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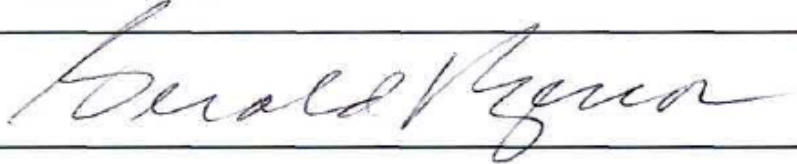
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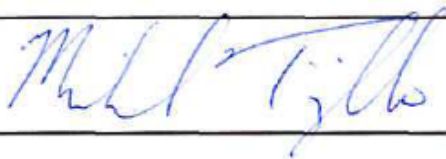
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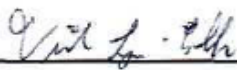
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THE IMPACTS OF “OFF-RESERVATION” CASINOS ON SOVEREIGNTY,
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RESERVATIONS, AND TRIBAL IDENTITIES**

BY

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DISSERTATION

Submitted in Partial Fulfillment of the
Requirements for the Degree of

Doctor of Philosophy

American Studies

The University of New Mexico
Albuquerque, New Mexico

May, 2011

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ABSTRACT

This study examines the impacts of four tribes, the Forest County Potawatomi, Sault Ste Marie Chippewa, Mashantucket Pequot, and Florida Seminole, and their alternative methods to acquire and participate in off-reservation gaming. The case studies provide geographical and situational examples on how the changing tribal gaming market is reshaping and redefining the boundaries of sovereignty on and off of tribal lands and non-tribal lands. Each case study provides a detailed history of the tribe and their gaming experiences. Through the use of a cultural site analysis, each tribe's on and off-reservation gaming facilities were examined to measure the economic and cultural impacts that they have on their surrounding communities. By measuring the economic impact that the tribes have on states, surrounding communities, their reservations, and individual tribal members, each case study provides a unique look at the tribal gaming market. The case studies also provide insight into how tribes are using gaming revenue for tribal services and individual benefits, how this revenue helps to create public

perceptions about tribal and Indian identities, and how this revenue influences tribal policies.

Each case study shows that tribes face a number of new economic, political, and social problems when they venture off of tribal land for gaming purposes. The results shows that off-reservation forms of gaming are creating numerous economic opportunities for tribes, surrounding communities, and state through the creation of new jobs, taxes generated, and increases in tourism. The results also show an increase for tribes to provide social services and other benefits to tribal members. The results show that with every gaming situation, new and unforeseeable economic and cultural problems develop as the result of tribal gaming. Tribal gaming can be an effective way for tribes to generate revenue and create a self-sustainable economic industry both on and off-reservation lands if tribe prepare themselves for the rigors and unforeseeable problems associated with the industry. Tribal gaming will continue to adapt to meet the needs of a changing industry and the more tribes prepare, the more they can venture into new territories.

TABLE OF CONTENTS

LIST OF FIGURES	vii
Hard Rock Macau Photo	1
Cabazon Springs Casino Resort Photo.....	32
Potawatomi Bingo Casino Photo	63
Menomonee Valley Photo.....	75
Site Map of Menomonee Valley	78
Potawatomi Tribal Enrollment Chart.....	82
Potawatomi Bingo Casino Photo	83
Greektown Casino Hotel Photo.....	98
Downtown Detroit	125
Greektown Neighborhood.....	129
Site Map of Greektown Neighborhood.....	132
Chippewa Tribal Enrolment Chart.....	144
Foxwoods Casino Resort	152
Genting Highlands Resort.....	168
Mohegan Sun Casino Resort.....	171
MGM Grand Las Vegas.....	175
MGM Grand Foxwoods.....	178
Pequot Tribal Enrollment Chart.....	190
Site Map of Mashantucket Reservation	196
Hard Rock Hollywood & Tampa Photos	203
Hard Rock International Global Map.....	221
Hard Rock Hollywood Photo.....	238
Site Map of Hard Rock Hollywood	239
Site Map of Hard Rock Tampa	241
Seminole Tribal Enrollment Chart.....	246
Turning Stone Casino Resort	262
INTRODUCTION	1
Why Tribal Gaming?	4
Off-Reservation Gaming and the Current Dilemma	6
The Four Existing Off-Reservation Casinos.....	10
Theoretical Discussions Surrounding Tribal Gaming.....	13

The Emergence of the New Off-Reservation Casino Trends.....	17
Research Plan.....	20
Research Questions.....	21
Research Methodology.....	22
Outline of Dissertation Chapters.....	28
CHAPTER 1.....	32
The Importance of Tribal Sovereignty.....	33
The Origins of American Gaming.....	33
The Creation and Introduction of Casino Style Gaming.....	35
The Historical Processes Shaping Native American Reservation Lands and Tribal Sovereignty.....	38
The Marshall Trilogy.....	42
The Creation of the Bureau of Indian Affairs and Tribal Lands.....	42
Transforming Indian Territory to the State of Oklahoma.....	44
The Battle Between Assimilation and Tribal Sovereignty.....	46
The Federal Recognition Process.....	50
A Reservation Fire Sparks the Birth of Tribal Gaming.....	52
Public Law 280 and the Battle for Sovereignty.....	53
The Cabazon Decision--the Legalization of Tribal Gaming.....	55
The Indian Gaming Regulatory Act.....	57
Contemporary Indian Gaming: IGRA to the Present.....	59
CHAPTER 2.....	63
Forest County Potawatomi Tribal History.....	64
The Council of the Three Fires.....	64
The Development of the Forest County Potawatomi Reservation.....	65
Wisconsin Gaming History.....	69
Forest County Potawatomi Gaming.....	71
The History of the Menomonee Valley.....	75
The PBC's Cultural and Economic Impact on the Menomonee Valley in Milwaukee.....	77
Potawatomi Tribal Enrollment, Membership, Identity, & Tribal Benefits.....	81
Forest County Potawatomi Impact on Surrounding Tribes.....	88
Forest County Potawatomi Impact on Surrounding Communities.....	93
Forest County Potawatomi Tribal Plans.....	96

CHAPTER 3	98
History of the Sault Ste Marie Chippewa Tribe.....	99
The Chippewa Split into Bay Mills and Sault Ste Marie	104
The Contemporary Sault Ste Marie Tribe.....	105
Michigan Gaming History	107
The Impact of Proposal E.....	108
The Emergence of Kewadin Casinos and Greektown Casino.....	110
The Impact of Kewadin Casinos on Surrounding Communities	112
The Challenges with the Greektown Investment	117
The Rebirth of Detroit: From Automobiles to Casinos.....	125
The Impact of Casino Gaming on the Greektown Neighborhood	129
Chippewa Tribal Enrollment, Membership, Identity, and Tribal Benefits	143
Sault Ste Marie Chippewa’s Relationship with other Indian Tribes	148
Sault Ste Marie Chippewa’s Future Tribal Plans	150
CHAPTER 4	152
The History of the Mashantucket Pequot Tribe	153
The Results of the Pequot War	156
The Push for Federal Recognition Begins	158
Connecticut Gaming History	161
Mashantucket Pequot Gaming Enterprise INC. & MGM Grand.....	163
The Rivalry Between the Mohegan and the Pequot is Reborn	171
An Unlikely Ally: The Pequot Partner with MGM Mirage	175
Moving Off the Reservation and into the World	182
Pequot Tribal Enrollment, Membership, Identity, & Tribal Benefits	185
Mashantucket Pequot Relationship with Surrounding Communities	196
Mashantucket Pequot Relationship with other Indian Tribes	199
Mashantucket Pequot Tribal Plans.....	201
CHAPTER 5	203
History of the Seminole Tribe.....	204
The Seminole Wars.....	206
The Formation of the Contemporary Seminole Tribe of Florida	208
Florida Gaming History	211
The Growth of the Seminole Gaming Empire	213

The Seminole Purchase Hard Rock International	219
The Global Expansion of Hard Rock Cafes	223
The Overall Impact of Seminole Casinos	231
The Impact of Seminole Casinos on Surrounding Communities	233
The Impact of the Seminole Hard Rock Casinos in Florida	238
Hard Rock’s Impacts Beyond the Reservation Boundaries	243
Seminole Tribal Enrollment, Membership, Identity, & Tribal Benefits	244
Seminole Relationship with other Indian Tribes	256
Seminole Relationship with Surrounding Communities	257
Seminole Tribal Plans	260
CONCLUSION	262
The Venture of Tribal Gaming.....	263
Guidelines for Off-Reservation Gaming and Successful Casino Development for Tribes.....	263
New Trends in Tribal Gaming	269
New Gaming Markets	271
Rolling the Dice on Tribal Gaming.....	272
EPILOGUE	274
Tribal Developments in 2010.....	274
Forest County Potawatomi Tribal Developments	274
Sault Ste Marie Chippewa Tribal Developments	275
Mashantucket Pequot Tribal Developments	276
Florida Seminole Tribal Developments	277
BIBLIOGRAPHY	306
APPENDIX A (INTRODUCTION)	330
Figure 1 (Spending of Tribal Gaming Revenue).....	330
Figure 2 (Gaming Revenue Charts)	331
Figure 3 (2009 Tribal Gaming Revenue Data by Region)	332
Figure 4 (Off-Reservation Casino Proposals).....	333
Figure 5 (Four Existing Off-Reservation Casinos)	335
APPENDIX B (CHAPTER 1)	337
Figure 1 (Federal Recognition Process Criteria).....	337
Figure 2 (Map of U.S. Indian Reservations).....	338
Figure 3 (List of States with Federally Recognized Tribes)	339

APPENDIX C (CHAPTER 2)	340
Figure 1 (Forest County Potawatomi Treaties).....	340
Figure 2 (Forest County Potawatomi Reservation Land)	341
Figure 3 (Map of Wisconsin Casinos)	342
Figure 4 (10 Largest Tribal Casinos).....	344
Figure 5 (Potawatomi Job Charts)	345
Figure 6 (Potawatomi Chart for FCP Casinos)	346
Figure 7 (Wisconsin Tribal Gaming Chart)	347
Figure 8 (Forest County Potawatomi Casino Revenue).....	348
Figure 9 (Photos of the Potawatomi Cultural Center).....	349
Figure 10 (Forest County Potawatomi Tribal Flag).....	350
APPENDIX D (CHAPTER 3)	351
Figure 1 (Map of Chippewa Tribal Lands)	351
Figure 2 (Sault Ste Marie Chippewa Treaties).....	352
Figure 3 (Map of Chippewa Social Service Units)	353
Figure 4 (Map of Michigan Casinos).....	354
Figure 5 (Sault Ste Marie Chippewa Tribal Flag).....	356
Figure 6 (Chart of Kewadin Casino Costs).....	357
Figure 7 (Population Chart for Chippewa Casinos).....	358
Figure 8 (Kewadin Casino Map & Population Base).....	359
Figure 9 (Chippewa Job Charts)	360
Figure 10 (Chart of Top 10 U.S. Gaming Markets).....	361
Figure 11 (Economic Impact of Detroit Casinos).....	362
Figure 12 (Sault Ste Marie Chippewa Land Holding)	363
Figure 13 (Michigan Tribal Gaming Chart).....	364
Figure 14 (Photos of Detroit Casinos)	365
Figure 15 (Sault Ste Marie Chippewa Casino Revenue)	366
Figure 16 (Chart of the 10 Largest Indian Tribes).....	368
Figure 2 (Chippewa Tribal Museum.....	369
APPENDIX E (CHAPTER 4)	370
Figure 1 (Pequot Treaties).....	370
Figure 2 (Map of Pequot Reservation Boundaries).....	371
Figure 3 (Pequot Tribal Boundaries)	372

Figure 4 (List of All Congressionally Federally Approved Tribes).....	373
Figure 5 (Map of Connecticut Gaming Facilities).....	374
Figure 6 (Foxwoods & Mohegan Sun Expansion Charts).....	375
Figure 7 (Mashantucket Pequot Tribal Nation Flag & Mohegan Tribal Nation Flag).....	376
Figure 8 (Comparison of Mohegan Sun & Foxwoods Casino Revenue).....	377
Figure 9 (Pequot Job Charts).....	378
Figure 10 (Population Chart for Pequot Casinos).....	379
Figure 11 (Map of Pequot Annexation Plans).....	380
Figure 12 (Pequot Tribal/Reservation Lands).....	381
Figure 13 (Connecticut Tribal Gaming Revenue Chart).....	382
Figure 14 (MGM Mirage & Mashantucket Pequot Memorandum of Agreement).....	383
Figure 15 (MGM Mirage Properties).....	384
Figure 16 (Location of Foxwoods Philadelphia).....	385
Figure 17 (Comparison of Pequot & Mohegan Tribal Museums).....	386
APPENDIX F (CHAPTER 5)	387
Figure 1 (Map of Seminole Reservation in 1823).....	387
Figure 2 (Map of Current Seminole Reservation Land).....	388
Figure 3 (Seminole Population Chart).....	389
Figure 4 (Map of Florida Casinos).....	390
Figure 5 (Seminole Casino Management Chart).....	392
Figure 6 (Seminole Casino Gaming Facility by Cost).....	393
Figure 7 (Florida Casino Employment Statistics).....	394
Figure 8 (Population Chart for Seminole Casinos).....	395
Figure 9 (Seminole Business Chart & Employment Statistics).....	396
Figure 10 (Seminole & Miccosukee Reservation Lands).....	397
Figure 11 (Florida Tribal Gaming Revenue).....	398
Figure 12 (Hard Rock International Locations).....	399
Figure 13 (Seminole Tribal Nation Flag).....	402
Figure 14 (Ah-Tha-Thi-Ki Museum).....	403

INTRODUCTION



Photo of Hard Rock Hotel in Macau, China (Photo by Author 2009)

Tribal Gaming Statistics as of January 1, 2010

Federally Recognized Tribes: 564
 Tribal Enrollment: 1,700,250
 Tribes Operating Casinos: 234
 States Operating Tribal Casinos: 29

Total Annual Revenue: \$26.5 Billion
 Per Capita Payment: \$2,500
 Tribal Casinos & Bingo Parlors: 421
 417 On Reservation & 4 Off-Reservation

Despite a struggling U.S. economy, in 2009 Indian gaming generated \$26.501 billion dollars in revenue, a -1.0% decrease from the \$26.738 billion generated in 2008 (Meister 2010; NIGC 2010). Besides the inconsistent state of the economy, one of the possible reasons for the decline in tribal gaming revenue was the closing of nine tribal casinos in 2009. In 2008, there were 240 tribes operating 428 tribal gaming facilities, and in 2009, 234 tribes operated a total of 421 tribal gaming facilities (NIGC Spokesperson 2010). Tribal gaming has spread across the American landscape like wildfire---234 of the nation's 564 *Federally Recognized* American Indian tribes engage in gaming, operating 421 casinos and bingo halls in 29 states. Besides the direct economic impact that tribal gaming had on tribes, these casinos also greatly impacted local economies and surrounding areas by providing an estimated 346,000 jobs that paid nearly \$12.0 billion dollars in wages. Tribal gaming has also both directly and indirectly lead to \$85.8 billion dollars of revenue production, provided 732,000 jobs, and paid \$29.4 billion dollars of wages in local and surrounding communities, and produced \$13.5 billion dollars in local, state, and federal taxes. The Spending of Tribal Gaming Revenue Chart (See Appendix A) displays the distribution of tribal spending throughout the U.S. from the \$26.501 billion generated from tribal gaming throughout the U.S. in 2009. The tribal gaming industry has continued to grow while the commercial gaming industry has temporarily sputtered primarily because of the easier access to tribal gaming venues and the moderately priced (affordable) amenities and accommodations that tribes offer consumers versus what commercialized destinations like Las Vegas and Atlantic City offer (Meister 2009). Based on consumer spending patterns and economic projections, the tribal gaming industry will continue to grow and expand for years to come---probably growing significantly in 2010 as the economy continues to rebounds. As tribal gaming continues to grow, tribes are examining more and more alternatives to expand their gaming practices off of traditional reservation land.

As the gaming industry has continued to grow, the total number of individuals classified as Native American has continued to grow as well---far more than in the previous years when tribal gaming did not exist. According to the Bureau of Indian Affairs, in 2009 there were 564 *Federally Recognized* tribes in the U.S. with a 1.9 million Native Americans (tribally enrolled members) living on 55.7 million acres of reservation

land. There are 314 designated areas in the U.S. as reservation land. There are also hundreds of other non-*Federally Recognized* tribes throughout the country with numerous tribal members. Only *Federally Recognized* tribes can own and operate tribal casinos on Indian lands; however, many tribes vying for *Federal Recognition* have expressed interest in acquiring gaming venues once they get recognition---this has led to many tribes being denied recognition because many believe their *Federal Recognition* is merely tied to aspirations of tribal gaming. The 2009 U.S. census estimates that 4.7 million individuals throughout the country have self-identified or claimed “Indian” as their ethnic/racial background. With the drastic increase in tribal revenue production from gaming, many tribes have seen significant increases in applications from individuals claiming tribal membership from tribes with gaming venues (NIGA Spokesman 2009). While many critics of tribal gaming claimed that increased revenue from gaming would decrease enrollment and limit the number of new tribal members throughout the country, increased revenue production has increased the total number of tribal members across the country---particularly in the wealthiest of tribes owning casinos. Why? Indian gaming is transforming the lives of numerous Indians and non-Indians as it is becoming the most important tool of reservation economic development and tribal self-sufficiency (NIGA 2009 Light & Rand 2005). Despite the effects of tribal gaming, Native Americans are statistically at the bottom of most social categories in the U.S. As tribal gaming continues to grow, new economic resources are now available for many tribes that did not previously exist; therefore, tribes must learn how to deal with their new economic success in ways that benefit both their members and their cultural values.

A Cultural Coordinator for the Sault Ste Marie Tribe of Chippewa, explained the difficulty involved with tribal gaming because this is new territory for tribes throughout the country.

Casinos are a gamble for tribes...life, like casinos are a gamble for people because every decision we make has different possibilities of how it might turn out. We [Sault Ste Marie Chippewa] made a lot of mistakes with the casinos and with the revenue we made. We are still making mistakes because there is a learning curve involved. We are however working to better the lives of our people through the success of our tribal gaming ventures. ~Cultural Coordinator Sault Ste Marie Chippewa

His statement has been echoed throughout the country as tribal leaders are learning “on

the job” how to deal with tribal gaming and its consequences, both the good and bad. Tribes are on an accelerated learning curve because of the increased popularity of gambling in the U.S. The casino industry is one of the world’s largest and fastest growing industries¹ in terms of creating tourism, helping build local economies, and generating revenue for individuals of all cultural and ethnic backgrounds. As the popularity of gambling has increased globally, the amount of scrutiny and criticism that tribes have faced from critics and opponents of tribal gaming has increased on the local, national, and global levels.

While all casinos worldwide have faced some type of backlash from critics, no ethnic/racial group has faced more than Native Americans. After years of being the most stereotyped and simulated ethnic/racial group in American history, the success of Indian casinos has only created a new set of stereotypes and simulated perceptions of identity formation in the eyes of the American public (Deloria 2004; Garrouette 2003). Deloria states that no matter how successful tribal nations are in contemporary society, the images of their people remain frozen or monolithic in popular culture. Garrouette reinforces the notion that how casinos are challenging tribal members to reexamine longstanding tribal membership policies. Popular culture is propelling negative stereotypes such as the rich and greedy Indians trying to steal the white man’s land through television, movies, literature, newspapers, websites, and other multimedia outlets. These forms of popular culture are recklessly influencing people’s perceptions of tribes throughout the country. Many tribes seem to be trapped by American stereotypes--succeed through the use of casinos and many believe you are selling out on your traditional culture and values, but fail to generate revenue through sustainable economic practices and you are viewed as a drain on the American economy and all of the past historical stereotypes about Indians are perpetuated. Are there really any other viable economic alternatives to tribal gaming on reservations?

WHY TRIBAL GAMING?

Tribal gaming has helped tribes reestablish the boundaries of reservations and ancestral lands because of its social, economic, and political ramifications on Indians and non-Indians alike. Tribal gaming impacts more than just the tribes participating in the

operation of gaming venues, it impacts surrounding communities, states, regions, and the country as whole through its economic spread (Meister 2009). The Gaming Revenue Chart (See Appendix A) shows the economic production of tribal casinos versus commercialized casinos. What the chart does not show is the impact that tribal casinos or commercial casino have on surrounding communities or states. Both tribal and commercial casinos typically pay taxes to local governments and to the state that they operate within for regulatory purposes. Commercial casinos typically have a higher taxation rate than tribal casinos, which is beneficial to tribes because they are able to retain more of their net revenue generated from gaming. Gaming is only legal in states that allow it (via a state constitutional amendment) and only Federally Recognized tribes that sign Class III state-tribal gaming compacts are allowed to operate full-fledged casinos. Tribal-State gaming compacts are negotiated between individual tribes and states and vary throughout the country. Some tribes pay one time lump sums of money or make annual payments based on their net revenue or a set amount. Tribes who want to venture off of traditional or government appointed reservation land², face stiffer regulations from local, state, and the Federal Government and battle fiercer economic and political opposition than do commercial gaming investors looking to acquire commercial lands for gaming. The single most influential reason for tribes wanting to expand their gaming ventures off of traditional Indian lands is to place their business in a more densely populated area because most Indian lands are scattered in remote and isolated settings (Mason 2000). Economically, off-reservation gaming has proven to be a financial stimulus for tribes, surrounding communities (Indian and non-Indian), state governments, and the Federal Government (NIGC 2010). While gaming has positively impacted numerous individuals financially, what impacts has it had culturally for these same groups of people?

Tribal gaming varies from geographic region to region, state to state, and even tribe to tribe. While tribes such as the Pequot, Mohegan, and the Seminole with their enormous wealth appear to be more like large corporations than cohesive cultural collectives of people, most tribes operate on a much smaller scale in terms of their gaming venues and are very culturally oriented. The average casino brings in an extra \$2,500.00 payment of revenue, per family member, per year; the majority of all gaming

revenue goes towards the community as whole, not the individual members through stipends (NIGC 2006; Light & Rand 2005). Only 78 of 234 tribes (or 1/3 of all tribes) owning casinos give individual stipends (or payments) to individual members (NIGA 2010). In most cases, tribal gaming is merely an economic band-aid to place on a large gaping wound that is slowly stopping the profuse bleeding that has been caused by numerous years of mistreatments and injustices inflicted by the U.S. and in some cases self-inflicted by the tribes themselves. What are often times neglected by most scholars are the cultural impacts that tribal gaming has on tribal communities, surrounding communities, and states. No study has ever been conducted that has measured the economic or cultural impacts of off-reservation gaming on tribes, surrounding communities, or states. Why have none of these studies ever been conducted?

OFF-RESERVATION GAMING AND THE CURRENT DILEMMA

The purpose of this dissertation is to examine the influence of “off-reservation” tribal casinos throughout the country and how they help to redefine tribal sovereignty and the ways that gaming experts define tribal casinos, reshape the boundaries of tribal lands/reservations, impact surrounding non-Indian communities, influence representations and simulations of tribal identities, and affect tribal memberships, enrollment processes, and tribal benefits. Under the *Indian Gaming Regulatory Act (IGRA)* of 1988, “off-reservation” gambling is referred to as gaming that does not occur on traditional or tribally owned land. The *IGRA* sets forth the guidelines that regulate Indian gaming on the federal, state, and local levels. The act covers existing gaming facilities and future gaming facilities through a number of different policies that define Indian tribes, gaming, gaming lands, the rights of tribes to participate in tribal gaming, and how tribes can spend gaming generated revenue produced from their casinos. This definition is rather limited in terms of what is “on-reservation” gaming and what is “off-reservation” gaming. The definition becomes even more limited when defining the types of casinos that tribes own and/or operate because many of the gaming facilities that tribes own and/or operate fall under multiple categories. The contemporary definition of off-reservation gaming does not acknowledge the possibilities of tribes buying commercial property outside of reservation land, tribes partnering with commercial investors or other

tribes for the purpose of off-reservation gaming, tribes buying existing gaming properties outside of reservation boundaries, or tribes partnering with and/or buying transnational corporations for the purposes of gaming related ventures. With all of the available options that tribes can take to get into and expand their gaming enterprises, it is no surprise that tribal gaming is a constantly evolving enterprise that is redefining the lives of Indians and non-Indians on numerous levels. During the last 10 years, tribes have been lobbying local, state, and government officials at increasing rates trying to acquire land outside of their traditional reservation lands to use for off-reservation gaming. There is a lot more at stake than just the cultural and economic well-being of the tribes vying for these casinos, there is the consideration of the impacts on surrounding communities, other tribes, financial investors and partners, and the state. With so much potential revenue at stake, many tribes are seeking outside investors to help finance their gaming venues. Many tribal members, government officials, and business owners worry about the potential impact that outside investors will have on the tribal gaming market (Light & Rand 2009, Meister 2009). The primary concern is that tribes will become involved with individuals, businesses, or organizations with corrupt or questionable business ethics similar to when the mob ran Las Vegas (1920's - 1980's). As tribes venture further and further into new territory with gaming, the gaming market and atmosphere are constantly changing. Off-reservation gaming is adapting quickly to meet these new demands, and so is the Federal Government. While the U.S. Government has never come out and directly said it is against tribe's using off-reservation gaming for economic stimulus, the Department of the Interior has created a number of laws and regulations to limit the expansion of tribal gaming off of Indians lands.

In 2008 alone, 23 tribes from around the country had their proposals for off-reservation casinos rejected by the U.S. Department of the Interior (See Appendix A). In one swift move, the Department of the Interior rejected 22 proposals in January of 2008 because of the newly written *Guidance Memorandum* law. The legislation limits the commutable distance that tribal members can travel to work at a tribal casino to 40 miles or less; therefore, stating that off-reservation casinos cannot be more than 40 miles away from a tribe's reservation. The main purpose behind tribal casinos according to the Department of Interior is to help create an economic infrastructure for tribes and to

provide employment opportunities that might otherwise not be available to tribal members. According to a Spokesman for the Department of the Interior, “Fourteen [proposals] were on land that is at least 100 miles from the reservation where tribal members live, with some as far away as 1,000 miles” (2008). The new policy seems to crack down on preventing any tribe from acquiring trust land that is not in close proximity to the tribe’s current reservation boundaries. The new memorandum also prevents tribes from opening up casinos near other tribal casinos with existing agreements either between local governments or state governments that include revenue sharing³. While in theory competition in any market is thought of being beneficial, it can be viewed as detrimental in some gaming markets especially in the eyes of the government who ultimately regulates tribal gaming. Contrary to what most Americans believe, *IGRA* is not intended to allow Native Americans to create casinos in the hopes of making “rich” Indians at the expense of the rest of the American population; its purpose is for Indian tribes throughout the country to help develop jobs for tribal members, provide economic structure and stability for individuals living on Indian lands, and for tribal governments to provide an alternative means for Native Americans to become more self-sufficient and less dependent on the American Government.

The second amendment to off-reservation gaming is the U.S. Supreme Court case ruling of *Carcieri v. Salazar*⁴ (by a 6-3 vote), where the court decided that land-trust status should only be and should have only been granted to tribes that were Federally Recognized before 1934. While the decision in this court case targeted the Narragansett Tribe of Rhode Island and their acquisition of land trust status to build a casino in the state, the impact of the court decision set a crippling blow to the Mashpee Wampanoag in Massachusetts and many other tribes across the nation that are actively seeking to develop and build new tribal casinos. The decision also impacts the several hundred tribes throughout the country that are trying to acquire *Federal Recognition*---if these tribes gain *Federal Recognition* and currently hold no tribal lands, then the U.S. Government will not be allowed to acquire any land for them in land trust status, which would ultimately impact their ability to function and operate as a tribe. This court decision also impacts tribe’s abilities to acquire land off of reservation or gain new tribal lands to use for gaming purposes or other economic or cultural purposes. Steven Andrew

Light, Codirector of the Institute for the Study of Tribal Gaming Law and Policy at the University of North Dakota, stated that: "There's no doubt this casts a major shadow over opportunities to expand Indian gaming on off-reservation land or otherwise" (Associated Press 2009). The *Carcieri v. Salazar* decision and the *Guidance Memorandum* were no doubt made to help ensure that the Federal Government can continue to regulate the overall direction of tribal gaming. The decisions also demonstrate the relationships between tribes, states, and the Federal Government when it comes to the determination of tribal sovereignty and the expansion of tribal gaming in a capitalistic market. As Indian gaming continues to try to move further outside of reservation boundaries, the U.S. Government is increasing its efforts to limit the directions that tribes can take to venture outside of these boundaries by its enforcement of legal policies.

The *Carcieri v. Salazar* decision and the *Guidance Memorandum* were also created to help levitate growing concerns of the practice that opponents of tribal gaming refer to as reservation shopping. Reservation shopping (or portable sovereignty) is the term used when tribes have tried to acquire and/or buy land that they do not own (lands outside of traditional tribal lands) for gaming purposes. Opponents of off-reservation gaming have stated that this type of gaming practice allows tribes the economic freedom and opportunity to look into gaming markets and lands that are closed off to commercial gaming entrepreneurs by putting land into trust status for the sole purpose of creating tribal casinos. Opponents also believe that tribal casinos that are located off-reservation are having negative social impacts (culturally and economically) on non-Indian communities. Generally, gaming may not be conducted on Indian lands acquired after October 17, 1988, unless the U.S. Secretary of the Interior places the land in trust status for the benefit of an Indian tribe for one of the two following exceptions:

(a) the lands are located within, or are contiguous to, the boundaries of a reservation of a tribe on October 17, 1988; or (b) the tribe has no reservation as of this date, but the land is located within the tribe's last recognized reservation within a state or states in which the tribe is presently located. An exception may be made to this rule if the Secretary of the Interior determines that a gaming establishment on newly acquired lands would be in the best interest of the tribe and would not be detrimental to the surrounding community, but only if the Governor of the affected state concurs in this determination (IGRA 1988).

While only four casinos exist that classify as off-reservation casinos under the old

definition, the tribal gaming industry is changing so rapidly that the definition of an off-reservation casino seems to be adapting to fit the new gaming environment that tribes and commercial casinos are competing with each other over. Currently under the *IGRA*, the four off-reservation casinos operating throughout the country are the: Fond du Lac Band of the Superior Chippewa Tribe's Fond-du-Luth Casino in Duluth, Minnesota (opened in 1988), Forest County Potawatomi Tribe's Potawatomi Bingo Casino in Milwaukee, Wisconsin (opened in 1991), the Keweenaw Bay Tribe's Ojibwa Casino Marquette in Marquette, Michigan (opened in 1994), and the Kalispel Tribe's Northern Quest Casino in Spokane, Washington (opened in 2000). The four off-reservation casinos vary greatly in their geographical location in terms of surrounding population area, consumer base, tourist drawing power, size, facilities, venues, amenities offered, and revenue generated. These casinos were not built on land acquired before 1988, but on lands acquired into trust status after 1988 for the sole purpose of using gaming as an economic stimulus for the tribes. Other tribes throughout the country have cited these tribes as examples as to why their tribes should be able to acquire lands outside of their traditional reservation boundaries for gaming purposes. Every tribe since the Kalispel Tribe in 2000 has been denied new lands in trust status for off-reservation gaming purposes. Why?

THE FOUR EXISTING OFF-RESERVATION CASINOS

The Fond du Lac Band of the Superior Chippewa Tribe of Minnesota opened the Fond-du-Luth Casino (See Appendix A) in Duluth, Minnesota in 1986 as a tribal bingo hall. The casino was the first off-reservation casino in the country and its original opening date predates the *IGRA* of 1988. The city of Duluth and the Chippewa created a joint partnership⁵ that allowed the tribe to build the gaming facility off of reservation land (approximately 25 miles east of the reservation) in exchange for 19% of the facility's total gross (not net) gaming revenue. When the *IGRA* was passed, the tribe had to get the casino officially approved by the state of Minnesota and the Department of the Interior even though the tribe and city already approved the facility pre-*IGRA*. The approval process went swiftly because it was determined by the state (Governor), the local community, the tribe, and Secretary of the Interior that the gaming facility was in the best interest of all parties involved. The metropolitan area of Duluth has a population of

275,000 people, which helps the casino generate between \$33 to \$35 million dollars annually, paying the city of Duluth around 6 million dollars in revenue per year (MGCB 2010). The casino is built in an old Sears building and has modest amenities compared to most modern tribal casinos, so its potential growth and revenue producing abilities are limited compared to other tribes. The casino in its current location and facility will not grow any larger unless agreements are made between the tribe, the city, the state, and the Department of the Interior for the tribe to acquire additional gaming land in trust status. Most of the revenue generated from the casino goes to the overall community, not the 4,200 enrolled tribal members. With the success of their off-reservation casino, the tribe opened the Black Bear Casino⁶ on their reservation in 1993.

The Forest County Potawatomi Tribe's Potawatomi Bingo Casino (See Appendix A) in Milwaukee, Wisconsin, opened in 1991 and was the country's second off-reservation casino to open. This was and is the first and only off-reservation casino built in a metropolitan area (500,000+ people). Milwaukee is the country's 23rd largest city and 33rd largest metropolitan area, allowing the tribe to have nearly 4 million visitors per year (FCP 2010). The tribe commissioned the state to reclaim some of its "traditional" tribal land that was in the city of Milwaukee and was awarded land in the Menominee Valley (an old rundown industrial area in the city). The casino is nearly 200 miles south of the tribe's main reservation land in Carter, Wisconsin. Through the creation of a massive casino with all of the modern amenities and facilities, the tribe has been able to create a casino that generates more than \$300 million dollars annually and that pays 1.5% of its total gaming revenue to both the city of Milwaukee and the county of Milwaukee, plus additional expenses and fees to the state of Wisconsin (State of Wisconsin 2010). The yearly payments made to both the city and county are around \$5 to \$6 million dollars per year. The tribe's nearly 1,300 enrolled members receive generous annual stipends of nearly \$100,000 per member, and the success of the Milwaukee casino has allowed the tribe to renovate its Northern Lights Casino in Carter, Wisconsin. The Department of the Interior has since rejected every other tribal casino proposal near a major metropolitan area. The Potawatomi also have an agreement with the city of Milwaukee giving it a 30 mile radius buffer---where no other gaming facility can be built or operated.

The Keweenaw Bay Indian Community Lake Superior Band of Chippewa

Indian's Ojibwa Casino (See Appendix A) Marquette in Marquette, Michigan, was opened in 1994 in Michigan's Upper Peninsula. The casino is approximately 88 east miles from the tribe's remote reservation location in Baraga, Michigan. The casino is extremely small compared to many tribal casinos with few amenities and is located in the city of Marquette that has a metropolitan population of less than 100,000 people. Despite its small stature and isolated location (in comparison to other larger tribal casinos), the casino still generates an estimated \$20 to \$25 million dollars every year (MGCB 2010). The tribe pays the state of Michigan 8% of its total gaming generated revenue each year which averages somewhere around \$2 million dollars a year. Because of the casino's remote location, the tribal casino is limited in its potential growth ability. The tribe also operates Bucks Bingo and the Ojibwa Casino Resort on the reservation. The nearly 3,600 enrolled tribal members receive small annual payments from the tribal government, but the vast majority of the tribe's revenue goes towards community based projects.

The Kalispel Tribe's Northern Quest Casino in Spokane, Washington, opened in 2000, and is the last off-reservation casino to be approved under the *IGRA* guidelines. The casino is located approximately 68 miles south of the tribe's reservation in Pend Oreille County, Washington. The Kalispel Tribe, which has a reservation in Pend Oreille County, bought 40 acres in Spokane in 1994 for economic purposes, and eventually opened the Northern Quest Casino in 2000 after obtaining approval from city, state (Governor) and federal officials (Department of the Interior). Spokane has a metropolitan population of 475,000 people, so the casino brings in a lot of business because of its location. The casino is large in size and currently underwent a massive expansion that was finished in 2010, which will only further help its estimated gaming revenue of nearly \$120 million dollars per year (WGCB 2010). Profits from gaming allowed the tribe to buy another 253 acres, which is the site of its current \$275 million casino expansion. Economists and tribal members project the gaming expansion will help the tribe generate an estimated \$200 million dollars of annual revenue. The nearly 300 enrolled tribal members receive an annual stipend estimated at \$50,000, plus the tribe has spent money to improve reservation conditions and buy a wild life preserve (Kalispel Tribe 2010). While the casino is in a moderately populated market, it faces challenges from outside competitors (other tribes) into its gaming market because the city of

Spokane is considering proposals from other tribes to build off-reservation gaming facilities in the surrounding area. The tribe does not have a buffer zone policy like the Potawatomi tribe has with the city of Milwaukee.

Out of the four existing off-reservation casinos, only the Fond-du-Luth Casino in Duluth, Minnesota, would pass the Department of Interior's recent modifications to acquiring tribal land outside of the reservation for off-reservation gaming. The Northern Quest Casino in Spokane, Washington, while outside of the 40 mile radius, would still be in relatively close proximity for traveling distance to and from the reservation. The Ojibwa Casino and Potawatomi Bingo Casino are further distances for tribal members to travel to and from for work purposes and would be easily rejected by the Department of the Interior. In fact, the Potawatomi Bingo Casino is exactly what the Department of the Interior wants to eliminate all together---tribal casinos over 100 miles away from the reservation located in large metropolitan markets. Yet, the Forest County Potawatomi acquired the casino and have a chokehold on that surrounding gaming market. These four casinos have set the standard for which other tribes will be measured and evaluated by the Department of the Interior for off-reservation gaming purposes.

THEORETICAL DISCUSSIONS SURROUNDING TRIBAL GAMING

On the local, state, and even the national level, tribal gaming has raised a number of theoretical debates among scholars. While tribal gaming is a controversial issue for both Indians and non-Indians, it revolves around issues of blood, politics, money and most importantly how Americans define the notion of race (Darian-Smith 2001). The largest debate surrounding the field of tribal gaming is defining the boundaries of tribal sovereignty and understanding its limitations. Tribal casinos fall into a gray area because tribal sovereignty is affected by state and federal legislation when it comes to gaming regulation as well as tribal regulations. Scholars such as Cattelino (2008), Light & Rand (2007), Darian-Smith (2004), and Mason (2000), all discuss the importance of law when defining tribal sovereignty; several court cases including the U.S. Supreme Court cases of *Seminole Tribe of Florida v. Butterworth* (1981), *Cabazon Band of Mission Indians v. California* (1987), and *Seminole Tribe of Florida v. Florida* (1996) to name a few, have all challenged the notion of Native American sovereignty and what that means for tribes,

states, and the Federal Government.

Tribal sovereignty stems from tribes' status as self-governing indigenous nations with legal, political, cultural, and spiritual authority. At the heart of tribal sovereignty are the tribes' inherent rights of self-determination. Tribes authority to determine membership, establish and enforce laws, provide for the health and welfare of members, protect and nurture tribal traditions and culture, and interact with federal and state governments all stem from tribal sovereignty. In short, tribal sovereignty is the freedom of tribes to choose their future...[While] the federal [U.S.] legal doctrine of tribal sovereignty... recognizes tribes' inherent sovereignty as nations, the defining aspect of the federal legal doctrine of tribal sovereignty is that tribal sovereignty may be limited or even extinguished by Congress (Light & Rand 2007, 5).

Issues regarding sovereignty challenge tribes' rights as sovereign nations within the U.S. to fully and independently self-govern themselves. Tribes are typically viewed as semi-sovereign nations that are dependent (or were dependent) on their host nation (the U.S.) for their cultural and economic survival (Light & Rand 2005; Mason 2000). Issues revolving around tri-governmental relations and sovereignty have primarily been studied in the fields of legal and cultural anthropology and continue to raise questions among scholars as the gaming market continues to evolve.

Sovereignty has further been challenged when Native American tribes have tried to buy land outside of reservations for economic purposes such as economic development (commercial businesses) or off-reservation gaming. Putting land "in trust" is an issue that both states and the Federal Government are dealing with as Native American tribes are expanding outside of their reservations (Light & Rand 2005). Numerous contracts and treaties signed between tribes, state governments, and the Federal Government, along with some tribes' new found economic status, have allowed tribes to reacquire or purchase traditional lands and even commercial lands. Controversy surrounding the definition of tribal lands and the special status on these lands is an ongoing debate within the field of tribal gaming because commercial businesses feel that land "in trust" gives tribes special advantages such as tax breaks, self-governing, and places them on an uneven playing field as other commercial businesses (Meister 2009). With tribes venturing into other businesses off of the reservation, there are a whole new set of concerns and issues of legality facing tribes, the definition of cultural sovereignty, and relationships with states and the Federal Government. Some tribes, such as the Seminole

Tribe of Florida and the Mashantucket Pequot and Mohegan Tribes of Connecticut, are buying international businesses or looking to expand their business opportunities internationally---all of these opportunities were made possible through their ventures in tribal gaming. What affects does tribal sovereignty have on representations of Native American identity construction? What new boundaries will be created and challenged as Native American venture into international markets? How will tribal identities be challenged by these processes? Tribes are not only being viewed as cultural entities, but as corporations because of their new found economic status.

The expansion of tribal gaming is also creating controversy in tribal membership as new forms of revenue are being generated that were previously nonexistent before tribal casinos. Determining tribal membership and enrollment criteria is one of the few basic rights tribes have been able to maintain through their status as sovereign nations (Darian-Smith 2001). Identity has been contested amongst tribal members and even in courts (both tribal and state) in regards to tribal benefits for individual members. Identity becomes entwined with citizenship when definitions of tribal citizenship are changing because of cultural practices. “The most common tribal requirement for determining citizenship revolves around “blood quantum” or the degree of Indian ancestry” (Darian-Smith 2001, 224). Blood quantum levels and active participation in tribal/community events is becoming more important for tribal governments in their determination of membership (Light & Rand 2005). Identity is often linked to economics, which is the most heavily studied area regarding tribal casinos in the U.S. With most tribal casinos being located in remote rural areas, their drawing power is not as strong as most would think. Tourism becomes an important tool for tribes to utilize as they try to bring in visitors/tourists into their reservations for gaming, which also benefits other tribal businesses and surrounding non-Indian businesses. Marketing and selling the experience becomes a central point of scholarship that is not studied. Researchers are beginning to examine if tribes are commodifying their own identities to help sell tribal gaming as an experience---an Indian experience that is vastly different from the commercial gaming experience. The economic influence of tribal casinos leads to the next area of examination in the field of tribal casinos, the cultural effects of gaming on Native American and non-Native American populations.

The cultural implications of tribal casinos have been stated in numerous studies such as (Cattelino 2008; Light & Rand 2005; Darian-Smith 2004; Liner 2004; Mason 2000), but have been limited in their scope and overall perspective. Higher crime rates⁷, poverty rates, abuse rates, increase in alcohol and drug related use and crime, and other forms of addiction are commonly linked to casinos in communities. On the other hand, studies have also shown that casinos generate more revenue for Native Americans and non-Native Americans by creating more jobs and opportunities, increased population growth in cities and tribal communities, rejuvenated commercial districts, and a sense of community belonging and membership (in some cases a disconnect from tribal identity occurs). Either way, it is hard to directly link any or all of the positive or negative aspects in these areas directly to gaming. It is, however, a determining factor in probably all, if not the majority, of these issues. The cultural identities of Native Americans and non-Native Americans are examined through living conditions, primarily through economic studies.

One of the major gaps in tribal gaming is that scholars do not study the impacts of “off-reservation” casinos on surrounding non-Indian communities and other Indian communities. The adapting definition of off-reservation gaming is helping to redefine and recreate definitions of tribal/reservation lands, tribal casinos, tribal identities, tribal memberships, and partnerships with other tribes and commercially-based businesses on the local, national, and global levels. There are many untold narratives that exist within the examination of off-reservation gaming surrounding the ideas of sovereignty and identity formation for Native and non-Native identities. As tribes venture further into uncharted territories in the gaming industry, the possibility of managing casino profits (real or potential) creates new social and economic power dynamics between tribal members and non-tribal members. Off-reservation gaming is forcing some tribes to reexamine enrollment policies (do they become stricter or looser as revenue increases?), who is Indian and who is not Indian, creates new perceptions, representations, and simulations of both non-Indian and Indian identities, and forces Indians and non-Indians alike to examine local, national, and transnational identities and Indian lands expand throughout local communities, across state boundaries, and throughout international boundaries.

The U.S. Department of the Interior's definitions of reservation/tribal lands and *IGRA*'s definitions of tribal casinos simply do not suffice to meet the needs of a changing atmosphere. As tribes are venturing more and more into capitalistic venues as means for generating revenue, tribal members' identities are expanding from reservation identities to national identities to transnational identities as some tribes are venturing into the global market. Gaming is creating a number of ongoing issues that can be and are being examined theoretically by scholars. One of the major problems with this issue is that tribal gaming does not fit into the confinements of traditional American law---it occupies a liminal space⁸ in Indian and American law. The future of tribal gaming seems destined to leave the boundaries of the reservation and move into new territories. Gaming is becoming a transnational industry on numerous levels and will continue to challenge the ways that Native American identities, non-Indian communities, and businesses are observed and studied in their relationship to other identities, communities, and businesses. The affects that this industry has on individual identities and communities has yet to be examined thoroughly. The issue of tribal gaming has created a number of mixed responses throughout the country since its humble beginnings and is continuously changing as gaming leaves the reservation.

THE EMERGENCE OF THE NEW OFF-RESERVATION CASINO TRENDS

The Department of the Interior is extremely hesitant to allow any other off-reservation gaming facilities throughout the country, especially one that would be in close proximity to one of its already existing off-reservation casinos. Why? What does the Federal Government have to lose from allowing tribes throughout the country to venture into tribal gaming away from their traditional reservation boundaries? The Federal Government does not directly receive any revenue from tribal gaming (only from taxes), but individual states that allow gaming receive annual revenue from the gaming compacts signed with tribes. The state governments have more at stake than the Federal Government, so some states are trying to work with tribes to help push their off-reservation casino proposals through the Department of the Interior, but with no success so far. For many tribes, their only option to enter the gaming market because of the remote location of their tribal lands is to venture off of tribal lands into a more densely

populated urban area. The California Nations Indian Gaming Association⁹ (CNIGA) poses the question “Are better economic development alternatives to gaming available to tribes?” when examining the impacts of tribal gaming on tribes and reservations. Their response, as echoed by the National Indian Gaming Association (NIGA) (2009), is as follows:

Indian gaming is the first – and only – economic development tool that has ever worked on reservations...The states have not proposed any specific or credible alternatives to Indian gaming as a meaningful source of tribal revenues and jobs. The National Gambling Impact Study Commission found that “no other economic development other than gaming has been found.” Moreover, tribal governments are using gaming proceeds to diversify and conduct other economic enterprises.

For many tribes, their only option to go into the gaming industry is through the avenue of off-reservation gaming. What can tribes do if their reservation land is in desolate, isolated, areas, where they are cutoff from cities, commercial markets, and more importantly there is little access into and out of the reservation? The Meister Report (2009) notes:

The shift into the off-reservation gaming market and the recent push for many tribes is simply economical. If tribes cannot get customers to come to them, they will try to bring their business to the consumers---hence the explosion in off-reservation gaming applications sent to the Department of the Interior.

