizations, and taking actions to preserve the natural habitat, the Tribe has also given back to its own community. In the end, the Puyallup Tribe, through the casino economy, has truly lived up to its original definition of its name, whose definition of being a "generous and welcoming people," has been one that is truly fulfilled.

As the Puyallup Tribe continues to develop as an economic force, the challenges it encounters will also continue to expand. New and unforeseen difficulties will inevitably arise in the future. The social and economic benefits and ailments we experience as a community will persist. While my thesis work is not intended to resolve or address every issue that my Tribe is currently experiencing or will experience in the future in regard to the casino economy, my hope is that it will facilitate a constructive discussion that can lead to concrete action being made towards creating a stronger, healthier, and more thriving community. I envision my work as one part of that communal journey, providing a passionate voice amidst the hustle and bustle that is contemporary Indian gaming.

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