Large metropolitan areas have the local population base and established tourist base to support gaming facilities. While the U.S Government has been working to create laws to limit tribal gaming to existing and established Indian lands, tribes are eagerly, and in some cases desperately looking to move beyond tribal boundaries into new communities, new states, and new countries to expand their gaming industries. Opponents of tribes moving their gaming facilities outside of established tribal lands say that if tribes are allowed portable sovereignty, that they could carry their semi-sovereign status with them wherever their tribal casinos are located creating an unfair playing field for competitors. Despite the four off-reservation casinos that *IGRA* acknowledges and approved, there are many other types of off-reservation casinos that tribes own and operate that are rarely, if ever discussed, in tribal gaming literature. These new casinos fall into gray categories that are not as easily regulated by the NIGC and do not fall under any of the criteria listed

in the *IGRA*. What impacts are the new off-reservation tribal casinos having on surrounding communities, states, reservations, sovereignty, Indian identities, and tribal life in general?

So how exactly are tribes helping to change the contemporary definitions of off-reservation casinos? Tribes are becoming what Darian Eve-Smith refers to as the new capitalists through their ventures into uncharted territories as they look to expand and grow their gaming enterprises and to improve social conditions on and off the reservation for tribal members. Tribal gaming has been the direct result of the semi-sovereign status that Indian tribes throughout the U.S. share because of their conflictual history with the U.S. Government. This semi-sovereign status has resulted in Indian tribes throughout the country occupying liminal spaces in between the U.S. nation-state and separate Indian nation-states. Tribal gaming is still a fragmented industry because of the unique relationships that each tribe has with their state, their state-tribal compacts, and their available revenue and resources to grow. Technically, any casino, commercial or tribal, that tribes build off of their tribal land is an off-reservation casino.

Many tribes are partnering up with commercial investors and either forming partnerships together or merging their business plans together to open gaming facilities. For tribes, the relationship is typically one of economics. Who will lend/provide the capital they need to start up their gaming venture? For commercial investors, the situation is about economics and access into the tribal gaming market. The only access commercial investors have into tribal gaming is through partnerships with tribes. The emergence of tribes working with commercial investors also provides some tribes an opportunity to further leave the boundaries of the reservation by venturing into international gaming markets. This was never envisioned when tribal gaming first began and is limited to only the most elite tribes in the country in terms of their gaming corporations. Tribes are also partnering up with other tribes to create gaming venues. Tribal to tribal relationships were quite common pre-European contact and even heavily during the formation of the U.S., but their existence in many cases during the reservation era has been limited to say the least on many levels. Economic collaboration/partnerships between tribes are a fairly new phenomenon, especially within tribal gaming when so many tribes are competing against one another for market control.

RESEARCH PLAN

The Forest County Potawatomi Tribe in Wisconsin, Sault Ste Marie Chippewa Tribe in Michigan, Mashantucket Pequot Tribe in Connecticut, and the Seminole Tribe in Florida have all used off-reservation style gaming to challenge the contemporary ways that Americans view off-reservation gaming to improve the lives of their tribal members through gaming. These tribes have left their traditional reservation boundaries and have helped to redefine the gaming industry's notion of what is off-reservation gaming. The reason I chose these four tribes is that each tribe has influenced their own community, surrounding communities, and the gaming industry in uniquely different ways through their gaming ventures. By examining these four tribes, their gaming experiences, and the defined cultural and economic impacts they have had as individual case studies, I can provide a localized framework that can be expanded upon to see how interactions at local levels impact and influence national and global trends in tribal gaming.

Each of the four tribes will be studied on the impacts that their gaming industries (both their off-reservation and on reservation casinos) have on their tribal boundaries, tribal members, surrounding communities (Indian and non-Indian), and the gaming industry. Each tribe will be examined through the following six criteria to provide a structured way to measure the impacts of their gaming on their reservations, tribal members, their surrounding communities, gaming industry, and to measure how other tribes are similar and different from one another in different parts of the country: (1) a brief history of the tribe (including the development of their reservation land and their *Federal Recognition* process) and the contemporary status of the reservation and tribal members; (2) the development of the tribe's gaming operations (briefly preceded by their state's gaming history to setup each tribe's position in the gaming industry) and their current status; (3) the tribe's impacts on surrounding non-Indian communities; (4) an examination of tribal enrollment, membership policies, tribal benefits (stipends, language and land preservation, housing, and miscellaneous individual and community benefits), and the changing status of their Indian identity; (5) the tribe's relationship with surrounding tribe(s); (6) the tribe's future plans based on its current gaming endeavors and financial situation. These criteria, analyzed through a detailed methodology (described later) will help to answer the following research questions that will provide a

detailed analysis of tribal gaming within four of the premier tribal gaming communities in the country and their impacts on gaming within the country.

RESEARCH QUESTIONS

The Chippewa, Potawatomi, Pequot, and Seminole Tribes will be used as individual case studies to help further examine the following primary research questions that revolve around tribal sovereignty and the ownership and operation of tribal gaming facilities off of traditional reservation lands: 1) how is the changing economic atmosphere of tribal gaming helping to reshape and redefine the definitions of on-reservation and off-reservation casinos as well as the political and social boundaries of Native American tribal/reservation lands as well as those boundaries of non-Indian communities?; 2) how does the changing off-reservation gaming market influence the lives of tribal members and non-Indians both on-reservation and off-reservation?; 3) what impacts does the newly generated revenue from off-reservation gaming have on tribes, surrounding communities, and states? Through the use of tribal gaming, tribes throughout the country now have the ability to acquire/purchase traditional tribal lands and new lands for tribal purposes. Understanding the boundaries of traditional tribal lands versus the new acquisitions of non-tribal lands will help clarify how tribes are becoming more business oriented in a capitalistic world and how they are actively working to better the lives of their members through the acquisitions of traditional or lost lands (lost through treaties). Venturing into the commercial casino industry allows tribes access into new lands (nationally and internationally), opportunities, and business partnerships¹⁰. As the boundaries of tribal gaming change, what impacts are being imposed on Native Americans and non-Native Americans and their surrounding communities?

The changing gaming market has also created a secondary set of research questions (that are not directly addressed in the dissertation), as each tribe faces their own unique set of challenges culturally, politically, and economically, particularly those issues revolving around tribal identity and membership. Tribal gaming has only furthered the debate about who “is” Indian and who “is not” Indian as more individuals are claiming “Indian” identity each year. Tribes have been basing membership more and more on blood quantum levels than anything else, but are there any other methods available to

determine “Indian” identity¹¹? As gaming revenue increases, how do tribes deal with a new influx of money coming into their reservations and how is it distributed? Where is the revenue these off-reservation tribal casinos is generating going, and why? How is the revenue being spent, and who is spending it? Furthermore, what types of jobs are being created from gaming, what individuals are getting them, what is the trickledown effect of gaming on surrounding communities, and what taxes are being generated from these casinos? Are tribes who are economically successful turning more into capitalistic corporations and losing their tribal identities through their economic success or becoming more culturally oriented as a result of their increased revenue? Examining these research questions, will allow myself and others to better understand what is happening internally and externally to tribes as the result of new off-reservation gaming practices. As the definitions of gaming change, so must the scope in which scholars examine it.

RESEARCH METHODOLOGY

My research within this dissertation is partly due to the work of my previous experiences analyzing other gaming markets, gaming trends, and tribes operating in the tribal and commercial gaming industries, as well as my current research endeavors focusing on the impacts of off-reservation gaming. I have been studying the gaming industry since 2000, which has allowed me opportunities to meet many individuals throughout the industry (both in tribal and commercial gaming). These experiences have allowed me entry and access into many gaming markets and tribes that other individuals do not have access into. My previous experiences, along with access to these tribes and their gaming industries and markets, were also factors that lead me to choose the Forest County Potawatomi, Sault Ste Marie Chippewa, Mashantucket Pequot, and Florida Seminole as potential case studies to research off-reservation gaming. The Fond du Lac Band of the Superior Chippewa Tribe of Minnesota, the Kalispel Tribe of Washington, and the Keweenaw Bay Ojibwa Tribe of Michigan (the other holders of off-reservation casinos) were eliminated as possible case studies because of their limited growth and their overall ability at this point in time to add new dimensions to the research within the off-reservation gaming industry. The only other two tribes I considered as possible case studies were the Mohegan Tribe of Connecticut and the Fort Mojave Tribe of Arizona,

California, and Nevada; however, both tribes at the present moment lacked the criteria I was looking for.

The research questions examined within each case study of this dissertation were conducted through a multidisciplinary approach that incorporated forms of quantitative and qualitative data from cultural studies, casino studies, literary analysis, ethnographic work, site analyses, archival research, statistics, and interviews. A multidisciplinary research approach was used because it allowed me the most opportunities to collect various forms of data and then analyze that data. An important aspect to understand is that any research project has both its strengths and weaknesses in its conceptual design. I have tried to limit the areas of weaknesses in my research design by implementing the most effective research design I could to accommodate the large geographical scope of this research project while also limiting the boundaries of my own research and the unknown variables. This research project examines the actions of four separate tribes (Potawatomi, Chippewa, Pequot, and Seminole) in four different states (Wisconsin, Michigan, Connecticut, and Florida) as four separate case studies. Other tribal gaming research projects have limited themselves to one specific case study (only three detailed case studies exist on individual tribes), and none have ventured off into examining multiple case studies or off-reservation gaming. While studying one geographic site provides a more detailed and concrete example of that region, it is limited in its scope and depth at trying to answer broader questions that affect numerous geographic locations and groups of people. I believe that studying multiple geographical locations (four) that I can address those broader questions that influence a larger range of people in my field of research.

The amount of research time directly working with each tribe varied from a case to case scenario. I made numerous trips¹² to each of the reservations, their tribal casinos, and the surrounding communities (both Indian and non-Indian) conducting research and gathering data from 2004 to 2010. My research, like that of anyone else who has ever worked with larger communities, is limited in its scope of narrative. There are too many individual voices within any community to gain a complete consensus, but through an analysis of the available data and resources it will be possible to create new and untold narratives describing the changing cultural, economic, and political atmosphere of tribal

gaming for tribal members as well as non-Indians.

Through a multi-sited cultural site analysis and limited ethnographic research approach that studies the four tribes mentioned above, their off-reservation casinos, and the surrounding non-Indian and Indian communities, I researched how the economic revenues generated by those tribes influenced their surrounding communities socially and economically and how these local actions are influencing the national and global landscape. Most tribal gaming researchers only create a limited narrative on tribal gaming and most exclude the necessary statistical data used in casino gaming research to understand the economic and cultural impacts created. I tracked the visible impacts that these off-reservation casinos had and are having through published accounts and studies, news footage (visual and written), public records, the views of various city and state officials, the views of tribal leaders, the views of non-Indians, and statistical data from tribes, non-Indian communities, and various state and national departments. I gathered this research data through extensive archival research and database research, cultural site analyses, limited ethnographic work¹³ (mostly observational fieldwork and data collection with little to no participant-observer interaction), interviews (telephone, in person, and email/text) and physical and visual observation and analysis/examination of the following communities: reservations, casinos, and non-Indian communities.

Another method used for this project relied on using cultural studies by conducting site analyses or visual analyses of the environments being studied as case studies. By visually examining the changes in the physical environment at the specified locations (before and after the creation of the casinos), accompanied by documentation citing changes from cities, surrounding community organizations, and tribes, an analysis of both the positive and negative influences and effects that off-reservation casinos and tribes are creating can be documented and analyzed. Economic analyses of casinos typically examine the direct sources of revenue that casinos produce and the indirect sources of revenue that casinos help to generate through related economic expenditures (such as jobs, tourism, and taxes) are vital and necessary to this research. The economic analysis of a site is typically examined through the business industry's input-output analysis model, which examines all of the costs associated with creating and maintaining a region or on a smaller level an industry and then measuring the economic impacts that

region or industry has on the surrounding businesses and communities. Site analyses also allow researchers the ability to examine a location without directly using or incorporating ethnographic research because it is a visual analysis that examines the landscape like a writer would examine a text (Spirn 2000). The change in an environment can also be measured by the new amounts of traffic that are going through that environment at given periods of time. Changes in traffic can also be measured by increases in the surrounding populations or by the growth and development of surrounding businesses. The change in landscape also helps to tell new emerging stories about the individuals making the changes and the individuals impacted by the changes.

The use and collection of community-based archival research was a vital method in conducting this research. The retrieval of archival information occurs through the following formats: accessing local community-based archives (both public and tribal), accessing internet-based archives (both public and tribal), journals, newspapers, tribal letters and documents, treaties, local, state, and federal gaming documents and policies, agendas from meetings, as well as bloggings¹⁴ from articles and newspapers that are stored on online databases. Each type of document has its own level of subjectivity, some more so than others. But each type of document offers its own unique perspective because it is geared towards a specific audience, has a specific purpose, and has an expert/specialist in the field writing it. The statistical data that was collected and used was gathered from trusted fields within the gaming and tourism industries and was as accurate as it could possibly be---statistical data can be subjective, interpreted, and even manipulated by any researcher. Data may also be slightly different from one source to another, so I tried to verify all statistical data from multiple sources when and if possible. Written documents, like any other text, are subject to the interpretation of the reader. My analysis of each text was as that of an outside researcher examining the gaming market and the impacts of off-reservation gaming. I had no ulterior motives in my analysis, and my relationships with any of the individuals, who wrote the material, if any, did not influence my interpretations. These written texts provided statistical data and qualitative data through the use of numbers, opinions, interviews, policies, plans of action/procedures, and other forms of data production.

Another important methodology used to gather research data for this project was

the use of interviews¹⁵. The interview process used a mixture of face to face interviews, telephone interviews, and email/text interviews. Some of the interviews were extremely long and detailed, while others were short and rather limited due to varying constraints. I chose to take notes during the interviews rather than tape recording the interviews because of the amount of time involved with transcribing the interviews and the legality involved with tape recording conversations for research purposes. I made sure to ask individuals to repeat any vital information if I was taking a direct quote from them to ensure that I did not misquote them. When I texted or emailed individuals, I had a hard copy of their responses, which helped ensure the accuracy of their statements because I could directly quote their written response if needed. The reason for using a mixed variety of interview techniques was because of the varying geographical locations of the interviewees and their availability. With many of the interviewees living in different geographical regions, it was not always possible to have face to face interviews with every individual. The use of phone calls, emails, and texts, also allowed me to have follow conversations with the interviewees if I needed additional information or had any other follow up questions to ask the interviewees. I interviewed individuals working in both the tribal gaming and commercial gaming industry, law and policy makers (at the local, state, national, and tribal levels), economists, gaming experts, tribal members and tribal leaders, as well as various individuals not directly associated with the gaming industry in various communities surrounding the tribes and their casinos. The interviews were open ended, with very few guided questions¹⁶ within them to create more of a conversation based situation versus a formal interview process. Numerous individuals were left out of this study or not interviewed because of time constraints, lack of access to them, or their refusal/decline to be interviewed. The interviews also served as way to cross examine and verify other forms of written data that were collected.

Another method of research used in this project relied on the use of examining the history of each tribe and their gaming endeavors and how it was shaped historically by social, political, and economic factors. I tried to create a narrative for each tribe that was either nonexistent or only partially constructed by other scholars that could be used as future reference point for other scholars. I worked closely with tribal scholars/experts to construct these histories, so that the histories I presented represented a viewpoint that

while written by myself, was acceptable to individuals working with or in some cases representing each tribe to some extent. One of the first sources used here were treaties that the tribes signed with the U.S. Government and with state agencies. By examining the treaties, I was able to better understand the current shaping of a tribe's reservation system and what "traditional" lands the tribe lost and may have acquired or is currently attempting to reacquire through its gaming practices. I simultaneously examined the development of gaming in the U.S. as a whole, at the state level and tribal level (both through individual tribes and collectively on a national level). The examination of tribal policies, state guidelines, and national laws provide insight as to how individual tribes have had to operate and how other tribes might operate as well based on those decisions.

The analysis of this data was through qualitative and quantitative methods. The qualitative forms of data such as interviews, site analyses, ethnographic work, and some archival research, were first individually analyzed and then compared to other similar data to look for trends and/or patterns as well as outliers that might help provide more future information or that might be used as a form of evidence to support a claim made. While this type of data is subjective, even quantitative forms of data are subjective in their interpretations. This data also helped provide analyses of the economic success of each tribe and surrounding communities, social changes and impacts, commitments and future plans, and individual and group opinions of the overall impacts of gaming.

The quantitative forms of data (archival data, revenue charts, tax charts, employment statistics and data, population charts, interviews, documents, policies, and laws) were used primarily for economic analyses or measurements. The economic measurement¹⁷ used varied for each tribe depending on its resources, location, and the available documents that were made public or that could be accessed through interviews. Economic information will be based up until the 2009 year because tribal gaming data is not made available through the NIGA until August of the next financial year for the previous year (2009 financial information is released in August of 2010 and 2010 data would not be released until August of 2011). The reason for the information delay is that not all tribes operate their gaming facilities on a standard January through December calendar year, many of the tribes' budgets are based on calendar years that start at varying points throughout the year. Some of the economic data presented in this research

was calculated by the author based on information provided by tribes and/or state agencies due to the information that was allowable as public record. The quantitative data is subjective just as well as the qualitative forms of data because of how individuals interpret statistics and numbers. Used together, the two forms of data provide a complimentary way to document the impacts of off-reservation casinos.

OUTLINE OF DISSERTATION CHAPTERS

Chapter 1: *Historical Overview of Native American Gaming and Policies* examines the historical development of tribal gaming throughout the U.S. The chapter begins with a brief examination of the development of westernized (European and American) gaming in the country. The chapter then shifts to an in-depth look at the historical and social policies and processes helping to shape reservation/tribal lands for contemporary tribes. Through an in-depth look at the construction of the reservation system, I shift to look at how social conditions on the reservation help to shape the foundation for tribal gaming. From there, I examine the rules and regulations of tribal gaming that set the framework for contemporary tribal gaming. The chapter concludes by examining the contemporary issues in tribal gaming and the numerous gray areas created by the changing off-reservation gaming market.

Chapter 2: *From BINGO Callers to Billionaires: The Potawatomi Open the Country's First Off-Reservation Casino in a Large Metropolitan Area---Milwaukee* examines the impact that Forest County Potawatomi's Potawatomi Bingo Casino has in Wisconsin. The chapter begins by historically examining the formation of the contemporary Forest County Potawatomi Tribe of Wisconsin and their contemporary tribal lands. The next area within the chapter is the examination of the Forest County Gaming Commission and its impacts on tribal life and surrounding communities with an emphasis on the Potawatomi Bingo Casino and its impacts on the Menomonee Valley, Milwaukee, and Milwaukee County. The Potawatomi Bingo Casino is emphasized because this is the only off-reservation casino located in a large U.S. metropolitan city. I then transition to an examination of contemporary tribal membership policies, tribal benefits, and the overall identity of the Potawatomi. The next area is an examination of Potawatomi's impacts on other surrounding tribal communities, primarily the Sokaogon

(Mole Lake) Chippewa Band. The chapter concludes by looking at the current direction of the Forrest County Potawatomi Tribe and what possible options they have and might take concerning the future of their gaming industry and their tribe as a whole.

Chapter 3: *The Chippewa Invade the Motor City: From Sault Ste Marie, the Chippewa Opened the Country's First Commercial "Off-Reservation" Casino in Detroit* examines the impact that Sault Ste Marie Chippewa Tribe's Greektown Casino has on Michigan. The chapter begins by historically examining the formation of the contemporary Sault Ste Marie Chippewa Tribe of Michigan and their tribal lands. The next area within the chapter is the examination of the Kewadin Gaming Industry and its impacts on tribal life and surrounding communities with an emphasis on the Greektown Casino and its impacts on Greektown Neighborhood, Detroit, and Wayne County. Greektown Casino is emphasized because the casino is a commercial casino that is tribally owned, the first of its kind in the country. I then transition to an examination of contemporary tribal membership policies, tribal benefits, and the overall identity of the Chippewa. The next area is an examination of the Chippewa's impacts on surrounding tribal communities, primarily the Bay Mills Indian Community and Saginaw Chippewa Tribe. The chapter concludes by looking at the current direction of the Sault Ste Marie Chippewa Tribe and what possible options they have and might take concerning the future of their gaming industry and their tribe as a whole.

Chapter 4: *The Rise and fall of the Pequot Empire: The Small Tribe that Fought for Federal Recognition, Dominated the Tribal Gaming Market, and then Faltered when its Aspirations to Move Off-Reservation and into the World Sputtered* examines the impact the Mashantucket Pequot Tribe's partnership with MGM Grand has on Connecticut, the country, and the world. The chapter begins by historically examining the formation of the contemporary Mashantucket Pequot Tribe of Connecticut and their tribal lands. The next area within the chapter is the examination of the Foxwoods Development Company and its impacts on tribal life and surrounding communities (New London County and Connecticut) with an emphasis on the Foxwoods and MGM Grand partnership. The partnership is emphasized because this is the first time a tribal nation and commercial gaming corporation have joined forces to create properties in other states and internationally. I then transition to an examination of contemporary tribal

membership policies, tribal benefits, and the overall identity of the Potawatomi. The next area is an examination of the Pequot's impacts on other surrounding tribal communities, primarily the Schaghticoke Indian Tribe, Eastern Pequot Tribal Nation, Paucatuck Eastern Pequot Tribe. The chapter concludes by looking at the current direction of the Mashantucket Pequot Tribe and what possible options they have and might take concerning the future of their gaming industry and their tribe as a whole.

Chapter 5: *From the Swamps of Florida to the International Boardrooms of a Global Economy: Seminole Tribe of Florida Purchases Hard Rock International* examines the impact that the Seminole Tribe's acquisition of Hard Rock International has on the state of Florida, the country, and the world. The chapter begins by historically examining the formation of the contemporary Seminole Tribe of Florida and their tribal lands. The next area within the chapter is the examination of Seminole Gaming and Hard Rock International and their impacts on tribal life and surrounding communities with an emphasis on the state of Florida, the country, and the world. The acquisition of Hard Rock is emphasized because this was the first time that a tribe has bought an international business and operated it. I then transition to an examination of contemporary tribal membership policies, tribal benefits, and the overall identity of the Seminole. The next area is an examination of Seminole's impacts on other surrounding tribal communities, primarily the Miccosukee Tribe and their impacts on the state of Florida, primarily commercial casino (racino) operators. The chapter concludes by looking at the current direction of the Seminole Tribe and what possible options they have and might take concerning the future of their gaming industry and their tribe as a whole.

Chapter 6: *Conclusion: National Trends in Tribal Casino Development: Moving Beyond the Boundaries of the Reservation and into the Global Market* examines the changing U.S. gaming market and its impacts on tribes. The chapter examines the difficulties that tribes face when entering into the American gaming market and operating gaming facilities. The next area within the chapter is a set of guidelines, based on the successes and failures of the four tribes chronicled within the case studies, for tribal nations to follow to operate successful gaming operations both on and off-reservation land. This area is followed by an examination of the new trends that are emerging in the tribal gaming industry for tribes to take to gain entry into the gaming market or to further

advance their own gaming operations. The focus then shifts to looking at the new markets that are opening up to tribes and the possibilities of tribal gaming throughout the U.S. and globally. The Conclusion is followed by a brief Epilogue section that examines what happened to each of the four tribes during the year of 2010¹⁸, the year that the dissertation was being edited and revised.

CHAPTER 1
THE FORMATION OF TRIBAL LANDS, TRIBAL POLICIES, AND
INDIAN GAMING



Cabazon Fantasy Springs Resort Casino in Indio, California
(Top Photo by Author 2010) (Bottom Photo by Cabazon Tribe 2010)



THE IMPORTANCE OF TRIBAL SOVEREIGNTY

The history of Native American gaming and the processes that lead to its emergence are both complex and simplistic in their origins. The key component to understanding how and why tribes can own and operate casinos on Indian lands stems from the cultural and political understanding of the word sovereignty¹ and its implications for Native Americans and Europeans throughout the history of North America. By examining the notion of sovereignty, both the pre-colonial sovereignty that existed before Europeans arrived in the Americas and the European notion of sovereignty, scholars can more fully understand the contemporary rights of Native American tribes and their limitations. While Native Americans have typically viewed themselves as sovereign nations that are independent from the U.S. Government, Euro-Americans have thought otherwise since their arrival in the Americas. After initial contact and European expansion policies that negatively influenced Native Americans, tribes were viewed as codependent, at times, to the U.S. Government. This view of codependency has led to tribes having a semi-sovereign status instead of an exclusive sovereign nation status in the eyes of the American legal system. In most cases, the American legal system would ultimately have the final say as to what “rights” tribes have here in America, even on their tribal lands, which historically are sovereign lands. The conflictual cultural and political understandings of the word sovereignty between Americans and Native Americans has both created and complicated the current state of tribal gaming creating luminal spaces in the wording of the *IGRA* of 1988. The conflicting relationships between tribal nations, U.S. states, and the U.S. Federal Government has also setup a tri-governmental interaction process that causes unclear understandings of sovereignty and jurisdiction between the three parties. This section provides a historical background of tribal gaming policies and law through an examination of: the basic history of American gaming and its formation, the historical processes shaping Indian lands and Native sovereignty, Indian gaming pre-*IGRA*, and Indian gaming beyond the *IGRA*.

THE ORIGINS OF AMERICAN GAMING

The act of gambling has occurred throughout most of human history and has

existed in one form or another throughout every major society. In most early societies, gambling was associated with acts of wagering on skill-based competitions or bets between friends. “Even before recorded history, gambling was a popular pastime and often an addiction of the human race” (Pierce & Miller 2004, 9). The first written account of gambling was documented among the Chinese in 2,300 BCE, when ledgers (that documented betting transactions of individuals on fighting competitions²) were discovered. Like many aspects of human culture, betting, was not recorded until the later stages of its existence. Both Europeans and Native Americans practiced different forms of gambling before coming into contact with one another. The European form of gambling, not the Native American form of gambling, would eventually catch on and become the groundwork for modern day American casinos. When the first European colonists came to the Americas, not only did they bring their will and determination to lay claim to Indian land, but their enjoyment for games of chances (Asbury 2003; Light & Rand 2005). Cockfighting, horse racing, county-sponsored lotteries, and dog fighting were popular forms of gambling for Europeans prior to coming to the Americas. In fact, the origins of cockfighting, horse racing, and lotteries, are all in BCE.

Prior to legalized gambling or the introduction of casinos into the U.S., most forms of gambling involved the use of animals (cockfighting, dog fighting, horse racing, and greyhound racing) except for the use of the lottery system. Cockfighting was the first form of European gambling installed in the Americas shortly after arrival³ and was followed soon after by the introduction of dog fighting⁴. Although immensely popular among Americans as a cultural and economic experience for nearly 300 years, both cockfighting (2008) and dog fighting (1976) were ultimately banned due to issues surrounding animal cruelty. Historically, most Native Americans have been against animal fighting because of their spiritual relationships to animals and nature. Shortly after the introduction of cock and dog fighting, horse racing⁵ was brought into America in 1665 when the first race occurred at Long Island, New York. Horse racing eventually brought way to greyhound racing⁶ in the 1920’s in Southern Florida. By the 1920’s, many states made gambling on horses and greyhounds legal through pari-mutual betting. Horse racing and greyhound racing continue to take place in 13 states at racinos (horse or greyhound tracks with attached casinos) and generate nearly \$12.32 billion dollars

annually (Meister 2010).

The other form of gambling instituted into the Americas and the first government regulated form of gambling was the lottery. On July 20, 1612, the Jamestown colony in Virginia held the country's first regulated lottery to generate revenue for taxes (Pierce & Miller 2004). These colonial lotteries served essentially as financial institutions within the colonies to generate desperately needed tax revenue for government projects. Lotteries were made illegal because of numerous corruption scandals surrounding them, in which the lotteries and their associated affiliates were found guilty of violating state constitutions and local laws to rig drawings and to swindle profits. Lotteries would not reappear throughout the American landscape until 1964 when the *New Hampshire Sweepstakes* appeared and reinvigorated the American lottery system⁷ throughout most U.S. states and even in some Indian tribes. Lotteries would continue to be a beneficial form of generating revenue for local and state governments⁸ and like tribal gaming, the lottery, uses revenue generated to create a general fund in which numerous community based activities can be funded. The lottery also helped establish some of the framework in which many tribes operate when it comes to dispersing revenue throughout their tribe. State lotteries eventually morphed into multi-state lotteries⁹ generating funds for: education, general funds, elderly needs, economic development, environmental needs, and miscellaneous (Vloberg 2004). State and national lotteries generated nearly \$24.4 billion dollars in revenue throughout the U.S. in 2009 (Meister 2010).

THE CREATION AND INTRODUCTION OF CASINO STYLE GAMING

Regulated casino style gaming exists in four major venues throughout the U.S.: commercial casinos, riverboat casinos, racinos, and tribal casinos. Each has its own brief history and importance to both the American gaming industry and to the foundations and contemporary state of the tribal gaming industry. All casino gaming industries have different rules and regulations that apply to them according to state, tribal, and federal regulations. While casino style gaming began in the 1600's¹⁰ in Europe, it originated in the U.S. in the early 1700's with the introduction of poker into the American lifestyle from European culture (Asbury 2003; Hau 1999). Poker and other card games became common place throughout the U.S., but developed a negative

reputation as a game of vice played between immoral and dishonest individuals and were often associated with cheating. Small casino style saloons began surfacing mostly in the Western territories and states throughout the mid 1800's, but would soon be outlawed like the lottery in the 1880's and 1890's because gambling was viewed as immoral and corruptive for the American public. Casino style gaming continued illegally, until it reemerged in the U.S. in 1931 in Las Vegas, Nevada. Nevada would remain the only state in the nation where legalized gambling could occur until the legislation of commercial gambling in Atlantic County, New Jersey in 1978. Shortly after the experiment in New Jersey of legalized gaming, tribal gaming (1988), legalized riverboat gambling (1989), and racinos (1994) would begin "legally" operating throughout the country.

Modern casinos rely heavily on slot machines and table games to generate their revenue. While table games like craps (developed in the 1700's from the English dice game Hazzard), blackjack (developed from the French game *Vingt En Un* in the 1600's), roulette (developed by famous French mathematician Blaise Pascal in 1796 in Paris), and poker (developed from the Spanish game Primero in 1526) have long documented histories, slot machines are a relatively new form of gambling (Asbury 2003). Slot machines are one of the few aspects of casino style gaming that originated in the U.S. German immigrant, Charles Frey, developed the first modern slot machine (the Liberty Bell) in San Francisco in 1895. While table games and other forms of gambling have longer histories, slot machines dominate the American gaming market---generating approximately 75% - 95% of all casino revenue worldwide (Meister 2010). From slot machines, gaming evolved to internet based forms of gambling serving individuals around the world from the comfort of their own homes. Almost impossible to regulate, internet casinos are illegal in the U.S., yet Americans continue to own and operate them from lands outside of U.S. jurisdiction.

The riverboat casino is the second oldest form of casino in the U.S. originating in 1835 when five poker players were hung in the state of Mississippi after being accused of cheating and swindling money out of locals. After this event, many gamblers (primarily card players) feared for their safety and began playing on riverboats traveling up and down the Mississippi River. Riverboat gambling, like casino gambling, was banned in the 1890's and would not resurface legally in the U.S. until 1989 when the state of Iowa

signed a bill that allowed commercial gaming operations to run and operate riverboat gambling (Hsu 1999). Currently, six states, Iowa, Illinois, Indiana, Louisiana, Mississippi, and Missouri, are the only states to allow riverboat gambling. The Mississippi River and the Gulf Coast region, primarily in Mississippi (Biloxi and Tunica) and Louisiana (Lake Charles, New Orleans¹¹, and Shreveport), are known as the riverboat gambling capital of the country. Prior to Hurricane Katrina, Southern Mississippi was dubbed as the “Las Vegas of the South” because it was the country’s third largest commercial gaming market; however, this gaming market has still not fully recovered from the devastating aftermath of Hurricane Katrina in 2005. Riverboat gambling has shown little growth throughout the U.S. because most commercial casino operators want to own and operate land-based casinos because they generate more revenue and are easier to operate under state guidelines.

While riverboats were technically illegal in the U.S. until 1989, many tourists would take international cruises from the 1960’s to the 1980’s just to gamble. Cruise lines manipulated the laws by taking their passengers into international waters¹² where gaming could not be regulated by the U.S. Government; therefore, it allowed U.S. based businesses to allow gambling operations while technically outside of the country. In the U.S. during the 20th Century, riverboat gambling served a very specific purpose. Since many states have laws that prohibit most types of gambling on dry land, gaming on state and federal waterways has arisen as an alternative. Some riverboat casinos do not even travel anywhere (Blue Chips Casino in Michigan City, Indian for example), rather they stay docked a sufficient distance from the main land to avoid legal problems¹³. No tribes currently own any commercial riverboat gaming licenses¹⁴ as of 2010. Riverboat gambling and international cruises generate billions of dollars annually from gaming (Meister 2010).

Racinos are the newest form of casino style gaming in the U.S and are the fastest revenue producing sector of the casino gaming industry---recently surpassing the tribal gaming industry (Meister 2010). Racinos originated in the U.S. in 1994 when Iowa voters authorized reel spinning slot machines at Iowa horse and greyhound race tracks. In September 2004, the Mohegan Tribe of Connecticut bought the Pocono Downs in Wilkes-Barre, Pennsylvania, for \$280 million becoming the first tribe in country to own a

racino. Some tribes around the country are trying to buy existing racinos or build new ones both on and off-reservation lands as a way to generate revenue because of the rapid success racinos are having nationally. Racinos¹⁵ are becoming more and more popular with tribes around the country because it allows tribes to participate in casino style gaming and pari-mutuel gambling.

Racinos have recently added a new twist to their gaming venues, which has ultimately impacted both tribal and commercial gaming---in 2007 the casino industry introduced electronic table games such as poker, blackjack, roulette, and craps. Electronic table games fall under the jurisdiction of slot machines and e-games (or electronic games); therefore, casino gaming developers created electronically based interactive games where casino patrons play tables games with a computerized dealer and other human beings simulating the experience of playing a real life table game at a casino. These games are proving to become increasingly popular as racinos and other commercial casinos not allowing Class III or Las Vegas Style Gaming are using these e-games as alternatives to actual table games. The market is exploding for the creation, development, and improvement of these games. For many casino operators, electronic table games are cheaper and produce a higher profit margin than some real life table games (Las Vegas Gaming Analyst 2010). Many tribes throughout the country are placing these electronic table games in their Class II and III casinos because they circumvent gaming laws in *IGRA* and do not conflict with state gaming laws. This is another area of the *IGRA* that needs to be revised because of the changing gaming atmosphere.

THE HISTORICAL PROCESSES SHAPING NATIVE AMERICAN RESERVATION LANDS AND TRIBAL SOVEREIGNTY

Prior to European contact, over a 1000 different tribes and bands populated North America, each with its own language, dialect, culture, and unique ways of life (Banner 2005; Mihesuah 2002; Krech 1999; Vizenor 1994). Upon contact, Native Americans were viewed through a new lense, the Western lense; they were now the “exotic other” within their own country. European language use would be the catalyst in helping to create differences and categorize all tribes as Indians or Native Americans. The social

creation of “the Indian became the homogenous name for thousands of distinct tribal cultures” (Vizenor 1994, 167). Social pressures from Europeans forced many tribes into using and in some cases adopting English, French, Spanish, and other European languages in many cases, which resulted in pidgins (contact languages) being used and in some cases further developed into the creation of creoles. The intermixing of Indian languages and European languages lead to a vast decline in the number of Native language speakers¹⁶ among present day Indians. Tribal languages were transcribed primarily through the use of the English language by scholars and thus the modern interpretations of languages are in many cases Americanized because of the cultural influence of European language and culture (Banner 2005). Numerous words do not cross between cultures and the meanings become lost in translation or misrepresented because the words and ideas are not culturally homogenous. Native languages, like any other language, have been influenced by other tribes and by European languages, which has resulted in there being variations in spellings, pronunciations, and overall interpretations of word use and meaning. The shift in language use, interpretation, and understanding, created a new power structure, which helped to setup the contemporary definitions of the word sovereignty by the American Government. The interpretation of the word sovereignty between tribes and the U.S. Government has helped shape and complicate the current definition of tribal sovereignty and how lawyers and scholars define it.

Whether or not language is accurate in its description of individuals, cultures, or life, “language forces meaning into existence,” by creating a set of codes and boundaries, which need to be first interpreted before they can be decoded and understood (Silko 1986, 3). The use of language by Euro-Americans was vital in acquiring tribal lands from Native Americans because some understood the language and the meanings behind it, and some did not. The notion of land ownership, as Banner (2005), Kreck (1999), and Mason (2000) mention, was the essential component for European populations to control and eventually assimilate Native American populations into the European ways of life. One problem existed, most Natives had little concept of landownership before Europeans arrived; however, some tribes had an intricate understanding of land ownership and resource use. “Between the early seventeenth century and the early twentieth century,

almost all the land in the United States was transferred from American Indians to non-Indians” (Banner 2005, 1). Because Native Americans had little to no knowledge about landownership, they were viewed as naïve and uneducated by Euro-Americans. This representation of Native Americans helped to further perpetuate the notion of the savages and the civilized (Euro-Americans). During early contact, the notion of racial identity was introduced into the American landscape. “Within the United States, two of the most significant and historical bases for group identification are race and ethnicity” (Schein 2006, 4). Through the use of language, Euro-Americans created representations of Native American identities, which became racialized simulations and were crystallized in the minds of the American public¹⁷.

While the American Westward expansion process was already underway for over 200 years, it would be coined in the 1840’s as Manifest Destiny¹⁸ by the political group known as the Jacksonian Democrats. The slogans of “The Only Good Indian is a Dead Indian” and “Kill the Indian, Save the Man¹⁹” became popular ideologies of many Americans during the 19th and 20th Centuries and were used to further create racialized images of Native Americans to the American public (Weaver 2001). As Europeans pushed outward from the Eastern coast to the South, into the Midwest, and finally into the West, European philosophies of land ownership, religious beliefs, and cultural norms were used to both influence and assimilate Native American lifestyles throughout the country. By assimilating the “savages,” Europeans could help civilize them to a Euro-American lifestyle that promoted individualism and not community through private property ownership.

During the formation of the U.S., there was a growing discrepancy of how foreign affairs between colonists and tribal nations should be dealt with. In 1775, the U.S. created an unofficial department to deal with Indian relations primarily concerning the creation of treaties and to keep Indians neutral during the American Revolution, this was would be the initial stages of the of the modern Bureau of Indian Affairs (Mason 2000). If tribes were truly foreign nations separate from the U.S., a Federal Government should deal with tribes directly not state governments. After the Revolutionary War when the *Articles of Confederation* were wrote, the country delegated its power to negotiate with tribes to the Federal Government. Article 9 of the *Articles of Confederation* explained

that the Federal Government had the power to deal with tribal nations and not state governments: “Congress has authority over trade and other affairs involving Indians, as long as the Indians are not residents of any of the states and that Congress does not infringe on the states' rights by getting involved.” The *U.S. Constitution* further clarified that the Federal Government not state governments has the power to negotiate dealings between states and with tribes: “The Congress shall have power...to regulate commerce with foreign nations, and among the several states, and with the Indian tribes” (Article I, Section 8, Clause 3). Tribes were not present during the drafting of the *Articles of Confederation* or the *Constitution*, so the decision of how the U.S. should deal with tribal nations was made exclusively by individuals of European backgrounds who represented Euro-American interests.

In 1789, the U.S. Congress placed the agency that dealt with Native American affairs within the newly formed War Department. Shortly after the ratification of the *Constitution*, the U.S. Government began using its power to regulate commerce with tribes by passing a series of acts known as the *Intercourse Acts*. The *Intercourse Acts*, highlighted by *An Act to Regulate Trade and Intercourse with the Indian Tribes* in 1790, were a series of acts that regulated interactions between the U.S. and Indian tribes (Mason 2000). In President George Washington’s 1791 *State of the Union Address*, he outlined some of the nation’s first policies for the U.S. Government concerning interactions with tribes by calling for peaceful actions between Americans and Indians, fair regulation of commerce between Indians, safe travel between Indian and American lands for Indians and Americans, and a general protection over Indian rights on Indian lands and American lands (Washington 1791). By 1806, Congress had created a Superintendent of Indian Trade position within the War Department to further deal with Indian relations. U.S. court cases would ultimately determine how tribal sovereignty is viewed legally and logistically in the U.S. These court decisions would trump traditional tribal practices of sovereignty because of the groundwork laid by the U.S. law system and would setup the current framework of how scholars understand sovereign rights of Indian tribes with state governments and the Federal Government.

THE MARSHALL TRILOGY

Three cases known as the *Marshall Trilogy*²⁰ (*Johnson v. McIntosh* (1823), *Cherokee Nation v. Georgia* (1831), and *Worcester v. Georgia* (1832)) serve as the backbone for contemporary definitions of tribal sovereignty and Native American rights (Banner 2005; Light & Rand 2005; Darian-Smith 2004; Pevar 2004; Mason 1998). Through the use of language, Americans have used Western law as the defining terminology to understand American-Indian relations. The U.S. Supreme Court decision in the case of *Johnson v. McIntosh* (1823) stated that although Indians were the rightful occupants of the land, tribes had no power to sell lands to anyone without the approval of the Federal Government, as clearly stated in the *Indian Trade and Intercourse Act of 1790*. The ruling further claimed that because the Federal Government held title to all Indian lands which Europeans had “discovered,” the right of Indians to complete sovereignty over their land was limited and not all encompassing (Mason 2000). The U.S. Supreme Court decision in the case of *Nation v. Georgia* (1831), stated that Indians were neither citizens of the United States, nor foreign nations; instead, they were “domestic dependent nations” whose relationship to the US “resembles that of a ward to his guardian” (Mason 2000). The decision made it clear that Indians were dependent on the U.S. Government for their daily survival and were not completely independent. The U.S. Supreme Court decision in the case of *Worcester v. Georgia* (1832) stated that the state had no authority over persons and actions within the boundaries of the Cherokee Nation, and that state laws did not extend to Indian Country. The ruling clarified that Indian tribes were under the protection of the Federal Government and that Congress, not the states, had plenary (overriding) power regarding Indian tribes. The *Marshall Trilogy* set the stage for numerous court cases that would challenge the notion of tribal sovereignty, tribal identities, and tribal boundaries within the U.S.

THE CREATION OF THE BUREAU OF INDIAN AFFAIRS AND TRIBAL LAND

“Expanding on Chief Justice Marshall’s notion of the United States as guardian of its tribal wards, Congress has created bureaucratic structures to oversee even the most minute details of life on Indian land” (Mason 2000, 23). *United States Code, Title 25 “Indian Affairs”* is the framework for the current Bureau of Indian Affairs²¹ (BIA)---

formed on March 11, 1824, by Secretary of War John C. Calhoun, who created the agency. In 1832, Congress later established the position of Commissioner of Indian Affairs to regulate Indian-American affairs. March 3, 1849, a bill was passed to create the Department of the Interior to take charge of the Nation's internal affairs, which included the BIA. The Department of the Interior would ultimately control the use of the country's resources, land use, and tribal interactions (because tribes were located on lands within the U.S.). The BIA has remained in the Department of Interior since its creation and its modern goals have not changed much. "The Mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities" (U.S. Department of Interior 2009). During the creation of the BIA and the Department of the Interior, relationships between tribes, states, and the Federal Government were testing the notion of tribal sovereignty under the American law system.

After the decisions in the *Marshall Trilogy*, the U.S. Government (BIA) created a land trust system to help support "dependent" tribal nations by helping them secure and develop tribal land use (Banner 2005; Light & Rand 2005; Mason 2000). A land trust is an agreement whereby one party (the trustee) agrees to hold ownership of a piece of real property for the benefit of another party (the beneficiary) (U.S. Department of the Interior 2009). The process of changing non-tribal land into tribal land is a process known as putting the land "in trust," which means that newly acquired land is considered part of the tribe's land, and is protected by tribal sovereignty (Scrivener 2003, 609). Trust land or Indian land provides Native Americans with sovereignty over its residents, but that land is still subject to most federal laws and some state laws---making that land only semi-sovereign. Many federally recognized tribes historically have asked that tribal lands or non-tribal lands be put in trust status for their tribes. This decision lies solely with the Secretary of the Interior. There are generally two primary bases for Indian land claims, "aboriginal title" and "recognized title" to acquire lands in trust. Aboriginal land claim requires proof of the following elements: (1) that the claimant is an Indian tribe; (2) that the land is tribal land; (3) that the United States has not consented to its alienation; and (4) that the trust relationship between the tribe and the United States has not been terminated or abandoned (Banner 2005). Recognized title is title to Indian property that

has been created, or *recognized*, by action of the Federal Government, typically by federal treaty or statute (Banner 2005). Indian property with recognized title may or may not have been part of the aboriginal territory of the tribe. In fact, the Federal Government has in the past designated certain lands as Indian property even though a tribe has no aboriginal claim to these lands whatsoever (Banner 2005). This often occurs in settlement of an aboriginal land claim to other land.

TRANSFORMING INDIAN TERRITORY TO THE STATE OF OKLAHOMA

Concurrent to the *Marshall Trilogy*, the *Indian Removal Act (IRA) of 1830* was passed and underway. The *IRA* was a bill passed by President Jackson as a way for Americans to acquire lands occupied by Native American tribes throughout the Eastern portion of the U.S. In return for tribes cooperation and their sale of the land, which usually occurred as the result of bribery, threats, or force, many Native Americans signed treaties and were promised new land in Oklahoma, which would be “solely” Indian land. Tribes were being displaced from their traditional lands, lands that many tribes had cultural and spiritual connections with. The Western notion of landownership where people own the land for business or personal use did not apply for most tribes as tribal lands were communal lands used for group purposes with deep rooted traditions and cultural practices. The *IRA* resulted in the displacement of over 70,000 Indians in a 10 year period, the removal of the Five Civilized Tribes to Oklahoma (Cherokee, Choctaw, Chickasaw, Creek, and Seminole), and the promise that Oklahoma would be their land forever, which in actuality meant till Oklahoma became of value for American settlers moving West (Banner 2005; Mason 2000). The Government told the tribes that "as long as grass shall grow and rivers run" that the state of Oklahoma would be Indian Territory (Banner 2005). The U.S. Government signed numerous treaties with tribes as agreements for their lands, and in return, promised to give Native Americans reservation lands²². The deeds for reservation lands were owned by the Federal Government, not the tribes (Banner 2005). The shifting of landscape and the definition of reservation land or tribal land would also complicate matters as contemporary tribes would attempt to acquire past lands or use current lands for tribal gaming purposes because of the confusion caused by broken treaties. With so many treaties being signed, broken, and violated, the

authenticity of these treaties was often called into question by the U.S. legal system, which further helped complicate past and contemporary court cases regarding ownership of land between Indians, state governments, and the Federal Government.

Oklahoma's unique tribal gaming situation stems from the formation of the state and the policies inflicted upon the tribes residing within the boundaries of Oklahoma. Oklahoma is essentially a state carved out of Indian land. Besides the influence of the *IRA* of 1830 and the Five Civilized Tribes moving to the area known as Indian Territory, the U.S. Government signed several treaties with numerous other Native American tribes promising them land in the territory. By 1890, more than 30 tribes had been allocated land in the Oklahoma and Indian Territories (Wilkinson 2005). As a result of the *Dawes Allotment Act (DAA) of 1887*, it was estimated that nearly all of the tribal land throughout Oklahoma was opened up to non-Native Americans in one way or another. The process of opening up tribal land was further influenced from 1889-1895, when six land runs occurred where the territory was opened up to public settlers (both domestic and international) to acquire land that once belonged to the tribes. Mason (2000) defines a "land run" as an event where previously restricted land (in the case of Oklahoma tribal land) is opened for homesteading on a first come basis. Through the following acts, *The Organic Act of 1890*, *The Curtis Act of 1898*, *The Five Tribes Act of 1906*, and *The Enabling Act of 1906*, tribal lands were further carved up to the point that Government was able to create the state of Oklahoma out of what had previously been designated as solely Indian land.

The Enabling Act, which combined the Oklahoma Territory and Indian Territory into a single state, also provided legislation that gave the state power to void past legislation between the U.S. Government and tribes. "Article 1 of the *Oklahoma Constitution* disclaims any right or title to Indian lands within the state" (Mason 2000, 183). The state of Oklahoma was originally designated to be a state for Native Americans, but the problem with making a state specifically for Native Americans is that it would create a missing piece out of the U.S. landscape. The boundaries of a state would also have given Native Americans a stronger claim to having "full sovereignty" over themselves---because they would have had an entire inter-connected contiguous parcel of land for their use that was free of state control or influence and would probably

have had less federal jurisdiction over it as well. The definition of Indian land in Oklahoma was difficult to define, because the legislation created within the state and the DAA, essentially voided the status of reservation land throughout the state except for the Osage Reservation, which later became Osage County, Oklahoma. Throughout most of the 20th Century, there was a:

Belief that somehow Indian land and tribal authority meant something different in Oklahoma was a result of the confusing and contradictory policies of the Federal Government during the transformation of Indian Territory into the state of Oklahoma (Mason 2000, 190).

The confusion was widespread from tribal leaders to the state government to the Federal Government because of the unclear rhetoric used in the laws that created the current state of Oklahoma.

Indian Country, or the state of Oklahoma, created numerous modern day problems for tribes and the state government because of the constant changing boundaries and identities of the state because of federal policies. While Indians were uprooted from their traditional lands and moved out West, relationships with Indians, states, and tribes was further becoming complicated and entangled. “The Indian “problem” had not disappeared, it had only moved West. There was no place left push the Indians, and the result was the Indian reservation, an island of Indians’ territory within a sea of white settlers” (Banner 2005, 228). In 1851, the U.S. Congress passed the *Indian Appropriations Act*, which authorized the creation of Native American reservations in modern day Oklahoma for the tribes that were moved there as a result of the *Indian Removal Act*. An Indian reservation is land managed by a Native American tribe under the supervision of U.S. Department of the Interior's Bureau of Indian Affairs (Banner 2005; Light & Rand 2005 Weaver 2001). Reservations would later create numerous social problems for tribes, many of which resulted from the tribes being removed from their traditional ways of life and because of their overall lack of resources in their new environments.

THE BATTLE BETWEEN ASSIMILATION AND TRIBAL SOVEREIGNTY

The *DAA of 1887* dealt another serious blow to Native Americans throughout the country because it was meant to further assimilate Natives into an American lifestyle

through Euro-American notions of land use and ownership. The results of the *DAA* were disastrous, breaking up reservation lands from communal and family use/ownership to creating individual private property ownership, a concept unknown to most Native Americans. “The idea was to turn Indians into farmers---and, implicitly, to allow non-Indians to obtain tribal lands for agriculture, mining, and logging” (Wilkinson 2005, 15-16). The act was also another way of allowing non-Native Americans to acquire tribal lands for business or personal uses. The *DAA* broke up many reservations into checkerboard like landscapes composed of Native Americans and non-Native Americans. From 1887 to 1934, when the *DAA* finally ended, tribal land in the U.S. went from an estimated 140 million acres to 52 million acres, a decrease of 62.86% of Native Americans’ total tribal land (Banner 2005; Wilkinson 2005). Many tribes’ cultural and traditional ways of life were completely devastated from the reservation process. Conflicts over reservation land, boundaries, and the use of “traditional” resources, resulted in numerous U.S. Supreme Court cases between tribes, states, and the Federal Government. While numerous tribes were impacted, not every tribe in the U.S. followed American law and chose to fight the decision by not taking part in the *DAA*. The result of the *DAA* would create a representation of Natives as individuals, who were helpless and dependent or codependent on the U.S. Government for their survival and well-being. A representation that would continue to linger throughout popular culture for years to come as reservations were viewed as wastelands among the American landscape where individuals merely survived not lived and where crimes and substance abuse problems were common place.

While sovereignty is explained as the inherent rights of Native Americans that existed before European contact and that continue into the present, it has been tangled in a web of court cases stemming all the way to the U.S. Supreme Court that has seen controversial decisions flip-flop back and forth---some in favor of tribes, some in favor of states, and some in favor of the U.S. Government. What is not clearly explained in most definitions is the power of the U.S. Congress to extinguish or limit a tribe’s sovereign status at any time if they see fit. The 1903 U.S. Supreme Court case of *Lone Wolf v. Hitchcock* proved to be a landmark case in helping to shape the definition of sovereignty because the decision stated that “Congress [could] abrogate an Indian treaty at any time”

(Pevar 2004, 52). Tribal governments are regulated by most federal laws, but only regulated by some state laws in which their reservation resides. The Federal Government has the power to terminate any tribe's *Federal Recognition*, which demonstrates its control over tribal nations politically, socially, and in many cases economically.

The next influential law that impacted Native American life was the *Burke Act of 1906*, which amended the *DAA* by allowing the Secretary of the Interior the power to take land out of trust status allowing "competent" individuals to sell the land under their own names (Wilkinson 2005). The act also provided the Secretary of the Interior "sole" power to place land in trust for tribes, this aspect of the *Burke Act* proves to be a key component for tribal gaming as tribes that want to acquire new lands or reclaim old lands have to petition the Secretary of the Interior to do so. The *Indian Citizenship Act of 1924* further tried to assimilate Native Americans as it granted citizenship to Native Americans born within the U.S. Its dual purpose was to help take away individuals' status as Native Americans and at the same time turn them in to Americans. This technique was used often throughout U.S. history assimilating those who are not considered White into being White as a way to reshape identities and maintain control. The assimilation process was progressing quickly throughout the American landscape as it affected children and their schooling to everyday life on Indian land. In a move that seemed to go in favor of Native Americans, the *Indian Reorganization Act of 1934*, fueled by John Collier Sr., Commissioner of the BIA, helped reverse the *DAA* by giving more power to tribes to self-rule themselves. The act ended the notion of tribes as private property owners and returned tribes back to their communal status as land owners. The end of the *DAA* marked an important turning point for tribes; it would allow most tribes to communally continue to self-define their sovereign existence.

As World War II was ending and America's need for domestic energies was increasing, tribes around the country began leasing tribal lands²³ to private companies and the Government as a way to generate economic revenue. The results of the strip mining²⁴ damaged the land, caused numerous environmental, health, and social problems for tribal members for short-term economic gains. However, the move to lease reservation land resulted in numerous tribes looking to outside sources to help improve their social conditions (a precursor to tribal gaming). In another policy aimed at

assimilating Native Americans, providing state jurisdiction, and acquiring tribal lands, the U.S. Government passed the *Indian Termination Policy*²⁵ in 1953 that lasted until 1964. “Termination affected [109 tribes,] at least 1.3 million acres and 11,000 people [tribal members], diminishing Indian trust land by 2.5 percent and cutting off federal services for 3 percent of all federally recognized tribes” (Wilkinson 2005, 83).

Assimilation of the 1950’s continued as “the BIA actively encouraged Indians to leave the reservations for the cities” (Wilkinson 2005, 85). When Congress dissolved reservation lands, it eradicated tribal existence, which meant some tribes were not eligible for *Federal Recognition* because it required “continuous” existence. Tribes did not sit idle while these policies occurred.

Many tribes refused to play the role of what Vizenor (1994) would refer to as victims, and instead, used the period from the 1960’s through the 1980’s to fight back and create tribal survivance as they used literature, protests, and an increased presence in American politics to improve social conditions for all Native Americans. The *Red Power Movement* and the *American Indian Movement* resulted because of an increase in social and political activism by Native Americans starting in the 1960’s, and were influential social factors in helping to create two major acts, the *Indian Civil Rights Act (ICRA) of 1968* and the *Indian Self-Determination Act (ISDA) of 1975*. *ICRA* helped to define tribal self-government and the rights of all Native Americans; however, it also limited the power of tribes to have complete tribal sovereignty as independent nation-states within the boundaries of the U.S. nation-state. *ICRA* also displayed the power of the U.S. Government over tribes and their relationships between states and the Federal Government. The *ISDA* was designed to help conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes (Weaver 2001; Wilkinson 2005). *ISDA* was a major victory for tribes throughout the country and helped lead to entrepreneurial opportunities. A handful of tribes throughout the U.S began using reservation land to sell “tax free²⁶” products to local communities as a way to generate economic revenue. The results were extremely successful for some Native Americans, yet the selling of products such as tobacco, gasoline, and produce was limited to tribes

with access to the products and that were willing to sell them.

THE FEDERAL RECOGNITION PROCESS

In 1978, the BIA established the *Federal Recognition Process*²⁷ to establish Native American claims of tribal identity and to establish federally recognized tribes that were eligible for tribal status and the benefits of being semi-sovereign nation. This process defined who would be considered Indians and why as well as who was a tribe and why; even though definitions of both have varied throughout U.S. history, this process examines seven forms of criteria (See Appendix B). Tribal names and language use have also been influenced by this act because some tribes are federally recognized through one Government name, but may actually go by another name or use other names simultaneously to refer to their people. Numerous tribes throughout the country use a name that translates to “The People” in English (Garrouette 2003). In some cases, the federally recognized name, or name that is most transferable in English, is not the preferred or traditional name or is the name used to define numerous peoples such as Navajo (Dine), Chippewa (Ojibwa), Sioux (One of its Seven Nations), or the Pueblos (referring to the 25 different tribes throughout the Southwest). This is also a key component to the current gaming controversy because only federally recognized tribes can own and operate tribal casinos. While tribes must meet *Federal Recognition* to have “recognized” or “acknowledged” status, individuals within tribes must meet tribal requirements to have “tribal” status. The use of language again varies between the Federal Government and the tribes. American law in many cases would now dictate tribal “authenticity” among Native Americans throughout the country. Not having a tribal membership, would now equate to not being Native American. Throughout many tribes, Native Americans have identification cards representing their Indian status similar to a state issued driver’s license.

For many tribes throughout the country still trying to gain *Federal Recognition*, there are a few key components within the *Federal Recognition Process* that have hindered tribes from acquiring federal status as Native Americans. Many tribes can prove their existence historically, but have had difficulty proving their “continuous existence” (Criteria 1) during the numerous assimilation processes that the U.S.

Government used to assimilate or disband tribes into American culture---many tribes disbanded or separated for one reason or another. Many tribes have also had difficulty proving their “communal existence” (Criteria 2), keeping 50% of their community in the same geographical boundaries or tribal lands. Tribes have further struggled to prove their existence by maintaining their cultural patterns and traditional language use (Criteria 2). Tribes also have trouble at times proving that their members have stayed together and descended from historical tribal members (Criteria 5)---a lot of times this is due to intermarriage among tribal members with outsiders. Intermarriage also causes tribes and tribal member to have another problem, proving that tribal members are historically primarily from one tribe and that tribal members claim one tribal identity (Criteria 6). Some tribes have had leaders or key tribal members switch²⁸ their tribal identity. Criteria 3 and 4 are typically the easiest ones for tribes to prove and according to the BIA are the ones that tribes are most likely to prove because these cultural groups typically have structured leadership (Criteria 3) and documents proving that the tribe has some type of membership policy (Criteria 4) (BIA Spokesperson 2009). However, sometimes tribes struggle proving Criteria 3 because the tribe has been so splintered because of governmental policies inflicted upon them. Tribes also sometimes struggle proving Criteria 4 as they have difficulty setting up and maintaining membership status---a lot of times due to low enrollment numbers tribal groups will have looser policies.

Currently, there 564 federally recognized tribes throughout the U.S. occupying 55.7 million acres of reservation land. There are only 310 areas (See Appendix B) designated as reservation land (reservations, pueblos, rancherias, or communities) for those 564 federally recognized tribes. Some tribes share land with other tribes and other tribes have no designated reservation land. Living throughout the U.S. there are currently 1.9 million Native Americans (tribally enrolled members) with only about 50% of tribal members living, residing, or working within reservation boundaries (BIA 2010; U.S. Census 2009). Some tribes are actively trying to reacquire traditional tribal lands (as trust land) through economic ventures (primarily tribal gaming) and through the Secretary of the Interior. Tribes that are vying for *Federal Recognition* and that do not have any lands that were already set aside for them are struggling to acquire land; whereas, some existing tribes are struggling to acquire much needed land for their

existing populations as well. Reservation life is improving, but tribes are still faced with numerous problems as the resources available to them to make social changes are limited at best.

A RESERVATION FIRE SPARKS THE BIRTH OF TRIBAL GAMING

While many people mistakenly attribute the Florida Seminoles as the tribe to begin the frenzy known as tribal gaming, it was actually the Oneida Tribe of New York that set the initial framework for tribal gaming to begin. In June of 1975, a fire broke out on the Oneida Reservation destroying tribal property and killing two tribal members. The destitute Oneida Nation did not have the economic funds to provide basic needs to its people, let alone to fund social services like a tribal police or fire department. As a result, the tribe called the fire departments from surrounding cities to put out the fire, but they did not respond to the calls of help from the Oneida Tribe. The tribe, under the leadership of Ray Halbritter an Oneida Tribal Representative, created a charity bingo event on reservation land to help pay for and create Oneida social services. The event offered the largest jackpot in New York bingo history at the time (higher than New York state law allowed for charitable games) and drew a large crowd of non-Indians onto reservation land. This was the first time that a tribe used reservation land to operate organized gaming²⁹ for both Indians and non-Indians.

The Oneida were in desperate need of financial resources, so a tribal member both used and exploited the tribe's sovereign status according to tribal members and non-members alike. Sovereignty, according to the oral and written history of the Oneidas, is based on the *Guyanahgowah*, or *The Great Law of Peace*. The *Guyanahgowah* states that: "Issues affecting the Nation or Nations must come before the people and that there must be a unanimous decision by the Council of Chiefs before an issue can be sanctioned" (Six Nations Unknown Date). This, however, was not the case as Halbritter took it upon himself to both devise and organize this event for his tribe. While acting on his accord, two other key tribal representatives supported Halbritter's decision. Halbritter both at that time of the charitable bingo event in 1975 and after his tribe was running a successful casino in 1993, was accused of bypassing tribal traditions and seizing control of the tribe's leadership position through individualistic actions that were not in

accordance to Oneida tradition.

The *Guyanahgowah* also sets up some of the fundamental ideas of tribal sovereignty that tribes operating casinos now practice. It is within the section of the *Guyanahgowah* known as “The Rights of Nations” that some of the principles of modern sovereignty are laid out and that some of the key fundamentals of the principles of tribal gaming are established:

The soil of the earth from one end of the land to the other is the property of the people who inhabit it. By birthright the Ongwehonweh (Original beings) are the owners of the soil which they own and occupy and none other may hold it. The same law has been held from the oldest times (Article 73).

Whenever a foreign nation enters the Confederacy or accepts the Great Peace, the Five Nations and the foreign nation shall enter into an agreement and compact by which the foreign nation shall endeavor to persuade other nations to accept the Great Peace (Article 78).

Articles 73 and 78 discuss the ownership of the land and the pre Euro-American notions of sovereign status of Native Americans according to their own cultural traditions and principles. Article 78 further discusses the notion of a compact between sovereign nations to enter tribal lands, which is similar to the federal agreement known as the *Indian Gaming Regulatory Act* of 1988 between the U.S. and tribal nations concerning the issue of tribal gaming. The compact is also relevant because it establishes an agreement between state governments and tribal nations over tribal lands (similar to Class III gaming compacts between tribes and states). In 1975, some Oneida tribal members and outsiders viewed Halbritter’s actions as a violation of Article 78. The state of New York viewed the actions of the Oneida as illegal because the tribe’s jackpots exceeded the maximum prize amount currently allowed by the state; as a result, the state deemed the actions of many of the Oneida’s tribal members as criminal and issued warrants for their arrest.

PUBLIC LAW 280 AND THE BATTLE FOR SOVEREIGNTY

Eventually, the U.S. court system noted in early 1976 that the Oneida Tribe’s actions were not “criminal” under *Public Law 280*. Passed in 1953, *Public Law 280* gave “states civil jurisdiction in actions to which Indians are parties” and is specifically

defined as follows:

(a) *Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State[s] [of]: Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin.*

Tribal nations within New York were not subject to *Public Law 280*; therefore, bingo which was legal in New York was legal on the reservation. The tribes “high stakes” form of bingo was however limited³⁰ by the state of New York, but other tribes followed in the footsteps of the Oneida Tribe of New York. In October of 1976, the Oneida Tribe of Wisconsin (formerly a part of the Oneida Tribe of New York) began offering high stakes bingo once a week at the Oneida Civic Center located on reservation land. They too cited *Public Law 280* as grounds for allowing tribal bingo on reservation lands because the state of Wisconsin did not prohibit charitable bingo games.

By the late 1970’s, tribes in Florida, Wisconsin, and California all joined the Oneida and began operating bingo within the confines of their reservations’ boundaries. The tribe that paid the most attention to the situations in New York and Wisconsin was the Seminole Tribe of Florida. They too envisioned the possibilities that bingo could bring to their tribe economically and began developing a gaming plan. On December 14th, 1979, the Seminole Tribe opened their \$900,000 high stakes bingo gaming facility in Hollywood, Florida (the money was created from their tax free tobacco shops and through commercial partnerships). This was the first “high stakes” tribal bingo parlor to be established on reservation lands that would be operated on more than a limited basis. The bingo parlor would have longer operation hours and higher maximum payouts than the state of Florida’s current gaming laws dictated. The state shutdown the bingo parlor initially, similar to what happened to the Oneida Tribe in New York through the use of Florida law officers. But the tribe struck back, filing suit against the state in 1979 in the case of the *Seminole Tribe of Florida v. Butterworth*³¹.

The initial decision by Florida courts ruled in favor of the Seminoles in May of 1980 stating the charges against the Seminole Tribe were “civil” not criminal; therefore,

Public Law 280 did not apply to the Seminoles because gaming (particularly bingo) was legal in the state of Florida and the state did not have jurisdiction over the tribe's actions within their reservation boundaries. This affirmation by the U.S. Supreme Court opened the floodgates for tribes around the country to open high stakes bingo³² parlors on reservation lands if bingo was legal in the state their reservation resided within. While high stakes bingo was tolerated in states that allowed charitable bingo for profit, casino gaming was not as it violated most states' constitutions at the time. Tribes began testing the boundaries of their sovereign status by incorporating different types of games within their bingo parlors/casinos. In 1982, the Oneida Tribe of Wisconsin was the first tribe in the country to create a televised³³ bingo game that ran throughout the Green Bay community. In 1982, the Keweenaw Bay Indian Community opened the country's first Indian casino in the Upper Peninsula of Michigan within its reservation boundaries. After a series of legal events, the small casino was shut down (For More Information See Chapter 3). States again enforced their rule over tribes by using law enforcement to shut down tribal casinos throughout the country that were violating state laws through the introduction of illegal games/activities or the violation of exceeding state jackpot limitations. In 1984, the Oneida Tribe of Wisconsin created the Big Green Lottery³⁴ as a way to generate economic revenue for its tribe. It was the first legalized lottery in the state of Wisconsin and was the first modern tribal lottery in American history (Wisconsin Division of Gaming 2009). In 1985, the National Indian Gaming Association³⁵ (NIGA) was established by tribes throughout the country as a nonprofit organization to help tribes regulate and operate tribal casinos. NIGA has no real authority, but does offer legal and financial advice as well as resources for tribes venturing into tribal gaming

THE CABAZON DECISION---THE LEGALIZATION OF TRIBAL GAMING

As gaming was increasingly growing throughout the country, primarily tribal bingo halls, two tribes in California, the Cabazon and Morongo Bands of Mission Indians, operated bingo halls and card games on their reservation lands that exceeded California's maximum allowed jackpots. The state argued that *Public Law 280* gave California jurisdiction over tribal gaming, but the U.S. Supreme Court in the case of *California v. Cabazon Band of Mission Indians* (1987) pointed out that California, like

New York, Wisconsin, and Florida, perceived gaming to be a “civil offense” not a criminal offense. The U.S. Supreme Court’s decision stated that:

In light of the fact that California permits a substantial amount of gambling activity, including bingo, and actually promotes gambling through its state lottery, we [U.S. Supreme Court] must conclude that California regulates, rather than prohibits, gambling in general and bingo in particular (211).

The Cabazon’s games did not violate California public law, and as a result, California under *Public Law 280* did not have the authority to regulate tribal gaming operations. The *Cabazon* decision also made two other key points that would further shape tribal gaming and would help to (re)establish ideas surrounding modern definitions of sovereignty:

...State jurisdiction is preempted . . . if it interferes or is incompatible with federal and tribal interests reflected in federal law, unless the state interests at stake are sufficient to justify the assertion of state authority...Traditional notions of Indian sovereignty and the congressional goal of Indian self-government, including its "overriding goal" of encouraging tribal self-sufficiency and economic development (216).

The Cabazon and Morongo Reservations contain no natural resources which can be exploited. The tribal games at present provide the sole source of revenues for the operation of the tribal governments... They are also the major sources of employment on the reservations. Self-determination and economic development are not within reach if the Tribes cannot raise revenues and provide employment for their members. The Tribes' interests obviously parallel the federal interests (218-219).

Tribes throughout the country dealt another blow to the Federal Government and further challenged the legal definitions of tribal sovereignty that establish the relationship between states and tribes as well as the authority that states held over tribes.

After the *Cabazon* decision, both tribes and states were actively engaging in political discussions to determine how the issue of tribal gaming would unfold throughout individual states and the country as a whole. Neither the U.S. Government nor tribes were eager to enter into a binding contract on Indian gaming because both parties had a lot to lose in their eyes. For the Federal Government and individual states, a national gaming ordinance would still allow them, in a limited manner, regulatory powers over tribes and their gaming operations. It would ultimately regulate the sovereign status of

tribes by making the tribes accountable to the U.S. Government and reinforce their semi-sovereign status or limited self-rule over actions within their tribal boundaries. For individual states, a national gaming ordinance would still allow them the some type of regulatory control over the gaming activities within their boundaries---still making tribes subordinate to their authority and decision making processes. For the tribes, it would allow them gaming regulation over their own gaming operations on Indian lands, but would also limit their own sovereign status. Tribes would be held accountable to state governments and the Federal Government by allowing them access to Indian lands and by ultimately answering to another sovereign nation---thus limiting their status as fully sovereign nations---but defining tribal nations as limited semi-sovereign nations that were ultimately dependent on their neighboring sovereign nation, the U.S. As a result, the *Indian Gaming Regulatory Act of 1988* was established by Congress as the federal regulatory scheme that presently governs Indian gaming throughout the United States. While the *IGRA* was developed to govern Indian gaming, all parties entered into the agreement reluctantly. While the *IGRA* does recognize tribes' sovereign rights to gaming on reservation lands, it does however limit that power by making tribes answer to the Federal Government for gaming and to state governments for casino style gaming operations and regulations.

THE INDIAN GAMING REGULATORY ACT

The *IGRA* established the guidelines of who could institute tribal gaming, what tribal gaming was, where tribal gaming could occur (what lands were considered Indian lands), who could oversee and regulate tribal gaming, and what could be done with the revenue generated from tribal gaming. Congress also created the National Indian Gaming Commission³⁶ (NIGC) to regulate tribal gaming matters throughout the country. Tribal gaming as defined by the *IGRA* occurs in three classes (Class I, II, and III):

Class I, traditional Indian social gaming with minimal prizes that would be under the sole jurisdiction of the tribe where they are played;

Class II, bingo, pull tabs, punch boards, tip jars, instant bingo, nonbanking card games that would be regulated by the tribes and the newly created National Indians Commission;

Class III, all other gaming, including horse racing, casino gambling, dog racing, slot machines, jai alai, which would be permitted in Indian

Country only if legal in the state and if agreed to in a compact negotiated between state and tribe.

Class I, II, and III types of tribal gaming can only occur on lands designated as “Indian” land. *IGRA Section 2703* Definitions defines “Indian lands” as:

*(A) all lands within the limits of any Indian reservation; and
(B) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.*

Besides the definitions of “Indian land” and gaming “Classes,” the *IGRA* more importantly clearly states the purpose of Indian gaming under *Section 2701 Declaration of Policy*: “To provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.” The *IGRA* further places an emphasis and limitation on what gaming revenue can be used for under *Section 2710 Tribal Gaming Ordinances*:

*B) net revenues from any tribal gaming are not to be used for purposes other than:
(i) to fund tribal government operations or programs;
(ii) to provide for the general welfare of the Indian tribe and its members;
(iii) to promote tribal economic development;
(iv) to donate to charitable organizations; or
(v) to help fund operations of local government agencies.*

The *IGRA* places more stipulations and guidelines³⁷ on Indian gaming, which will be further examined in the next section on Indian gaming.

The last major emphasis that the *IGRA* emphasizes is the regulation of individual states and tribal governments to determine what type of gaming operations are allowed to take place within their borders. Class I types of gaming are strictly regulated by tribes (internal supervision), Class II types of gaming are regulated by tribes (internal supervision) and the supervision of the NIGC (national regulatory body of tribal gaming), and Class III types of gaming are regulated by tribes (internal supervision), individual states (state regulatory committee supervising all types of gaming within state boundaries) and the NIGC (national regulatory body of tribal gaming). If a specific type of gaming is permissible in a state, then tribes are legally allowed to conduct similar types of gaming within their reservation boundaries as long as they concur to the policies set forth by the NIGC and the state government. Class III types of gaming are only

permitted in states that allow Class III types of gaming, if the tribe and state have agreed to a gaming compact that is approved by the Secretary of the Interior, and if the Chairman of the NIGC has approved a tribal gaming ordinance.

Before a tribe may lawfully conduct class III gaming, the following conditions must be met: (1) the particular form of class III gaming that the tribe wishes to conduct must be permitted in the state in which the tribe is located; (2) the tribe and the state must have negotiated a compact approved by the Secretary of the Interior, or the Secretary must have approved regulatory procedures; and (3) the tribe must have adopted a tribal gaming ordinance approved by the Chairman of the Commission (IGRA 1988).

Some states that have federally recognized tribes residing on reservation land within their boundaries, do not allow any type of Class II or III types of gaming³⁸; therefore, these tribes cannot practice these types of gaming on their reservations. The other major issue facing some tribes is the issue of signing gaming compacts with the state that their tribal land resides within. States according to the *IGRA* are supposed to negotiate with tribes under a policy entitled “good faith” where both parties involved become the beneficiary of tribal gaming. Class III gaming compacts typically include that tribes pay the expenses of the state to regulate tribal gaming and that tribe’s make payments to local governments and/or the state government. The payments typically occur through one of the following individual forms or a combination of the forms: set lump sums of money at the initial signing of the compact and/or annual yearly payments of cash that are set amounts, a specific percentage of total gaming revenue, or a specific percentage of slot machine revenue.

CONTEMPORARY INDIAN GAMING: *IGRA* TO THE PRESENT

Ironically, tribal gaming has had such a significant impact on the lives of contemporary Native Americans that it has been coined as the “new buffalo” throughout the U.S. by scholars in numerous fields and throughout Native communities because of its overall importance to the everyday lifestyle and survival for numerous tribes throughout the country (Light & Rand 2005; Darian-Smith 2004; Valley & Lindsay 2003; Mason 2000). Tribal casinos are not culturally or traditionally tied to Native ways of life, but are the direct result of Western ideologies and cultures surrounding casino style

gaming (as explained earlier). Currently, 46 U.S. states allow some type of commercial or tribal casino style gaming and 29 of those 46 states have tribal casinos (Meister 2010; NIGA 2010). 33 out of the 50 U.S. states have federally recognized tribes (NIGA 2010). 17 states do not have federally recognized tribes, despite the existence of Native peoples living in these areas at one time or another (many still occupy lands in these states though). 29 out of the 33 states with federally recognized tribes allow tribes to own and operate tribal casinos (See Appendix B)---only Massachusetts, Rhode Island, South Carolina, and Utah have federally recognized tribes, but do not allow land based casinos. Therefore, Native Americans cannot own or operate casinos within these states under *IGRA* (NIGA 2010). As tribes venture into a complex commercial and tribal gaming atmosphere that is constantly changing, the avenues in which tribes navigate through this market changes. Each type of casino industry (commercial, riverboat, racino, and tribal) relies on a different style of marketing to draw in consumers to their casinos and is also regulated through different guidelines. Commercial casinos, racinos, and riverboat casinos have also created complications and problems for tribal casinos because of the legislation associated with each of them by state and federal guidelines. The historical implications surrounding the representation and simulations of Native Americans' identities is only the beginning, tribal gaming is creating numerous new questions for scholars to examine.

The biggest issues in contemporary tribal gaming are as follows: 1) New tribes trying to gain *Federal Recognition* and trying to acquire land in trust; 2) Tribes entering into gaming compacts and negotiating the stipulations with state governments for Class III compacts; 3) Federally recognized tribes with existing lands trying to put land in trust, use trust land for the development of tribal gaming, and trying to acquire lands outside of tribal lands for gaming purposes; 4) Federally recognized tribes pursuing off-reservation gaming far away from current tribal lands both within the state their tribal lands reside and in other states where they have no tribal land (exceeding the distance set-forth by the *Guidance Memorandum* issued by the Department of the Interior); 5) Tribes venturing into commercialized forms of gaming (commercial casinos and racinos); 6) Tribes venturing into international gaming through commercialized gaming corporations; 7) Tribes working with other tribes to create tribal gaming establishments or tribes

competing with other tribes over gaming markets; 8) Tribes partnering with commercialized casino groups to run and operate both tribal gaming and commercial gaming facilities in the U.S. and international markets. Many of these issues revolve around the acquisition of new trust land by tribes. The *IGRA* lays the framework for tribal gaming and the acquisition of trust land through *Section 2719: Gaming on lands acquired after October 17, 1988*³⁹. The reason the *IGRA* made stipulations on putting land in trust was that so tribes that were not already federally recognized with established reservations or other tribal lands prior to the enforcement of *IGRA*, could not simply try to create tribal casinos when they were granted *Federal Recognition*. The ideology behind the *IGRA* is to help struggling tribes create jobs and develop their economic infrastructure through gaming operations, not to create wealthy Indian tribes. The other reason for implementing this section within the policy is to ensure that tribes (already existing or trying to gain recognition) are not simply “reservation shopping” as critics of tribal gaming like to accuse some tribes of trying to do. To currently acquire land in trust is becoming more and more of a difficult process for all tribes regardless of their economic standing. The process of putting newly acquired land in trust⁴⁰ status can be both a simplistic and complicated matter depending on the individual situation, the community situation, the state involvement, and the Government’s interactions, but the decision ultimately lies with the U.S. Secretary of the Interior alone.

Tribes that are unsuccessful in acquiring an off-reservation casino have ventured into commercialized gaming as an alternative. Tribes are partnering with commercial gaming organizations to run tribal casinos, commercial casinos, and international casinos. Tribes are venturing into international gaming on their own and through partnerships with commercial gaming companies. Some tribes are also partnering with other tribes throughout the country to help them develop their tribal gaming establishments and to build their own tribal enterprises. These alternative methods to tribal gaming are taking tribes off of their tribal lands and into commercial lands where their Native status no longer exists and where Natives are subject to commercial zoning policies as well as state and federal forms of gaming regulation. The tribal gaming market is changing quickly and tribes are looking more and more to leave the confinement of their reservation boundaries---some with great success and some are struggling greatly adapting to the new

sets of rules.

The Potawatomi (Chapter 2), Chippewa (Chapter 3), Pequot (Chapter 4), and Seminole (Chapter 5) tribes discussed within the following chapters each relate to one of the new off-reservation topics facing tribes throughout the country. The Forest County Potawatomi Tribe of Wisconsin is the only tribe in the country to own an off-reservation casino in a highly populated metropolitan area and is an important case to study because of its impacts on other tribes trying to acquire tribal lands outside of their tribal boundaries near metropolitan areas. The Sault Ste Marie Chippewa Tribe of Michigan was the first tribe in the country to own a commercial casino outside of their tribal boundaries while simultaneously owning tribal casinos on tribal property, setting the stage for other tribes to venture into commercialized gaming outside of tribal lands. The Mashantucket Pequot Tribe of Connecticut was the first tribe to sign a partnership with a commercial casino company, MGM Mirage, and to work on creating both tribal casinos and commercial casinos on tribal lands, in other states, and internationally. The Seminole Tribe of Florida is the first tribe to buy a transnational business, Hard Rock International, and to own a commercial business in other states and in other countries with the hopes of developing casinos internationally. Both the Pequot and Seminole are expanding the boundaries of how people understand tribal gaming and tribes in general as their gaming businesses are expanding beyond reservation boundaries and state boundaries into international boundaries. Tribal gaming is venturing into uncharted areas as tribes are pursuing their own avenues to achieve cultural and economic success. The future of tribal gaming is rapidly changing, and therefore, tribes must change as well if they are to succeed in the expanding industry of tribal and commercial gaming.

CHAPTER 2
FROM BINGO CALLERS TO BILLIONAIRES:
THE POTAWATOMI OPEN THE COUNTRY'S FIRST OFF-
RESERVATION CASINO IN A LARGE METROPOLITAN AREA---
MILWAUKEE



**Potawatomi Bingo Casino, Milwaukee, Wisconsin---Potawatomi: Keepers of the Fire
(Photo by Author 2009)**

Forest County Potawatomi Community: Tribal Headquarters Crandon, Wisconsin

Tribal Enrollment: 1,299
Per Capita Payment: \$97,364

Total Annual Revenue: \$410 Million
Tribal Casinos: 2 (1 On & 1 Off-Reservation)

FOREST COUNTY POTAWATOMI TRIBAL HISTORY

The Forest County Potawatomi Community (FCP) is located primarily in Northeastern Wisconsin (towards the Upper Peninsula of Michigan) and also has members living in Central and Southeastern portions of Wisconsin on non-reservation lands. The FCP are a band of the larger Potawatomi Nation, which spans across the Midwestern¹ portion of the U.S. and in Southeastern Ontario, Canada. The Potawatomi are among a number of tribes whose language derives from the Algonquian² language. Scholars have debated the meaning of the word Potawatomi for a number of years, but FCP tribal scholars translate the word to mean “the people of the place of fire,” which is derived from the Chippewa language. The Potawatomi currently use the Anishinaabe word Nishnabec meaning the “True or Original People” to refer to themselves as a collective group (FCP 2009). All of the Potawatomi bands in the U.S. use this word to identify themselves as they still have close ties to one another.

Archaeological evidence and linguistic patterns indicate that the Potawatomi originally settled along the Atlantic Coast³ region of the U.S. and were linked closely with the Delaware tribe. The Delaware were believed to have settlements along the Atlantic Coast as far back as 12,000 years ago. The Potawatomi parted ways with the Delaware sometime around 5,000 years ago and migrated back towards the southern portion of Ontario, Canada, directly above Lake Superior and Lake Huron (Clifton et al 1986). This was the first time that the Potawatomi inhabited the area surrounding the Great Lakes. The Potawatomi have always been a woodland type of people, and it was believed that the Great Lakes region of the U.S. and Canada provided a more stable environment for the tribe to fish, hunt, practice their culture, and sustain their type of lifestyle.

THE COUNCIL OF THE THREE FIRES

During the time the Potawatomi were residing in southern Ontario, they were once part of a large tribe that also consisted of the Chippewa (Ojibwa) and Ottawa (Odawa). All three tribes refer to themselves as the Anishinaabe. Oral traditions passed down by tribal members from all three tribes claim that their ancestors (grandfathers) were the Delaware (FCP Cultural Specialist 2009; SSMC Cultural Specialist 2009).

Together, these three tribes created the “Council of the Three Fires” or “Three Fires Confederacy,” which allowed them to keep a close connection (a cultural and political alliance) to one another even after they parted ways. The Chippewa were known as the “Keeper of the Faith,” the Ottawa were known as the “Keeper of the Trade,” and the Potawatomi were known as the “Keeper of the Fire.” The relationship⁴ between the Potawatomi, Chippewa, and Ottawa Tribes separates sometime around the end of the 15th Century or beginning of the 16th Century, as each tribe has its own cultural and archaeological records of being an autonomous tribe for a little over 500 years. The Chippewa stayed in Northern Michigan (around the Great Lakes) and eventually moved into Northern Wisconsin and Minnesota. The Ottawa stayed in Northeastern Michigan (around the Great Lakes) and in the Ontario Province of Canada directly surrounding the Great Lakes. The Potawatomi have lived in the lower portion of Southeastern Michigan (near Lake Michigan) for at least 500 years and eventually spread throughout the Great Lakes region (Ohio, Indiana, Illinois, Michigan, and Wisconsin). While the “Council of the Three Fires” does not have the significance that once it had, it still bonds the three tribal nations together as it signifies the larger history of these people.

THE DEVELOPMENT OF THE FOREST COUNTY POTAWATOMI RESERVATION

During the 1500’s, the Potawatomi inhabited the area around the Eastern and Southeastern portions of Lake Michigan, primarily in Michigan and Northern Indiana. During the 1600’s, the tribe’s population expanded into Northeastern Illinois and Southeastern portions of Wisconsin. During this time period, the Potawatomi had their first contact with Europeans in 1634 when French fur trader Jean Nicolet explored the region of Green Bay, Wisconsin and made contact with a small group of Potawatomi (Loew 2001). Prior to European contact, the Potawatomi were estimated to have between 10,000 - 15,000 members in total (FCP Cultural Specialist 2009). By the early 1700’s, the Potawatomi Nation spread throughout Ohio, Indiana, Michigan, Illinois, and Wisconsin. The FCP signed 43 treaties (See Appendix C) with the U.S. Government, more than any other tribe in the country, which has helped shape their current tribal boundaries. These treaties resulted in land loss, the forceful movement of tribal

members, and directly resulted in the shaping of the seven contemporary Potawatomi bands⁵ throughout the U.S. (FCP 2009). Starting in 1789 with the *Treaty of Fort Harmon* in Ohio, the treaties that the Potawatomi signed with the U.S. Government slowly moved the tribe westward⁶ to Kansas and Oklahoma ending with the *Washington D.C. Treaty* in 1867. During this time period, the Potawatomi lost an estimated five million acres of land and suffered numerous deaths among their tribal members from poor living conditions, diseases, and struggles with the U.S. Government (FCP 2009; Edmunds 1987).

As the Potawatomi and other tribal nations from the Eastern part of the U.S. marched Westwards (primarily from 1830 to 1867), many Potawatomi fled and hid in the wooded areas of Michigan, Wisconsin, and Canada (some of these areas were their traditional lands and some areas were not). Many of the Potawatomi that fled during this time were the original members of the group that would become the Forest County Potawatomi band. Around 1880, the Forest County Potawatomi first settled in the areas⁷ of Blackwell, Carter, Crandon, and Wabeno in Northeastern Wisconsin (Edmunds 1987). The Potawatomi lived in extremely poor conditions for a number of years as they struggled to merely survive in the forested landscape. The tribe owned no land at the time living in remote wooded areas in small camps. A Lutheran, Reverend, Erik Morstad⁸, traveled to the remote wooded areas of Northeastern Wisconsin to work with the Potawatomi and help them during the early 1890's. Morstad worked with the tribe to help secure the Potawatomi tribal lands through the Homestead Act⁹---most of this land was sold to Potawatomi with families (40 to 80 acre farms). The Potawatomi along with Morstad were able to acquire some of the money¹⁰ promised to them through previous treaties and used that money in 1913 to acquire the reservation land that would later be the Forest County Potawatomi Community¹¹ (Loew 2001). Morstad was influential in helping the Potawatomi establish a community for their people. Many of the Potawatomi living on the reservations in Kansas and Oklahoma made the long journey back to Northeastern Wisconsin once the tribe began acquiring lands for their people.

Living conditions for the Potawatomi on their reservation during the 1900's were barely livable because the first tribal members were extremely poor. Tribal members scarcely had access to food as farming conditions¹² were difficult, hunting was against

the law on homestead land, and fresh water access was limited. Tribal members' homes were typically poorly constructed shacks because of the lack of available resources. Access to goods and health care was almost nonexistent because tribal members would have to commute far distances to obtain necessities (other than traditional medications and remedies). The Potawatomi remained isolated and had little contact with most non-Indian communities throughout the 19th and 20th Centuries. The Potawatomi had a loosely structured government at the time as they met for council meetings usually at the homes of other tribal members. The FCP received no federal assistance or *Federal Recognition* from the U.S. Government until 1937¹³ when the tribe abided by the *Indian Reorganization Act* of 1934 and created a new tribal government. Their new government consisted of a tribal chairman, vice-chairman, secretary, treasurer, and two councilmen to regulate tribal policies in adherence with the newly drafted FCP constitution. The reorganization of the tribal government resulted in the tribe gaining *Federal Recognition* and allowed their reservation land to be placed into trust status by the U.S. Government. Despite the poor living conditions on the reservation, Potawatomi scholars from all seven of the Potawatomi bands have maintained that the FCP are the band that most resembles the traditional Potawatomi Nation because they held onto to their language, culture, and spiritual practices more so than the other tribes that were assimilated more into White culture on their reservations in Kansas and Oklahoma (FCP 2009).

Reservation conditions remained rough for tribal members up until the late 1980's when the tribe began their venture into the tribal gaming arena. Before tribal gaming, tribal members struggled to maintain self-sufficient lives as economic conditions were harsh because of high unemployment rates and lack of available jobs for Indians. The tribe was not able to provide jobs for any of its members or the members of the surrounding communities. Work was extremely limited in the Forest County area of Wisconsin and tribal members were too poor to afford automobiles to drive to other areas to acquire work. Many tribal members often hunted, fished, gathered, and/or farmed to acquire their daily food resources. Women made jewelry, bead work, clothing, and baskets to sell to outsiders. Men typically took jobs in the logging industry, as guides, farmhands (when available), and in the mineral industry. Many non-Indians were hesitant to hire Indian workers in Wisconsin during the early to middle 1900's because of

the stereotypes associated with Indians at the time (Loew 2001). The remote area also had a high concentration of local bars, which contributed to an already high rate of alcoholism that existed among the Potawatomi and other Indian groups in Wisconsin. The Potawatomi, like other Wisconsin tribes, also became addicted to alcohol¹⁴ primarily because of its easy access in Wisconsin. Wisconsin produces alcohol in a higher quantity than most states and nearly every county in the state has some type of brewing company. Alcoholism contributed to an increased rate of diabetes among the Potawatomi and led to other health problems that plagued tribal members on the reservation throughout the 20th Century. Life expectancy rates were also low in general for Native populations in the state of Wisconsin prior to tribal gaming.

The tribe currently owns approximately 15,000 acres of land---12,000 acres of land that resembles a checkerboard area in Forest County, Wisconsin (See Appendix G), 3,000 acres in Wood County, Wisconsin (non-reservation land), and 15.6 acres in the Menomonee Valley area of Milwaukee, Wisconsin (all of the land is in trust status). Since the opening of two tribal gaming casinos, the tribe has become enormously wealthy and the lifestyles of the members of the FCP have changed drastically. While poverty is now a distant memory for 1,299 FCP tribal members, the tribe has not forgotten its own struggles and has helped individuals throughout the state of Wisconsin to improve their own social conditions through numerous acts of charitable work, volunteer work, and donations to various organizations. Currently there are few native speakers (approximately less than 300 total) alive that speak the traditional Potawatomi language; however, the FCP has the highest amount of fluent Potawatomi speakers (approximately 75) of any of the seven Potawatomi bands. The FCP continue to embrace the traditions of their past despite all of the changes they have underwent culturally. While language competency levels remain low among Potawatomi members across the country, the FCP have maintained their role as the “Keeper of the Fire” more so than any other of the Potawatomi bands. They have even incorporated the use of fire into their business plans and especially their tribal gaming industry.

Fire¹⁵ is one of the most significant symbols in the Potawatomi belief structure, as it represents life. Fire is a living spirit that must be honored and respected. Fire remains a potent spiritual force. Today, the flame at the entrance of the Casino symbolizes the Tribe’s role as “Keeper of the

Fire” (Philip Shopodock Chairmen of FCP 2008).

The FCP continue to grow as a people, and for the time being their success, like the success of many other tribes, is dependent on tribal gaming and their decisions regarding it. They are also by the far the most economically successful and self-sufficient Potawatomi group due to the success of their tribal gaming venues, primarily their casino in Milwaukee. The FCP band also retains close ties to the other six Potawatomi bands in the U.S. and the three Canadian bands because of their shared history and their desire for cultural preservation and tradition.

WISCONSIN GAMING HISTORY

Prior to legalized gambling in the state of Wisconsin, numerous forms of illegal gambling¹⁶ occurred throughout the state such as dog and cock fighting, horse racing, and lotteries, and they continued even when the state banned gambling. The state of Wisconsin, like the FCP, first began their venture into casino style gambling with the legalization of the game bingo. In 1973, a public referendum vote was passed that approved an amendment to the state’s constitution that would allow charity bingo games. Two years later in 1975, the Wisconsin Government amended the constitution making charitable bingo acceptable in the state. This would set the groundwork for tribal gaming in Wisconsin. The Oneida Tribe of Wisconsin was the first tribe in the state to venture into tribal bingo following in the footsteps of the Oneida Nation of New York and the Seminole Tribe of Florida---the tribe introduced charitable bingo to raise funds for the tribe’s general fund in the late 1970’s. The Oneida, along with other tribes throughout the state of Wisconsin, began running charitable bingo games and began doing raffles at their bingo events---this helped prompt the state to pass an amendment to the state’s constitution authorizing raffles in 1977. Bingo and raffles were the start of Wisconsin’s tribal gaming as it slowly began to spread from tribe to tribe throughout the state. Wisconsin, like other states, was trying to limit tribal gaming before it began. The *Seminole Tribe of Florida v. Butterworth* (1979-1981) court case paralleled the case of *Oneida Tribe of Indians v. Wisconsin* (1981-1986), as both tribes were suing their respective states to allow higher prize limits on reservation-based gambling than state gaming ordinances allowed at the time. The Seminole case revolved around bingo limits

and the Oneida case revolved around raffle prize limits. Both cases¹⁷ were ultimately decided in favor of the tribes because the games did not violate state criminal laws (See Public Law 280 in Chapter 1). During the 1980's, Wisconsin tribes¹⁸ experimented with a variety of casino style gaming, but ultimately casino style gaming began after the passing of *IGRA*.

Prior to the legalization of tribal gaming, in 1987, voters passed an amendment to the *Wisconsin State Constitution*¹⁹ that would allow for the creation of a state lottery and for the introduction of pari-mutuel dog racing tracks. Two years later in 1989, Wisconsin state regulators approved five pari-mutuel greyhound gaming licenses throughout the state in: Geneva Lakes, Hudson, Kaukauna, Kenosha, and Lake Delton. Tribes began Class II tribal gaming in late 1988 after the passing of *IGRA*, but casino style gaming did not occur until 1992 when the first tribal-state gaming compacts were signed. In 1991, the Lac du Flambeau Band of Lake Superior Chippewa Indians and Sokaogon (Mole Lake) Chippewa Community took the state of Wisconsin to court trying to force the state into Class III gaming compacts with the state's tribes in the case of *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Wisconsin*²⁰ (1991). Judge Barbara Crabb ruled that under the Wisconsin state constitution, the state did allow for casino style gambling (bingo, lottery, and pari-mutuel gaming) under the wording and this set the stage for Governor Tommy Thompson to sign compacts with all eleven of the state's tribes by June of 1992. The decision was controversial and has been debated to this day. Some scholars and critics stated that Crabb misinterpreted the law and that if it was properly worded, the state would not have rushed into tribal-state gaming compacts and tribal gaming would not have exploded the way it did throughout the state of Wisconsin (Mason 2000). Since the state amended its original constitution to legalize the lottery, tribes viewed that as the legalization of gambling on numerous levels because of the 1848 definition of a "lottery" encompassed all forms of gambling. Crabb ordered the state of Wisconsin to consider allowing table games and Class III slot machines when negotiating with the tribes on gaming compacts---despite the fact that the state of Wisconsin had no other existing types of Class III gaming according to *IGRA* standards. The state, as a sovereign state of the U.S., has the ability to set its own gaming laws.

Currently, the state of Wisconsin has 28 gaming facilities (27 tribal gaming

facilities and 1 racino) as of January, 2010 (See Appendix C). 11 tribes throughout the state operate the 27 tribal casinos (16 Class III casinos and 11 Class III slot arcades) scattered throughout Wisconsin on tribal lands. Only the Forest County Potawatomi Community's Potawatomi Bingo Casino is located off of reservation land in the city of Milwaukee. The lone racino²¹ in the state, Dairyland Greyhound Racing Park in Kenosha, recently closed down at the end of 2009 / the start of 2010. Altogether, casino gaming throughout the state generated over \$1.5 billion dollars primarily from tribal gaming (See Appendix C). Wisconsin tribal casinos have shown minimal growth over the last few years, but some of the state's casinos continue to generate large amounts of revenue despite a weak economy because of their locations. The state's tribal casinos have greatly altered the lives of Native Americans throughout the state, improved living conditions on numerous reservations, and created jobs and tax revenue for the state.

FOREST COUNTY POTAWATOMI GAMING

The FCP did not dive into the tribal gaming market until after the *IGRA* was passed in 1988. While many tribes throughout the state preceded them in terms of tribal gaming experience, the tribe acquired the country's first and only off-reservation casino in a major metropolitan market, Milwaukee, Wisconsin, and built a gaming empire through it. The acquisition of tribal gaming for the Potawatomi began in 1989, when the tribe experimented with some small scale bingo operations in Forest County. The bingo experiments were successful on a small scale, but the tribe had greater aspirations. In the middle of 1989, the FCP began searching for a business partner that could back the tribe financially and help operate tribal gaming operations, which they, like many tribes throughout the country, lacked experience doing. The tribe reached out to John Burke, owner of Omni Bingo of Wisconsin Inc.²², to create a beneficial partnership with the tribe that would help the tribe's gaming enterprise take off. Because of the tribe's isolated location in a very rural area (primarily forest land), the FCP and Burke began contemplating both a bingo hall on the reservation and one off of the reservation in a more populated area. Tribal representatives approached the city of Milwaukee and the Wisconsin State Government about acquiring land for off-reservation gaming, and after gaining their approval, the matter then went to the Department of the Interior, which

signed off on the casino idea. The tribe could have bought commercial land in the city and operated a commercial bingo parlor; however, they were looking to acquire “trust” land for tribal gaming purposes. Having trust land provided the tribe with more financial options that were beneficial to their tribe than buying a commercial casino because of the economic benefits associated with trust status. The tribe would have been liable for higher tax rates if they operated a commercial casino and all revenue would have been taxable if the tribe operated a commercial property, which they had no previous experience doing. Tribal casinos only pay revenue on gaming to local and state governments—they are excluded from paying revenue generated from food, alcohol, and other services to those governments.

Before the tribe was allowed to purchase land in the city of Milwaukee, the tribe was required to sign a *Cooperation and Judicial Agreement*, which subjected the tribe to local regulation since the casino was not on “traditional” reservation land. The FCP were also required to donate an annual amount of their revenue to Milwaukee charities as part of their agreement for an off-reservation casino within the city. In July of 1990, the tribe purchased 15.6 acres of land in the Menomonee Valley²³ of Milwaukee, which the Department of the Interior placed into “trust” status for the tribe. Despite owning 15.6 acres of land, the initial casino in Milwaukee was rather small and only occupied roughly three acres of land. The casino was completely operated by Burke and Omni Bingo, which also operated the larger tribal casino on the reservation in the city of Carter, Wisconsin. Omni Bingo fronted the majority of the money for building both casinos and operated them in exchange for 40% of the net revenue generated by the casinos under the agreement²⁴ between the tribe and Omni Bingo (Hoeschen 1997). The Potawatomi had to find an outside investor because they did not have the initial startup revenue to begin operating a casino because they were still an impoverished tribe up until the end of the 20th Century---they also lacked any experience in operating tribal gaming and Burke was well known throughout Wisconsin for his bingo gaming experience. Burke also negotiated an agreement between the tribe and the Indian Community School²⁵ in Milwaukee that provided the school with annual revenue to help offset its operating costs. Potawatomi Bingo Casino (PBC) opened in 1991²⁶ in the Menomonee Valley region of Milwaukee in a large warehouse type building as a Class II gaming facility. Their other

casino, Northern Lights Casino (NLC), in Carter opened in a much larger and nicer looking complex²⁷ on the FCP reservation. The NLC was the only tribal casino in the state being operated by an outside business partner during the time that it opened. The FCP signed their first state-tribal gaming compact with the state of Wisconsin in 1992 and would eventually sign five more amendments and compacts²⁸ with the state.

The two casinos proved to initially be successful, so much so that FCP ended up buying out Burke and Omni Bingo taking full control of their tribal casinos (NLC in 1994 and PBC in 1997). The FCP bought Burke out (for \$25 million dollars) because they could make more money operating the casino internally (through tribal control) and they also had plans on renovating the PBC by making it larger and making it look more traditionally Potawatomi. In 1997, the FCP began the Forest County Potawatomi Gaming Commission²⁹, which would operate all of the tribe's gaming ventures allowing them complete control over their gaming ventures. The success of the PBC and the desire for the tribe to grow economically³⁰, lead to the tribe investing \$120 million dollars into PBC in 2000 and another additional \$240 dollars into the casino in 2008 to more than triple the size of the casino and to make it a "premier" tourist destination spot in Wisconsin and within the greater Great Lakes region. The FCP also brought in Beyond Design Incorporated³¹ to design the casino expansion in 2007/2008 to add traditional Potawatomi cultural elements to the PBC. The FCP spent millions on the interior of the PBC as shown to make it have more of a Potawatomi feel to it.

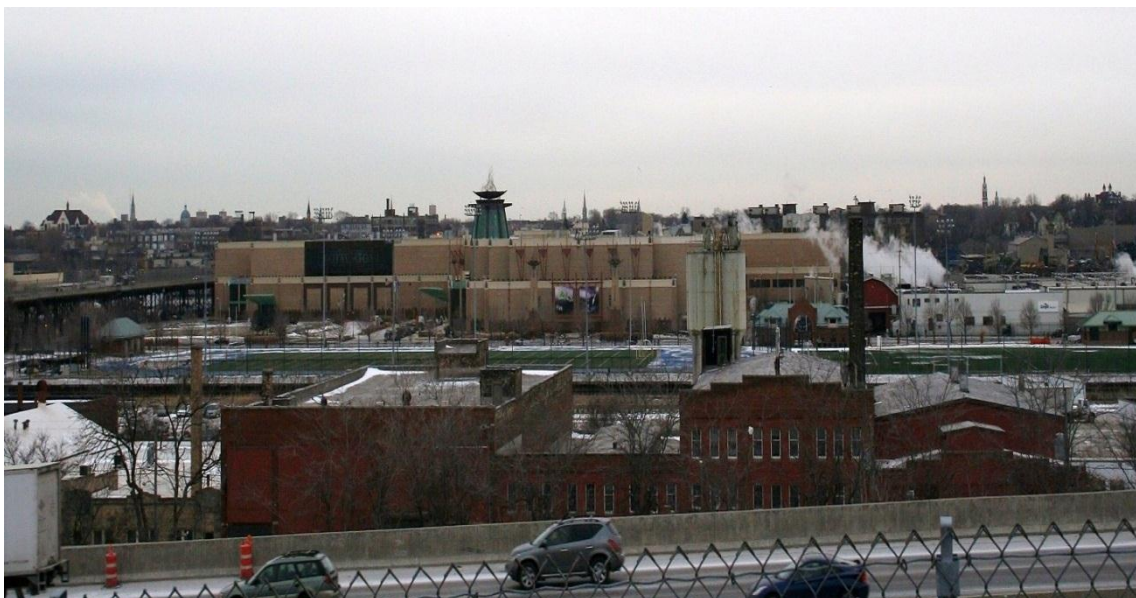
While Potawatomi Bingo Casino is about entertainment, it is also a museum of sorts, telling stories of the Forest County Potawatomi people and culture through artwork. The decor throughout the facility reflects many of the beliefs and traditions of the tribe and its history. A reverence for culture, tradition and the wisdom that comes with age is constant throughout Potawatomi history. Like all Native peoples, the Potawatomi attach tremendous importance to the moral worth and character of every person. ~Architect for the PBC 2008

As of 2008, after the FCP finished renovations, the PBC is the largest tribal casinos in the U.S. in terms of total gaming floor space not total size (See Appendix C). Along with the massive expansion in size, the casino has generated nearly 3,000 total jobs³² for Milwaukee (See Appendix C). For all of the PBC's renovations and construction, the FCP hired contractors and construction workers from the Milwaukee

area. The casino has provided a number of economic opportunities both directly and indirectly to members of the city of Milwaukee and the county. The job charts show employment data from the PBC. Most of the employees at the PBC are individuals from working class to middle class backgrounds and live in the neighborhoods surrounding the Menomonee Valley. Over 50% of the PBC's employees are minorities. Very few tribal members work at the casino because it is nearly 200 miles away from the main reservation. There are no houses located in the Menomonee Valley and the access to the area is restricted as well. The neighborhoods directly surrounding the Valley to the north are lower income neighborhoods (primarily African American and Hispanic communities) surrounded by aged industrial and commercial areas. The communities to the south of the Valley are working to middle class neighborhoods (primarily White, Asian, and African American communities). The valley also acts as ethnic divide of sorts as the city is segregated into ethnic pockets (like most large metropolitan areas); however, this ethnic divide is not present in the PBC's workforce or consumer base. The PBC attracts individuals of all social classes and ethnic backgrounds. The PBC brings in more than four million visitors (See Appendix C) every year, which is more than any other business or attraction in the entire city or county of Milwaukee (City of Milwaukee 2010). The casino generates a total revenue exceeding \$400+ million dollars per year including all amenities (gaming generates \$370 million) and has 15,000 tourists³³ daily.

The PBC offers numerous features that most tribal casinos do not. The casino originally gained popularity because of its high stakes bingo prizes (noted as some of the highest in the nation). The PBC has more than 3,100 slot machines, numerous table games, a poker room, and a state of the art off-track betting facility (for horse and greyhound racing---despite the fact that Wisconsin no longer has either). The PBC also has eight restaurants, a new world class entertainment area (Northern Lights Theater), and a large gift shop. The only thing the casino does not have is a hotel connected to it, but that benefits the surrounding community more than anything as it sends customers to other businesses. The Potawatomi have teamed with numerous local bus companies and hotels to setup entertainment packages for guests---this creates more revenue and tourism for the city of Milwaukee and the surrounding community.

THE HISTORY OF THE MENOMONEE VALLEY



Potawatomi Bingo Casino in the Menomonee Valley (Photo by Author 2010)

The PBC, located on the eastern portion of the Menomonee Valley, has been the centerpiece of the Valley's restoration process. Prior to being an industrial area in the 1800/1900's, the Menomonee Valley was an area of great cultural significance for a number of different Native American tribes throughout the state of Wisconsin. Milwaukee, like many industrialized cities that relied heavily on manufacturing in the past, suffered as the economy shifted and began to phase out factory and industrial based jobs as changes in technology and production methods rapidly occurred. Milwaukee (primarily the Valley) was known as the "machine shop of the world" from the late 19th Century to the middle of the 20th Century. The Menomonee Valley was part of the Rust Belt³⁴ and suffered greatly from the end of World War II into the 1970's. The Valley was once the center of Milwaukee's economic prosperity³⁵, but the industrial region suffered greatly when changes in transportation of materials³⁶ shifted. By the mid to late 1970's, the Valley was a rundown industrial park with few companies operating there. The area quickly went through urban decay and was referred to by many as an "ugly blight" in the heart of the city (Milwaukee Business Journal 1992). The area laid dormant for nearly 20 years as no businesses moved into the vicinity, the land was abandoned and overrun with weeds and vegetation, and the property value continued to decline.

In the 1980's, Milwaukee mayors Henry Maier (1960-1988) and John Norquist

(1988-2004) started a “Renew the Valley” movement within the city. The city started by paving roads and making more access to the valley for businesses, but there was little growth there at first as the only business that moved there were owned by the city. The process of gentrification was beginning, but needed a catalyst to speed up the process. When the FCP and Burke approached the city seeking to build a gaming establishment there, they were not exactly eyeing the Valley as a possible location for a bingo hall. They initially proposed the downtown area near Marquette University and the Bradley Center, a few miles away from the Valley. Milwaukee council members were intrigued with the idea and proposed the Valley as a possible site for the bingo hall because they felt they had nothing to lose offering that area as a possible gambling site. The Valley seemed like a gamble for the tribe because of its location, reputation, and the communities surrounding it. However, when the casino first opened, people flocked to it because it offered something new, a form of entertainment that other places surrounding the Milwaukee area did not offer---bingo was a form of entertainment that was affordable for individuals of all social classes plus it offered individuals a chance to win money³⁷. Gambling was starting to catch on nationally after the passing of the *IGRA*, and Milwaukee was the first metropolitan area other than Las Vegas in the U.S. to allow gambling. One tribal member recalled the situation and explained it as follows in an interview:

For the city, allowing the Forest County Potawatomi Community to build an off-reservation casino was both a risky venture and possibly a rewarding economic investment. The city was looking to generate revenue, but was also trying to avoid the possibility of other tribes seeking gaming venues within the city’s boundaries. The city proposed that the tribe could petition to buy land in the Valley, and if the state governor and the Secretary of the Interior both approved, then the tribe could operate a gaming venue there. The situation was basically a win-win situation for the city as it had nothing riding on the success or failure of the casino, merely the possibility of a successful casino generating revenue and pumping life back into the community. ~Anonymous FCP Member 2009

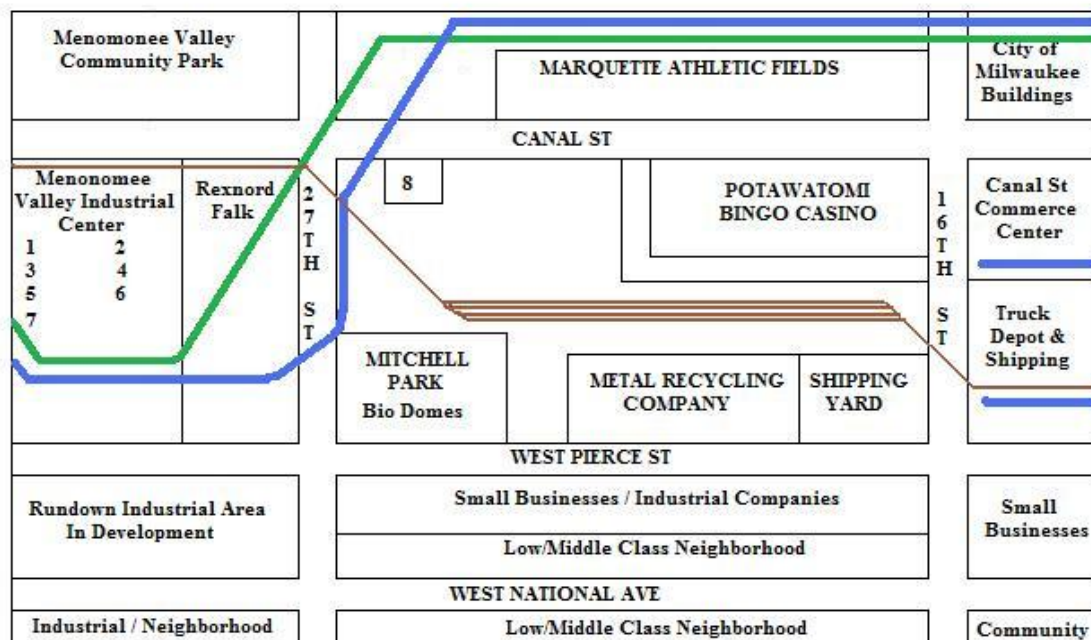
Many tribal members were just as uncertain about what the new gaming facility could bring to the tribe let alone what it could offer to the Valley and the city as a whole.

THE PBC'S CULTURAL AND ECONOMIC IMPACT ON THE MENOMONEE VALLEY IN MILWAUKEE

As the PBC became more and more successful, the Valley started to see an increase in traffic flow. The city further pushed its incentives to gentrify the area and increase the amount of green space in the area by creating the Menomonee Valley Business Improvement District (BID #26) in 1999. In the 18 years since the PBC first was introduced into the Valley, the area has went through a significant gentrification process and is still undergoing one. Including the PBC, over 13,000 new jobs have been created in the Valley since the arrival of the Potawatomi's casino (Menomonee Valley Partners, Inc. 2010). The community has seen an increase in commercial and industrial revival with major attractions moving into the area such as the University of Marquette's Valley Athletic Fields (1993), the new Miller Park³⁸ (2001), and the new Harley Davidson Museum (2008). Numerous other companies have moved into the community, primarily city related businesses, utility related businesses, and other commercial industries hoping to create successful businesses. The city has worked to make the area more green and people friendly by creating a sculpture garden, investing in the conservatory there, and creating the Hank Aaron State Trail³⁹ all around the Valley.

One of the easiest ways to measure the impact of the PBC is through a visual site analysis or "the eye test" as some might call it (See Site Map of PBC). The visual impact that the casino has had on the environment can be noticed both in a positive and a negative light. The area directly surrounding the PBC and in many areas of the Valley is still in need of a major overhaul as there are numerous abandoned lots in the area, remnants of old factories remaining, high levels of pollution (land and water based), and a distinctive and potent smell caused by 150 years of industrial use. These problems are still a major concern for some potential investors because companies that invest millions of dollars into an area want to stay there and create as successful and profitable as a business as they can. The only area directly surrounding the casino that is well maintained is to the North of the casino, that area is owned by the University of Marquette. To the South, directly behind the casino's parking lot lies a massive rundown abandon warehouse and scrap yards that occupy some 300 acres of land (Milwaukee Business Journal 2006). Directly to the East of the casino, is an old, highway overpass

and truck depot that is extremely rundown, but still operational. Directly West of the casino lies an abandon rail yard and rock quarry. The gentrified areas of the Valley are not directly connected to the PBC, but are further West of the casino's location and were placed there because the land was empty and unused. Between the PBC, Miller Park, Harley Davidson Museum, and the Hank Aaron State Park, the Valley has roughly seven million visitors annually (City of Milwaukee 2009). The city is working to make the area even more tourists friendly through its green initiative and family oriented programs it has begun launching. The city also has plans to build a hotel (possibly owned by the Forest County Potawatomi), shopping venues, and restaurants to keep customers entertained and to keep more revenue directly in the Valley area.



Site Map of Potawatomi Bingo Casino & Menomonee Valley (Illustration by Author)

Blue Lines = Menomonee River Green Lines = Hank Aaron Trail Brown Lines = Railroad Lines
 1 = Taylor Dynamometer 8 = Potawatomi Headquarters Truck & Shipping Company
 2 = Stonewater Park Potawatomi Bingo Casino Low/Middle Class Neighborhoods
 3 = Badger Railing Mitchell Park & Bio Dome Gardens Blank Space = Undeveloped Land
 4 = Charter Wire Marquette Athletic Fields (Track/Soccer)
 5 = Caleffi Hydraulic Menomonee Valley Community Park
 6 = Palmero's Pizza City of Milwaukee Buildings (Garbage/Electrical)
 7 = Derse Metal Recycling Company / Shipping Yard

City officials and local business members are now seeing the full potential that the Valley has to offer and are trying to capitalize on its economic success by making it a

more friendly and inviting atmosphere for visitors. The restoration of the Valley is an ongoing process that will still take years to complete, but has been jump-started by the success of the PBC. Since the arrival of the PBC in the Valley, 16 new major companies/businesses have found new homes in that area. The area has also been revitalized through the influence of the Menomonee Valley Partners Inc.⁴⁰ which has pushed the “Renew the Valley” initiative in the city. The FCP have been one of the strongest supporters of the group since it began and contribute heavily to restoration projects in the Valley both financially and culturally. The casino has continued its success because of the city’s increased efforts to revitalize the Valley and because of the exclusive 30 mile buffer zone⁴¹ the city provided the tribe with to ensure the tribe would continue to invest into the Valley and the city of Milwaukee.

If the Forest County Potawatomi Tribe were to apply for an off-reservation casino under the current criteria set forth by the U.S. Department of the Interior, their proposal for an off-reservation tribe in the metropolitan Milwaukee area would almost immediately be denied. The tribe would not pass the *Guidance Memorandum* (See Introduction), which limit’s the distance that a tribe can operate an off-reservation casino from its tribal lands. The Potawatomi Bingo Casino is nearly 200 miles away from Potawatomi tribal land and the newly established acceptable distance for a tribe to have a casino away from tribal land is a mere 40 miles---what the Department of the Interior refers to as a “commutable” distance for tribal members. The tribe also tried numerous times to negotiate with the city of Milwaukee to move its gaming facility to downtown Milwaukee, even after their \$120 million dollar renovation in 2000 (Milwaukee Business Journal 2006). Discussions of moving the PBC and acquiring new tribal land to be put in trust were ultimately scrapped after the tribe decided to spend \$240 million more dollars to renovate the casino (making the Valley its permanent home) again in 2007. The FCP, the city, and even gaming experts were wondering if the Secretary of the Interior would even allow the tribe to basically switch “trust” land. If this process would have occurred, it would have been what opponents of tribal gaming feared---reservation shopping. The tribe would have ultimately switched land of lower real estate value for land with a higher real estate value and would have removed themselves from the Valley and all of its plans for economic restoration. In the end, the plan was nothing more than the tribe’s

inquiring into the possibility of the situation. The FCP did, however, spend an undisclosed amount of money trying to lobby city officials for their proposed move to downtown Milwaukee.

The U.S. Census Bureau defines “urban” areas as areas of high population density, an increased presence of human created structures, and populations of over 500,000 individuals (2009). Currently within the U.S., there are 20 urban gaming markets. Some of these casinos operate directly within the city’s boundaries, some are on the outskirts of the city, and some are in the greater vicinity of the city (maybe not even directly within the technical boundaries of the city). While the majority of these urban gaming markets are populated with Indian casinos, only one of these urban Indian gaming markets does not have a tribe owning Indian land residing within its city boundaries---Milwaukee. Milwaukee is the only urban gaming market that has a legal off-reservation casino approved by the U.S. Department of the Interior. The Kalispel Tribe’s Quest Casino in Spokane, Washington is the closet example of an off-reservation casino in a metropolitan market; however, the city is less than half of the size of Milwaukee. Every other tribe throughout the country that has tried to obtain an off-reservation casino in an urban market through the guidelines set forth by the *IGRA* has been denied. In fact, the Department of the Interior has specifically established policies to try to prevent tribes from creating casinos in urban markets. Milwaukee is the 23rd largest city and is the 33rd largest metropolitan area in the country, so the PBC’s location helps bring in tourists from far distances.

Indian gaming has been big business in the state of Wisconsin for the Potawatomi and the other ten tribes who have tribal casinos in the state. In 2009, Wisconsin ranked 7th in the nation in total tribal revenue generated with \$1.4423 billion dollars in revenue (See Appendix C). While tribal casinos in Wisconsin had an increase in total gaming revenue, many states around the country reported negative growth production in revenue. The increase in revenue production meant higher payouts to the state and to the local governments through revenue sharing agreements (state-tribal gaming compacts). No market benefits more from tribal gaming economically than Milwaukee as the PBC is by far the state’s highest grossing tribal casino. If the PBC struggles financially, a number of organizations will feel the economic impact: the Forest County Potawatomi

Community, Indian Community School, Menomonee Valley, local businesses, the city of Milwaukee, the state of Wisconsin, and numerous charities throughout the state. While the casino benefit's the state and the local economy economically, how has the increase in revenue production impacted the FCP members, who have traditionally been an extremely poor tribe?

POTAWATOMI TRIBAL ENROLLMENT, MEMBERSHIP, IDENTITY, & TRIBAL BENEFITS

The current conditions for the tribal members of the FCP are not even remotely close to what tribal members faced a mere 20 years ago. Economic instability and the lack of resources are a thing of the past for current members as the tribe has built a financially stable economy and future for its people through the use of tribal gaming (primarily because of the PBC). The Potawatomi Tribal Enrollment Chart indicates the amount of payment FCP members receive per year as part of their annual stipend from tribal funds. Tribal payments are closing in on almost \$100,000 per member annually, which is far more than most jobs in the country pay. Every enrolled tribal member, including youth, receives an annual stipend. In the 1980's prior to tribal gaming, the Potawatomi had the highest unemployment rate of any tribe in the state of Wisconsin (nearly 62%) and Forest County ranked second with the highest unemployment rate behind only Menominee County in the state (nearly 24%) (State of Wisconsin 2009). Currently, Forest County ranks as the 19th best county in terms of employment rates out of Wisconsin's 72 counties with only 5.7% of individuals being unemployed and Milwaukee County has an unemployment rate of 5.9% ranking as the 22nd lowest rate of unemployment⁴² in the state (State of Wisconsin 2009). The Potawatomi have contributed heavily to providing jobs for tribal members and non-tribal members in both Forest and Milwaukee Counties (See Appendix C).

Forest County Potawatomi Tribal Enrollment Chart

Year	Tribal Enrollment	Annual Stipend	Change	Money Allocated for Stipends
2009:	1,299 Tribal Members	\$97,364	+\$ 5,069	\$126,475,888
2008:	1,250 Tribal Members	\$92,295	+\$ 1,701	\$115,368,000
2007:	1,213 Tribal Members	\$90,594	+\$ 21,851	\$109,891,503
2006:	1,186 Tribal Members	\$68,743	+\$17,479	\$ 81,529,198
2005:	1,123 Tribal Members	\$51,264	+\$ 9,264	\$ 57,569,472
2004:	1,061 Tribal Members	\$42,000	+\$ 7,000	\$ 44,562,000
2003:	999 Tribal Members	\$35,000	+\$ 2,000	\$ 34,965,000
2002:	994 Tribal Members	\$33,000	+\$ 3,000	\$ 32,802,000
2001:	987 Tribal Members	\$30,000	+\$ 2,500	\$ 29,610,000
2000:	980 Tribal Members	\$27,500	+\$ 2,500	\$ 26,950,000
1999:	969 Tribal Members	\$25,000	+\$ 2,500	\$ 24,225,000
1998:	943 Tribal Members	\$22,500	+\$ 7,000	\$ 21,217,500
1997:	927 Tribal Members	\$15,500	+\$ 3,500	\$ 14,368,500
1996:	831 Tribal Members	\$12,000	+\$ 3,000	\$ 9,972,000
1995:	803 Tribal Members	\$ 9,000	+\$ 2,000	\$ 7,227,000
1994:	770 Tribal Members	\$ 7,000	+\$ 2,000	\$ 5,390,000
1993:	711 Tribal Members	\$ 5,000	+\$ 2,500	\$ 3,555,000
1992:	626 Tribal Members	\$ 2,500	+\$1,500	\$ 1,565,000
1991:	531 Tribal Members	\$ 1,000	+\$ 1,000	\$ 531,000

*The Tribe allocated a percentage of their gaming profit to be distributed annually starting in 2005 for per capita payments to tribal members. Stipend information provided by anonymous tribal members (2009) & Milwaukee Journal Sentinel archives (1991-2009).

*In 1997, the Tribe buys out Omni Bingo and takes full control of PBC in Milwaukee---meaning larger profits.

Directly, the FCP have helped create over 4,800 jobs to the local economies of Forest and Milwaukee Counties (See Appendix C), and have taken the tribe from an unemployment rate of 62% to being able to offer every tribal member who wants employment, a job. The goal of tribal gaming under the *IGRA* is to help create self-sufficient tribes throughout the country by bringing back employment to the reservation for tribal members. There are no available statistics on the percentage of tribal members who are employed (by the tribe or by other businesses), so it is unclear how the casino has benefited its own tribal members in terms of employment. A Spokesperson for the Potawatomi indicated that there are tribal members currently working at both the PBC in Milwaukee and the NLC in Carter (2009). Indirectly, the tribe has helped create thousands of other jobs as well throughout the Menomonee Valley, the city of Milwaukee, and in Forest and Milwaukee counties. Out of the 1,299 total tribal members, 776 live on the reservation (59.74%) and another 131 tribal members (10.08%) live somewhere in Forest County off of reservation land. A total of 907 tribal members

live in Forest County and another 306 live in the surrounding counties of Florence, Vilas, Oneida, Langlade, Menominee, Oconto, Marinette, Marathon, Wood, Portage, Brown, and Kewaunee Counties and some tribal members live in Milwaukee County. The remaining 86 tribal members live outside of the state of Wisconsin, primarily in the states of Minnesota, Michigan, Illinois, and Indiana. Based on the population density of tribal members throughout Northeastern Wisconsin, it is unclear how many jobs the off-reservation casino created for tribal members or how many work for the tribe in any tribal business. Has the casino really benefitted the tribe in terms of employment or merely just the surrounding community? How has the Potawatomi's situation involving off-reservation gaming impacted other tribes ability to acquire off-reservation property for casinos? If no data is available on employment statistics for tribal members, then other tribes across the country cannot use the Potawatomi as evidence to help support their case for acquiring new lands for gaming purposes. The case of the FCP is an intriguing one to study because the tribe has certainly benefitted from their casino in Milwaukee, but not in the way that the *IGRA* or the NIGC intended for a tribe to benefit. The development of the casino has been a winning play for the tribe, the city, and the state, but who has really benefitted the most and why?



Outside of the Potawatomi Bingo Casino (Photo by Author 2009)

While 80% of the tribe lives within 60 miles of the FCP reservation, the tribe has focused a lot of their resources on the reservation in Forest County. Instead of spreading most of the tribe's services out to satellite locations, the focus of resource distribution is in Forest County alone (the tribe's primary reservation). For a number of years, the FCP Tribe numbered barely a few hundred tribal members because of relocation, illness, and other factors that plagued the tribe. In the 18 years since the tribe has used gaming as an economic stimulant to help make them more self-sufficient, tribal population has increased by almost 250% of what the population was in 1991. Why is there such a sudden and drastic increase in the tribal population after the implementation and successful venture into tribal gaming? The Potawatomi, like many other successful gaming tribes throughout the country, are facing an increase in individuals now claiming to be Indian (Potawatomi). One tribal member joking said in a conversation in 2009 that:

Circumstances were so bad in the 1970's and 1980's that most people that were Potawatomi didn't even want to be Potawatomi...Life was miserable for most Potawatomi before tribal gaming and things have changed drastically. We didn't think casinos would change our lives this much economically and culturally, but they have. Now it seems like people are crawling out of the woodwork and lining up to want to be Potawatomi.
~Anonymous FCP Tribal Member

While the contexts of the tribal member's quote was said joking, there was a sense of truth to what that member said. The birth rates within the tribe have not increased drastically since tribal gaming, as the majority of the increased population within the tribe comes from new members enrolling in the tribe and claiming Potawatomi identity (FCP 2009). What does the increase in tribal enrollment really indicate about the FCP Tribe? Some might say that the increase in population is due to the newly available revenue for tribal members because of tribal gaming. If individuals merely wanted to be Potawatomi, why did they not ask to be enrolled into the tribe before the success of their gaming enterprise in the 1980's? What is more important a person's cultural identity or economic security? The answer is not an easy one and is most likely dependent upon an individual's social position in life. Money creates new social opportunities for people without it--many tribes are experiencing this same dilemma throughout the country.

While tribal gaming has brought wealth to individuals, the benefits that tribal members receive branch out beyond the stipend payments. In Crandon, Wisconsin, the

heart of the FCP reservation, the Potawatomi have built a new tribal headquarters, tribal utility company, two daycare centers, an alternative school, tribal housing, an elder program, a recreation center, a historical/cultural museum (See Appendix C), and a health and wellness center⁴³. While the services at these locations are free for tribal members, these locations also proudly serve members in the Forest County region for a reduced fee. The technology and services made available by the tribe to non-tribal members are of higher quality than the services provided by the county itself. The impact of localized resources benefits more than just the tribe---in fact, many of the services listed are used more frequently by non-tribal members than by tribal members (FC Chamber of Commerce 2009). Many residents and locals within the Forest County region had positive views about the tribe and their impact on the county. The relationship seems to be a mutual one as the tribe promotes the county and the county promotes the tribe---a cultural and economic partnership.

One of the major changes for tribal members residing in Forest County and on reservation land is living conditions. Prior to tribal gaming, the Potawatomi living conditions were poor and tribal housing was scarce. This forced many tribal members to find housing off of the reservation in surrounding communities. As gaming success increased, tribal members began moving back to the reservation. The tribe received funding from the Federal Government starting in 1961 (after the termination policy) for housing. The mission of the Wisconsin Potawatomi Housing Authority is to:

...Support the people of the Forest County Potawatomi Community through decent, safe and sanitary housing with adequate infrastructure, to address current and future demands, while educating members on the importance of homeownership (FCP 2009).

Currently, Potawatomi housing is located in three areas on the reservation: Stone Lake, 31 units; Carter, 21 units; Elderly Apartments (WPHA Elderly Complex), ten units and Assisted Care Facility consisting of six units. Tribal members are also eligible for housing loans and are encouraged to become home owners by the tribe to promote economic self-sustainability.

While tribal members receive stipends of nearly \$100,000 annually each year, the housing situation for the Potawatomi is drastically different than 20 years ago. If tribal members are now wealthy, why would the FCP need housing assistance from the

Government? The tribe received over \$1.28 million dollars from the Department of Housing and Urban Development (HUD) in the late 1990's for housing projects---this money was received after the tribal casino was established, successful, and individual stipends were receiving \$20,000+ per individual. So a family of four received \$80,000 per year (not including any revenue brought in by their outside jobs) and the tribe still received money from the Federal Government for housing. This situation has occurred all over the country as tribes with casinos are still taking HUD money even though their tribal members are now self-sufficient. The problem with this situation is two-folds: poorer tribes who do not having gaming as a reliable source of revenue could use this money to better improve the living conditions of its members and non-tribal members who are low income in close proximity to these tribes could benefit from this revenue. The Potawatomi are however, using some of their housing units to provide living arrangements for other Indians (non-Potawatomi) and for some other low income individuals residing in the area (FCP 2009). If any tribe has individuals earning a \$100,000 or more from tribal gaming revenue (not including their own work revenue) and living in houses worth hundreds of thousands of dollars, they should be disqualified from this money and it should be provided to tribes who are in more need.

Besides the economic benefits and resources made available to tribal members, the FCP have been working diligently to restore the Potawatomi language and to build a strong core of cultural values among their youth. The tribe, like many other tribes throughout the country, has created a language restoration program. The program includes the creation and distribution of a Potawatomi language cd (Gte Ga Nas or "Little Garden"), the incorporation of the traditional language into the tribal school, tribal and community language classes are now being offered, and individual tutoring and language partner sessions are being offered. The FCP have also focused on bringing traditional values into the classroom by incorporating language, culture, and tradition into schoolwork. The tribe also offers several summer time camps that offer Potawatomi and non-Potawatomi children and teenagers the opportunities to learn about the tribe's culture, to practice leadership and mentoring, to learn environmental fundamentals, to learn sports, and to learn writing skills and other forms of art. The tribe also offers a number of adult oriented programs both on the reservation and in Milwaukee for tribal

members and non- tribal members ranging from health topics (physical, mental, and spiritual wellbeing), substance abuse, adult educational classes, parenting skills, tax help, and environmental and cultural classes. The Potawatomi believe in developing the entire person, not just one aspect of the individual. The individual needs to be well rounded like the seasons of life according to Potawatomi culture (Edmonds 1987).

The tribe has kept its membership enrollment policies the same since the ratification of the *FCP Constitution* in 1982. Tribal membership is defined in their *Constitution* under Article II Membership, Section 1 as any individual that meets the following criteria:

- (a) All persons of Indian blood whose names appear on the official census roll of the Wisconsin Potawatomes on file in the Indian Office, as of April 1, 1934, as supplemented to January 1, 1936, and who were residing on lands reserved by the United States for the Wisconsin Potawatomi in Forest County, Wisconsin, on the date of approval of this Constitution, and their descendants who were so residing at that time.*
- (b) All children of one-fourth (1/4) or more Indian blood born to any member of the Community, provided such member is a resident of the Reservation at the time of birth of said children.*
- (c) All children of one-fourth (1/4) or more Indian blood, both of whose parents are members of the Tribe (FCP 2009).*

Tribal membership has steadily increased within the tribe, but seems to have slowed down the last few years to more of a modest rate. There are a number of Potawatomi living in Wood County, Wisconsin, who are tribal members from the 1800's, but are not enrolled in the contemporary FCP group---they are instead enrolled tribal members in the Prairie Band of Potawatomi Nation in Kansas. They could be members in either tribe, but are enrolled with the Kansas Tribe. A lot of the members of the seven Potawatomi bands could be tribally enrolled in a few of the different groups; however, tribal affiliation limits individuals to only being enrolled in one group. The members from the Prairie Band of Potawatomi Nation in Kansas and the Citizen Potawatomi Nation in Oklahoma are the closest related tribal members to the Forest County group. Economically, individuals would benefit more from being enrolled with the FCP band than any other. The other discrepancy in tribal affiliation is with those individuals who have been closely attached to the tribe in Forest County living amongst tribal members and practicing the ways of the Potawatomi, yet who have no blood quantum to show.

The difference is that those who culturally identify as Potawatomi are legally not considered Potawatomi as the tribe has adopted a blood quantum policy (1/4 Potawatomi blood) as have most tribes in the country. For the Potawatomi, the tribe once destitute, being “Indian” is now a six figure salary every year.

FOREST COUNTY POTAWATOMI IMPACT ON SURROUNDING TRIBES

The FCP have numerous relationships with other tribes within the state of Wisconsin and outside of the state. The most significant relationship that the tribe has is with its closest tribal neighbor the Sokaogon (Mole Lake) Chippewa Band located in Crandon, Wisconsin. Roughly five miles separates the two reservations in Forest County. The two tribes shared a number of similar circumstances and hardships in the past and presently the two tribes are united through their cultural and economic partnerships. The Chippewa have maintained tribal lands in Forest County for a longer time period than the Potawatomi have and were traditionally very territorial over this area⁴⁴; however, both tribes officially received *Federal Recognition* in 1937. The tribes had a peaceful history with one another often sharing resources/lands⁴⁵, trading, and communicating with one another since the late 1800’s. The two tribes also shared similar economic conditions as they were both extremely poor and lacked the adequate resources to sustain healthy and self-sufficient lifestyles for their members. Tribal members of both tribes often lived in similar areas sharing resources. The Potawatomi have been far more successful with their ventures into the tribal gaming market than have the Chippewa, which is where the two tribes have really separated economically. In the 1990’s, the Potawatomi’s gaming success was primarily the result of the PBC in Milwaukee and the Chippewa had an extremely small casino in Forest County not making much of an economic impact at all.

The two tribes have created two strong cultural and economical partnerships within the last 20 years in Forrest County. The first partnership between the two tribes was their environmental stand against the reopening of the Crandon Mine⁴⁶ facility that occupied land between both tribes’ reservation lands. The two tribes opposed the mine since the 1970’s and its reopening because of the negative ecological effects it would have on the land and the possible negative impacts on both tribes culturally. The two

tribes pooled together \$16.5 million dollars⁴⁷ to purchase the land rights to prevent the mine from ever opening again. The reopening of the mine would have negatively influenced the local environment, primarily Wolf River, the wetlands, and the surrounding forest area, which has cultural/traditional values for both tribes, would have produced an estimated 44 million tons of waste, and caused both tribes and Forest County revenue in lost tourism (FCP Report 2003). The collaboration between the two tribes was the first time two tribes in the country band together to buy land for joint environmental, cultural, and economical purposes.

The second joint venture between the two tribes is the collaboration of the “United Tribes of Forest County,” which is a cultural and economic partnership as well as a joint publication between the two. The purpose of the venture was to “promote Native American enterprises, inform and enlighten others in the culture and traditions of their Native people, and to provide a vehicle in which to accomplish the task” (UTFC 2009). The literature is published as a small booklet quarterly, started in 2008, is the first collaboration of its type in Wisconsin between two tribes, and is distributed in Forest County and the surrounding counties. The tribes expanded their relationship with one another shortly after their efforts to acquire the Crandon Mine. After the Chippewa lost most of their tribal revenue paying for their portion of the mine, their gaming industry was in serious jeopardy as they mortgaged future casino profits as part of their payment. The Potawatomi became the first tribe in the state to back another rival gaming facility by financing the expansion of the new Mole Lake Casino and Mole Lake Lodge & Conference Center⁴⁸ that opened in July of 2007. The tribe has seen increased revenue as the current gaming facility offers new amenities compared to the small scale slot arcade that existed prior to the expansion. The FCP receive a portion of the future net revenue⁴⁹ generated from those facilities. The joint venture thus far has been economically successful for the two tribes and has increased gaming revenue and tourism for the Chippewa. The Potawatomi have also seen increased revenue production at their Northern Lights Casino (See Appendix C), which is approximately eight miles away from the new Mole Lake Casino. The “competition” between the two new casinos has actually boosted revenue production for both tribes as the two casinos have brought in more tourists. For the Potawatomi, there really is no competition with the Chippewa as

they receive a portion of the tribe's revenue because of their economic investment, so either way they are in a win-win situation. Forest County in general relies on tourism as a whole to create revenue and supply local jobs as the other leading industries are agriculture, cattle, and the logging industry. Forest County benefits from the two casino resorts because they bring in more tourists and revenue from gaming production than other forms of tourism generate.

The FCP also have a joint economic partnership known as the "Four Fires LLC" with the following tribes, the Viejas Band of Kumeyaay Indians of California, the Oneida Tribe of Indians of Wisconsin, and the San Manuel Band of Mission Indians of California. These tribes work together in the operation of a Marriot Hotel & Conference Center in Washington D.C. The hotel opened in 2005 and is located a few blocks away from the Smithsonian Museum's National Museum of the American Indian. The cost of the project was \$43 million dollars for the 13 story, 233 suite hotel (FCP 2005). The project is also the largest and first ever multi-tribal economic collaboration between tribes outside of their own reservation land. The revenue is split between the four tribes, and the tribes may work together to create other properties in the future if the joint venture proves to be successful. No other collaboration of this type exists between any other tribal nations.

The FCP also have been renewing their relationships with the other seven Potawatomi bands throughout the U.S. and the three bands in Canada. Combined, the entire Potawatomi Nation has over 43,000 members in both Canada and the U.S., this is a huge increase from 25 years ago when the total population was listed at just under 20,000 total. Since 1994, the Potawatomi have been holding a meeting of the Nation, where members of all ten bands go to a designated band's location for cultural and traditional festivities. The Forest County Potawatomi have worked with the other bands to preserve culture and to share ideas with one another both culturally and economically. The FCP have worked extensively close with the Citizen Potawatomi Nation in Oklahoma to build their Culture Center, Library, & Museum. The Citizen Potawatomi built their tribal museum in 2006 and the FCP finished their own in 2007. The two groups worked together and exchanged ideas and artifacts to create their Potawatomi displays. As a sign of mutual respect and as a gesture of good faith, both tribes gave a financial contribution

to one another to help with the cost of creating Potawatomi museums. In 2008, the FCP launched the first annual Potawatomi Youth Gathering on their reservation in Crandon, Wisconsin. The youth gathering was intended to promote Potawatomi culture and traditions among all Potawatomi as individuals came from both the U.S. and Canada to attend. The gathering is intended to take place every year on the FCP reservation because of its available resources.

While the Potawatomi have generally had positive relationships with other tribes in the state, their gaming ventures (particularly the PBC in Milwaukee) have created mixed feelings among some of the other Wisconsin tribes. While the FCP are members of the United Tribes of Wisconsin, a joint collaboration between Wisconsin tribes that works to create fair and beneficial gaming conditions and laws for the tribes, the FCP have also acted in their own best interest on several occasions. The Potawatomi have actively voiced opposition to other tribes having off-reservation casinos in the state, primarily those in close proximity of their Casino in Milwaukee. The FCP was against the proposals of off-reservation casinos⁵⁰ from the following Wisconsin tribes: the Menominee Indian Tribe's proposal for Kenosha, Wisconsin, the St. Croix Chippewa's proposal for Beloit, Wisconsin, the Ho-Chunk Nation's proposal for Lynwood, Illinois, and the Lac du Flambeau Band of Lake Superior Chippewa's proposal for Shullsburg, Wisconsin. The reason for their opposition was the fact that these casinos would be in close proximity to the PBC in Milwaukee and might hurt the revenue production of the casino. The tribe believed it would lose millions of dollars a year in revenue if other off-reservation casinos would be allowed to be built in close proximity to their casino.

All of these casinos were in close proximity to the cities of Milwaukee and Chicago. The PBC draws in many tourists from Northern Illinois (as well as the Chicago area⁵¹) and all of these off-reservation casino proposals were closer to Chicago and Northern Illinois than the PBC. Gaming analysts have cited that other casinos would create competition with the PBC, but would most likely also generate more revenue for the casino because of increased consumer traffic (Daily Kenoshan 2007). They have also stated that more than one off-reservation casino could thrive economically in this geographic area. A study funded by the Potawatomi, found otherwise---stating that a nearby off-reservation casino would cost them millions of dollars in lost revenue (FCP

2007). The Potawatomi were most vocal and spent nearly \$5 million dollars to block the proposed mega-casino complex⁵² at the Dairyland Greyhound racing Park in Kenosha, Wisconsin by the Menominee Tribe. This off-reservation casino proposal was in the works from 2004 to 2009, before it was rejected; however, the project has resurfaced under the Obama Administration as the Menominee are trying to get their project passed. While many tribes have historically battled over land and resources, modern tribes are waging war over the economics of tribal gaming and the prize is millions and millions of dollars in revenue.

The casino in Kenosha had an impact larger than Wisconsin and Illinois---it spread out to Connecticut as well. The Mohegan Tribe in Connecticut was willing to back the Menominee Tribe financially for part of the revenue the casino would generate. The Potawatomi spent money lobbying in both Wisconsin and Illinois to help block the off-reservation casino proposal. For the first three years (2004-2006) the Menominee were planning their casino, the Potawatomi were quiet in their efforts. In 2007, the mood shifted and the Potawatomi's actions were made public as they flat out opposed the new casino.

The Mohegan are a billion-dollar business and their decisions are based on economics... The generosity motive is little more than a nice PR pitch.
~Spokesmen for the FCP 2008

The Mohegan countered saying that they were merely trying to help another tribe create a successful economic gaming venture.

The tribe's [Mohegan's] role in Wisconsin grew from a desire to help some less fortunate American-Indian tribes... There is economic benefit to the Mohegan tribe, as well as obviously to the Menominee tribe... if the \$808 million mega casino, hotel and entertainment complex planned for Kenosha wins the necessary approvals and is built.
~Spokesmen for the Mohegan 2008

The Potawatomi have suddenly become rivals with one of the most economically powerful tribes in the country, the Mohegan, and have severely tarnished their relationship with the Menominee Tribe because of their efforts to kill the Kenosha casino. The tribe is business oriented when it comes to their gaming ventures and actively works to protect their investments. The Potawatomi have made it clear that they want no other tribes invading their gaming market and possibly taking away revenue from the tribe.

FOREST COUNTY POTAWATOMI IMPACT ON SURROUNDING COMMUNITIES

The Potawatomi have obviously made a huge economic impact on the state of Wisconsin, Milwaukee County, Forest County, the city of Milwaukee, and the smaller cities surrounding their reservation (Carter, Crandon, and Wabeno). The casinos in Milwaukee and Carter generate thousands of jobs (directly and indirectly), pay millions of dollars in revenue via the Potawatomi gaming compact, pay millions in taxes (through employment), and donate millions more through community involvement (mostly through nonprofits or need based associations). The FCP pays yearly scheduled sums to the state of Wisconsin (6% to 8% variable rate) and to Milwaukee City and County (1.5% each) of the total revenue generated by the PBC in Milwaukee. The tribe also pays Forest County a variable rate (3+% variable rate) based on the total revenue generated by NLC in Carter. While these payments are standard portions of the gaming compact the tribe signed, the tribe has committed to generating more money to local communities and even had that added as a clause in their gaming compact.

In 1999, after the tribe began to have consistent financial success and its members were becoming more self-sufficient, the FCP created the Forest County Potawatomi Community Foundation:

..To provide assistance within our communities. The Foundation contributes annually more than \$3 million to local charitable causes, with an emphasis on community and economic development. The mission of the Foundation is to help fight poverty, promote economic opportunity, strengthen communities, and provide an example of responsible citizenship by assisting charitable organizations (FCP 2009).

The Potawatomi have made significant impacts on the following communities in Wisconsin through this program: Carter, Crandon, Wabeno, and Milwaukee. The cities of Carter, Crandon, and Wabeno are located in Forest County right next to the tribe's reservation and their tribal businesses. These cities have benefited economically and culturally through numerous charitable donations and community services provided by the FCP. One of the biggest recipients of the Potawatomi's success are local school children as each year they host an annual backpack and school supply drive in both Forest and Milwaukee County where they distribute thousands of backpacks to kids. They also provide support for low income children, orphans, and victims of sexual abuse

through various social programs. The tribe also makes a multi-million dollar contribution annually to the Indian Community School in Milwaukee---without the financial contribution of the tribe the school could not afford to operate.

The area that benefits the most from the donations and contributions of the Potawatomi is Milwaukee. Not only has the tribe helped jumpstart the revival of the Menomonee Valley of Milwaukee, but it has provided a lot of financial support to inner city areas of Milwaukee. The FCP host numerous preventative programs for children (drug, alcohol, sexual abuse, violence, and gang activity). They provide assistance to low income families and individuals (most of whom are minorities) through financial contributions, preventative programs, informative programs, and classes. In total, the tribe contributes to over 300 nonprofit programs and businesses in Milwaukee and Forest County each year (FCP 2008). More than 200 of those groups are in Milwaukee County alone. A Spokesperson for the Metropolitan Milwaukee Association of Commerce (MMCP) stated in an interview that:

The Potawatomi have made a huge positive economic impact in Milwaukee... Their contributions to the Menomonee Valley area have helped revitalize its growth. Their charity work has helped many individuals in vulnerable positions. And their sponsorship of the Brewers, Bucks, and Golden Eagles has helped Milwaukee's sports teams greatly. The Potawatomi have far exceeded the impact the city thought they would have (2009).

Most business related people and supporters of gaming have had generally positive opinions of the tribe. The same sentiment was displayed in Forest County from the Forest County Tourism Commission. In every city that has legalized gaming, there are opponents to it. Two recent polls by the Milwaukee Journal Sentinel in 2008 showed that Milwaukee residents supported tribal gaming by a high margin---78% approval rate and 84% approval rate.

While it is difficult to link any negative effects directly to the Potawatomi or their casinos, there is some evidence of the negative impacts of gaming from the Potawatomi and other tribes in the state of Wisconsin. Crime rates⁵³ in Milwaukee have stayed relatively the same since the operation of the PBC began in the Menomonee Valley and there is no evidence of increased crime in the areas surrounding the PBC either. There has also been little to no change in the crime rates in Forest County. Two violent

crimes⁵⁴ and one case of child neglect have been reported at the PBC in 18 years of operation and none at the NLC in the same 18 years. Probably the most disturbing instance was the case of child neglect at the PBC when a 36 year old man (a compulsive gambler) left his five year old daughter in an unheated car in five degree weather while he gambled for three hours in the casino. The only visible crime rate⁵⁵ that is higher near the PBC and NLC is alcohol related crimes; however, neither casino serves alcohol on the gaming floor⁵⁶. High alcohol rates have traditionally been present among the Potawatomi at their reservation, which is partly due to poor living conditions for a number of years and the fact that Forest County has the highest rate of bars/taverns per person than any other county in the entire state (State of Wisconsin 2009). This may have to do with the economy and types of jobs available in the area.

The only visible negative impact on the community is the rapid rise of individuals within the Milwaukee area who have reported/identified as “problem” gamblers. Wisconsin has seen a large increase in compulsive gambling rates from 1988 to 2009. Very few cases were reported prior the passing of the *IGRA*, now there are thousands being reported every year (WCPG 2009). The Wisconsin Council on Problem Gambling stated in 2009 that out of individuals who are regular gamblers, an estimated 11% to 17% in the state may be compulsive gamblers, which is high rate. A study conducted by the Council on Compulsive Gambling of New Jersey, Inc. in 2005, also indicated that the filing rate for bankruptcy in counties with casinos (14 counties) was 88% higher than the 58 counties without casinos in Wisconsin. The Potawatomi have tried taking an active position on their stance against compulsive gambling⁵⁷ though. The Potawatomi Bingo Casino is listed on the Wisconsin Council on Problem Gambling’s website as the major contributor to the funding of their program and provided the organization with a \$50,000 donation in 2009 to help stop compulsive gambling and to treat individuals with problematic gambling habits (Milwaukee Currier 2009). While gambling is diagnosed as a compulsive behavior, individuals (Indian and non-Indian) are actively and consciously choosing to go to casinos and gamble---no one is forcing any of these individuals to go to these casinos and gamble.

FOREST COUNTY POTAWATOMI TRIBAL PLANS

Besides the Potawatomi's investments in tribal gaming, the tribe is branching out its investments throughout the country, and possibly later on internationally. The FCP started the following non-gaming related businesses: Tribal Convenience Store (1994), One Prospect Technologies (2000), Potawatomi Business Development Corporation (PBCD) (2003), Indian Springs Lodge (2007), and FCP Racing (2008). These businesses were started as small local investments in Forest County to help generate local revenue. The FCP have been committed to generating revenue locally to help the tribe grow and help the surrounding communities grow. The Potawatomi have actively searched for economic opportunities in both Forest and Milwaukee County, which they believe will help secure the future for their tribe. The tribe believes that their ultimate success lies outside of the realm of tribal gaming, but at the same time they know they owe their current success to tribal gaming.

Harold "Gus" Frank⁵⁸, former Chairmen of the Forest County Potawatomi, worked diligently to convince the FCP tribal council that the tribe needed to expand beyond their gaming ventures into other economic markets. Frank stated in a 2005 interview with *Indian Gaming* that he views Indian gaming as a "temporary solution" to help make tribes around the country more economically self-sufficient:

Indian gaming is a resource, not an end unto itself. It helps enhance tribal sovereignty and self-sufficiency. But we need to plan for the future. Like anything else, given time and circumstances, things change... We must make sure that we improve education and develop job opportunities for our people, regardless of the future of Indian gaming (Indian Gaming 2005).

The PBCD has served as the Forest County Potawatomi's investment arm since 2003 when it first began operating due primarily to Frank's efforts to move beyond gaming. The PBCD was modeled after the Oneida Tribe of Wisconsin and the Seminole Tribe of Florida's investment plans and policies (FCP 2009). Currently, PBCD owns or has stock in 15 different companies⁵⁹ nationwide that range from home building business to information technology firms---none of the investments here are linked or tied to other casinos though. The portfolio for the Potawatomi has grown significantly since the PBCD began. What started out as a \$5 million dollar investment has grown to over \$10 times that much---\$50+ million (FCP 2009). The FCP have also recently purchased

Summit Hotel Properties LLC, of Sioux Falls, S.D. as another outside investment. The Potawatomi have continued to be successful in their ventures outside of gaming because of their cultural principles, which are reflected in their investing policies:

*Once the poverty issue was addressed, the Tribal government set its sights on ways to secure the Tribe's economic future...Gaming brought a huge revolution, an overnight change. There wasn't much opportunity pre-gaming. Investing was...the best way to do that is by increasing our economic base outside of gaming...Tomorrow gaming could be outlawed, or tomorrow gaming could be open to anybody who wants to have a facility. So we have to be prepared for the worst-case scenario...PBDC resisted this [gimmick investing], sticking with the tried-and-true, and some might say "dull" investments---the slowly and steady way.
~James a Crawford CEO PCDC*

The tribe seems to be content with its current gaming venues and branching out into non-gaming business ventures, which is the Potawatomi's vision for their economic future. Other than their partnership with the Sokaogon Chippewa, they have no other gaming properties or investments in gaming other than their own. While the tribe is not currently pursuing any other gaming facilities in Wisconsin or throughout the country, that does not mean the tribe will not invest in, create, or operate any other casinos (tribal or commercial). Through the success of the Potawatomi Bingo Casino, the Potawatomi are no longer a poor people struggling to survive. They are successful and self-sufficient just as the *IGRA* hoped that tribal gaming would make tribes---even if the tribe accomplished this in a manner that differed from *IGRA*'s guidelines. By going off the reservation and leaving Indian Country, the Potawatomi brought their cultural values into their gaming ventures and succeeded beyond anyone's expectations, even their own.

CHAPTER 3

THE CHIPPEWA INVADE THE MOTOR CITY: FROM SAULT STE MARIE, THE CHIPPEWA OPENED THE COUNTRY’S FIRST COMMERCIAL “OFF-RESERVATION” CASINO IN DETROIT



Greektown Casino Hotel in Downtown Detroit, Michigan (Photo by SSMC 2009)

Sault Ste Marie Chippewa Tribe: Tribal Headquarters Sault Ste Marie, Michigan

Tribal Enrollment: 43,000+ Total Annual Revenue: \$600 Million / Debt \$777 Million
Per Capita Payment: No Stipends Tribal Casinos: 6 (5 Tribal & 1 Commercial)

HISTORY OF THE SAULT STE MARIE CHIPPEWA TRIBE

The Sault Ste Marie Chippewa (SSMC) band is one of 30 Chippewa bands throughout North America (21 in the U.S and nine in Canada). They are a member of the larger Chippewa Nation¹, which has members scattered throughout the Midwest portion of the U.S. and Canada---primarily surrounding the Great lakes region between the U.S. and Canada. There are nearly 180,000 Chippewa living throughout North America. The contemporary relationships between many of these bands are limited in some cases because of their geographic locations and political affiliations. The Chippewa, like many other Native American tribes, have numerous spellings and variations of their tribal name. The Chippewa are more commonly referred to as the Ojibwa, but historically the spellings and naming of their tribe have varied in English and French between: Anishinaabe, Ojibwe, Ojibway, Chippeway, Aanishanabe, or Anishinabek (Weaver 2001). There are five main dialects of the Ojibwe language: Western Ojibwe, Eastern Ojibwe, Northern Ojibwe (Severn Ojibwe or Oji-Cree), Southern Ojibwe (Minnesota Ojibwe or Chippewa), and Ottawa (Odawa or Odaawa). The Chippewa are among a number of tribes whose language derives from the larger Algonquian language, primarily Central Algonquian (See Chapter 2 for more on Algonquian language).

The Chippewa share a similar history with the Potawatomi and Ottawa Tribes up until about 500 years ago (See Chapter 2). The history² of the Sault Ste Marie Chippewa band as an autonomous group begins in the 1500's according to tribal and archaeological records (See Appendix D). The SSMC have historically been a culturally distinct collective group of Indians, but have operated for the majority of their history as separate small household groups and bands cooperatively living together that were loosely united under a larger collective nation of people. Prior to European contact, the Chippewa were divided primarily by their household, hunting group, or clan and tended to have semi-permanent living areas; the Chippewa would keep a central location for living in the UP, yet they would travel a lot for food purposes and their residential locations might gradually shift to new locations in similar areas. Individuals were more commonly identified by the totem³ that he/she belonged to among other Chippewa. The Chippewa primarily relied on the plentiful fish in the area, hunting of local animals, gathering of wild fruits and vegetables, limited gardening, wild rice collection (later domesticated),

and the production of maple syrup for their livelihoods. The first contact that the Chippewa had with the Europeans occurred in 1622 when French fur trader Etienne Brule encountered small camps of Chippewa in Sault Ste Marie, Michigan. Brule described the group as a collective group of peoples living together in hunting camps, whose population shifted to small hunting groups in the winter and large social groups in the summer (White 1979). The Chippewa were seasonal in their living arrangements and were also very rooted to the landscape through their daily actions. The SSMC would sign 14 treaties with the U.S Government that would define their current reservation system (See Appendix D).

Shortly after their first contact with Europeans, the area of Sault Ste Marie became a centralized location in the European fur trade because it linked Lake Huron to Lake Superior and was also in close proximity to Lake Michigan. In 1668, French Jesuit missionary and explorer Jacques Marquette renamed the area Sault Ste. Marie, in honor of the Virgin Mary (White 1979). As Europeans settled the area, complications began to mount for many Chippewa and Ottawa people residing in the region as there were now outsiders occupying their traditional lands and using their resources. As the Chippewa began feeling more and more pressure from European influences (primarily because of the creation of fisheries in the middle of the 17th Century), the Chippewa totemic groups began to form together creating a confederated heterogeneous group known as the Saulteurs⁴ (White 1979). The Europeans also flooded the area with the fur trade---beginning in the 1680's. Because of the strategic location of the city of Sault Ste Marie and the surrounding Northeast area of the UP, the French, British, and Americans all laid claim to that land⁵ and its resources. As the Euro-Americans waged wars over the land in the UP, the Chippewa population slowly began to splinter as they moved away from ongoing conflict and Euro-American settlements---eventually splitting up the Saulteur band into six smaller bands spanning across a wider range of the UP: Drummond Island Band, Garden River Band, P-shaw-wa-waw-oick Band, I-yaw-bay-waw-oic Band, Grand Island Band, and Te-quah-me-non Band.

The biggest change for the Chippewa began with the Americans taking power⁶ in the UP in 1820. As Americans began moving into the UP in the early 1800's, Chippewa land became increasingly more valuable to settlers. The Chippewa were caught in the

middle of the conflict between the Americans and the British in the War of 1812. The Chippewa traded with the British prior to American arrival and fought with them against fought against the Americans during the war. However, after the Americans won the war (and the UP), they decided to form peaceful relations with the Chippewa in the region to further strengthen the control of their newly acquired territory. Three treaties in particular that the Chippewa would sign with the U.S. Government were influential in shaping the contemporary SSMC band: the 1820 Treaty of Sault Ste Marie, the 1836 Treaty of Washington D.C., and the 1855 Treaty of Detroit. The 1820's saw a massive increase of American migration into the Northern portion of Michigan along with an increase in Protestant missionary activity. The 1820 Treaty of Sault Ste Marie gave the U.S. Government 16 sq. miles of land along the St Mary' to build Fort Brady in the city of Sault Ste Marie. For the Chippewa, the treaty provided them with some traditional lands near Sugar Island and the rights to fish and hunt in the area. Article 3 of the treaty was of vital importance to the future of the SSMC:

ART. 3. The United States will secure to the Indians a perpetual right of fishing at the falls of St. Mary's, and also a place of encampment upon the tract hereby ceded, convenient to the fishing ground, which place shall not interfere with the defenses of any military work which may be erected, nor with any private rights (1820).

In the 1836 Treaty of Washington D.C., the Chippewa and Ottawa ceded approximately 13.8 million acres of land in Michigan in exchange for approximately 250,000 acres of specified land and fishing and hunting rights in their traditional waters throughout Lake Michigan, Lake Superior, and Lake Huron. The importance of the Chippewa and Ottawa maintaining the rights to hunt and fish were vital to their survival as fishing (both sustainable and commercial) and the fur trade helped Indians coexist with Americans. The Thirteenth Article in the Treaty of 1836 stipulated that: "The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement." In the negotiation of this treaty, the U.S. Government created a fictional tribe, the Ottawa-Chippewa Tribe⁷, as a way to deal with both tribes as a single entity and more easily control them. The two tribes indicated at the meeting that they were separate and unique tribes comprised of different bands. The Chippewa and Ottawa have always been loosely socially and politically allied

through the “Three Fires,” but they have always been separate entities. As more and more Americans pushed into the Northern parts of Michigan, terms of the 1836 treaty were violated leaving both the Chippewa and Ottawa frustrated with the U.S. Government.

The Chippewa and Ottawa petitioned the state of Michigan and the U.S. Government for a new treaty that would clarify the inherent sovereign rights of two the tribes and their people. Both tribes wanted firm guarantees from the Government as well as wanted separate negotiations. The six separate Chippewa bands at the time of the 1836 treaty needed to come together as a single socio-political, a single tribe, which could represent all of the Chippewa. Waub-o-jeeg, chief of the I-yaw-bay-waw-oic Band, was the lead negotiator for all of the Sault Chippewa both before and during the treaty process leading up to the 1855 Treaty of Detroit. Waub-o-jeeg was also the most outspoken of all Chippewa and clearly made his voice heard during meetings with the representatives of the Bureau of Indian Affairs and the U.S. Government. An excerpt from Waub-o-jeeg during the 1855 treaty negotiations voicing Chippewa concerns:

We wish that you would give us titles---good titles to these lands [traditional Chippewa lands]. That these papers will be so good as to prevent any white man, or anybody else from touching these lands...We [Chippewa and Ottawa] have been brought up together and are merely friends. I can make no laws for them. I can only make laws for myself and my people. I told you when I first came here [treaty negotiations] that I wanted to be separated from the Ottawa (U.S. Government Treaty Negotiations 1855).

The results of the 1855 treaty were supposed to make the Sault its own organized band of Chippewa, but the wording of the treaty was so poorly constructed that it conflicted with the *Michigan's Constitution* and nearly helped to disband the Sault. In 1871 after the Sault received their final treaty payment from the 1855 treaty, the Chippewa “become citizens and lose their tribal character” because the arrangements of the treaty had been fulfilled (James Long 1871). *Michigan's Constitution*, Article 7 Section 1, also explained that “...every civilized male inhabitant of Indian descent, a native of the United States, and not a member of a tribe, shall be entitled to vote...” (1850). The state of Michigan and the U.S. Government were trying to view the Chippewa as residents of the state of Michigan, and therefore, citizens of the U.S. without any inherent sovereign rights as

independent from the state of Michigan. However, the Chippewa and others understood that being a citizen in the state of Michigan and in the U.S. did not dissolve their status as an Indian tribe.

The other challenge facing the Chippewa was the occupation and ownership of land under the 1855 treaty because it stated that they had until 1872 for individuals to claim their land. The land within the reservation boundaries as signed in the 1855 treaty would not be communal lands, but allotted lands for the six bands of Chippewa. The Chippewa were allotted land as follows at the designated reservation area: each male head of the family 80 acres, each single adult 40 acres, each single orphan child 40 acres, and each family of orphan children (two or more) 80 acres. “The massive fraud indicated in the Bureau of Indian Affairs records seems to have deprived the Sault bands of virtually all the Naomiking and Hay Lakes reservations and part of the Point Iroquois reserve” (White 1979, 56). The main result of the treaty of 1855 was the formation of the Bay Mills Indian Community in 1860 as the Chippewa were being splintered apart by U.S. policies that were trying to assimilate the Sault. There was massive confusion among the Chippewa people in how to acquire their land, pick their land, and get their patents for their land---this resulted in a massive amount of land lose⁸ for the Chippewa as patents expired and land was lost. The lost land was sold to White settlers, which ultimately shrunk the size of the Chippewa reservation. Much of their land was stolen from them, and by the 1870’s, the Chippewa were left with three reservation areas: Sugar Island Indian Community, Point Iroquois Indian Community, and the Sault Ste Marie Indian Community. The loss of reservation land and the breakdown of the Chippewa into three communities further separated the tribe because Chippewa leadership would be identified with “individual village communities” (White 1979).

THE CHIPPEWA SPLIT INTO BAY MILLS & SAULT STE MARIE

The biggest shift in power occurred at the Point Iroquois Community because of the outside impact of local missionaries and a lumber company⁹ on the tribe---these outside influences helped change the name from Point Iroquois Community to Bay Mills Community. The Bay Mills Community quickly gained support from locals as well as the U.S. Government as a recognized tribe (separate from the larger Sault Tribe). As Bay

Mills began to get recognition, the Government began negotiating with them separately from the other Chippewa bands. This created problems amongst the Chippewa as the center of the community had historically been the area near Sault Ste Marie, but the focus of power was shifting away. Bay Mills was the smallest of the three reservation areas and had the smallest population, but was deemed to be the most centrally organized politically and culturally in the eyes of the U.S. Government. Industrialization in Chippewa County threatened to further separate the Chippewa people as it continued to impede daily life for the Chippewa by bringing in more and more outsiders into their reservation lands. Life during the 1920's and 1930's was difficult for the Chippewa bands as the lumber and fishing industries slowly began to collapse crippling the local economy and further impacting the Chippewa. During this time period, the continued negotiations between Bay Mills and the U.S. Government increased and after the passing of the *IRA* of 1934, the Bay Mills Indian Community was one of four Michigan tribes¹⁰ granted *Federal Recognition*---the tribe did not adopted a constitution until 1937 the official date of *Federal Recognition*.

Five of the six original bands (Drummond Island band did not sign) of the Sault Ste Marie Chippewa signed and agreed to the terms of the 1937 Bay Mills Indian Community, some under duress. Some of the Chippewa, those of the Sugar Island and Sault Ste Marie areas wanted their own *Federal Recognition*. Yet, their claims were denied in 1934 because the BIA claimed that they lacked federal funds to implement federal policies such as standardized education, housing, and health regulations, they lacked a specific federal land base except at Bay Mills, and most importantly the U.S. Government believed they had assimilated into the Bay Mills group or that the remaining members moved West of the Mississippi River (SSMC Tribal Scholar 2009; White 1979). In 1941, the Sugar Island and Sault Ste Marie bands received trust land through the Bay Mills Indian Community in their communities; however, those bands still sought active *Federal Recognition* on their own terms. The U.S. Government pushed to unite the Bay Mills and the other Chippewa bands into one faction, yet the other bands fought to separate themselves from Bay Mills. On December 24, 1953, the remaining Chippewa bands furthered themselves from Bay Mills by becoming the "Sugar Island Group of Chippewa Indians and Their Descendants."

The problem with this relationship was that the Bay Mills Community did not provide services to the Chippewa living in the Sugar Island area or in the other satellite areas of the tribe. The tribe's relationship with the Bay Mills at the time was not a productive one because members of the Sault Ste Marie felt discriminated against because they felt as if their members were never really accepted into the Bay Mills Tribe. Most Chippewa also felt slighted by the U.S. Government because their people were not being taken care of the way they felt they should be according to the treaties they signed with the U.S. Government. In 1954, Bay Mills agreed to give the land title to the Sugar Island Group, so that they could operate as a separate political entity on federally administered trust land. From that point on, the Chippewa had little interaction with the Bay Mills Community (a soured relationship still exists between the two tribes). Many of the Chippewa do not consider Bay Mills as part of the original Sault Chippewa even though they were one of the six original bands of Chippewa prior to their split. While the Chippewa faced the possibility of federal termination of their tribe, they continued to seek *Federal Recognition*. In the 1960's and early 1970's, it was clear that the U.S. Government could not merge the remaining Sault bands with the Bay Mills Community. In 1972, the remaining five bands of the Chippewa traveled to Washington D.C. and submitted their historical findings and legal documents to the Secretary of the Interior, who granted them federal status that year. As they were officially reorganized, the five bands became the Sault Ste Marie Tribe of Chippewa Indians, land was taken into trust in 1974 for them, and their tribal constitution¹¹ was passed the following year in 1975.

THE CONTEMPORARY SAULT STE MARIE TRIBE

Living conditions for the SSMC were difficult in the years prior to *Federal Recognition* and the years following it. The Chippewa primarily practiced sustainable and commercial fishing, hunted, made maple syrup, worked in the shipping, lumber, and trade industries, sold crafts, and worked in other jobs throughout their local communities. One of the problems facing the tribe was the availability of affordable housing for its members were scarce. *Federal Recognition* made the Chippewa eligible for federal assistance, which provided much needed funding for educational purposes, healthy living, housing units, and other basic necessities. Tribal gaming began in 1984 for the

Chippewa and provided them with a number of new economic opportunities and means to acquire resources needed for their people. Tribal gaming has greatly improved the lives of contemporary SSMC, but has not solved all of the tribe's economic needs as it has for a select few tribes throughout the country. While the tribe is operating successful gaming venues, the Chippewa simply have too many members for tribal gaming to answer all of their problems. While living conditions have improved for many of the Chippewa members, many still live in poverty under poor living conditions---housing and employment continue to be an issue for the continuously growing Chippewa. The SSMC, despite being the largest tribe in the state of Michigan, have very few tribal members who are fluent in the tribe's traditional language---they are currently trying to reestablish their language program throughout the UP. The development of tribal gaming and its growth throughout the state of Michigan has expanded social services for the Chippewa, provided jobs, created new economic ventures, helped reestablish cultural traditions, and has been a catalyst for changing conditions among the Chippewa, but has also left the tribe with great financial deficits for generations to come.

The SSMC currently have a population exceeding 43,000 enrolled tribal members and growing. At the time of their *Federal Recognition*, the tribe had merely 3,400 members enrolled in the five Chippewa bands total--the population of the tribe has grown by over 1250% of its original size since 1975. The increase in population has led the SSMC to acquire more land for its members and expand its services throughout the UP of Michigan. The Chippewa currently have 1,676 acres of land that spans throughout the seven Eastern counties (Marquette, Alger, Delta, Schoolcraft, Luce, Mackinac, and Chippewa) in the UP of Michigan and an additional 14 acres of off-reservation commercial property in downtown Detroit. The Chippewa provide social services to their enrolled tribal members in those seven Eastern counties in the UP. The SSMC have divided the seven counties into five separate units that serve enrolled tribal members with a number of different social services (See Appendix D). Each Unit has select cities (tribal headquarters) that provide social services for enrolled tribal members. The tribe's expanded population also helped fuel the growth of its casino industry as a way to generate jobs and revenue for its members who are spread out across the UP in their five service districts.

MICHIGAN GAMING HISTORY

Gambling would be completely banned¹² in Michigan until 1933 when pari-mutuel horse racing was legalized. In 1972, the state followed up with the legalization of lotteries by amending the state's constitution. Soon after in 1982, the state of Michigan followed the likes of New York, Wisconsin, and Florida entering the tribal gaming atmosphere. The Saginaw Chippewa Tribe was the first tribe in the state to venture into tribal gaming by opening the state's first tribal bingo hall in early 1982. Two years after the Saginaw Chippewa started tribal bingo, four other tribes ventured into the tribal gaming business: Keweenaw Bay Indian Community, Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, and Sault Ste Marie Chippewa. The first tribal casino in the state and the U.S. dates back to New Year's Eve 1983 when Fred Dakota of the Keweenaw Bay Indian Community¹³ opened a casino in his garage within the tribe's reservation boundaries. Dakota took out a \$10,000 loan to turn his garage into a small scale casino/bar that offered blackjack and craps. The casino became so successful that Dakota moved his operation onto land he leased from the tribe---the casino would have 18 months of successful business before being shut down by the U.S. Government in late 1985. Dakota's argument of legalized gambling fell under the "Millionaire Nights¹⁴" clause added to the Michigan Constitution in 1978, which allowed nonprofits to use casino style gaming with a permit up to three times a year. Since the state allowed other forms of casino style gaming¹⁵ on non-reservation land, Dakota thought the state had to permit tribal casino gaming because of the tribe's sovereign status and that the state of Michigan already allowed gaming due to the *Seminole Tribe v. Butterworth* case. Dakota eventually lost the case and lost the casino, but he operated the state's first tribal casino and set the groundwork for casino gaming in the state. The other four tribes that ventured into tribal gaming in 1984 limited themselves to bingo and raffles, which allowed the tribes to legally run these "casino" style operations under Michigan law without penalty or interference from the state. Tribal bingo exploded throughout the state of Michigan as it did throughout many other states with federally recognized tribes.

THE IMPACT OF PROPOSAL E

After the passing of the *IGRA* in 1988, seven tribes¹⁶ in the state began operating Class II type casinos in the state. In 1993, the state of Michigan agreed to tribal-state gaming compacts with those seven tribes and legalized Class III gaming began. The initial gaming compacts stated that tribes would pay 8% of their net win from slot machines to the state of Michigan's Strategic Fund¹⁷ and another 2%¹⁸ of their net win from slot machines to local governments or municipalities for a total of 10% of their total net win from slots. The gaming compacts also gave the seven tribes in the state an unintended insurance policy that would backfire against the state of Michigan: "As long as...tribes make their scheduled payments...the tribes collectively enjoy the exclusive right to operate electronic games of chance in the state of Michigan, as they are defined in said compacts [1993 Compacts]" (Stipulation for Entry of Consent & Consent Judgment, State of Michigan, 1993). In 1996, the state of Michigan passed *Proposal E*¹⁹ (also known as *Proposition E*), which would legalize commercial gambling (not tribal gaming) in the city of Detroit. There were two reasons that *Proposal E* came into existence: (1) the successful nature of the tribal gaming industry throughout the state of Michigan and (2) the successful nature of Casino Windsor in Windsor, Ontario, Canada (opened in 1994) and its tourist drawing power from the greater Detroit Metropolitan area. Tribal gaming opened up the doors for commercial gaming to enter the Michigan gaming market because of its success.

The state of Michigan violated the terms of the 1993 compacts on February 18, 1999 when the state signed commercial gaming compacts with the Detroit's three commercial casino operators; therefore, the seven tribes who originally entered into gaming compacts with the state became void when the commercial casino gaming compacts were signed. As a result, the state lost its scheduled payment of 8% from each tribe to the Strategic Fund, but the tribes still pay to their scheduled 2% to the local governments / municipalities. The state of Michigan created legislation that amended *Proposal E (Public Act 69 of 1997)* that allowed cities with a population of greater than 800,000 residents to own and operate commercial casinos---that left only the Motor City, the economically deprived city of Detroit as the only candidate in the state (Hsu 1999). Amendments to *Public Act 69 of 1997* in 1998 also stated that Detroit could award only

three commercial casino contracts. As a result of state legislation, the city of Detroit is now home to three commercial casinos: MGM Grand Casino (Opened July 29th, 1999), Motor City Casino (Opened Dec 14th, 1999), and Greektown Casino (Opened Nov 10th, 2000). Two of the three commercial casinos, MGM Grand owned by MGM Mirage²⁰ and Motor City owned by Marian Litch²¹, are commercially owned and operated. Greektown is majority owned and operated by the Sault Ste Marie Chippewa Indian Tribe and other local Michigan-based investors. The Chippewa beat out other commercial investors and fellow Michigan tribes the Saginaw Chippewa and Lac Vieux Desert Band of Lake Superior Chippewa Indians for the third and final gaming contract²² with the city of Detroit. All of the casinos have undergone recent expansions to become casino resorts as a stipulation of their gaming compact and to compete with Caesars Windsor²³ Casino Resort in Windsor, Ontario, Canada. All four of these casino resorts produce between \$300 to \$500 million dollars annually as they compete against each other for their share of the Detroit market.

After violating its original tribal gaming compacts, the state signed five new gaming compacts²⁴ ---four in 1998 and one in 2007. Gaming revenue for the state of Michigan was \$2.7 billion dollars total for 2009 from its 23 casinos (MGCB 2010). The 20 tribal casinos will generate an estimated \$1.3 billion dollars (See Appendix D) and the three commercial casinos will generate an estimated \$1.4 billion dollars (See Appendix D). Tribal gaming is continuing to grow throughout the state of Michigan, despite the fact that the state has one of the worst economies²⁵ in the entire country over the last few years. Currently, there are five tribal casinos being planned and/or developed throughout the state. So, why does casino gambling continue to thrive when the economy is bad and when the unemployment rate is high? What is the appeal of gambling in a bad economy? Does it improve the economy or just worsen a weakened economy? Despite all of the questions surrounding the Michigan gaming economy, it has proven to be a strong revenue producer for those operating and owning the casinos. State and local governments / municipalities are also benefiting from the taxes being produced. Local businesses seem to be benefiting from these casinos because of the increased revenue production. The unclear piece of the picture is how are casinos impacting the lives of the average individual throughout the state? Projections for casino revenue in 2010 are

expected to be even greater than in 2009 for both tribal and commercial casinos throughout the state of Michigan as the current economic slump is predicted to improve slightly (Meister 2010).

THE EMERGENCE OF KEWADIN CASINOS & GREEKTOWN CASINO

In 1983, the SSMC tribal council met in their small community hall on Sugar Island, right outside of the city of Sault Ste Marie. The council met with the sole purpose of discussing their tribe's economic future. The situation was a dire one for the tribe and its members because of the lack of resources, available revenue, and available jobs surrounding tribal land... We were turning to Western culture (gaming) as a way to maintain our self-preservation and as a way to make ourselves self-sufficient. Our tribe would forever be changed as we embarked upon our journey into tribal gaming. ~Former Tribal Council Member of SSMC 2009

The excerpt above is from a former tribal council member of the SSMC recalling the tribe's decision making process to enter into the realm of tribal gaming. The Chippewa were the fourth tribe²⁶ in the state to experiment with tribal gaming as a way to generate revenue to provide services and resources for its tribe. While the discussion to enter the arena of tribal gaming occurred in 1983, the tribe waited almost an entire year to jump into tribal gaming. The SSMC watched as one of their former bands, the Bay Mills Indian Community (formerly the Grand Island band), only 27 miles away from their main reservation in Sault Ste Marie opened a bingo parlor in Brimley, Michigan. The tribe witnessed the success that Bay Mills had, and envisioned even greater success for themselves in the UP's second largest city in Sault Ste Marie (Marquette is the largest city in the UP). Sault Ste Marie had lots of international traffic during the time because of the shipping industry and it is connected to Sault Ste Marie, Ontario, Canada---one of the largest cities in Northern Ontario. The Chippewa used what little funds they had from the U.S. Government for economic self-sufficiency and borrowed startup money from a local bank in the city of Sault Ste Marie to begin their journey into tribal gaming.

In the summer of 1984, the Chippewa opened Kewadin²⁷ Casinos in the city of Sault Ste Marie, Michigan, on reservation land for a cost of \$700,000. The initial casino was so successful, that it brought in customers from all over the UP, the Ontario region of Canada, and even the Lower Peninsula of Michigan. The tribe worked with local bus companies and hotels to setup travel packages to bring tourists into the Sault Ste Marie

region from as far away as Detroit (five hours away). The casino brought success to the Chippewa and brought much needed tourism and revenue to the reservation, the city of Sault Ste Marie, and Chippewa County. As casino gaming became legalized with the passing of the *IGRA* in 1988, the Chippewa slowly began to expand their gaming operations in other areas where they owned reservation land and members lived. The casinos also helped the tribe buy reservation land for its members and finance the growth of their gaming business. By late 2000, the Chippewa owned six casinos---five tribal casinos throughout the UP and one commercial casino in downtown Detroit.

The growth of Kewadin Gaming was due primarily to support tribal members in local communities by providing them with jobs where there were none.

The majority of the tribe supported tribal gaming when we began and still supports it today because of the economic opportunities it provides us with...despite the recent economic trouble our people have encountered with Greektown. The tribal voice (politics) is what really expanded Chippewa gaming. We started in Sault Ste Marie (1984), then went to St Ignace (1989), then to Hessel (1992), then to Christmas (1994), then to Manistique (1996), all because tribal members wanted jobs. Our goal was to be able to generate revenue for our members and to provide those members that wanted jobs with opportunities to work...

~Cultural Coordinator Sault Ste Marie Chippewa

Bud's explanation of why tribal gaming grew throughout the SSMC was important because it explained where the tribe went in terms of creating new casinos and why they went there---to provide economic opportunities for their people. The Chippewa began thinking outside of the reservation to expand their gaming operations. In 1992, the Chippewa started conversations with Marian Krzyzowski, director of the University of Michigan's Business School's MBA Domestic Corps, to create internships where business students would help the Chippewa strengthen their economic infrastructure---the partnership began in 1994. Former tribal chairman, Bernard Bouschor²⁸, stated that "the tribe's ultimate goal is to phase out our dependence on the Federal Government by building a secure economic base" (Meeting with Krzyzowski in 1994). The partnership helped the Chippewa create the Sault Ste Marie Chippewa Economic Development Commission Corporation (EDCC) in 1994 to help invest revenue generated from Kewadin Casinos. The tribe has diversified its business portfolio since developing the EDCC to further expand its revenue production to include businesses outside of gaming.

The SSMC spent nearly \$285 million dollars to initially build their six casinos---\$10 million for the total startup of five Kewadin Casinos in the UP and \$275 million dollars for Greektown. The Chippewa have spent another \$703 million dollars renovating their casinos---\$103 million for the tribal casinos and \$600 million for Greektown (See Appendix D). The five Kewadin casinos generate over \$325 million dollars annually and Greektown generates an estimated \$350 million dollars annually (MGCB 2009). The SSMC casinos have proven to be great investments for the tribe, but the tribe has also been spending money at a faster rate than it has been producing it. The tribe has also had to take out numerous loans to fund its initial casino costs and numerous renovations. The problem is when tribes take out loans for millions to hundreds of millions of dollars is that they have to pay back investors an extremely high interest rate. A Spokesperson for the NIGC said that many tribes get themselves locked into financial agreements that range from 10% of their gross casino revenue upwards to 25% of their gross casino revenue (2010). The Chippewa were in a similar situation with Greektown despite the fact the casino generates nearly \$350 million dollars annually; the tribe was barely producing any profit from the casino because of its loans, expenses, and mismanagement. Yet, the five Kewadin Casinos and generate millions of dollars of useable revenue for the tribe annually. Each of the six casinos that the Chippewa own has a unique surrounding area (population base and geographical landscape) and these casinos also have major impacts on their surrounding communities.

THE IMPACT OF KEWADIN CASINOS ON SURROUNDING COMMUNITIES

All five of the SSMC's Kewadin Casinos are located in small towns with small surrounding populations: Sault Ste Marie, St Ignace, Hessel, Christmas, and Manistique. The UP has a relatively small population (328,014), a low population density (19.3 people per sq. mile) for its size (16,452 sq. miles), and the majority of its population is located near the Eastern and Western ends of the Peninsula (U.S Census Data 2009). The majority of the jobs throughout the UP are in the shipping, forestry, fishing, mining, government, education, or casino industries. Nearly 170,512 individuals are employed throughout the UP in various industries or 52% of the total population (U.S. Census 2009). The Chippewa's Kewadin Casinos provide a total of 3,332 jobs annually to

individuals in the UP or employ 1.95% of the total workforce in the UP. The 11 tribal casinos throughout the UP employ nearly 7,000 individuals or 4.1% of the total workforce in the UP (MGCB 2010). These casinos are extremely important to the UP economically, especially the Chippewa casinos. One of the reasons that the Kewadin Casinos have such a major impact on the UP's economy is that they are located in close proximity to four of the UP's largest population areas: Marquette, Iron Mountain/Kingsford, St Ignace/Mackinac, Sault Ste Marie/Sault Ste Marie, Ontario, Canada (See Appendix D). Overall, the rural casinos have been viewed positively by the cities they reside within and the state of Michigan because of what they bring economically.

In 2008/2009, Kewadin Casinos provide 3,332 jobs to individuals living within the four counties of Alger, Chippewa, Mackinaw, and Schoolcraft and these jobs paid wages exceeding \$106 million dollars with an average salary of \$31,872.75 per year (plus benefits²⁹ in many cases) (See Appendix D). Despite recent economic struggles, the casinos have steadily provided full time and part time jobs with competitive wages. Chippewa tribal members account for 47.1% of the total jobs directly offered at Kewadin Casinos---as was their purpose (SSMC 2009). All of Kewadin Casinos and Greektown's building structures and renovations have been completed by local Michigan contractors, which created almost an additional 1,000 jobs total and produced millions of dollars in wages. Kewadin Casinos have also paid nearly \$2 million dollars annually to local governments / municipalities as part of their gaming compacts---no tax money has been paid to the state of Michigan since 1999. The irony here is that the Chippewa were one of the beneficiaries of *Proposal E* because they were awarded one of the three commercial gaming licenses in Detroit, but because of the awarding of commercial gaming licenses they are not required to pay state taxes on their tribal casinos. Not only did the Chippewa win a commercial license, they saved themselves an additional \$8 million dollars or more annually by doing so through a loophole. A recent 2008 study by Michigan Consultants³⁰ estimated that Kewadin Casinos generated over \$350 million dollars of revenue output (direct and indirect revenue) to the communities surrounding the casinos. This revenue is directly associated to industries working with the casinos and industries indirectly working with the casinos as the result of tourism and is

responsible for the creation of 3,001 other jobs both directly and indirectly between the years of 2003-2008 (Michigan Consultants 2008). While many of the jobs that are created indirectly as a result of the casinos are service-industry jobs such as restaurants / fast food chains, hotels / motels, gas stations, convenience stores, and other entertainment related or convenience related jobs, without the casinos impact economically these jobs would not exist and individuals would not be employed. The casinos also have directly increased the amount of tourism that each of these communities has, which helps to increase the amount of money directly distributed towards the local economy.

The Kewadin Casino Hotel & Convention Center in Sault Ste Marie employs 1,512 individuals directly throughout the area (See Appendix D). This casino resort is by far the tribe's largest casino and is located in the UP's second largest city, which helps it with tourism. The tribe's additional businesses in the Sault Ste Marie and Sugar Island area employ an additional 613 employees. With 2,125 total employees, the Chippewa are by far the largest employer in the city of Sault Ste Marie and in Chippewa County---they employ 14.07% of all individuals employed (15,100) (Chippewa County Employment Statistics 2009). This is an important statistic to remember because Chippewa County has an unemployment rate of 12.18%³¹, which is an extremely high rate. The casino has also led to the creation of a number of small service-oriented businesses in the areas surrounding the casino both tribally and non-tribally owned. When the casino first opened in 1984 it was the first business in that area of Sault Ste Marie, and with its success many other businesses and a shopping complex now surround the area making it a small commercial district both on and off of tribal land. The casino helps bring in international tourists from Sault Ste Marie, Ontario, Canada as well because it is the largest casino/entertainment destination area in the region. The casino also creates the buffer zone between the commercial / residential area (non-tribal area) of Sault Ste Marie and the tribal reservation. The casino is in the Northeastern part of Sault Ste Marie, an isolated area away from the main portion of the city, and is directly West of the tribal housing authority and the main part of the SSMC reservation. The casino has helped create numerous social services for the tribe in the area through gaming revenue and has also helped generate revenue for local charities and social services for non-tribal members as well. Without this tribal casino in the community, many individuals would

be unemployed throughout Chippewa County and life for many of the Chippewa members would continue to be a daily struggle.

Kewadin Casino Resort in St Ignace employs 1,083 individuals directly. This casino resort is the tribe's second largest casino and is located in one of the prime tourist locations in the UP in Mackinac County. St Ignace is also the largest city in Mackinac with 2,900 people residing there. The casino resort³² is located on tribal land acquired in 1983 and a newer portion of adjacent land acquired in 2000. The newer portion of adjacent land gives the tribe waterfront property on Lake Huron and was also part of a legal battle between the SSMC and the Department of the Interior, as the Secretary of the Interior (Gale Ann Norton³³) claimed the new land in which the tribe built part of its casino (in 2006) violated the terms of the *IGRA* of 1988. United States District Judge R. Allan Edgar thought otherwise and explained that:

Under IGRA, gaming may not take place on lands taken into trust after October 17, 1988, unless the land falls within one of the exceptions: if the land is contiguous to the reservation on that date, or if the land is restored lands to a restored tribe...the St. Ignace land is contiguous to the Tribe's reservation and, therefore, is eligible for casino gaming (2008).

The casino was finished in 2006 on the new land, but opened in 2007 even though the ruling did not come through until 2008. The ruling also brings the *IGRA* guidelines under scrutiny again because how much "contiguous land" can a tribe acquire to build a gaming establishment on? If land is contiguous and available for sale, a tribe could theoretically expand its tribal boundaries and sovereignty to expand as far as the land it could acquire if the Secretary of the Interior deemed it as trust land for the tribe. The precedence of this court case was huge for the Chippewa as the casino's new location is one of the best in the state of Michigan. Thousands of workers and tourists use the Mackinac Bridge that connects the Lower Peninsula of Michigan to the Upper Peninsula and the casino resort in St Ignace is right off of the bridge on Lake Huron as you exit the bridge. The casino is in a wooded forest area not near any commercial areas (one commercial hotel has emerged as the result of the casino being developed) and resides near the small tribal housing area of the Chippewa reservation. The casino has made no drastic impacts to the surrounding landscape as nothing was there prior to it being opened. Kewadin Casinos is also the largest employer in St Ignace and in Mackinac County as well. Mackinac

County relies on tourism for its mere survival as there are very few other jobs or industries that exist in that area; therefore, the impact that the casino resort has economically is substantial to the well-being of the people in the area and the county as a whole.

Approximately 30 minutes northeast of St Ignace is the Kewadin Casino in Hessel, Michigan that employs 112 individuals directly. This casino is by far the tribe's smallest casino and resembles a lodge or log cabin from the distance---the casino is a large slot arcade. The casino is located within a small area of land at the eastern portion of the village of Hessel. The only structures surrounding the casino are a small convenience store opened by the tribe and some tribal houses scattered throughout the landscape. The casino is located in the middle of an isolated rural area, which is only accessible by traveling down a country road. The only impact on the surrounding community is the casino's position in the middle of the Chippewa's tribal land---there are no commercial districts or housing communities located within miles of this small casino. The population of the village of Hessel is only 204 individuals, making the casino by far the largest employer in the area. Together, the Hessel and St Ignace casinos in Mackinaw County employ a total of 1,195 individuals, which accounts for 21.82% of all the individuals employed (5,476) in the county---making Kewadin Casinos the largest employer by far in the county (Mackinaw). There is no visible impact that the casino in Hessel has in any way affected the small town positively or negatively other than by offering employment opportunities. However, the combination of the Hessel and St Ignace casinos helps increase the tourism in the county, helps generate local taxes, provides numerous jobs, and helps local businesses in the area generate revenue through secondary business.

Kewadin Casino in the small village of Christmas employs 231 individuals directly. This casino is about twice the size of the Hessel casino, but is still relatively small in comparison to the larger Kewadin casinos (the casino is a large slot arcade with some casino gaming). The casino is located on the main street of Christmas, which goes right through the center of the village. The casino is clearly visible because it is the largest structure in the village. The casino employs more than half of what the town's population is (412) and surpassed the Christmas product industry as the largest employer

and industry in the area. The casino has fused itself into the village of Christmas by decorating its interior and exterior with Christmas themed scenery similar to how the other businesses in the area have. The casino is the third largest employer in Alger County employing approximately 6.05% of all individuals in the county (3,813 employees in Alger County total) (Alger County Employment Statistics 2009). The Eastern portion of the city, along with the Western portion of the neighboring city of Munsing is where the Chippewa tribal land is located. The tribal housing area is right behind the casino and looks like a normal small neighborhood of houses. The casino is not really large enough to help draw in any other businesses into the small town of Christmas because the population there cannot support any other businesses. The casino has helped bring in even more tourism to the small village area, which relies on tourism, and has helped produce taxes and revenue for local businesses.

Kewadin Casino in Manistique employs 399 individuals directly and is the largest employer in Schoolcraft County contributing to 13.59% of the total workforce of 2,935 individuals (Schoolcraft County Employment Statistics 2009). This casino is the third largest of the five Kewadin casinos and is a full scale tribal casino like the casinos in Sault Ste Marie and St Ignace. The casino is located directly off of highway M-28 East, roughly three miles away from the main portion of the city of Manistique (population 3041). Both the casino and the tribal land are located on the outskirts of Manistique and do not directly impact the city. There are no other businesses in the direct vicinity of the casino except for the Little Bear West Arena Ice Skating Rink, which was built by the Chippewa Tribe for members of the Manistique / Schoolcraft area. The casino brings in tourists traveling through the UP and also helps impact Manistique's tourism industry--- primarily the restaurants, hotels / motels, and recreation activities. The casino is also in close proximity to the Indian Lake State Park (nature preserve) and the Seney National Wildlife Refuge, both of which bring in lots of tourism to the area.

THE CHALLENGES WITH THE GREEKTOWN CASINO INVESTMENT

After the Chippewa already had established their tribal gaming venues in the UP, they had aspirations of moving their gaming enterprise into Michigan's Lower Peninsula, primarily into Detroit. In 1996 when Michigan passed *Proposal E* allowing casino

gaming in the Motor City, the legislation generated lots interest from local and national investors. In early 1998, when the MGCB finalized the approval of three licenses to be bid on by investors, the bidding war for Detroit casinos began. Las Vegas Gaming Analysts predicted that casinos in the Motor City would generate over one billion dollars of revenue annually because of the metropolitan population of the greater Detroit area and the tourism in the area. City officials also thought it would help keep local revenue in the city by ensuring that more gamblers stayed in Detroit versus crossing the international boundary into Windsor, Ontario, Canada. Detroit casinos would benefit the state through their tax distribution revenue plan³⁴. The state would get 8.1% of all gross revenue and the city of Detroit would get 9.9% of all gross revenue for a total of 18%. Gross revenue equals a higher take for the city and the state versus if the commercial casinos were required to pay an annual amount based on the net revenue. This taxation was expected to bring in nearly \$200 million dollars annually of tax revenue (taxes bring in \$250+ million annually). The three casinos were also projected to bring in roughly over \$1 billion dollars of revenue per year (the casinos generate over \$1.3 billion). When factoring in the casino in nearby Windsor, Ontario, Canada, the Detroit/Windsor casino gaming market ranks as the 5th best market in the country (See Appendix D).

In 1993, the SSMC Indians worked with many local Detroit community groups to sponsor an advisory ballot initiative called *Proposal C* to establish an off-reservation Indian casino in the Greektown district of Detroit. The committee called themselves the Casino Gambling for Detroit Now and tried to push *Proposal C* (Off-Reservation Gaming Proposal) in to passage, but it was defeated by Detroit voters³⁵. In 1994, the SSMC further pushed for a Detroit casino by petitioning the state and the Federal Government to reclaim “traditional” Chippewa lands in the Detroit area³⁶ before taking alternative methods to get their casino. The Chippewa failed to regain any of the lands that they sought to reclaim to build their casino. Both the Governor of Michigan (John Engler) and the Secretary of the Interior (Bruce Babbitt) unanimously denied the Chippewa’s claim to regain land in the city of Detroit some 350 miles away from their reservation. The Chippewa and other individuals in the gaming industry viewed Detroit as the prime casino gaming market based on the success that Casino Windsor was having early on in 1994 when it opened and because of the success of tribal casinos throughout

the state. The Chippewa's other motivation was to gain a metropolitan gaming market like the Forest County Potawatomi had in the city of Milwaukee, Wisconsin (SSMC Tribal Scholar 2009). While the tribe failed to gain land in "trust" status in Detroit, it began devising another method to acquire a casino in Detroit. The SSMC and other local investors, who worked with the tribe on *Proposal C*, began spearheading the drive of *Proposal E* for the 1996 ballot.

After the passage of *Proposal E* in 1996, talks began among the SSMC tribal council about strategically making a bid for a casino license in the city of Detroit. At the time, Kewadin Casinos was generating over \$250 million dollars a year annually from gaming and entertainment. As the Chippewa began to make their bid for a Detroit casino license, they had to first find a group of investors to split the initial startup costs with because they could not fund the entire project by themselves. Despite the fact that the Chippewa were generating that much revenue annually, they had to pay local regulatory fees and taxes, wages, repay loans, and spend the vast majority of that revenue of tribal services for their fast expanding tribal population (the tribe was clearing about \$50 million, which was spent on the tribe) . Their bid would also be more appealing to the state if it had local owners from the Detroit/Wayne County area helping run and operate the casino. The SSMC met with a small group of Detroit developers and community leaders (some of whom they had worked with before on *Proposal C*) to forge a partnership and make a bid at a license---the partnership began as 50% / 50% split in ownership for each side. The Chippewa would own 50% and the other 50% would be divided among local investors as follows: Ted Gatzaros and Jim Pappas would own 30%, 10% would be owned by local Detroit business owners, and the remaining 10% would be owned by a group of local African American investors. The collective group of investors led by the Chippewa would be known as Greektown Casino Investors LLC³⁷.

Problems began from the upstart with the development of Greektown Casino as partners Ted Gatzaros and Jim Pappas were rejected³⁸ by the MGCB, which forced the Chippewa to buy them out since the other business owners with a 20% stake could not afford the remaining 30% share of the business---ultimately beginning the enormous trail of debt for the tribe³⁹. The tribe and its investors were awarded the third casino bid⁴⁰ in Detroit despite some glaring problems with ownership and financing. The Chippewa

became majority owners when all was said and done owning 80% before the casino even opened. The 80% soon jumped to 90% ownership as other problems occurred with their business partners and lack of financing---the remaining 10% was owned by a combination of the local business owners and the African American investors. While the tribe was economically sound because of Kewadin Casinos, the tribal membership was growing at a fast pace, which meant more members to take care of and more money that had to be spent on internal tribal issues and less to invest into their Greektown investment.

While the tribe does not have the land in downtown Detroit put “in trust,” the tribe owns the land as commercial property and therefore operates the casino as a commercial entity outside of the boundaries of its tribal sovereignty. This was the first case in the U.S. in which a tribe bought commercial property and operated a casino under a state’s regulatory practices for non-tribal casinos. Why did the tribe purchase land and build a casino some 350 miles away from its reservation? Tribal members and representatives were not in direct access to their investment. The SSMC would not receive any of the benefits associated with tribal gaming and were forced to abide by the MGCB regulatory mandates for Detroit casinos---this again hindered the tribe and its operation of the casino as they lacked experience operating commercial businesses. When Greektown Casino opened on November 10th, 2000, in its temporary structure, the casino was already a year behind Motor City Casino and MGM Grand Casino because it was the last of the three commercial casinos built in Detroit. Greektown also lagged behind the other two casinos for a few key reasons. First, the casino caused some controversy among locals as its placement threatened businesses in the historic Greektown district and it was located in close proximity to three churches, a juvenile detention center, and two schools. Second, the casino contained no free parking structure for its patrons to use like the other casinos had, which often meant customers had to pay for parking or park at another location and then walk to the casino (limiting direct access). Third, the casino was also the smallest casino of the three and offered the least amount of gaming options---especially the availability of slots. Fourth, the Casino was primarily operated by the Chippewa from in Sault Ste Marie (350 miles away) often causing slow and delayed business decisions that were made by individuals who were not

directly involved with the ongoing gaming developments and who could not oversee the daily operations.

Things moved too slowly at Greektown and were complicated by out-of-town tribal ownership that didn't make quick decisions, adding delays that only dug the tribe deeper into debt. ~Las Vegas Gaming Analyst 2009

Greektown is considered to have the best strategic location of the three commercial casinos because its close major to tourist attractions and because of its direct access to the Detroit People Mover system (Las Vegas Casino Analysts 2009; Meister 2009; Michigan Department of Tourism Spokesperson 2009). Greektown is the state's most profitable Indian owned casino (even though it is owned and operated as a commercial casino) in the state of Michigan surpassing Soaring Eagle Casino in Mount Pleasant, Michigan owned by the Saginaw Chippewa Tribe. While the casino is not an "off-reservation" casino in terms of the *IGRA* guidelines, it serves as the first off-reservation commercial casino that a tribe has owned. Is the casino a tribal casino because it is owned by the tribe or is it simply a commercially based casino owned by Native Americans? Most Michiganders did not even know or realize that Greektown was a Native American owned casino until recent developments in 2008/2009 made the casino front page news in many local papers. What does this say about tribal identity when it comes to owning and managing corporate businesses? Does it matter who owns the casino or operates it? Currently, tribes such as the Pequot, Mohegan, and Seminole are following the Chippewa's lead and beginning to build non-tribal casinos throughout the country. How far away can tribes claim land to be put "in trust" for their reservation? Some tribes have made claims from 300 to 1,400 miles away from their reservation's boundaries and some have even made claims that cross state lines---all which violate the *Guidance Memorandum*. Tribal claims to new lands effect reservation boundaries and how individuals interpret Native American identities. This case has helped to expand the boundaries of tribal identity by helping to open the door for other tribes around the country to pursue off-reservation casinos through alternative motives such as owning commercially based casinos.

Greektown has cost the Chippewa an estimated \$875 million dollars to build and renovate since its debut and has put the tribe into a huge financial debt, an estimated \$777 million dollars. The casino started out as a promising investment and has proven to be a

successful revenue producer, but the Chippewa as majority owners have had to take out the loans and take on the majority of the financial responsibility. When all three of Detroit's casinos were first built, they were built as temporary structures⁴¹ that would eventually be turned into gaming resorts to help further develop the city of Detroit's economy---this was a stipulation of the gaming compact that the city of Detroit, the state, and the commercial gaming operators agreed upon. On October 7th, 2007, the MGM Grand in Detroit opened their new permanent \$800 million dollar casino resort. On November 20th, 2007, the Motor City Casino opened their new permanent \$765 million dollar casino resort. Both of these casinos began construction in 2005 to compete with Casino Windsor, which finished their resort casino more than a full year later in July of 2006. Greektown was again behind the curve, as slow and unorganized management delayed expansion progress. Greektown did not officially begin its expansion until October of 2006. The new parking structure was not finished until November 15th, 2007, the new casino gaming floor opened on November 28th, 2008, and the new hotel opened February 12th, 2009 and was not completely finished until November 14th, 2009. The casino was nearly two years behind the other casinos in the Detroit metro area and the cost that was expected to be \$275 million dollars ballooned to over \$600 million dollars because of delays, funding issues (financing the casino), and construction costs.

The Chippewa borrowed the majority of the money needed for renovations resort from international credit lenders and as a result the tribe has accrued a large financial debt. The tribe could simply not produce enough revenue, fast enough, to keep up with its increasing expenses, debt, and interest payments. The debt became so bad that on May 30th, 2008, the Chippewa had to file Chapter 11 Bankruptcy because of their failure to comply with a \$314.5 million dollar loan issued by Merrill Lynch, Pierce, Fenner and Smith Incorporated. The tribe shortly before filing had to refinance an additional \$150 million dollars to continue the construction of its casino resort. Greektown Casino Investors LLC had to file Chapter 11 as a way to refinance its company and get itself out of debt---many commercial casinos have to do this recently because of the economy (some have survived and others have been sold to other investors or absorbed by creditors). Most tribal casinos that falter economy⁴², shutdown and close their doors forever because commercial gaming companies cannot own tribal casinos on reservation

land, nor can financial lenders (creditors) under the guidelines of the *IGRA* and tribal sovereignty.

The relationship between tribes, commercial casino investors/operators, and lenders/creditors is essentially a risk-reward relationship because both parties have something to lose. For tribes, their financial livelihood is at stake because many tribes bank their entire future on the gaming enterprise and this has can have lasting economic and cultural effects on the tribe for years to come. When commercial gaming partners enter the equation with tribes as consultants, financiers, or managers, they can lose their investments if the casinos fail because they have no legal action that they can take if a tribe defaults on payments or cannot pay back their loans. Creditors can't foreclose on tribal casinos property because the reservation land is held in trust for the tribe by the U.S. Government. The lender can't seize control of the tribal casino business because only the tribe is licensed to run it through its tribal-state gaming compact. ~Alan Meister 2010

Greektown Casino is a commercial casino and not a tribal casino despite the fact that it is owned by a federally recognized tribe; therefore, creditors/lenders could claim the casino in place of the debt owed to them if the investors (primarily the Chippewa) cannot refinance their debt by paying back creditors in a timely manner.

Greektown and the SSMC have endured a lot of public press during the last two years as the tribe has tried drastically to save their casino from creditors and lenders. While the tribe is not the sole owners of the casino, they are financial arm that operates the casino and are the ones responsible for its debt. After all of the debt Greektown has incurred, the \$777 million dollars, the property value and the estimated worth of Greektown Casino Investors LLC assets has lose value. Creditors have valued the casino's worth between \$400 million and \$600 million dollars---way below the amount of debt the casino's owners have accumulated. The Chippewa have had to sell 40% so far of their controlling 90%, but still at 50% ownership they are the majority stakeholders of Greektown. If Greektown defaults on more payments to its creditors and a settlement cannot be made, it is believed the casino will be turned over to creditors Merrill Lynch as they are the majority stakeholders of Greektown's debt. The MGCB has been hesitant to sell the casino to any other investors as it is hoping Greektown can remain locally owned within the state of Michigan. The MGCB also does not want to hand over the casino to creditors because the state would have to approve the creditors as viable owners of the casino, which takes away local ownership and removes revenue from the state. The

Chippewa, MGCB, and the state of Michigan all have a lot riding on the Chippewa's ability to refinance the casino's debt and turn their investment into a profit producing business.

The casino still has great potential to be successful if it can get out of the massive debt that its owners created. In 2009, Greektown posted a profit of \$3 million dollars and only \$2 million in 2008. These numbers were extremely low because of all the debt the owners have amassed. The casino would have made a profit of \$62 million dollars in 2008 and \$82 million dollars in 2009 if it were not for the debt. Las Vegas Gaming Analysts predict that Greektown could make \$7 to \$8 million dollars of revenue per month and between \$80 and \$100 million dollars annually if the casino was operated efficiently and all revenue was accounted for based on previous years' gross revenue intakes and the trends in the Detroit gaming market.

Greektown was a great idea when we initially conceived it...It is a gold mine. Unfortunately, we may not be the ones to prosper from that mine. ... It is a business that would be supplying the tribe with millions of dollars per year if the debt did not exist. ~SSMC Tribal Board Member, 2009

The quote from a former tribal board member of the SSMC sums up the feelings of many of the tribe's members when discussing the outcome of the Greektown Casino and the mismanagement of the tribe and its bad business practices. Many tribal members and those outside of the tribe believe that the Chippewa may lose its entire investment in Greektown and be left with nothing to show for its investment, but debt and a lost opportunity. What ultimately lies in store for Greektown Casino and the SSMC tribe has yet to be determined. The tribe might somehow come out of its Chapter 11 Bankruptcy nightmare or they might have squandered away their greatest investment and endangered the future of their tribe through poor management and bad financial decision making processes.

The tribe has been well regarded as a casino operator...except...they were trying to run the casino by committee from five hours away...They live close to their tribal casinos. Proximity is important. You've got to be around. ~Director of Fine Point Group & Greektown Manager 2009

Either way, Greektown Casino should prove to be a financial moneymaker for whoever owns it. Now that all of the construction is completed, Greektown is expected to gain a larger percentage of the Detroit gaming market than it has previously held. Despite all of

the economic turmoil facing the owners and a struggling Michigan economy, Greektown Casino posted a record high revenue of \$350 million dollars (this includes gaming revenue not restaurant, entertainment, or hotel revenue) and this number is expected to continue to grow. The fate of the Chippewa and of Greektown is still unknown. To understand the overall impact that Detroit casinos and Greektown have made, it is important to understand why Detroit legalized commercial gaming and what the Greektown community was like before the introduction of the casino.

THE REBIRTH OF DETROIT: FROM AUTOMOBILES TO CASINOS



Greektown Casino situated in Downtown, Detroit (Photo by SSMC 2010)

Detroit⁴³, Michigan, is probably best known as being the “Motor City” to most Americans. The city has historically had its number of hardships beginning on June 11th, 1805, when a massive fire nearly burnt the entire city to the ground. Catholic Father Gabriel Richard stated in Latin after the great fire that, “Speramus meliora; resurget cinereous” (We hope for better things; it will arise from the ashes) (Burton 2005). This motto would become the city’s official slogan as the city would be reborn like the phoenix from the ashes of its former self. Detroit would be a prominent factor in the fur

trade, shipping, and industrial markets throughout the 1700's - 1900's.

Detroit would forever be changed in 1896 when Charles B King drove the first automobile throughout the city streets as automobiles would rule Michigan (Burton 2005). Shortly after Henry Ford would introduce his own version of the automobile, other pioneers in the automotive industry would flock to Detroit including: W.C. Durant, Walter P. Chrysler, Ransom Olds, Henry Leland, and the Dodge brothers. These pioneers laid the groundwork for the big three (Ford, General Motors, and Chrysler), which would ultimately shape Detroit far more than any other industry. During the 1900's, the automobile industry brought tens of thousands of jobs to the area, including the migration of thousands of immigrants to the Detroit area. The automobile industry would help shape the current ethnic diversity and segregation throughout the city as most immigrants and minorities tended to live together by consciously segregating themselves from others. Detroit's notorious race and crime problems would actually begin prior to the rise of the automobile industry during the era of the Civil War and would flare up several times throughout the 20th Century.

In 1940, Historian Arthur Pond stated that "fundamentally, modern Detroit exists to build and sell motor cars...and once it quits doing that it will lose its chief reason for existence." The automobile industry consumed the city of Detroit and acted as the catalyst that spurred the city's growth and helped develop the surrounding suburbs as well. At its prime in the 1950's, Detroit would be the country's fourth largest city with a population of 1,849,568. As the city became the automotive hub of the world, the population of Detroit began to slowly shift so that the elite class moved into the surrounding suburbs and the working and middle class occupied the city. As the population began to increase, social problems and crime began to increase as well within the city. Revving up in the 1920's during the Great Depression, Detroit encountered numerous violent crimes and race riots as social tensions increased between racial/ethnic groups and social classes. Starting with mob crime (organized crime), bootlegging, bank robberies, and gang violence, Detroit would earn the nickname of the "Murder City," a nickname it would never lose and ironically, which depicted the collapse of its economic structure.

Detroit's violent history would continue during the civil rights era peaking from

1950's to 1970's and coinciding with these social problems would be the collapse of Detroit's lifeline---the automotive industry. In the 20th Century, 125 automobile companies sprang up in the Detroit area and by 2010 only a handful remained employing only a small fraction of what they once did. The estimate during 1950 was that 1/6 of all Americans was directly or indirectly related to the automobile industry (Woodford 2001). As the 1950's and 60's progressed, the automobile plants began to decentralize moving into the suburbs and leaving Detroit. This process of decentralization caused more racial/ethnic and social class tension that came to boiling point in the riot of 1967. Detroit's grand years were becoming but a distant memory as job loss would continue into the present and the automotive industry would become but a shell of itself. The city of Detroit would echo that fate as its entire economic existence was tied to automobile industry. Job loss, unemployment, dilapidated structures, abandoned buildings (drug houses, foreclosed homes, and burned down buildings), and empty parking lots were now a staple of Detroit as were increases in crime rates, drug usage, vandalism, rapid city fires (burning of abandoned/ unused buildings), and murder. The downtown once the vibrant pulse of Detroit's heartbeat was left barren and pulseless as the industrial and commercial lifeline of the city no longer existed.

Detroit went from automotive capital of the world, to the murder capital⁴⁴ of the U.S. With its economy in the toilet, Detroit looked to Atlantic City and their experiment with gaming in the 1978 for an economic blueprint. Atlantic City (Atlantic County, New Jersey) and Detroit (Wayne County, Michigan) shared similar circumstances in the 1970's---both areas had economic infrastructures that had collapsed causing massive jobs loss, high crime rates, and numerous social problems. However, legalized gambling in Atlantic City was the catalyst that helped rebuild the economy in the area by revitalizing the coastal region and bringing back the area's lifeline, tourism. Detroit viewed the successful results that Atlantic City had after legalizing gambling and decided to roll the dice with its future on casinos. After failing to get gambling legalized in the city of Detroit a few times before on state ballots, it seemed like a no-brainer for the city to legalize gambling as Windsor, Ontario, Canada right across the Detroit River legalized gambling in 1994 and began to dominate the Midwest market. Detroit was willing to bet its economic future on casino gaming as it had on the automotive industry. What impact

would gambling really have on Detroit's downtown? Could the situation worsen? Detroit had one of the highest unemployment rates in the country, one of the highest murder and violent crime rates, one of the highest social disparities between social classes, numerous ethnic/cultural conflicts, and also boasted a staggering 108,000 demolition permits to only 9000 new building permits between 1978-1998 (Woodford 2001). Former Detroit Mayor Coleman A. Young challenged the anti-gambling activists to go beyond merely protesting the construction of casinos and to answer the question: *if not casinos, what kind of development could save our city?* It was clear to those in Detroit that assumed roles of power that gaming would be one of the mechanisms used to pull the city from its economic ashes and to be reborn---gaming would not be the only industry, but it would help lead the way to Detroit's rebirth and revival among America's great cities.

Since opening in 1999, Detroit's three commercial casinos (See Appendix D) have exceeded Las Vegas Gaming Analysts' predictions on revenue production and tax payment to the city of Detroit and to the state (See Appendix D). While Detroit's casinos have only been opened for eleven years, it is obvious that the casinos have made an immediate impact in the community. Besides the revenue generated and taxes produced, the casinos have helped with the revitalization process of downtown Detroit, produced tens of thousands of jobs directly and indirectly, increased tourism, and helped bring a new sense of life to the downtown area. However, the casinos in downtown Detroit have failed to address many of the social problems still affecting the city of Detroit and have caused some other social problems throughout the community. Each of the three casinos has impacted its surrounding communities in both positive and negative ways, but it is ultimately too early to determine the total impact that these casinos will have on the future of the city of Detroit. Casinos will not answer all of Detroit's social or economic problems nor will they rebuild its economy after the collapse of the automotive industry, they are merely a temporary fix to help jumpstart a small portion of a ravaged economy.

THE IMPACT OF CASINO GAMING ON THE GREEKTOWN NEIGHBORHOOD



Historic Greektown Shops across the street from Greektown (SSMC 2010)

The historic Greektown neighborhood is one of the last surviving Victorian-era commercial streetscapes in downtown Detroit (the area is dwindling in size because of gentrification). Originally settled as a residential district, an ethnic pocket for German minorities in the 1830's, the neighborhood has transformed into a wealthy commercial/business district in the new downtown area of Detroit. From the 1830's to the 1890's, Greektown was dominated ethnically by German immigrants when the neighborhood slowly began to shift as the first documented Greek immigrant, Theodore Gerasimos, moved into the area (Greektown Historic District 2009). Greek immigrants began arriving in the 1880's to Detroit and began moving into Greektown following the 1890's. As more and more Greeks began occupying the area, the neighborhood began to encompass a distinctly Greek atmosphere culturally and physically. In 1903, Greek immigrants joined forces to establish the Greektown Merchants Association⁴⁵ to bring Greek business owners together to unite the area.

By the 1920's, the neighborhood had transformed completely from a residential area to a business district. During the 1960's, the landscape of downtown Detroit began to drastically shift as downtown neighborhoods were being replaced with municipal buildings, parking structures, and larger business style buildings. As downtown Detroit began morphing, there was a fear shared among Greek business owners that the Greektown neighborhood and its cultural significance would be lost in the redevelopment process. Business leaders banded together and worked with Detroit mayor Jerome Cavanagh to create the first annual Greek Festival in 1966. The festival helped draw attention to the community and firmly established its place in downtown Detroit. On May 6th, 1982, the National Register of Historic Places added the Greektown Historic District to its list. Greektown has remained relatively unchanged by outside businesses except for the addition of Greek themed shops and the outside influence of the Wayne County Juvenile Detention Center (1999) Greektown Casino (2000), Greektown Parking Structure (2008), and Greektown Hotel (2009).

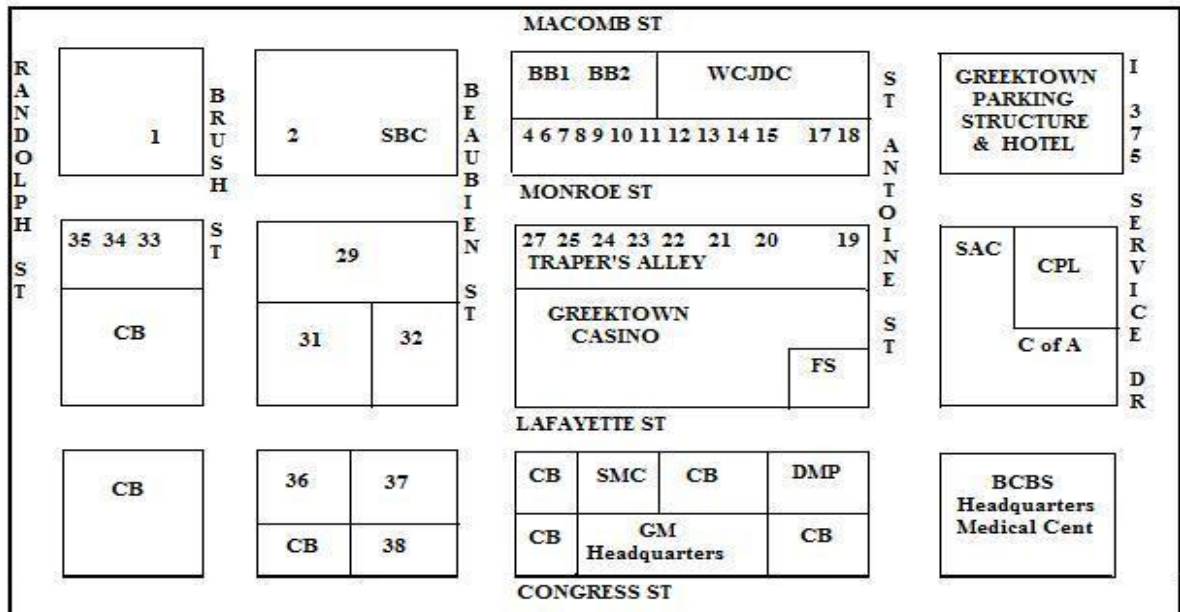
Why would the Chippewa choose to build their casino in this ethnic district? Why did the tribe choose to exclude any visual remnants/cultural signifiers of their Indian identity within the interior or exterior of the casino? Why did the tribe choose to market their casino through Greek imagery and ethnic identity? Those questions might be best answered by Ted Gatzaros and Jim Pappas, two of the tribe's original business partners in the casino who owned numerous properties and businesses in the Greektown neighborhood. These two individuals helped design the layout of the casino by incorporating it into the existing community and atmosphere by utilizing the surrounding architecture and style of Greektown. The casino also directly impacted Gatzaros and Pappas current businesses because of its location. City officials hoped for this kind of impact from all three casinos, but it only occurred at Greektown because the other casinos are stand-alone casinos⁴⁶. The idea by Gatzaros and Pappas to build the casino into the existing neighborhood was a successful marketing tool in creating the Greek atmosphere for the casino⁴⁷. The casino's prime location and its access to the new venues being built in the gentrified area of downtown Detroit also influenced the Chippewa's decision to build in Greektown. Most of the profit that is generated from the casino is transplanted to Sault Ste. Marie, the Chippewa's headquarters. How problematic is that

when the area where the money is produced, which was supposed to help the local economy, is not there to be spent? Tribal members do not live in Detroit nor do they affect the local economy other than operation of the casino. They do pay taxes to the city and state though, which stay in the area. Does it even matter that the Chippewa own this casino? While they may have failed at being granted land in Detroit to be put “in trust” as their original plan called for, they maneuvered through the system to redefine their own tribal identity as a successful corporate business owner. Greektown Casino will continue to impact its surrounding neighbors in various ways.

Greektown Casino Resort occupies two large plots of land in the newly renovated downtown area of Detroit, Michigan---the casino is located between East Lafayette St and Monroe St (running East to West) and between Beaubien St and St. Antoinette St (running North to South) and the hotel and parking structure are located between Monroe St and Macomb St (running east to West) and between St. Antoinette St and the I-375 Service Drive (running North to South) (See Site Analysis Map). Downtown Detroit is located in the Southeastern portion of the city along the Detroit River, which separates the U.S. from Canada (Windsor, Ontario, Canada). The downtown area is geographically situated between Interstate 94 to the North, Interstate 375 to the East, the Detroit River to the South, and the John C. Lodge Freeway (also known as M-10) to the East. Out of Detroit’s three commercially based casinos, Greektown has the best geographic location in terms of its placement within the city, its access to tourists, and has the highest traffic flow (movement of people). Another added benefit to Greektown over the other two downtown casinos is its direct access to the Detroit People Mover System⁴⁸---allowing patrons to travel directly to the casino from 12 other destinations (cultural, business, and governmental) in the downtown loop of Detroit.

While Greektown has the prime location, the site analysis of the casino provides an in-depth look at the landscape and community surrounding the casino. How does Greektown casino influence the other “traditional” businesses in the Greektown community culturally/socially and financially? Irony would best be the term of use when describing the placement of Greektown casino upon further review. The surrounding businesses and establishments reinforce many of the negative stereotypes associated with casinos and gambling (from anti-gaming supporters). When the casino was first built, the

Chippewa bought out a number of struggling businesses on East Lafayette St between Beaubien St and St Antonie St---many of these locations were already for sale or were shut-down or abandoned. They used the same tactic when buying the plot of land between Macomb St and Monroe St and between St Antonie St and the I-375 Service Drive---that area was a private parking lot beforehand.



Site Map for Greektown Casino in the Greektown Neighborhood (Illustration by Author)

- | | | |
|--|-------------------------------------|--|
| 1. Old Shillelagh | 19. St Mary’s School | 36. Bouzouski |
| 2. Marilyn’s on Monroe | 20. Lavdas Jewelry | 37. Loco Bar & Grill |
| SBC = Second Baptist Church | 21. Pegasus Taverna | 38. Niki’s Pizza |
| BB1 = Business Building | 22. Ah!Moore International Café | CB = City Buildings |
| BB2 = Business Building | 23. Cold Stone Creamery | SMC = St Mary’s Church |
| WCJDC = Wayne County Juvenile Detention Center | 24. Olympia Restaurant | DMP = Detroit Metro Press |
| 4. Mosaic | 25. End Zone | GM Headquarters |
| 6. Athens Lounge | 27. Grapevine Café | Blue Cross Blue Shield-
Headquarters & Medical-Center |
| 7. Golden Fleece | SAC = St Anne’s Church | Greektown Casino |
| 8. Athens Liquor, Gifts & Smoke | CPL = Commercial Public Parking | Greektown Hotel & |
| 9. Athens Gifts & Music | C of A = Church of Annunciation | Parking Structure |
| 10. Plaka Café | FS = Fire Station (City of Detroit) | |
| 11. Astoria Pastry Shop | 29. Fishbones Rhythm Kitchen | |
| 12. New Parthenon | 31. Atheneum Hotel | |
| 13. Pizza Papalis | 32. Sports Mania | |
| 14. Monroe Street Café | 33. Sweet Georgia Brown | |
| 15. Laikon Café | 34. Delux Cocktail Lounge | |
| 17. Cyprus Taverna | 35. Bahn Thai | |
| 18. New Hellas Café | | |

*Information Conducted by Site Analysis---Numbering System from Greektown Merchants Association listing in the National Register of Historic Places 2009

*Some numbers are missing as the sites no longer exist because of development or change within the district

Directly South of the Greektown Hotel and Parking Garage is a large church (St Anne's Church), a privately owned commercial parking lot, and another church (Church of the Annunciation) located between Monroe St and East Lafayette St and between St Antoinette and the I-375 Service Drive. Further South of that is the Blue Cross Blue Shield corporate building / medical center. Directly South of the casino there is a Detroit municipal building (city building), another large church (Second Baptist Church), the Detroit Metro Free Press, and another municipal building all located on East Lafayette between Beaubien St and the I-375 Service Drive. Further South of the Casino are two city buildings, one on each side of the General Motors Headquarters. Even further South lays the Millender Center and the General Motors Renaissance Center on the Detroit River.

Directly West of the casino there are a number of locally owned bars, shops, and restaurants. The three most prominent locations West of the casino with the greatest impact on the community are the Atheneum Hotel, Fishbones Rhythm Kitchen, and Sports Mania. The Atheneum Hotel has been one of Detroit's premier downtown hotels since it first opened in 1992 (owned by Gazatros and Pappas). The hotel was one of the first new attractions brought into the gentrified downtown area. The hotel began to struggle in 1999 when the Detroit casinos first opened despite the fact that none of the casinos included hotels at the time. The hotel recently underwent a multimillion dollar renovation in 2009 to keep up with the new casino resorts, primarily Greektown, which opened its brand new hotel that same year and offers some of the cheapest rooms throughout the downtown area. Fishbones Rhythm Kitchen is one of Detroit's most popular Cajun inspired restaurants and is one of the sponsors of the Detroit People Mover System. The restaurant has been a favorite among locals and tourists since it first opened in 1989. Further Southwest of the casino are the Hart Center, Cobo Center, Cobo Arena, and Joe Louis Arena (Detroit Redwings) all of these venues host numerous sports, cultural, entertainment, and business related attractions, which is one of the reasons the shop Sports Mania has become a popular fixture in the area.

Directly North of the casino on Monroe St between Beaubien St and St Antoinette are a number of cafes, restaurants, local shops, and the famous mall area known as Trappers Alley⁴⁹. Trappers Alley underwent two major renovations in the 1980's and

again in the 1990's as its owners (Gatzaros and Pappas) pumped millions into the mall to modernize it and revive it for a new generation of customers. Trappers Alley has capitalized on the success of Greektown as the mall faces one of the entrances to Greektown casino and patrons can walk out across the street and go into the newly renovated multi-floored mini mall. Trappers Alley is the only mall within any close proximity to the downtown. Trappers Alley is an example of many of the surrounding business getting a face lift to draw in the large crowds that the casino attracts. Trappers Alley also represents the ongoing shift that Greektown is experiencing from the traditional mom and pop style / family owned businesses that were small scale and serving primarily locals to having to modernize and expand to meet the demand of a growing customer base. The area North of the casino is also extremely popular after sporting events and cultural events occurring at the surrounding venues. This area might also be the most traditional Greektown experience within the neighborhood, which has occupied the area since the 1920's⁵⁰.

Directly behind those businesses on Macomb St are two business buildings and the Wayne County Juvenile Detention Center (WCJDC). The WCJDC might be one of the most interesting areas surrounding the casino to examine. Casinos have historically been linked to increased crime rates, the lowering of moral/ethical decision making processes, and a variety of other negative stereotypes. The WCJDC is in direct site and access of Greektown---both facilities completed their construction in 1999 and opened the same year. While Greektown's presence within the community is the central focus, one should also ask why the city of Detroit and Wayne County decided to build a juvenile detention center in the heart of the newly gentrified downtown? Correctional facilities, just like casinos, carry with them a number of culturally based negative stereotypes.

The even more interesting piece to examine with the WCJDC is that correctional facility for youth is also a charter school---the Detroit's Benjamin Carson Academy⁵¹ (BCA). BCA is believed to be the nation's first charter school for juvenile offenders (City of Detroit 2009). All Wayne County youth ages 8 to 21 that are arrested or removed from their families are held at this facility and, while incarcerated, attend school at BCA. About 90% of youth serving time in the Wayne County Juvenile Detention Facility are African American (City of Detroit 2009). What impact does a casino have on

troubled youth who are in the process of being rehabilitated? Is it really fair to criticize a casino for the impact that it has on troubled youth? Why would both a casino and a correctional facility build their establishments in such close proximity of one another? For Greektown Casino the answer is simple, economics and real estate, as the owners thought the area would be the optimal location for the casino to succeed. The answer is not as clear for the WCJDC. What are the benefits of placing troubled youth in an area where the location is highly visible to locals and tourists? Could this be an attempt to culturally enrich the lives of these youth by surrounding them with resources they may not have access to or could it be used as a deterrent to other youth that their actions will result in them being visibly watched by the public eye? The Detroit casinos have tried to promote an elegant and sophisticated atmosphere to their gaming establishments not attract or represent the negative stereotypes⁵² associated with gambling. Casinos, like other businesses, are simply in the game of making money. In fact, in a city with a crime rate and volatile history as Detroit, it would be hard to imagine that any business owner would want to reinforce any negative stereotypes. So why would Greektown want to be in such close proximity to the WCJDC?

Directly Northwest of the casino are more local shops and restaurants as well as one of four churches surrounding the casino. Religion⁵³ has been one of the main opponents of gaming in America since the early 1600's (Gabriel 2003). Ironically, the casino is directly located next to three churches in Greektown with a fourth in close proximity. Religious organizations often describe casinos as part of the moral decay of American society and say that gambling is a sinful, indecent, or an immoral action. Yet, one must not forget the history of American gambling to know that religious institutions are both directly and indirectly the catalyst for the origins of tribal gaming. Tribal gaming did not start as casino style gaming, it started as charity bingo. Charity bingo was popularized by religious institutions in America to generate revenue as its origins of fund raising date back to 1934 as the Catholic Church popularized it as a fundraising tool. Religious institutions all across the country have relied on bingo, a form of gambling, to generate revenue. Yet, why do so many religious groups actively and publically oppose gambling?

It is unclear the consensus feeling that religious groups have towards gambling in

Detroit. Prior to the Detroit casinos opening in 1988, many religious institutions worked with the Citizens For Detroit's Future, Detroit's first and largest anti-gaming organization ran by Tom Barrow, and the Alliance Against Casino Gambling, Detroit's second largest anti-gaming organization ran by Reverend Keith Butler, to oppose the legalization of commercial gambling in the city. The groups had been successful enough to help prevent legalized gambling until the passing of *Proposal E* in 1996. There have been very few contemporary interviews with individuals working in any of the churches near Detroit's downtown casinos. The common fear was that the casinos being in such close proximity to the churches in the area was that there would be an increase in crime, violence, and poverty---none of which have happened in this area.

I suppose it's been good for the city [casino gaming], but I'm not sure it's good for the people. ~Deacon of Second Baptist Church (DFP 2009)

I thought the amount of social problems surrounding the casino would increase... especially homelessness, alcohol related problems, vandalism, theft and robbery, and a variety of psychological problems associated with problem gambling...but there hasn't been much of an increase of any of that...The church is not dealing with any more social problems as the result of the casino as it dealt with before the casino was here...That also doesn't mean there is not an increase in these problems just because they are not visible. ~Clergy Member Greektown Neighborhood (DFP 2009)

While there will always be moral objections to gambling from numerous religious institutions, there has been no real evidence to support the fears and claims that are typically made about casinos in the Greektown neighborhood.

Further Northwest of the casino are the Fox Theater, Detroit Opera House, Gem Theater, Ford Field (Detroit Lions), and Comerica Park (Detroit Tigers) all of which are a few blocks away from Greektown. The Greektown area has been a popular place for fans to go grab a bite to eat or to spend time with friends and family after games since the new sports venues were built Comerica Park (2000), Ford Field (2000), and Joe Louis Arena (1979). While Joe Louis Arena has remained as a fixture of the older sports stadiums in the downtown area of the city, gone is the older Tigers Stadium. The addition of the new sports stadiums to downtown were one of the many decision made by the city to try to bring tourism, excitement, and revenue back into the downtown of the city. The casinos built in 1999 and 2000 were being constructed the same time that the sports venues were

as part of the master plan to redevelop and gentrify the area. These projects were the mastermind of former Detroit mayor Dennis Wayne Archer⁵⁴, who worked diligently to rebuild the downtown area and repair relations with the surrounding suburbs of Detroit.

Directly East of the hotel and parking structure across from I-375 is Woodward Academy, which is two separate schools---an elementary and middle school. Woodward Academy is directly visible from the casino, across I-375. It is impossible to tell what kind of impact the casino has had on that lower class neighborhood or that school; however, it is safe to say that the children at the school are familiar with the neon signs of Greektown glowing in the distance. North of Woodward Academy are two rundown housing complexes. These two housing apartments are remnants of the old Detroit, a rundown inner city area with housing projects. They stick out to the eye in the newly gentrified landscape---it would be an interesting study to see what impact, if any, the casino has on these residents. These residents appear to be located on an island almost of desolate land surrounded by a gentrified downtown and separated from any direct business or commercial access. South of Woodward Academy are new townhouse apartments and a middle class neighborhood that extends South towards the Detroit River. These sets of apartments and neighborhood are the closest residential areas to Greektown. Greektown began as a residential district, but became a business district. There are a few apartments scattered above the older shops and restaurants that exist within the remaining traditional brick style architecture in the area. The next closet neighborhood to the area is directly West of Greektown about half a mile to a mile away are newer apartment building and lofts being built to add an upscale look to the downtown area.

While the Greektown neighborhood has witnessed some gentrification in terms of businesses coming into the neighborhood and the style of architecture changing, Greektown has stayed mostly intact in terms of keeping its historical Victorian style architecture. The real question is, is Greektown still Greek---not really. Greektown may have some Greek shop owners and have remnants of a Greek cultural feel to it, but gone are the majority of the traditional Greek restaurants and shops, gone are the sounds of the Greek language spoken in the streets, and gone are feelings of a distinctly small culturally distinct neighborhood. Greektown, for better or worse, has been replaced with the fast

paced patrons of the casino and their contemporary, commercialized desires, which are reflected in the changing atmosphere of the neighborhood, the patrons, and the shops. Ethnic pockets like Detroit's Greektown exist in every major urban area in the U.S---like Greektown, these neighborhoods tend to shift from residential areas to commercial districts as gentrification begins and as outsiders tend to infiltrate the area as the culture slowly becomes a commodity to outsiders. These ethnic areas are often times referred to as cultural "hot spots" for tourists and often rely on the marketing of their cultural diversity to bring in revenue (Frazier, Margai, Tettey-Fio 2003). Greektown casino brings in between 12,000 to 14,000 tourists each day, so this kind of mass consumer transit would undoubtedly impact any small neighborhood and help influence its cultural identity (Greektown Casino 2009). Greektown Casino is not similar to the Potawatomi Bingo Casino in terms of it being the direct catalyst that gentrified a rundown urban area, it was merely one of many social changes within the community that helped lead to a gentrification of a decaying commercial, industrial, and residential area. What many opponents of the casino fail to realize or acknowledge is that the Greektown community, like the majority of Detroit, was being hit hard by the collapsing economy and over dilapidation of the downtown. Greektown was starting to dissolve economically from within as shops were rapidly closing and lots and buildings were becoming abandoned.

The physical, cultural, and economic impacts that the casino has had on the Greektown neighborhood and Detroit, have been more positive than negative. To begin with, opinion polls supporting gambling in Detroit have increased significantly the longer the casinos have been open: 1977 (38.5%), 1981 (40.4%), 1988 (42.6%), 1996 (51.5% Passage of *Proposal E*), 1998 (63%), 2002 (67.3%), 2005 (69.1%), and 2009 (71.5%) (Detroit Free Press Archives 2009). Along with the public perception of gambling becoming more positive, Detroit's violent crime rates have either maintained their average levels or in some years have even declined since the introduction of commercial casinos into the downtown (FBI Statistics 1999-2010). In fact, the total number of violent crimes in the city as a whole has decreased greatly since the introduction of casinos---not what all of the anti-gaming individuals predicted would happen. Commercial retail property values have increased within a five mile radius of the Detroit casinos, yet in most other areas of Detroit they remained relatively low or decreased in

value (City of Detroit 2009). "It's been substantially more positive than negative – and don't forget the jobs. They have provided large numbers of jobs with benefits in a whole range of salaries," Larry Marantette, an economic development consultant for Detroit, told the *Detroit Free Press* (Sept. 30, 2007). Probably the greatest impacts the casinos have brought with them were jobs and economic developmental opportunities.

The economic benefits for Detroit have been overwhelming as far as all three casinos are concerned---they have produced over \$2 billion dollars in tax revenue for the city and state of Michigan (over \$1 billion for each). Greektown has paid the highest tax percentage of the three casinos, and that does not even include the additional taxes the tribes pays on its other five casinos in the UP (See Appendix D). Greektown alone has paid over \$640 million dollars to the city of Detroit and the state. The casino employs over 4000+ individuals annually and nearly 75% of those individuals are minority workers (Greektown Casino 2009). Each Detroit casino resort employs over 4,000 individuals. The average casino salary is \$35,200 dollars at Greektown, which in most areas of the country would be considered a middle class income. Considering the city of Detroit had a staggering unemployment rate of nearly 18% in late 2009 / early 2010, the casino industry has brought many needed jobs to the area. An even more staggering statistic about the city of Detroit is the fact that nearly 34%⁵⁵ of all of the residents within the city's boundaries were under the national poverty line in 2009. The average salary in the city was \$32,000 dollars in 2009 as well, so the casino industry has provided a lot of economic help in terms of jobs. The full time positions at the casino also include benefits (unionized, health, and other). Statistics do not include the 1000+ construction jobs the casino created. Annually, the casino pays out over \$140 million dollars in wages and helps produce an output of over \$1.2 billion dollars into the local Detroit economy. Each of Detroit's casinos has a large economic impact on Detroit and Michigan, but for some the economic output and job creation in other industries did not pan out the way they thought it would. It is also unclear if the Detroit casinos have helped to contribute to the low unemployment rates, lost wages due to gambling, or other economic problems such as property loss or increased debt. No studies have been conducted on this data.

The casinos have not generated the type of additional revenue that many outside gambling analysts and city officials hoped for when deciding to allow commercial

gambling in the city. "...Casino gaming has not led to any noticeable redevelopment downtown...except for restaurants and other small businesses" (Gallagher 2007). Job growth surrounding the direct vicinity of all casinos has been limited; however, this is due primarily to the location of the casinos. Greektown is built in an existing community with little open space to construct or build new businesses---even though the area is a tourist location, there is little room to develop new businesses even if investors wanted to develop. MGM Grand is in an isolated area of the city with little room to develop new businesses as it is in closer proximity to existing industrial and residential areas. The only casino that allows for any outside development is Motor City as there are vacant lots and a lower income residential area surrounding the casino. Would any businesses want to build there, and why? The area is rundown and not in a desirable location for investors.

One of the areas not directly examined by the casino resort development might be the impact that casino hotels and parking lots have on the city. The biggest impact might be on the hotel industry. No studies have been performed on this, but with three new luxury hotels in the downtown (four if you include Windsor) it would be a reasonable estimation that the other hotels are feeling the impact of the casinos' hotels. Greektown might be the biggest competitor as far as hotel sales go because they offer all of their rooms for \$99 a night, Motor City \$169, and MGM Grand \$299. It would be reasonable to assume that many of the hotels in the downtown area would either renovate or lower their prices to keep up with the three casino hotels or possibly go out of business because they cannot compete. Other than the casino's free parking structures for customers, the city of Detroit has no free downtown parking anywhere---except for a few limited spaces provided by some businesses. There are also a number of pay by the hour or pay by the day parking areas throughout the downtown area---there is even one directly across the street from Greektown's parking structure. The casino's free parking structures take revenue away from individuals using parking structures as revenue producing businesses. It would not be a stretch to say that individuals might even park for free at the casinos and then travel elsewhere within the area (to a sporting venue for example) because they have free parking without being patrons of the casino.

The direct results for the Greektown neighborhood are mixed at best. With the

influx of tourists transcending into the neighborhood daily, the local businesses are impacted by more customers, but at what cost? Local businesses have extended their hours of operation because the casino is open 24 hours a day, which means there are more customers traveling throughout the area at any given time. Almost every local business in Greektown accepts casino comps for meals---some willingly and some unwillingly as a way to keep customers in the area. Greektown businesses on average lose \$1 dollar for every \$10 dollars they take in on casino comps (coupons) (Greektown Business Owner 2009). Greektown pays local businesses that use their casino comps \$9 dollars for every \$10 dollars they receive. While it does increase the local influx of customers into restaurants and they do lose some value on casino comps, local business owners makeup that money through the increased customer traffic they see in the long run. The casino, parking structure, and hotel also have taken up land that could have been used by local businesses. However, the inclusion of the casino into Greektown community has helped gentrify the area and helped bring in more business than ever before. It would be safe to say that the social cost of the casino was high because Greektown will never be the quiet tourist destination again that it was known for. Greektown had been voted numerous times as Detroit's "hot spot" by readers of the Detroit Free Press and Detroit News prior to casino development in the 1980's and 90's; however, this trend has continued since the casino's opening as nearly every year readers pick Greektown as the place to be and Greektown Casino as the city's favorite gambling spot. Even though Greektown Casino has been voted Detroit's best casino several times, the casino produces far less revenue than the other casinos. This is most likely due to the fact that Greektown caters to the average casino patron and MGM and Motor City cater to a more diverse crowd---they go after higher end clientele.

There have been some bank robberies/attempted bank robberies in the Detroit area where the causes of the robberies were directly linked to the casinos---individuals needed to get cash quickly to pay off large gambling debts that occurred at the Detroit casinos. In general though, robberies and thefts have statistically been down in Detroit, primarily in the downtown area surrounding the casinos. There have been zero violent crimes reported at or near the casino and one death---a drunken man falling from the Greektown parking structure to his death on August 6th, 2009. Major crime⁵⁶ has not

been an issue near any of the Detroit casinos.

Opponents predicted that organized crime would infiltrate the casinos, and that pickpocketing and other petty crimes would flourish. Neither happened... There has never been a hint of mob infiltration. Street crime has proved less of a problem near the casinos than in the rest of the region, probably thanks to the large numbers of police who patrol inside and outside the gaming palaces. ~Michigan Gaming Control Board 2007

There has been an increase in compulsive gamblers throughout the Detroit area and the state of Michigan. Social service agencies throughout the state have had to deal with more people with gambling related problems since the first tribal casinos opened---those numbers have increased greatly in the Detroit area since their casinos opened (nearly 11% of all gamblers in Michigan are associated with being problem or compulsive gamblers). Increases in compulsive gambling behaviors occur in every casino gaming market throughout the world. Michigan has statistically reported more and more cases each year as the state's total number of gaming venues has increased (MGCB 2009). Do the economic benefits of the Detroit casinos outweigh the potential negative social costs? Only time will tell, but in the case of Greektown there has been relatively little to no visible or measurable negative social cost brought on by the casino's placement in the historic Greektown neighborhood.

The economic trouble in Detroit has affected the Chippewa in the UP as well. In August of 2008, the Chippewa were forced to lay-off 2% of their Kewadin Casinos' total workforce of 3,400, which equated to a total of 68 jobs. The 68 jobs⁵⁷ were estimated to save the tribe roughly \$2 million dollars annually according to tribal sources---that money was needed to cover tribal deficits (2008). These lay-offs do not impact the individuals employed in Detroit, but impact other individuals throughout the state. This was not a cost cutting move by the tribe to generate more profit or a decision that was made lightly by tribal management⁵⁸. What happens in Detroit impacts the tribe and individuals throughout the state in other areas. When Greektown succeeds, the success is felt throughout the state, the same as when it falters.

CHIPPEWA TRIBAL ENROLLMENT, MEMBERSHIP, IDENTITY, & TRIBAL BENEFITS

The SSMC are one of the largest contemporary tribes within the U.S. with a membership of 43,000+ (See Appendix D). With such a high tribal enrollment, one might ask what benefits does casino gaming really provide the tribe or more specifically individual tribal members? The situation has fluctuated for the Chippewa as tribal benefits have varied depending on the success of their gaming operations and their enrollment numbers. When tribal gaming first began for the Chippewa in 1984, enrollment was only 9,312---meaning that tribal enrollment has increased 462% since gaming began. Why such a rapid increase in tribal enrollment? Two primary factors have led to the SSMC reducing and in some cases eliminating certain tribal benefits and services to their members---their rapid increase in tribal enrollment and their financial miscues and mismanagement of Greektown Casino in Detroit (Tribal Spokesman of the SSMC 2009).

Currently, there is no set blood quantum required by the Chippewa for tribal membership. The tribe did once impose a ¼ blood quantum for tribal members (from 1974-1993), but many disputes about individuals being tribal members and not being tribal members erupted because of this quantum. The tribe relinquished the blood quantum requirement and has currently been operating under the following membership policy that individuals must be able to trace direct lineal descendant from one of the three following Base Rolls: *Garden River Annuities Roll* dated 1846 – 1925, *1870 Annuity Payment*, or *1910 Durant Census Roll*⁵⁹. Eligibility for tribal membership is defined as follows:

Section 1. *The following persons shall be entitled to membership in the Sault Ste. Marie Tribe of Chippewa Indians, provided that such persons possess Indian blood and are not currently enrolled with any other tribe or band of North American Indians, and provided further that such persons are citizens of the United States of America:*

(a) All persons descended from the six historical bands (Grand Island, Point Iroquois, Sault Ste. Marie, Garden River, Sugar Island, and Drummond Island Bands) of the Sault Ste. Marie Chippewa Indians whose names appear on any historical roll, census or record made by officials of the Department of the Interior or Bureau of Indian Affairs.

(b) All persons enrolled on the membership roll of the organization, known as the Original Bands of the Sault Ste. Marie Chippewa Indians who are alive on the date of approval of this constitution and who are descendants of the original

bands.

(c) All persons who may hereafter be adopted into the tribe in accordance with any ordinance enacted for that purpose by the board of directors;

(d) All lineal descendants of such persons as are described in (a), (b) or (c) above.

Tribal membership continues to climb, but because of backups in paperwork and filing, numerous individuals are in a waiting process for determination of membership eligibility. The question is how big will the tribe become? What impact will increased enrollment have on current and future tribal members? Can the tribe economically and culturally support such a large population base?

Sault Ste Marie Chippewa Tribal Enrollment

Year	Tribal Enrollment	Population Change	% of Increase
2009:	43,000+ Tribal Members	4,011	+10.29
2008:	38,989 Tribal Members	2,633	+ 7.24
2007:	36,356 Tribal Members	2,035	+ 5.93
2006:	34,321 Tribal Members	1,428	+ 4.34
2005:	32,893 Tribal Members	653	+ 2.02
2004:	32,240 Tribal Members	802	+ 2.55
2003:	31,438 Tribal Members	1,197	+ 3.96
2002:	30,241 Tribal Members	701	+ 2.37
2001:	29,540 Tribal Members	540	+ 1.86
2000:	29,000 Tribal Members	790	+ 2.80
1999:	28,210 Tribal Members	1,279	+ 4.75
1998:	26,931 Tribal Members	1,607	+ 6.35
1997:	25,324 Tribal Members	1,224	+ 5.08
1996:	24,100 Tribal Members	644	+ 2.75
1995:	23,456 Tribal Members	1,246	+ 5.61
1994:	22,210 Tribal Members	641	+ 2.97
1993:	21,569 Tribal Members	12,257	+232.00
1984:	9,312 Tribal Members	5,912	+273.00
1974	3,400 Tribal Members	-----	-----

*In 1979 a resolution was passed allowing Mackinac Band members to enroll, thus doubling the number of members.

*The reason for the significant jump in tribal membership was that the tribe reopened its special case exemptions for tribal enrollment in 2005.

*A number of changes have been made to the enrollment process for the tribe as the tribe allowed members to enroll under different enrollment policies (base rolls).

The SSMC provide no individual per capita payments or stipends to their members. With 43,000+ enrolled tribal members, the Chippewa face a dilemma that a few other tribes throughout the nation face---having too many tribal members to help each member (or even each family) on an individualized basis (See Appendix D). If the Chippewa were to provide each enrolled member with an annual stipend of \$1,000 per year, it would cost the tribe \$43 million dollars per year. Increase the stipend to \$10,000

per, which is relatively low for tribes providing stipends to their members, and the amount increases to \$430 million dollars per year---nearly all of the money that the tribe generates from all six casinos combined. Of the ten tribes within the U.S. of a population exceeding 20,000 members, eight of these tribes own and operate tribal casinos (See Appendix D). All eight of these tribes are so large that they do not and could not afford to distribute individual per capita checks or stipends to individual members. Instead, tribes with large population bases focus on creating community based resources for their members. For a select handful of tribes throughout the country, with small or manageable populations, their individual stipends are publicly and falsely portrayed as the norm throughout Indian Country---the stereotype of the millionaire Indians. These hundred thousand dollar plus annual payments are interpreted by the general public to be the norm from Indian gaming, which is not even close to being an accurate representation of tribal gaming. The average stipend is \$2,500 per family and with only 78 out of 234 tribes that have casinos providing stipends, that is only 1/3 of all tribes with gaming venues or 13.83% of all tribes (564 Federally Recognized tribes) that receive annual payments or stipends (NIGA 2010).

With 43,000+ tribal members, the SSMC have trust land in the following cities in the UP (Sault Ste Marie, Hessel, St Ignace, Marquette, Escanaba, Manistique, and Christmas), but also have tribal land holdings in other cities as well (See Appendix D). The SSMC have more non-joined and non-continuous reservation land holdings⁶⁰ than any other tribe in the U.S. (2009 BIA). With such a large population spread throughout the UP and LP of Michigan as well as in other states, the SSMC have a difficult task in trying to serve their 43,000+ tribal members. Even the distribution of five service areas can be and is rather limited and problematic for the tribe. Prior to the financial troubles associated with Greektown starting in late 2007, the tribe was providing a greater number of services to its members. Many services and benefits have been cut from the tribal budget as the Chippewa are learning to cope with their current financial downfall. The tribe has traditionally spent the majority of its money in the city of Sault Ste Marie because it has the largest base population and serves as the most central location for most tribal members.

Tribal gaming has helped the Chippewa increase the amount of benefits they can

offer members. During the Chippewa's peak gaming years (2001-2007), they offered the following benefits: free health, dental, and vision benefits, housing assistance and maintenance, hunting and fishing permits, educational grants, scholarships, and tuition remission, elderly dividend checks and bonuses, and tax breaks for tribal members living on historic tribal lands. When Greektown began to have financial difficulties, the tribe began cutting benefits to members including the following benefits starting in January 1st of 2008: health services, education, housing, and the elimination of elderly stipends and bonuses. There have been many public and tribal complaints about the mismanagement⁶¹ of the tribe's resources and the cutting of tribal benefits. The current Chairman of the SSMC, Joe McCoy, has pledged to reestablish and improve tribal benefits in health, education, and treatment of elders.

... We are taking a look at how we provide those services, where we provide them, and developing more efficient plans to ensure continuity of the top three membership priorities our tribe has: health, education and our elders. ~Joe McCoy SSMC Chairman 2009

McCoy is trying to reestablish the confidence of tribal members by working to improve financial conditions, which in turn will be able to allow the Chippewa to better service its people.

The Chippewa only have 508 housing units, not nearly enough to cover the need represented by their total tribal population or tribal members needing affordable housing. The housing units are rather basic and modest at best. The SSMC tribal houses are not like those of the Potawatomi, Pequot, or Seminole who live in \$100,000+ homes. The tribe also has an additional 428 rental units located in Sault Ste Marie. In total, the tribe has the capacity to provide affordable housing space to roughly 4,000 tribal members or 9.3% of its total population. The Housing Department for the SSMC estimated that nearly 1/3 of tribal members could use housing assistance or an additional 10,000+ tribal members (2009). The tribe has received numerous grants from HUD (\$20+ million⁶² since acquiring *Federal Recognition*) to build tribal housing and has used gaming revenue to help build homes, but the gap between tribal members in need and those serviced is simply too high right now with no foreseeable solution to the problem. The Chippewa could benefit from extra HUD funds that wealthy gaming tribes are still receiving even though their members are economically self-sustainable. One of the most

beneficial programs the tribe has been successful in utilizing is a home repair service for tribal members that was created from casino profits. For many members (elderly, disabled, or those with children) this service has proved to be invaluable as it is an initiative that reinforces community among the tribe by having tribal members help other members in need. This service also helps promote home ownership. For many Chippewa, the average living conditions have improved from the middle of the 20th Century, but have not improved enough to the point where tribal members are not dependent on aid from the tribe or the Federal Government. No matter how successful the Chippewa become from gaming, they will probably always be dependent on the U.S. Government for aid because of their massive tribal enrollment base.

With housing/living conditions still an issue for many tribal members, it is no real surprise that the tribe still has many health related issues that are prevalent among its people (SSMC Spokesperson 2009). The tribe has always been proactive in working to improve health conditions, but casino gaming has allowed the tribe to focus more revenue and attention to treating existing problems, prevention, and teaching healthy life choices. The average cost of total medical benefits per member annually is unclear because of the federal money the tribe gets and money used from tribal enterprises (primarily gaming). The average cost spent to treat an indigenous person varies on the low end from \$3,000 to the high end of \$17,000 annually (BIA 2009). The Chippewa have recently had an increase in elderly population and youth populations---the two most expensive populations to provide health coverage for, so it would be fair to speculate that healthcare costs have increased greatly. The Chippewa also spend a lot of money on prevention services and drug treatment programs as addiction to substances are fairly high among tribal members. While the average cost for most Americans is estimated to be over \$8,000 annually, it would be a fair estimate to say the Chippewa based on their living conditions, predisposition to health issues, and population demographics, would probably have higher healthcare costs per individual (Center Services for Medicare & Medicaid 2009). Spending \$3,000 per individual equates to \$129 million, \$8,000 per individual is \$344 million, and \$17,000 per individual equates to \$731 million dollars in health care costs. The SSMC have Primary Care Centers in Manistique, Munising, St Ignace, and Sault Ste Marie and have Community Health Centers in Hessel and Newberry to serve

tribal members.

One of the untold stories of the SSMC is their preservation and commitment to upholding Ojibwa culture and traditions. While they currently have no tribal museum or cultural center, the Chippewa use Kewadin Casino in Sault Ste Marie to display many tribal exhibits for their people and are also in the process of building a new cultural center, library, and museum in downtown Sault Ste Marie (See Appendix D). The tribe has worked diligently to preserve Ojibwa language by offering free language classes at several of their tribal locations, created a tribal language cd (Bahweting Language Lesson), and hosts the annual Anishinaabe Language Conference in Sault Ste Marie. The tribe hosts numerous cultural and educational camps for children, the most prominent is the Mary Murray Culture Camp (beginning in 1995). This camp promotes Ojibwa culture, language, education, community, and most importantly works to teach Chippewa youth leadership values for their future. The tribe also donated money to the Marquette Mission Park and Museum of Ojibwa Culture in St Ignace, which is a non-Indian run museum displaying Ojibwa culture. The tribe made an environmental commitment to their tribal lands and to the UP by investing in the land. The Chippewa spent hundreds of thousands on forestry, preservation and conservation, and the reintroduction of flora and fauna species into the wild. Their largest commitment to this cause would be the reintroduction of wild rice beds into the UP---one of the traditional staples of Ojibwa life in the Midwest.

SAULT STE MARIE CHIPPEWA'S RELATIONSHIP WITH OTHER INDIAN TRIBES

The tribe's closest neighbor and former member, Bay Mills Community, is the only tribe in close proximity to their reservation land. Despite their close proximity and former past, the two tribes have little to no relationship with one another because of their past encounters. Bay Mills is the closest competitor to the SSMC in the tribal gaming market. Bay Mills Indian Community owns both the Bay Mills Resort & Casino Brimley and Kings Club Casino Brimley in Brimley, Michigan---only about 27 miles from Sault Ste Marie. The Bay Mills casinos and the resort and camping area, encompass an area of roughly five miles along the coast of Lake Superior. While the gambling area is not very

large (21,500 sq. ft. combined), the area is so large because of its camping layout, wilderness trails, and golf course. The casinos generate roughly \$40 million dollars of gambling related revenue per year, which is a large amount for a casino in the UP in an isolated area (MGCB 2009).

Despite the close proximity of the Bay Mills casinos, these casinos do not have a lot of direct impact on the Chippewa's casinos. The larger impact on Chippewa gaming is from the Ontario Lottery and Gaming Commission, which owns the larger Casino Sault Ste Marie in Sault Ste Marie, Ontario, Canada and Caesars Windsor Casino. The OLG provides a lot of competition to the Chippewa's Kewadin Casino Sault Ste Marie and to Greektown Casino in Detroit. The biggest draw for these casinos, are younger people because the legal age of gambling and drinking is only 19 in Canada. As a direct result, many of the drinking related problems that occur at these casinos are from young Americans traveling internationally to gamble and drink in Canada (OLG Spokesperson 2009).

The SSMC are also directly and indirectly related to all other Chippewa bands throughout the U.S. and Canada. The SSMC are not really close with any one particular band throughout the country. They do however participate in larger Chippewa band gatherings in the U.S. and Canada. The SSMC host the annual Anishinaabe Language Conference in Sault Ste Marie every year and there some been some forms of tribal cooperation between other Chippewa bands to help create their cultural learning center. The tribe is currently working with the Saginaw Chippewa to build their cultural learning center because of the success of their tribal museum and cultural center in Mount Pleasant, Michigan.

The SSMC have had an up and down relationship with other tribes throughout the state because of their ownership of Greektown Casino. Several other tribes bid on getting the commercial license in Detroit, but were beat out by the Chippewa. The Lac Vieux Band of Superior Chippewa Indians even went so far as to file a lawsuit to stop the license of the SSMC and other tribes made formal complaints to the MGCB against the SSMC. It is unclear how the other tribes feel towards the Chippewa now, but bad blood was created from casino gaming, ultimately from the possibility of economic prosperity. However, when Greektown began to have financial difficulties (Chapter 11) no other

tribe put a bid in to own the casino, which was an interesting turn of events---only investors and commercial businesses bid on Greektown. Many gaming analysts and members of the MGCB thought another tribe might try to acquire the casino through a bid or partnership, but this never transpired. Maybe the lesson of what the Chippewa learned from Greektown will serve as a reminder to other tribes about the differences between commercial gaming and tribal gaming laws and regulations. The rules of tribal gaming are not applicable to the realm of commercial gaming.

The most important relationship the SSMC have with other tribes in the state of Michigan has nothing to do with tribal gaming, but with the landscape that they have shared with a number of different tribes for thousands of years. The SSMC along with Bay Mills Indian Community, Little Traverse Band of Odawa Indians, Little River Band of Ottawa Indians, and the Grand Traverse Band of Ottawa and Chippewa Indians form the Chippewa Ottawa Resource Authority (CORA), which serves as the inter-tribal management body for treaty fishery established in 1836. These tribes came to understand that while the treaties granted large tracks of land to the Federal Government, the documents did not end their sovereignty, or terminate their ancestral right to hunt and fish on the ceded lands and waters of the Anishinabeg (SSMC 2009). The interpretation of this treaty has helped the tribe and the other tribes maintain part of their traditional ways of sustainable and commercial fishing despite the constant change of American live. The Chippewa help maintain these waters to ensure a part of their cultural landscape does not vanish like the idea of Indian has throughout history. The preservation of the tribe's greatest resource (the Great Lakes) is far more valuable monetarily than the casinos ever could be.

SAULT STE MARIE CHIPPEWA FUTURE TRIBAL PLANS

While the tribe is on a more stable footing, the status of Greektown has become even more uncertain. I will never quite understand why we as a board, collectively, allowed this [bankruptcy] to happen to this economic venture. The bankruptcy process is nearing its conclusion. We still have an opportunity to retail ownership... through a variety of potential avenues..Greektown can be very lucrative for our tribe...it has proven to be very lucrative for others. While many prefer to shrug shoulders and place their heads in the sand regarding Greektown, I am not about to give up on trying to protect a major asset of the tribe.

~Joe McCoy Chairmen of the SSMC 2010

This was the last statement that the SSMC said they would give regarding the status of their ownership and involvement with Greektown Casino until the tribe either gained back control of the casino or lost it due to filing for Chapter 11 bankruptcy. While the tribe's failure to operate and manage the casino from Sault Ste Marie, some 350 miles away from Detroit, has ultimately hurt the tribe for the short-term and possibly the long-term, the tribe has set an example for other tribes as to how other tribes should manage and operate tribal or commercial casinos that are far away from their reservation land. The Chippewa learned a difficult lesson that tribal gaming and commercial gaming are two different animals, and that tribes get no sympathy from the public when they try to turn a tribal business into a commercial enterprise.

Unlike the Potawatomi Bingo Casino in Milwaukee, the Detroit casinos were specifically brought into the landscape for the single purpose of reviving the city of Detroit from the ashes that it once again found itself in. The Potawatomi did not set out to be the catalyst for the Menomonee Valley in the city of Milwaukee, but their success helped ignite a revival and active process of gentrification in an old industrial area of the city. Detroit's commercial casinos were brought into the city to be the catalyst of gentrification, but Detroit's entire city and economy needed to be rebuilt not a single area. Milwaukee benefited from keeping a number of its residents within the city; whereas Detroit residents and business owners fled to the suburbs when city life was no longer suitable as businesses and opportunities left as well. Detroit suffered from higher rates of crime, unemployment, and financial difficulty than Milwaukee ever has or probably ever will. When you do not calculate all of the variables associated with your gaming enterprise, then your success is merely like a game of craps---a roll of chance to either succeed greatly or lose it all. The future for the SSMC is unclear as is their future endeavors in the gaming industry. If the Chippewa lose Greektown, their tribe has lost its greatest potential at generating much needed revenue for its people. If the tribe can maintain the casino, it is unclear how long it will take them to climb out of debt and actually start generating profit that benefits the tribe.

CHAPTER 4

THE RISE AND FALL OF THE PEQUOT EMPIRE: THE SMALL TRIBE THAT FOUGHT FOR FEDERAL RECOGNITION, DOMINATED THE TRIBAL GAMING MARKET, AND THEN FALTERED WHEN ITS ASPIRATIONS TO MOVE OFF THE RESERVATION AND INTO THE WORLD SPUTTERED



Foxwoods & MGM Casinos in Mashantucket Connecticut (Photo by MPT 2009)

Mashantucket Pequot Tribe: Tribal Headquarters Mashantucket, Connecticut

Tribal Enrollment: 913

Total Annual Revenue: \$1.1 Billion / Debt \$2.3 Billion

Per Capita Payment: \$120,000 Annually

Tribal Casinos: 1 Tribal & MGM Partnership

HISTORY OF THE MASHANTUCKET PEQUOT TRIBE

While the origins of where the Mashantucket Pequot Tribe originally resided were debated for a number of years, recent archaeological evidence has proved that they have resided in Southeastern Connecticut for nearly 11,000 to 12,000 years (McBride 2009). Prior to recent archaeological evidence, many scholars believed the tribe migrated East from the Upper Hudson River Valley in New York into Southeastern Connecticut. The modern day Pequot, Eastern Pequot (Paucatuck Pequot), Mohegan, Delaware, and Narragansett Tribes were believed to have been one semi-related larger tribe with a shared language and culture based on archaeological and linguistic evidence. This larger tribe separated into different factions well before European arrival because of cultural and political differences among subgroups as well as territorial occupancy, which would later shape contemporary tribal groups. Before European arrival, these groups occupied lands in Connecticut, Rhode Island, Massachusetts, and New York living primarily as hunter-gatherer tribes with limited sustainable farming practices. The Pequot have been historically referred to as Mohegan prior to European contact; however, sometime around 1600 the two tribes broke off and separated into distinct factions (Cave 1996; Hauptman 1993). The once shared history with the two tribes would later lead to years of conflict, warfare, and a rivalry that would exist up until the present among the contemporary tribes.

The Pequot and their related tribes are classified as Algonquian or Algonkian speakers, primarily the Eastern Algonquian family of languages under the sub-classification of Mohican-Loup Languages (Pequot Scholar 2009). The contemporary meaning of the tribal name “Pequot” has long been debated by French and English scholars for centuries. When the word is translated from Algonquian, the word literally means "destroyers," but others believe that the word refers to the landscape, particularly the shallow and swampy waters of the region (Eisler 2002). The Pequot translate the word to mean “the people of the shallow waters,” which refers to the land where the tribe has historically resided. Many scholars lean towards the translation of the word to mean “the people of the shallow waters” because the Pequot have historically lived near riverbeds, swamps, and marshes along the Atlantic Coast. While the language is hardly spoke among contemporary tribal members, the language played a vital role in

historically shaping the Pequot culture.

Prior to European contact in the early 1600's, the Pequot were estimated to have a population of around 8,000 individuals and occupied a territory as vast as 250 sq. miles in the Connecticut region---an area that spread from the Connecticut River to the West to Rhode Island in the East and from Central Connecticut to the North to the Coastal region of Connecticut in the South. Besides utilizing Southeastern Connecticut's water resources, the Pequot also hunted, fished, and practiced sustainable farming of corn, beans, squash, and tobacco. As within most areas of the developing U.S., European explorers were after particular resources---fur in the New England region. The Pequot first made contact with the Europeans in 1614, when a Dutch trading party lead by Adrian Block came into the Connecticut River area from the Hudson River Valley. From that time period on, the Pequot had a very tumultuous relationship with Euro-Americans and with other tribes in the region. The fur trade was a prosperous endeavor for Europeans and Indians alike because it was of cultural and economic importance to all parties.

The Pequot were identified as being the most warlike and territorial tribe among those that occupied the area of Southern New England. Shortly after European arrival, the Pequot began having territorial conflicts with other tribes and with the Europeans. The Pequot wanted to dominate the fur trade with the Dutch and attempted to do so by attacking and intimidating the other tribes in the region. When the Dutch established the first permanent colony/trading post (House of Hope) near Hartford along the Connecticut River in 1622, the Pequot tried to gain a firmer grip on the region by asserting their position as the dominate tribe in the region. The Dutch had planned to trade with all of the tribes in the region to maximize their profits. The Pequot became increasingly hostile towards their neighboring tribes the Wampanoag to the Northeast, the Western Niantic and Mohegan to the West (near the Connecticut River Valley), the Narragansett to the East, and the Shinnecock and Unquachog to the South (Long Island, New York region) as they tried to control the fur trade in Connecticut. The Pequot often attacked the other tribes by utilizing small attack parties and strategic ambushes.

By the 1630's, competition between the Dutch and English settlers was increasing for the rights to control the Connecticut River and the fur trade among the Southern New

England tribes. As the increase of European settlement began to impact the tribes in Connecticut, disease would twice ravage the region of Southern New England as a bubonic plague epidemic would strike from 1616-1619 and a smallpox epidemic would strike in 1633-1634 severely cutting the Native population of the region by nearly 70% total (Hauptman 1993). The Pequot were one of the few tribes not impacted by the 1616-1619 bubonic plague epidemic; however, the Pequot lost nearly 60% to 70% of their population from the 1633-1634 small pox epidemic. The Europeans brought more than diseases with them as they desired to control the resources of the area and own the land. By 1636, the English settled the cities of Windsor, Wethersfield, and Hartford effectively trying to put a stranglehold on the Dutch's control of the fur trade in the region. The Dutch tried to use legal precedent to lay claim to the land as they said two years prior in 1634 they bought the area of land from a former sachem¹ of the Pequot Tribe, who was exiled from the tribe. The Pequot, like many other tribes, did not believe in the European notion of land ownership², but they did believe in control of the land through occupational force. Much of their land prior to the start of the Pequot War was earned through their dominance of other local tribes through warfare and intimidation tactics.

Tensions between the Pequot and Europeans really began to intensify when the English began to manufacture and produce wampum³ in the 1630's. The Pequot had dominated the wampum trade prior to Europeans entering the region and wanted to continue to control the production of this resource. The Pequot became increasingly aggressive towards other tribes and the English over the area's resources. Tensions further escalated with two separate events in 1634. First, a group of Pequot warriors attacked and killed a trading party of Narragansett who were on their way to trade with the Dutch at the House of Hope. The Dutch retaliated by killing Pequot Sachem Tatobam and later returned his body to the tribe for a ransom. Tensions increased as smaller attacks and raids occurred between the Pequot and Dutch. Second, English Captain John Stone was killed by the Western Niantic⁴, a subgroup of the Pequot. Many of the details of this event are still unclear, but the Pequot were ultimately held responsible for the actions of the Western Niantic. On November 7th, 1634, the Pequot, Western Niantic, and English met to sign the *Massachusetts Bay-Pequot Treaty*, which the Pequot agreed to hand over Stone's killer(s), pay tribute, cede some Connecticut lands to the English, to

trade only with the English, and to have the English mediate problems between themselves and the Narragansett and Mohegan. The Pequot were reluctant to sign the treaty, but did so under distress.

THE RESULTS OF THE PEQUOT WAR

Tensions reached a boiling point between the English and Pequot on July 20th, 1636, when either the Pequot or Narragansett⁵ killed English trader John Oldham. The English insisted afterwards the Pequot had violated the 1634 treaty by attacking English, not ceding lands, and not giving up the killers of Stone and Oldham. Between 1636 and 1637, a number of small battles and raids occur between the Pequot and English throughout the Connecticut region. The Pequot asked their feuding neighbors the Narragansett and Mohegan to fight alongside them, but they refused and ultimately ended up joining the English against the Pequot. On May 26th, 1637, the combined forces of the English colonies (Connecticut, Rhode Island, and Massachusetts Bay), Mohegan, and Narragansett attacked the Pequot camp at Mystic, Connecticut killing between 600 and 700 Pequot---mostly women and children. This event would later be known as the Mystic Massacre. The English and their Indian allies continued to hunt down the remaining Pequot until they were killed⁶, exiled into other tribes, or captured and placed into slavery. Finally on September 21st, 1638, the *Treaty of Hartford*⁷ was signed between the English, Mohegan, and Narragansett (See Appendix E). The treaty had a negative impact on the Pequot because it stated that the Pequot could not occupy their traditional lands, use the name Pequot, use their language, and that the remaining survivors of the Pequot War would be sold as captives⁸ or placed under the custody of the surrounding tribes. The surviving Pequot members were distributed 40% to the Narragansett, 40% to the Mohegan, and 20% to the Shinnecock and Unquachog Tribes on Long Island (Hauptman 1993). The treaty was a way for the English to attempt to exterminate the Pequot people from the American landscape by dissolving the tribe into other existing tribes and assimilating others into the Euro-American slavery system.

To many it seemed as if the Pequot had been eliminated from the U.S. landscape, but they endured and continued to fight. The Pequot that were under the rule of the Mohegan, their fierce rivals, would eventually become known as the Western Pequot.

The Pequot under the rule of the Narragansett, another rivaling tribe, would eventually become known as the Eastern Pequot. The two Pequot Tribes would no longer have a shared history or ever again be known as a single autonomous cultural group. The Mohegan became the most feared tribe in the region because of their occupation of the Pequot and Western Niantic Tribes and because of their control over the region's resources. During the 1640's-1650's, the remaining Pequot had freed themselves from their captive tribes the Mohegan and Narragansett with some assistance from the English--the English helped separate the Pequot from the Mohegan and Narragansett because the two tribes treated the Pequot so cruelly. Robin Cassacinamon, the leading tribal figure and a sachem for the Western Pequot, worked with the English (primarily Connecticut Governor John Winthrop Jr.⁹) to acquire separate land for the Pequot. The Western Pequot were from the time after the Pequot War to 1650 living primarily in Nameag, Connecticut under the rule of the Mohegan. In 1651, Winthrop helped the tribe acquire some land back at Noank, Connecticut--their former territory. The tribe remained there until in 1666, when the state of Connecticut removed the majority of the tribe from Noank and gave them 3,000 acres at Mashantucket, Connecticut (their current tribal reservation). From that timeframe on, the Pequot allied themselves with the English (their former enemies) over neighboring tribes to secure and strengthen their social position in the Southern New England region.

Throughout the late 1600's and 1700's, the Pequot allied themselves with the English colonists in both King Philip's War¹⁰ (1675-1676) and the French and Indian War¹¹ (1754-1763). In 1721, after years of disputes with the English, the Pequot signed the *Treaty of Noank* with the English---stating that the Pequot would leave Noank, Connecticut completely for their newly acquired Mashantucket land, but would still retain their traditional rights to hunt and fish there. The Pequot would remain at their reservation land in Mashantucket until 1761 when the Colony of Connecticut would reduce the size of the reservation from 3,000 acres to 989 acres (See Appendix E) because of the impacts of the French and Indian War and the increased amount of settlers in that region of Connecticut. Despite losing some of their land, the Pequot would fight in the Revolutionary War (1775-1783) alongside the American colonists and the Dutch against the British.

Many of the Pequot, as many as half, moved to the Oneida Territory in New York between the years of 1785-1810 because of the Brotherton Movement¹². In the early to mid- 1800's, the Pequot filed a series of petitions to reclaim lands taken by the state of Connecticut, but none were successful. In 1858, the Connecticut General Assembly passed a law that allowed for the sale of Pequot Reservation land without tribal consent, violating the *Indian Intercourse Act of 1790*. As a result of the law, the reservation was dwindled down to a mere 213 acres. The tribe maintained those 213 acres all the way up until 1983, when the Pequot were granted *Federal Recognition* from the U.S. The tribal population continued to dwindle down as the reservation size became smaller and smaller and living conditions continued to worsen. The Pequot Reservation continued to lose its population as tribal members moved away to find work and by the 1972, only two tribal members were living on the reservation (See Appendix E). The reservation was a barren forested landscape, with few houses, little resources, and no employment opportunities for tribal members---it seemed as if the end of the Pequot was near.

THE PUSH FOR *FEDERAL RECOGNITION* BEGINS

In 1972, Elizabeth George and her half-sister Martha Langevin were the only two living and enrolled Mashantucket Pequot tribal members---they were also the only two individuals residing on the 213 acres of reservation land that the tribe owned. Langevin passed away in 1972 and George in 1973, leaving no actively enrolled tribal members living on the reservation. After her death, George was credited as being the catalyst in bringing back tribal members to the Mashantucket reservation land. In the years prior to her death, George was credited with telling grandson Richard "Skip" Hayward¹³ to "Hold on to the Land and Reunite the People" (Mashantucket Pequot Cultural Specialist 2009). While Hayward did not live on the reservation, he was often there helping the few remaining tribal members with daily activities from the late 1960's until George's death in 1973. Hayward took it upon himself to gather other Pequot "members" living off-reservation¹⁴ (primarily those descendants related to George) and persuaded them to come back to the reservation in promises of economic prosperity. A small number of Hayward's relatives, friends, and other Pequot followed him back to Mashantucket. In 1974, the small group of Pequot drafted their first tribal constitution¹⁵, which was

subsequently drafted by Elizabeth George and the few remaining tribal members a decade earlier in the mid 1960's. That same year, the Pequot Housing Authority was created and became the first and only tribal housing authority to ever be recognized by the HUD that was not on a federally recognized Indian reservation (d'Hauteserre 1998). In 1975, the tribe held its first ever election for a tribal chairman and the 12 tribal members selected Hayward, consequently the only candidate running. By 1981, 15 new homes were built with funding and assistance from HUD on the Mashantucket Pequot Reservation---the population slowly began to increase at Mashantucket as affordable housing units became available to tribal members.

In the mid 1970's, tribal members began a series of economic ventures to try to generate revenue for the tribe and make the Pequot a sustainable and self-sufficient people---these ventures included the selling of firewood, the production of maple syrup and vegetables, a swine project, and the opening of a hydroponic greenhouse. These ventures provided some income for the tribe, but not enough to sustain a healthy lifestyle for tribal members. In the late 1970's, the tribe formed numerous partnerships with local business people, made deals with lawyers and legislatures, and worked diligently to file a petition for *Federal Recognition*. The Pequot, like other East Coast tribes, knew they were able file lawsuits against states or local governments because of land taken from them during the nineteenth century (Eisler 2002; Benedict 2000). The Pequot partnered with the Native American Rights Fund¹⁶ (NARF) in 1976 to file a petition against the state of Connecticut for lands taken during 1855. The tribe also prepared its petition for *Federal Recognition* while working to reach a settlement with the state of Connecticut for lands in 1855---both petitions were simultaneously filed in 1982 (the first petition for *Federal Recognition* was sent January 15th, 1979). In December of 1982, Congress passed the Mashantucket Pequot Indians Settlement Claim, which awarded the tribe \$900,000¹⁷ to buy back tribal land, to place current land in trust status, and granted the Pequot *Federal Recognition*. The bill was shortly vetoed by President Ronald Reagan on April 11th, 1983. The Pequot, with the help of Congress, reintroduced the bill and passed it---and President Reagan on October 18th, 1983 signed the *Connecticut Indian Land Claims Settlement Act* (Public Law 98-134), making the Mashantucket Pequot only the third American Indian tribe to gain *Federal Recognition* through congressional approval

at that time period (See Appendix E).

The Mashantucket were federally recognized not through the BIA's *Federal Recognition* process (See Chapter 1), but through congressional law. Of the 564 Federally Recognized tribes, only eight tribes have been exempt from the BIA's federal recognition process and have been *Federally Recognized* by congressional act. How does this occur, and why? Some tribes have been *Federally Recognized* by the BIA and have later had their federal tribal recognition status revoked by the same process---the same cannot be said about any tribe that was granted federal recognition through congressional law (that approval process has never been overturned). So why can BIA approval of *Federal Recognition* status be overturned, but congressional federal approval cannot be overturned? What makes one process have more authority over the other? If a tribe cannot pass the BIA's *Federal Recognition* process, then why should they be awarded status as a sovereign tribal nation? The Pequot have had their authenticity or "Indianness" challenged by numerous individuals outside of the tribe. The examination of contemporary Pequot members will examine another dimension of what it means to be Pequot historically and contemporarily.

After gaining *Federal Recognition*, tribal members began to slowly move back to Mashantucket as the tribe began receiving federal funding, which slowly helped to rebuild the tribe's way of life. How much would this new generation of Pequot that came back to Mashantucket resemble those that lived and died on the reservation? Most of these Pequot, the vast majority, would be considered urban Indians¹⁸ and to some Indians non-traditional Indians. The Pequot have benefited greatly from the introduction of tribal gaming, which began in 1986 with tribal bingo and later resulted in the development of the mega resort of Foxwoods in 1992. Tribal gaming has made the Pequot economically self-sufficient, has led to numerous cultural and economic improvements throughout the reservation, and has brought many tribal members back to Mashantucket. The Pequot have seen their tribal enrollment balloon from 30 tribal members when they gained *Federal Recognition* to 913 members in 2009, which is an increase of 3000%+. Very few, if any tribes in the U.S., have ever had this kind of increase in tribal enrollment. While the majority of all gaming tribes have witnessed a growth in tribal population since the implementation of gaming, few have encountered as large of a growth rate as the

Pequot. Ironic that once the tribe began receiving federal funding and even more so when they began generating revenue from casino gaming that tribal enrollment suddenly began to expand at an unprecedented growth rate.

The Pequot have prospered greatly in since the introduction of gaming. The tribe expanded from its land base from the 214 acres of abandon forest land with one old wore down home, to over 3,200 acres of reservation land and an additional 5,000+ acres of non-reservation land with numerous \$200,000 to \$1,000,000 homes scattered throughout the wooded landscape. The Pequot people have some of the best cultural and economic resources available to any tribe in the U.S. The Pequot had one of the most successful runs in the tribal gaming industry and completely revamped their image as a tribe by becoming a trendsetter for other tribes throughout the country to follow. However, all of the great work the tribe has accomplished through its tribal gaming success has recently been squandered away by the misspending and mismanagement of gaming revenue. As the tribe continued to grow and expand, so did the Pequot aspirations to dominate the tribal gaming market similarly to how the tribe tried to dominate Southern New England during the colonial era only to falter and almost lose everything, even their identity.

CONNECTICUT GAMING HISTORY

Gambling in the state of Connecticut fell into that gray area where it was not technically illegal, but also not technically legal¹⁹. Gambling for profit was legalized by the state in 1971 when the state passed *Public Act No. 71-865*²⁰ authorizing a State Lottery, Off-Track Betting, Horse Racing, and a Commission on Special Revenue. The Commission of Special Revenue would later be known by its current name the Division of Special Revenue, which regulates all of Connecticut's legal forms of gambling and wagering. Connecticut legalized the Connecticut Lottery in 1972, Las Vegas "Nights" fundraisers in 1972 (later repealed in 2003), Jai Alai in 1976, Greyhound Racing in 1976, the Connecticut Off-Track Betting System in 1976, the New Haven Teletrack off-track betting facility in 1979, Tribal Bingo in 1986, Charitable Gambling in 1987, Foxwoods Casino in 1992, and the Mohegan Sun Casino in 1995. Other than the state's two tribal casinos, Connecticut's only other form of casino style gambling is its pari-mutuel wagering industry²¹. The Division of Special Revenue would be responsible for

overseeing the state's most profitable form of economic gambling, tribal casinos. Connecticut became a "lightning rod" for tribal gaming controversy throughout the country because of its instant and massive success as well as the allegations surrounding the authenticity of the Mashantucket Pequot Tribe. Other tribes around the country watched how successful the Pequot and Mohegan were in transforming their small gaming operations into billion-dollar a year mega casino resorts and wanted to emulate their success. The success of the Pequot and Mohegan Tribes also setup a domino effect in the Northeast as numerous other tribes²² were vying for *Federal Recognition* and their piece of the tribal gaming pie.

The states of Connecticut and California²³ have the most profitable Class III tribal-state gaming compacts in the entire country because they both require tribes to pay 25% of their profits to the state. No other states in the country have Class III gaming compacts that require tribes to pay in excess of 25%²⁴ of their total gross or net win---most tribes throughout the country pay between 5% and 10% to the state. In the Class III gaming compacts between the state of Connecticut and the Pequot and Mohegan Tribes, the tribes pay the state 25% of the gross revenue generated from their tribal casinos' electronic gaming machines (slot machines). This gaming compact is different than most gaming compacts nationally because the state is only collecting income from the tribe based on slot machine revenue, not from other forms of gaming (bingo or table games). Based on national statistics, most tribal-state gaming compacts have the tribe paying a percentage of their total net win from all gaming revenue generated from casino style games (Meister 2009). Connecticut receives a higher percentage by taking 25% from the gross and not the net win. The state most similar to Connecticut in terms of their gaming compacts would be the state of Michigan; however, Michigan's gaming compacts only requires tribes to pay 10% (8% to the state and 2% to local governments) of their electronic gaming's total. Connecticut has the most beneficial revenue sharing plan in the country among states that allow for Class III style casino gaming, but would this plan work in other states where the tribes generate less revenue from their casinos?

Together, Foxwoods and Mohegan Sun casinos generate nearly \$2.5 billion dollars of revenue each year and pay the state of Connecticut nearly \$350 to \$400 million²⁵ in taxes each year. The state of Connecticut has received nearly \$5 billion

dollars in taxes from these two casinos and has seen billions more come into the state through tourism, jobs, and other forms of taxable revenue. The Southeastern area of Connecticut is ranked as the fourth most profitable gaming market in all of the U.S (See Appendix D). Connecticut ranks as the third strongest tribal gaming market in the country behind only California and Oklahoma²⁶ (See Appendix E). While the Connecticut tribal gaming market is strong, it is currently on the decline in terms of economic revenue production because of a weakened U.S. economy and outside competition from other casinos. The casinos are extremely profitable, but the growth in revenue production²⁷ has flat-lined. Connecticut's current tribal casino market does not have the capacity to support another tribal casino if the state would grant *Federal Recognition* to another tribe in the state. Connecticut is also facing competition from New York tribal casinos (New York is part of Connecticut's primary gaming market), the potential of tribal casinos in Rhode Island and Massachusetts, and the newly approved commercial casinos in Pennsylvania (Meister 2009). Connecticut's tribal gaming market will continue to generate massive profits, but the expected revenue from these casinos is expected to decrease and the market has most likely hit its economic peak of production--so more growth will probably not equate to more revenue.

MASHANTUCKET PEQUOT GAMING ENTERPRISE INC. & MGM GRAND

The Mashantucket Pequot Tribal Nation shall promote spirituality, strong family values, education, social stability, economic independence, and the well-being of tribal members, employees, and guests in a healthy supportive environment. The ultimate goal is to protect and advance the sovereign rights of the Tribal Nation in order to build and preserve a cultural, social, and economic foundation that can never be destroyed.

~Mashantucket Pequot Gaming Enterprise Inc. Business Statement 1992

Tribal gaming among the Pequot began as a discussion among tribal members during a tribal meeting on November 4th, 1983. The tribe shortly after the meeting had a vote and the initial idea of tribal bingo was voted down by the Pequot in December of 1983. The idea of tribal gaming seemed to be the most promising venture to Hayward as other economic ventures had previously failed. Hayward urged tribal members to hear the issue of tribal gaming for a second time and presented a model that the Penobscot Indian Nation²⁸ had shown him earlier. The Penobscot model calculated the potential

revenue that a tribal bingo operation could generate by calculating distance and population through available zip-codes as well as incorporating the available demand of the product. The Pequot, like many other tribes throughout the country, had no experience in the field of tribal gaming, but had witnessed the success of other tribes throughout the country as they lunged into tribal bingo. Hayward along with the help of the Penobscot Tribe had calculated that Ledyard, Connecticut could generate millions of dollars of revenue for the tribe and help make them economically self-sustainable. On July 3rd, 1984, when Hayward put the notion of tribal bingo back on the Pequot ballot, the notion passed overwhelmingly as the Pequot were persuaded by Hayward and the Penobscot representatives. The Pequot were creating a partnership with the Penobscot Tribe to develop bingo in Connecticut, but needed help acquiring the funding. The two tribes made one big mistake at the time, going public with their intentions, which greatly irritated Connecticut because the state was not high on the idea of having organized gaming operations at the time, on any level (tribal or commercial).

The state and the Pequot had disputes over the introduction of tribal bingo being allowed within the boundaries of the state. The tribe began operating a temporary tribal bingo facility in January of 1986, which angered the state. Connecticut threatened to take the Pequot to court, primarily the tribal council because of their role in building and operating a tribal bingo hall. In 1986, the Pequot challenged the state of Connecticut in federal district court in the case of *Mashantucket Pequot Tribe v. McGuigan* to challenge the state's judicial authority in Indian Territory---within the boundaries of the Pequot reservation. The Federal District Court ruled in favor of the Pequot on January 9th, 1986, stating the bingo laws in Connecticut were "regulatory" rather than criminal because they permitted "certain limits" and "control" functions rather than prohibiting or sanctioning bingo (*Mashantucket Pequot Tribe v. McGuigan* 1986). Since state laws regarding bingo were regulatory, the state of Connecticut had no jurisdiction to enforce these laws on the Pequot reservation. The state allowed charitable bingo through regulatory practices; therefore, it had to allow tribal bingo through regulatory practices on the reservation---similar to the court decisions throughout other states during the 1980's regarding tribal gaming. The sovereignty of the Pequot was being challenged as it was for many tribes throughout the country in 1980's during the founding years of tribal gaming. The Pequot

viewed tribal bingo as a way to make the tribe economically self-sustainable and not in violation of state laws.

Despite the fact that the Pequot had defeated the state of Connecticut in court, the Pequot still needed to find the funds to build their tribal bingo hall. The Pequot were nowhere near being self-sufficient through their outside economic ventures and their partners the Penobscot could only provide part of the initial startup costs for the bingo hall. The Pequot were trying to acquire a \$4 to \$5 million dollar loan to build their tribal bingo hall, but getting a loan proved to be difficult because the tribe had no capital, equity, and had little credit history with lenders to establish a credit line for acquiring a loan. Prior to even securing a loan, the Pequot opened the Mashantucket Pequot Bingo Hall on July 6th, 1986. Shortly after opening the tribal bingo hall, the tribe secured a \$5 million dollar loan²⁹ from the United Arab Bank to build their bingo hall on July 25th, 1986, to build their tribal bingo hall. The bingo hall was a massive success, generating far more revenue than tribal members ever predicted as the bingo venture was drawing in customers from several states. From July of 1986 to May of 1989, the Pequot had generated nearly \$60 million dollars from their tribal bingo operation and the economic future of the Pequot was looking bright for the first time in centuries.

The Pequot had bigger plans for their tribal gaming operations as the expansion of their gaming empire was being envisioned by Hayward. Hayward knew that if the tribe could expand their gaming operations that the Pequot could create a casino resort that could draw in tourists from all over the New England area and make millions more annually. After the passing of the *IGRA* in 1988, the Pequot petitioned the state of Connecticut on May 30th, 1989, to go into negotiations for Class III type tribal gaming. Again, the language of the *IGRA* was challenged as the state of Connecticut and the Pequot both had different interpretations of the law. The state of Connecticut fired out the first rejection stating that “Las Vegas Nights...and commercial casino [or tribal casino] gambling...are not even remotely close...and Connecticut has no existing regulatory system which can even begin to police, monitor, and control casino gambling” (Riddle³⁰ 1989). Tom Tureen³¹, the Pequot’s lawyer who had been with Hayward since before the tribe gained *Federal Recognition*, had another interpretation of *IGRA* on Class III gaming: “...Only if such activities are located in a State that permits such gaming for

any purpose by any person, organization, or entity” (*IGRA* 1988). Tureen determined that if the state permitted the same type of gambling (Las Vegas nights casino style gambling) for any purpose, the state would have to allow the Pequot Tribe to allow this type of gaming and negotiate a Class III gaming compact with the state in “good faith” as the *IGRA* dictated. The Pequot filed against the state of Connecticut in the case of the *Mashantucket Pequot Tribe v. State of Connecticut* to force the state into Class III casino negotiations. The case went through two rounds of judgment (both in favor of the tribe) and was concluded on September 4th, 1990, as the United States Court of Appeals, Second Circuit, ruled in favor of the Pequot saying that the state of Connecticut must enter into a process of “good faith” with the tribe to reach an agreement on Class III types of gaming and regulations. The verdict also stated that Connecticut did not violate the process of “good faith” negotiations because these negotiations had not technically or officially begun during the time prior to the court’s decision.

As the Pequot won another battle with Connecticut, the tribe once again had to find the funds to build Hayward’s vision---a \$250 million dollar gambling resort. Hayward’s vision was to build the gambling resort in three phases, but the first phase would cost \$60 million dollars and the Pequot again did not have that type of revenue and would need to find another outside investor. Despite the success that the Pequot bingo hall was having, the Pequot were having trouble finding viable investors to finance the development of their casino because the casino was on reservation land. Reservation land is owned by the Federal Government and not an individual tribe, so that land cannot be mortgaged if a tribe defaults on a loan repayment. Many investors are weary of having financial dealings with U.S. tribes on reservation land because if the dealing goes bad, the investor(s) could be out all of their investment and have little legal recourse against tribes because of their semi-sovereign status as independent tribal nations within the U.S. Many outsiders see this type of situation as beneficial for tribes as the Federal Government protects their interests, but as possibly dangerous for outside investors because if tribal casinos go belly up then the investors cannot claim the casino or the land through any type of bankruptcy filing or mortgage procedure. The United Arab Bank, who initially loaned the Pequot \$5 million dollars, was not interested in loaning the tribe this kind of capital despite its success from its last investment. The deal the Pequot had

with the Penobscot Tribe ended in 1991 (the same year the tribe was looking for investors) and the Pequot would not renew their deal³² with the tribe to operate their tribal bingo hall because they were starting to lose massive amounts of their tribal gaming profits to another tribe. There was one investor who was interested in helping the Pequot achieve their vision of becoming the gaming mecca of Southern New England. Chinese-Malaysian businessman Lim Goh Tong, chairman of Genting Berhard³³ and Genting International Management Limited, would become the Pequot's primary investor in helping to fund their casino empire.

Tong, Malaysia's gaming and entertainment mogul, turned a rural, undeveloped area of land (primarily mountains and forests) between the Malaysian states of Pahang and Selangor into the country's first and only gaming resort/entertainment destination, Genting Highlands³⁴ or Resort World Genting. Genting Highlands first opened in 1965, so Tong had a history of developing successful gaming resorts in rural areas. His goal was to utilize the surrounding landscape to create an experience that was unique to the local geographic area and that encompassed the beauty of the land (Eisler 2002; Benedict 2000). One of the appeals for Tong to partner with Hayward and Pequot was the remote location of Mashantucket, yet its close proximity to major cities (Boston and New York). Genting Highlands was isolated by its direct surrounding area, but it was in close proximity to Kuala Lumpur, the capital city of Malaysia---similar to the idea of Foxwoods. Tong was impressed by the location of Mashantucket and ultimately by Hayward's vision of the gaming resort/complex for the Pequot. Tong loaned the Pequot \$60 million dollars for phase one and \$175 million dollars for phases two and three of the Foxwoods Project or \$235 million dollars total. One of Tong's companies, Kien Huat Realty Ltd. (a subgroup of Genting Berhard), would receive interest on the loans for a number of years³⁵ to come as the tribe paid back the loans. A special clause in the contract also stated that Tong and his family would receive 10% of Foxwoods' net revenue until 2018. Gaming analyst predicted that over the life of the loan, Tong and his family would receive well over \$1 billion dollars from a \$235 million dollar loan from the Pequot and this does not include the interest generated from the loan (Meister 2009).



Mega-Resort Genting Highlands in Malaysia (Photo by Genting Bernhard 2008)

After acquiring the first loan of \$60 million dollars, the Pequot began construction of phase one of Foxwoods Casino Resort. The name Foxwoods was submitted by tribal members and approved through a council vote. The name indicates the historical and cultural relevance of the tribe because the Pequot are known as the “fox people” and Mashantucket their reservation land translates into the “much wooded land,” which combined created Foxwoods or the fox people of the wooded lands. The tribal flag (See Appendix E) created in the 1980’s, depicts a lone fox standing in front of a great cedar tree adding cultural significance to the name Foxwoods. The flag was created prior to the opening and naming of Foxwoods in the 1980’s; however, it is unclear what role the flag had in the naming of the casino, if any. On February 14, 1992, after only 203 days of construction Foxwoods was now open for business. The casino was of modest size (46,000 sq. ft. and offered a 170 table games) at the time in comparison to Las Vegas or Atlantic City casinos, equivalent to one of their smallest casinos.

In April of 1992, the Pequot received the second portion of their loan from Tong, \$175 million dollars, which the Pequot used to expand Foxwoods Casino Resort. Hayward’s original plan called for building a casino resort, championship PGA golf course, a nature preserve, and an amusement park. The idea was to create in Connecticut what existed in Malaysia with Genting Highlands---many outsiders called the Pequot’s

plan the Walt Disney World Resort of Connecticut. The Pequot envisioned that Foxwoods could have the same economic impact that Disney World did in Florida³⁶. In 1993, Foxwoods underwent its second major expansion, a \$240 million dollar investment³⁷ that was finished in 1994. The casino continued to grow as the Pequot signed a *Memorandum of Understanding* with the state of Connecticut to allow for Class III slot machines/electronic games on January 13th, 1993. The Pequot lobbied the state of Connecticut heavily (through legislative and financial means) to allow for the implementation of Class III style slot machines/electronic games in their casino (Fromson 2003; Eisler 2002). Allowing this type of gaming was not an easy sell in Connecticut because the state thought this would lead to full scale casino style gambling like in Atlantic City and that there would be more problem gamblers and an increase in forms of addictive behavior for the state to deal with.

The state of Connecticut after a year of long negotiations with the tribe, made a wise investment by allowing the Pequot to have electronic games of chance for a hefty price---25% of the tribe's **gross** not net revenue from electronic machines. "...The Tribe will contribute to the State a sum [the "Contribution"] equal to twenty-five per cent (25%) of gross operating revenues of such games [electronic games] operated by the Tribe" (*Memorandum of Understanding* 1993). While 25% is a large lump sum of revenue to pay, the gaming compact also states that if the tribe pays 25% of its gross slot gaming revenue then it does not have to make its total gross or net revenue known to the public only the amount of revenue from Class III slot machines needs to be made public record via the *Memorandum of Understanding*. The *Memorandum* also prohibited commercial casinos from entering the Connecticut gaming market or else the tribe's gaming compact would be void and the Pequot would not have to pay the 25%, ultimately costing Connecticut \$200 to \$300 million dollars per year in lost taxes. The state of Michigan had this same type of compact with its tribes, but voided the compact when it allowed Detroit casinos costing the state millions of dollars from tribal revenue (See Chapter 3).

Foxwoods continued to grow and expand massively becoming more and more successful each year. Since its creation in 1986, the mega casino resort known as Foxwoods has undergone seven renovations (1992, 1993, 1994, 1996, 1997, 2004, and

2008) with a total cost at just over \$1.44 billion dollars (See Appendix E). With the casinos newest renovation/addition, the MGM Grand at Foxwoods in 2008, the mega complex now has over 410,000 sq. ft. of gaming space (See Appendix C) with over 8,100 slot machines, 421 table games, newly renovated mega bingo hall, a pari-mutuel sports betting lounge³⁸, four hotels (Grand Pequot Tower, Great Cedar Hotel, Two Trees Inn, and MGM Grand at Foxwoods), 30 restaurants, mega theater complex, large sports venue, two story arcade for kids, Isle of the Lakes PGA Golf Course, spa, and a large retail mall with over 30 outlet and specialty stores. The entire resort is over 4,700,000 sq. ft. nearly twelve times the size of the casino gaming space available. No casino resort in the world rivals Foxwoods in terms of total size and amenities available to its customers.

One of the biggest reasons that the Pequot kept expanding and developing Foxwoods was because of their competition with the Mohegan Tribe's Mohegan Sun Casino, which opened on October 12th, 1996. The Pequot no longer had a complete monopoly over Southeastern Connecticut and the Southern New England gaming market as their fiercest rivals, the Mohegan, arrived in the tribal gaming market to challenge their rule over area. The Pequot began to expand more and more as the reality and threat of the Mohegan entering the Connecticut gaming market was becoming more and more of a possibility. The Pequot fought with the state of Connecticut to keep the Mohegan tribe from entering the tribal gaming market (based on the stipulations within their state-tribal gaming compact), but were unsuccessful in doing so. The Mohegan came into the gaming market with a plan of attack and wanted to match the Pequot move for from the start of their tribal gaming experience. As the Mohegan Sun was becoming more successful than Foxwoods, the Pequot implemented a new strategy to their approach to the tribal gaming market by partnering with another competitor. The Pequot partnered with MGM Mirage to try to keep pace with the moves of the Mohegan and to surpass them. As the Mohegan began to change their gaming strategy and expand their boundaries, so did the Pequot. The two tribes renewed a fierce rivalry through their tribal gaming enterprises and the battles were now over tourists and revenue not land or natural resources.

THE RIVALRY BETWEEN THE MOHEGAN AND THE PEQUOT IS REBORN



Mohegan Sun Casino Resort in Uncasville, Connecticut (Photo by Author 2009)

Every nation has a spirit. As you walk our Homeland, we invite you to join in our Mohegan spirit. You have entered a place where the rocks and trees tell tales of a far off time. Here, beside the Thames River, the Mohegans lived for centuries. During your stay in Mohegan territory, we invite you to learn our ancient ways by experiencing our stories and symbols.

~Mohegan Tribal Gaming Authority Business Statement 1995

The Pequot pillaged the gaming economy of Southern New England as they enjoyed owning the region's only casino, but other competitors had their eyes on the native riches. The Mohegan had been trying to acquire *Federal Recognition* for 16 years from 1978-1994 and finally gained recognition³⁹ on March 7th, 1994, but they did not receive their traditional tribal lands until October 19th, 1994. For the Mohegan, the idea of tribal gaming began a few years prior in 1992, during the same timeframe that Pequot opened Foxwoods---the Mohegan were approached by RJH Development (Connecticut), LMW Investments (Connecticut), and Slavik Suites Inc. (Michigan) about partnering together and creating a tribal casino on their reservation land. These companies came together to form Trading Cove Associates (TCA), which helped provide the Mohegan Tribe with financial support, tribal attorneys, and advisors to assist in the efforts to gain *Federal Recognition* (MTGA 2009). In July of 1995 after *Federal Recognition*, the

Mohegan Tribal Council voted to create the Mohegan Tribal Gaming Authority (MTGA) to oversee all casino related ventures. The Mohegan and TCA's partnership included a 14 year management contract of the casino by South African Sun International (which bought 50% of TCA) and a seven year agreement to pay TCA a variable rate⁴⁰ of the total casino's profits (up to 40% maximum annually). With an experienced partnership, the Mohegan were more easily ready to navigate through Connecticut's gaming market because they also had the benefit of watching from a far the successful steps the Pequot made and the missteps they took in the pioneering of tribal gaming in Connecticut. When the Mohegan Sun⁴¹ first opened, the cost of the casino was \$280 million dollars, which its partnering groups helped to finance. Their first casino was a mere 186,000 sq. ft.---small in comparison to Foxwoods, but had 204 table games and 3,700 slot machines enough to compete with Foxwoods.

The Mohegan, like the Pequot, were intent on building a casino empire in the form of a major resort destination. The contemporary tribes would wage an economic war with one another as they would battle over tourists, revenue, and market share of Southern New England. Unlike the previous historical battles where the Pequot were the aggressors, the Mohegan were the aggressors in the "Great Connecticut Gaming Wars" of the 20th/21st Centuries. Tensions between the two tribes were heating up as the two casinos looked to one-up one another with every expansion, marketing strategy, and economic opportunity available (MTGA Spokesperson 2009). The gaming competition between the Pequot and Mohegan proved to be beneficial for both tribes, the state of Connecticut, and served as models for other developing tribes entering into the gaming market.

The Mohegan Sun went through several expansions (See Appendix E) to keep up with Foxwoods as they expanded their gaming resort in 1998, 2001 (two renovations occurred), 2002, 2008, and have a scheduled expansion set for 2010/2011. The Mohegan took control of their gaming operations in 2000 when the MTGA took over management of the Mohegan Sun from Sun International. The switch from outside management to tribal management saved the tribe millions of dollars in revenue each year, allowed the tribe greater control in their gaming operations, and allowed them more freedom to pursue other economic options. The next big step for Mohegan occurred from 2001 to

2002, when the Mohegan Sun underwent a mega expansion (costing \$1.035 billion dollars⁴²) that would allow their casino to compete with Foxwoods. By the 2003/2004 year, the Mohegan had passed the Pequot and the Mohegan Sun was out-producing Foxwoods in annual revenue becoming the most successful casino in the world (tribal or commercial) (See Appendix E). While Foxwoods was still larger than the Mohegan Sun, the Mohegan emphasized a marketing tactic that went after higher end clientele to produce more revenue than the Pequot. When the Mohegan overtook the Pequot as the most successful tribe in the country, a massive change in tribal gaming was triggered---the Mohegan would now be the trendsetters and the Pequot would now follow in their footsteps. The Pequot went from the aggressors to taking a defensive position, merely counterattacking the Mohegan's efforts just to keep pace.

The Mohegan had plans to not only make the Mohegan Sun the premier gaming resort on the East Coast, but to move their gaming empire outside of their reservation boundaries. For many, tribal gaming was limited to the confines of the reservation as traditional "off-reservation" casinos were rarely ever granted to tribes. Like the Sault Ste Marie Chippewa, the Mohegan had plans to move their gaming empire into foreign territory through alternative methods---commercial gaming. The business model adopted by the MTGA relies upon four "core values" that are known as "The Mohegan Sun Way," which the tribe has relied upon to build successful world class gaming and entertainment facilities in Connecticut and beyond: 1) Blowing Away the Customer, 2) Bottom Line Performance, 3) Continuously Striving for Perfection, and 4) Developing Passionate and Dedicated Employees. Through this implementation of core values, the Mohegan have looked for opportunities to create successful gaming operations in the commercial and tribal gaming markets, which have also been emulated by the Pequot. The MTGA focuses on the changing needs of the consumer⁴³ and their desire for a "multi-dimensional entertainment experience" (MTGA 2010). This vision was the key to expanding their gaming empire and moving beyond the boundaries of the reservation.

In 2004, the Mohegan began envisioning a gaming market of endless possibilities as they looked to expand their gaming operations into new markets as Foxwoods continued its assault on the market of Southern New England. Their first venture off-reservation venture was a January 2004 collaboration with the Menominee Indian Tribe

of Wisconsin to build and operate a Kenosha Racetrack Casino Resort at the Dairyland Greyhound Park⁴⁴ in Kenosha, Wisconsin. The two tribes have been working on a multi-million dollar casino resort as an off-reservation casino that would be owned by the Menominee and managed by the Mohegan. The efforts of the two tribes have been stalled by the Department of the Interior as Ken Salazar (Secretary of the Interior) recently rejected the proposal for an off-reservation casino in 2009, but the tribes still hope that their proposal can be resubmitted and will eventually pass. The Mohegan⁴⁵ entered into another similar situation in September of 2004 by partnering with fellow tribe the Cowlitz Indian Tribe of Washington State to develop the Cowlitz Casino in La Center, Washington (Clark County, Washington). The Cowlitz Tribe is in the process of trying to acquire land outside of their reservation as “trust” land for gaming purposes to build this casino resort. The application process is still under review because the BIA is conducting a site analysis⁴⁶ of the economic and environmental impacts of the proposed gaming resort on the land. While neither gaming venture has led to the development of a new casino or created the projected revenue that the Mohegan thought it would, the tribe has ventured into new territory by working with other tribes and investing resources into others’ gaming futures---a strategy emulated by the Pequot.

The Mohegan tribe acquired its first gaming property outside of their reservation on January 25th, 2005, when the Mohegan spent \$280 million to purchase Pocono Downs Racetrack in Plains Township, Pennsylvania from Penn National Gaming⁴⁷. The Mohegan began a major renovation of the property, renamed it the "Mohegan Sun at Pocono Downs," and began operating the first slots arcade in the state of Pennsylvania, as the state legalized slots in November of 2006. The Mohegan decided that it might be easier to own and operate a commercial casino versus partnering with other tribes or looking to create tribal casinos off of reservation land because they are easier to acquire. A tribe needs to acquire a commercial gaming license⁴⁸ from the state in which they intend to operate a gaming facility versus going through the process associated with the jurisdiction of tribal gaming and state legislation (which varies from state to state). Commercial gaming license are extremely competitive to acquire as only a limited number of them exist per state (determined by the state legislature) and individuals are background checked thoroughly to see if they are good candidates to own casinos. The

Mohegan also used this opportunity to brand their casino name and make the Mohegan Sun known as a national symbol for gaming and not merely just the name of their casino resort. On August 2, 2007, the MTGA purchased 150 acres of land in the town of Palmer, Massachusetts (Hampden County, Massachusetts) to build and develop the Mohegan Sun Palmer Casino. The tribe is awaiting the outcome of legalized casino style gambling⁴⁹ in the state of Massachusetts before they can attempt to acquire a commercial gaming license.

The Mohegan are currently looking into gaming opportunities domestically throughout the U.S. and internationally, despite the fact recent financial difficulties have slowed down their progress. The Mohegan halted the progress of the expansion of the Mohegan Sun (Project Horizon⁵⁰) in Uncasville, Connecticut, which would make the Mohegan Sun⁵¹ larger than Foxwoods. Project Horizon would add another hotel tower similar to what Foxwoods did by adding the MGM Grand and would cost the Mohegan another \$740 million dollars---it might be wise that Mohegan hold off on their plan to expand the Mohegan Sun in Uncasville seeing as how Foxwoods and the MGM have fared poorly in the weaker economy since their expansion. Bigger has proven not to be better in these uncertain economic times as the state of Connecticut has hit it proverbial economic wall in terms of generating revenue through gaming.

AN UNLIKELY ALLY: THE PEQUOT PARTNER WITH MGM MIRAGE



(MGM Grand Casino on the Las Vegas Strip) (Photo by MGM Mirage 2010)

While the Pequot and their prized billion dollar a year producing casino resort Foxwoods were the envy of practically every tribe throughout the U.S. and Canada, they were despised by most of their commercial competitors. Commercial casino operators, primarily those in Atlantic City and throughout the Northeast (racino owners), thought the Pequot had an unfair advantage in the gaming market because of their ability to produce revenue with looser regulatory practices⁵² applied to them. The complaint of commercial gaming operators is the ability of tribes to circumnavigate many state regulatory policies and their ability to acquire gaming facilities where other competitors cannot acquire gaming facilities. Commercial casinos have partnered with tribes to help finance new tribal casinos or help renovate tribal casinos, have provided guidance and management experience, and have worked with tribes to help design, build, and operate every aspect of their tribal gaming business. No tribe has ever partnered with a commercial casino to forge a relationship that extended outside the boundaries of the reservation setting though, until the Pequot ventured into unfamiliar territory when the tribe began discussion with MGM Mirage⁵³ in early 2005. The Pequot and MGM forged a partnership when the two parties signed a *Memorandum of Agreement* (See Appendix E) for joint projects on April 24th, 2006, that began with the creation of the MGM Grand at Foxwoods.

The “strategic” partnership between MGM Mirage and the Pequot was expected to bring the Pequot more financial freedom, an increase in available revenue streams, experience in gaming operations and tourism, the possibility for new locations outside of the reservation (via commercial gaming properties), and a stable and successful future for tribal members---or so the Pequot thought. The Pequot were looking to add Las Vegas style allure to their mega casino resort, something that the Mohegan Sun was known more for than Foxwoods. The MGM Mirage casino resorts have prided themselves on being cutting edge in gaming facilities and top of the line in resort destinations (See Appendix E). Their mission statement has been the basis for many new and developing casino resorts around the country that desire to be leaders in the industry, including the Pequot and Mohegan.

Our mission is to deliver our winning combination of quality entertainment, luxurious facilities and exceptional customer service to

every corner of the world in order to enhance shareholder value and to sustain employee, customer and community relationships.

~MGM Mirage Mission Statement

The Pequot viewed the opportunity to merge with MGM Mirage as a once in a lifetime opportunity, a way to retake the Southern New England gaming market from the Mohegan, and as a way to venture into other gaming markets---primarily Las Vegas, Atlantic City, and Macau, China---markets where the Mohegan had no access and that were proven revenue generators. The partnership was a costly one for the Pequot, an estimated \$700 million dollars. The first stage of the partnership included building a new MGM Grand casino hotel at Foxwoods and the partnership would expand from Foxwoods on the reservation to around the country and globally. Under the terms of the *Memorandum*, the Pequot own and operate the MGM Grand at Foxwoods and MGM consults the tribe on its business making decisions (both for the MGM and Foxwoods) and the MGM has licensed its brand for the Pequot's use for an undisclosed long-term deal.

As Foxwoods added the \$700 million dollar joint collaboration with MGM Mirage, the MGM Grand at Foxwoods, the total size of Foxwoods Casino Resort became a massive 4,700,000 sq. ft. (the largest casino resort in the world). The addition of the MGM brand to Foxwoods (the MGM Grand) added another 1,400 slots, 53 table games, more convention space, a new hotel, new restaurants, and a new theater (MGM Theater) to Foxwoods already massive complex (See Appendix E). While MGM is considered to be the pinnacle of all gaming brands, the Pequot had to take out massive loans to build the addition and already had some financial debt from other loans, past revenue sharing agreements with other investors, and massive spending amongst tribal members of gaming generated revenue. The Pequot thought the addition of the MGM brand at Foxwoods would generate instant revenue because of the credibility of the brand, but they were wrong. Despite the addition of the MGM Grand to Foxwoods, gaming revenue has been down because of the economy. The idea was the bigger the casino the better payout---that has not proven to be true in this current unstable U.S. economy. Even with the massive addition of the MGM Grand at Foxwoods, the Mohegan Sun is still out producing Foxwoods in gaming revenue.



MGM Grand Foxwoods at Mashantucket, Connecticut (Photo by Author 2009)

The business partnership between MGM and the Pequot was thought to be a smart move at the time by Las Vegas Gaming Analysts and other gaming experts throughout the country, but the drastic change in the American economy altered the outlook of that partnership and its potential in the blink of an eye (Meister 2009). MGM already has a massive collection of U.S. and international properties (See Appendix E), but because of a poor U.S. market, massive spending globally, and a variety of other economic factors, the company is finding itself in major economic turmoil. A representative from the MGM Mirage explained that most of its American based casinos, primarily those in Las Vegas, have been greatly impacted by the U.S. economy:

A weak housing market and significant declines in housing prices and related home equity (decreases in equity market value) have slowed down consumers from traveling to gamble as frequently. Higher oil and gas prices have impact travel because the associated cost of travel (both ground and air) has increased in price. There has been a decrease in the amount of flights traveling to destination spots like Las Vegas and other properties owned by MGM Mirage. The overall weaknesses in employment and increases in unemployment have hurt the gaming and tourism aspect of casino resorts. MGM Mirage, like other gaming companies, has been greatly impacted by the weak state of the U.S.

economy. ~Gaming Representative MGM Mirage 2010

Foxwoods expected MGM to contribute greatly in their new found partnership, but so far that has yet to happen because of MGM's financial conundrum as well. Foxwoods right now is the party hurting from this financial arrangement because it spent \$700 million dollars to add to its already massive casino resort and has seen little, if any, revenue as the result of this joint venture. The Pequot have to sit back and wait for MGM to recover from its recent financial troubles before this partnership can move forward---there was no timetable established between the two parties as to when joint collaborations would occur. While the details of the contract were specific in some areas, in others it left gapping uncertainties such as how long the contract was for and how long the partnership would last.

MGM has seen its stock prices fall sharply the last few years. In 2007 the stock was trading at \$98.13 per share and fell as low as \$2.28 a share at the end of 2009 (New York Stock Exchange 2010). The stock is currently at \$12.48 a share (January 2010), but with the company in nearly \$13 billion dollars of debt it is hard to see the company making a quick financial turnaround and its stock shares returning to profitable margins. The company is in such massive debt right now because of overspending money on researching new properties, buying other casino properties, and building new or renovating existing MGM Mirage properties. Large commercial casino companies typically go through upswings and downswings with the casino gaming industry for a number of reasons. Typically, the most common reason that commercial casinos find themselves in debt is that they decide to expand their gaming operations either through renovations/additions to existing properties, they build new properties, or they acquire other companies through merger or buyout (Las Vegas Gaming Analyst 2010). The MGM Mirage's last three major decisions have helped the company accumulate nearly 60% of their current debt: 1) building the MGM Grand at Macau, 2) building City Center at Las Vegas, and 3) building the MGM Grand at Atlantic City. These three projects have cost billions of dollars more than the company predicted and have required them to take out more money in loans to pay for the projects. The problem with taking out more money short term through loans is that the length of a loan increases (the number of years) and the company is required to pay more in interest (not a higher rate, but more in

terms of the total amount because additional years are added to the contract) only putting them further in debt and taking away more revenue from their profits.

As both the Pequot and MGM fight for their financial well-being, both parties are holding off on expanding their gaming partnership into other markets. The *Memorandum* between the two parties also stated that the Pequot and MGM would expand into other territories.

Foxwoods Development Co. and MGM have the desire to jointly engage in the development of new casino hotels in Atlantic City and in the Las Vegas Strip market...Specifically, MGM would offer to contribute a site of approximately 14 acres currently owned by MGM in Atlantic City adjacent to Trump Marina and the Mashantucket Pequot Tribal Nation would contribute an amount of equity equivalent to the appraised value of the land.

The Pequot have long had their eyes on the market in Atlantic City, New Jersey because this is the biggest gaming market that the tribe competes against and the third largest gaming market in the world only behind Macau and Las Vegas. Currently, there are no Indian-owned casinos among Atlantic City's twelve major gaming halls. The Mohegan have sought after this market as well, but have not ventured into it yet either---they have no access into the market and there are currently no new commercial licenses in the state of New Jersey (for Atlantic City) to bid on. There is no current project between the two parties in Las Vegas (on the Strip) either as MGM is working on finishing City Center with Dubai World (the estimated \$5 billion dollar price tag ballooned to over \$9.3 billion to finish the casino resort shopping complex). The Macau project seems to be a no go between the two parties because of the financial strain MGM is facing in that market as the result of the debt accumulated with the MGM Grand Macau. The Pequot could have partnered with MGM on the Macau project, but the project was already under construction when the two parties signed the *Memorandum*. The partnership with MGM Mirage has proven to be a little too ambitious for the Pequot much like their previous gaming endeavors outside of the reservation---it might be fair to relate the Pequot strategy to a slot machine player's ideology of having big dreams, but getting little payout in return because slot machines only payout the percentage they are programmed to payout ensuring that the house always makes money on the player. The problem is, the Pequot are the unexpected mark in this scenario and the financial lenders,

experienced business investors, and commercial operators are the house taking the Pequot's money. The Pequot will most likely not see that \$200 million dollar loan from MGM anytime soon because of MGM's financial problems. This will also limit the arrangements of the partnership as the Pequot were hoping for that extra revenue to expand their gaming markets.

The biggest move the Pequot hoped to make by partnering with MGM was moving their gaming operations into international territories. This move was rarely discussed with anyone outside of those individuals controlling the Pequot's gaming empire. In 2010, a Las Vegas Gaming Analyst shared his insight on the Pequot situation by indicating the following about the *Memorandum* signed between Pequot and MGM Mirage:

MGM originally just wanted to partner with the Pequot to build the MGM Grand at Foxwoods because it gave them access to the fourth best casino gaming market in the U.S. plus gave them franchising and licensing rights on the new casino project. MGM was not originally interested in partnering with the Pequot on joint ventures outside of Connecticut, but viewed this clause that the Pequot wanted as a selling point to get the contract signed. MGM, like other commercial casino companies, only wants to partner on new or outside locations if it helps defer the cost and the company can still turn a substantial profit from the financial endeavor.

The Pequot also viewed the new partnership with the MGM as a stepping stone in the gaming industry because they were working with the world's second largest and most successful gaming company on the planet. The Pequot had great credibility for their gaming entrepreneurship within the tribal gaming community, but were not as well established reputation wise in the eyes of commercial gaming competitors. Many individuals throughout the commercial gaming industry thought that the Pequot only succeeded because of the circumstances provided to them through the *IGRA*, so validation and ego were another important factor in the Pequot wanting to join ranks with MGM. But for the Pequot to truly be a gaming giant outside of the U.S., they had to take their empire internationally into commercial gaming markets where no tribe had ever gone before or succeeded. The tribe was wealthy beyond its wildest dreams, so why was there such a great desire for the Pequot to expand globally? They had never envisioned a global casino gaming enterprise when Hayward was in charge of the tribe and he masterminded the entire tribal gaming enterprise; he singlehandedly dreamed up

Foxwoods when no one else was willing to take a gamble on tribal gaming in his tribe. The ultimate success or failure of the MGM and Pequot's partnership will not be known for years to come as so much of it is left unresolved. Will this be the great move the tribe envisioned or will it fail miserably costing the Pequot hundreds of millions of dollars?

MOVING OFF THE RESERVATION AND INTO THE WORLD

The Pequot tried a handful of times before their partnership with MGM to follow in the footsteps of the Mohegan and acquire gaming properties outside of Mashantucket---none to this point have been successfully completed gaming projects (thus costing the tribe millions). The tribe's most costly venture has been its Philadelphia experiment known as Foxwoods Casino Philadelphia (currently in development). After the Mohegan acquired Pocono Downs in Pennsylvania, the Pequot went after a larger gaming prize in the same state, Philadelphia. Since Pennsylvania has no federally recognized tribes and no reservation land, the only way any tribe could get a gaming facility in the state was to acquire a commercial gaming license. On December 20th, 2006, the Pennsylvania Gaming Control Board (PGCB) awarded five casino licenses to commercial gaming companies. The state's largest city, Philadelphia, was awarded two of the state's five commercial casinos, Pittsburgh one, Bethlehem one, and Mount Pocono one. Mount Airy Casino Resort in Mount Pocono opened on October 22nd, 2007, Sands Casino Resort in Bethlehem opened on May 22nd, 2009, and Rivers Casino in Pittsburgh opened August 4th, 2009; however, the two Philadelphia casinos SugarHouse Casino⁵⁴ (owned by HSP Gaming, LP) and Foxwoods Casino Philadelphia have yet to begin construction.

The Pequot, along with business partners Washington Philadelphia Investors, L.P.⁵⁵, have invested millions of dollars into the development of this proposed casino with little progress thus far being made. The Pequot were the only tribe to bid on a commercial gaming license in the state of Pennsylvania. The Pequot and their partners outbid several other commercial casino investors because their plan for developing a new commercial casino throughout the city of Philadelphia was more concrete than the other proposals that the PGCB had been presented. The proposed casino has a license and has been supported by city council, but there are numerous activist groups fighting against

the development of the casino, primarily Casino Free Philadelphia, the Philadelphia Neighborhood Alliance, and Neighbors Allied for the Best Riverfront. Foxwoods was originally planned to be built on the Delaware Riverfront near the Market Street Mall in Chinatown as a casino resort on 16.5 acres of land between Tasker and Reed Streets (See Appendix E). The tribe spent a countless amount of time and money designing the project, only to have it shutdown. The tribe regrouped and proposed to build a temporary casino in the heart of downtown Philadelphia on 8th & Market Streets (at the former Strawbridge & Clothier department store building) in three floors of the existing building---this idea as well met with strong opposition as the building housed government offices and other important businesses, which could potentially create conflicts of interest. The idea to put a casino in the middle of a building, surrounded by other business, was not the most well thought out plan by the Pequot. The tribe proposed yet another location for the casino near the Gallery at East Market in downtown Philadelphia. After all three possible locations were rejected, the tribe went back to its original plan to build the casino resort on the Delaware Waterfront.

The Pequot and HSP Gaming LC are in danger of losing their gaming licenses in Pennsylvania for the delayed progression of their casino resort developments---the two groups have been fined several times by the PGCB and have had to ask for extensions on their gaming licenses since no real progress has been made. The tribe has brought in Las Vegas casino mogul Steve Wynn to help with the process---as of now, it is unclear what role Wynn will play or if he intends to buyout the Pequot and their share of the casino. The expected cost of the mega casino resort for the Pequot and their partners is between \$570 million to \$690 million dollars. The project is listed as in a developmental stage right now and probably will be completed by 2011. The Pequot own the 16.5 acres of land near the river, but need to gain approval from the city and get the proper zoning ordinances passed in order to build the casino there. If progress is not made soon, the tribe will most likely lose their casino gaming license for the state of Pennsylvania and never be issued one again. When a state revokes a casino gaming license or rejects an individual or group's bid, the state almost never reissues a license to that party again (Las Vegas Gaming Analyst 2010).

While the Philadelphia project seems to be a major debacle for the tribe right now, it has had a number of other financial setbacks as it tried to expand its gaming empire. Much like the Mohegan, the Pequot tried to align themselves with other tribes starting up in the gaming industry to build casino resorts and manage the casinos for the tribes for a specific percentage of the total revenue produced. Twice in June of 2006, the Pequot partnered with the Pauma Band of Mission Indians (North of San Diego, California) and the Iowa Tribe of Kansas and Nebraska (Sumner & Sedgwick Counties in Kansas) to join in on their gaming operations. Both projects have been halted for various reasons as the Pequot have yet to build a meaningful partnership in the gaming industry. In California, the Pequot were joining with the Pauma Band of Mission Indians to help them expand their existing casino and would act as the operating and management branch of the casino---the project was expected to be a \$300 million dollar casino resort. In Kansas, the tribe was planning on helping invest in a \$270 million dollar new gaming resort with the Iowa Tribe of Kansas and Nebraska. Both projects are still in the works, but by the time they begin the Pequot may not be financially able to hold-up their part of the agreement by providing some of the initial startup costs because of their own financial debt accrued from their own gaming empire.

The tribe has attempted to go internationally twice on its own volition...both projects proved to be disappointing ventures for the Pequot as well. The first attempt was in November of 2005 when the tribe partnered with William and Punch Partners (a development group), who bought the land for the proposed 600 acre casino resort in St Croix in the U.S. Virgin Islands. The Virgin Islands Casino Control Commission is currently in the process of deciding if the group will be granted a casino license. In February of 2008, the Pequot partnered with Harcourt Developments Limited (Bahamas) who planned on renovating and reopening the Royal Oasis Resort in Freeport on Grand Bahama Island, Bahamas. The goal for the project is redevelop the property that was ruined by two separate hurricanes and add a casino to the existing property. The project has not seen any major progress other than the planning phases. Both international ventures were viewed as a way to expand "Foxwoods" into a national and multinational brand like the Mohegan Sun has. The Pequot have spent hundreds of millions of dollars attempting to expand their gaming facilities to try to venture into new markets only to be

confined to the boundaries of Mashantucket because of bad planning and unsound economic investments. The Pequot while becoming more self-sufficient, suffered greatly from one of the downfalls of capitalism---individuals are never satisfied as there is no end goal for business minded people in a capitalist society. The dream of the Pequot of being the most dominate economic tribe in the U.S. is quickly turning into a nightmare as the tribe now faces \$2.3 billion dollars of debt. The Pequot have been aggressive in their assault on the tribal gaming industry in their efforts to beat the Mohegan, other tribal and commercial casino investors, and to expand their once dominant gaming empire---only to be undone by their own greed.

PEQUOT TRIBAL ENROLLMENT, MEMBERSHIP, IDENTITY, & TRIBAL BENEFITS

One of the biggest controversies revolving around tribal gaming stems from the membership policies and the success that the Mashantucket Pequot have had from tribal gaming. In many ways, the Pequot represent the American dream---the story of a group of people down on their luck and destitute that went from rags to riches. Yet, many outsiders do not see the situation that way. Many individuals (primarily anti-gaming activists and residents in Southern New England) have challenged the authenticity, legitimacy, and even the “Indianness” of the contemporary Mashantucket Pequot Tribe. The Pequot have worked diligently to prove themselves as real Indians in the eyes of the American public. For a tribe that was almost wiped out, their history has been contested and their identities have been challenged on numerous battlefronts. Tribal enrollment for the Pequot has increased some 3,000% since the tribe was granted *Federal Recognition* in 1983. For a tribe that had zero enrolled members living on its reservation in 1973, the tribe has come a long way in rebuilding and redefining its identity, culture, and history. Many of the outsiders do not contest that the Pequot were never a real tribe, but that the contemporary version of the tribe is not authentically Indian according to BIA’s *Federal Recognition* Process (See Appendix A) or more importantly the kind of tribe⁵⁶ the *IGRA* intended to help.

There was little resistance from non-Indians about whether or not the Pequot were a real Indian tribe when they began their quest to obtain *Federal Recognition*. Many

people did not question who the Pequot were until the tribe ventured into the tribal gaming arena and began making a lot of money. The first accusations against the Pequot really began after the opening and success of Foxwoods in the middle of the 1990's. Professor Naomi Mezey⁵⁷ was one of the first to examine the Pequot's contemporary identity as it related to gaming:

The Pequots have used gaming to reconstitute themselves as a tribe and have used gaming profits to reinvent a tribal identity that was virtually extinct ...[the tribe has] sought to turn profit into cultural tradition and identity.
(Mezey 1996, 725).

While Mezey's analysis of the Pequot examined how gaming has been used to help reconstruct an identity that was nearly extinct during the 1970's, it was the work of journalist Jeff Benedict's⁵⁸ *Without Reservation: How a Controversial Indian Tribe Rose to Power and Built the World's Largest Casino*⁵⁹ (2001) that really stirred up public outcry against the Pequot's legitimacy as a tribe. Benedict's work claimed that the contemporary version of the tribe was not really Pequot or even Indian for that matter. Benedict's controversial work challenged the tribal formation of the Pequot, their membership policies, members' backgrounds and Indianness, and the overall motives of the Pequot and individuals associated with the tribe.

The Pequot have changed their tribal membership policies a number of times during the 20th Century causing some confusion among tribal members, eligible tribal members, and non-Indians. The first written document accounting for tribal membership was the *Mashantucket Pequot Land-Claim Petition* in 1725 and official records from that point up until 1974 were only created by the Federal Government in forms of census data or tribal logs/rolls. As the modern Pequot Tribe resurfaced lead by Hayward in 1974, the guidelines for membership stated that "[anyone] who can prove through a birth certificate or other legal record that he or she is directly related to an Indian who is genealogically recorded as a Western Pequot Indian by the State of Connecticut" can claim Pequot ancestry (*Mashantucket Pequot Tribal Constitution* 1974). The original constitution excluded many "would be" Pequot because many of the original tribal members moved off reservation for work and even more of them married non-Indians (primarily individuals of White or Black backgrounds or individuals from other tribes). Many of the individuals that followed Hayward back to Mashantucket had difficulty proving their

Pequot ancestry, but were willing to “be” Pequot because of Heyward’s promises of riches. In 1977, the Pequot added a bylaw stating that tribal members “had to prove they were of at least one-eighth Indian decent,” but did not stipulate that the one-eighth Indianness had to be Pequot⁶⁰ (*Mashantucket Pequot Tribal Constitution 1977*). The tribe altered the membership policy once more in 1984 stating that “only members listed on the 1900 or 1910 U.S. Reservation Census were eligible for tribal membership,” which essentially left only the descendants of Elizabeth George and her four daughters as possible tribal members.

The resulting tribal policies limited the potential growth of the tribe, yet the tribe continued to grow significantly and the policies for membership became even more ambiguous as the success of gaming became more and more abundant. Numerous birth records, marriage licenses, school records, and other government documents, show that the overwhelming majority of contemporary Pequot never claimed having any Indian identity prior to when the tribe was seeking *Federal Recognition* or before individuals were given Pequot tribal membership. Why would individuals wait until a situation benefits them to claim an aspect of their identity if they always had this piece of their identity? Several current members of the tribe have a zero percent Pequot blood quantum and no official ties to the tribe whatsoever. Blood quantum percentage⁶¹ and tribal membership are determined strictly by the governing body of each tribe under the laws established by the BIA and U.S. Department of the Interior in the *Indian Reorganization Act of 1934*. While the Pequot currently do not employ the use of a blood quantum system for tribal membership, only 27⁶² other tribes out of the 564 federally recognized tribes in the U.S. do not use blood quantum as a requirement for membership. Does the lack of use of a blood quantum system show progressive thinking from institutionalized practices created by the U.S. to help socially reinforce the notion of whiteness and otherness, or does the lack of blood quantum reinforce the beliefs of the numerous critics of the Pequot that they are a fictionalized tribe? While the use or lack of use of a blood quantum as grounds for tribal membership (or a component of the requirement) is an issue that every tribe faces, tribes with gaming enterprises are the ones that are most heavily scrutinized by critics, tribal members, and non-tribal members for this practice.

The other component to examine is that the vast majority of contemporary Pequot

members are mixed-blood and most members are primarily White or Black ethnically or racially and have little to no Indian blood⁶³. What has caused even more controversy among the Pequot are the ethnic/racial backgrounds of the tribal council members and more importantly the tribal chairmen⁶⁴. Many Pequot have changed their ethnic/racial status from White or Black to Indian as they have joined the tribe---why? While it is not uncommon for individuals' identities to change over time, one might question why one's ethnic or racial identity might change over time? The Pequot Tribe is filled with numerous individuals whose backgrounds were White, Black, or Native American (from other tribes) before becoming Pequot. Why is there a sudden desire for people to want to become Pequot? For the Pequot, as for other wealthy casino tribes, the financial stakes of enrollment are high; the Pequot disburse monthly payments to each member totaling thousands of dollars.

The Pequot are one of 74 tribes in the country that offer tribal stipends⁶⁵ and have encountered a number of problems internally and externally because of economic disputes---primarily the unequal distribution of wealth between tribal members. Financial corruption has reigned throughout the Pequot Tribal Government (since the creation of tribal gaming) as individuals with higher status have received special benefits, misused tribal funds, and in some cases stolen or embezzled tribal funds⁶⁶. Stipends and individual salaries vary greatly among the Pequot tribal members. Salaries on average ranged from \$50,000 to \$70,000 per year for regular tribal jobs⁶⁷, high end jobs for tribal members in management pay over a \$100,000 per year, and elite tribal jobs like the chairman, vice chairman, and the director of the gaming operations all pay over \$1 million dollars per year. Even within the tribe, there are numerous financial disputes of who is "Pequot," who gets what, and why. Besides the wealthy stipends that members receive, they are also entitled to free health, vision, and dental care, free schooling⁶⁸ (all the way through graduate school), and guaranteed employment. The tribe has also used their wealth to establish their own police, fire, health and ambulance services, developed their own court system for civil cases, and continued to build and buy homes that are free for tribal members (Eisler, 2001). So the financial and cultural cost of "being" Pequot is high for those members who have tribal membership and equally as high for those who have not obtained it.

Tribal membership rapidly grew up until 2010 when the tribe really started to clamp down on memberships, most likely due to financial constraints and internal and external pressures. While many have been granted questionable status⁶⁹ in the eyes of outsiders and even in the silenced opinions of many tribal members, some with Pequot ancestry and links to the tribe have been denied membership. Thousands of individuals have applied for Pequot membership since the introduction of tribal gaming, yet only a small handful of individuals applied for Pequot status as the tribe was seeking *Federal Recognition* (Mashantucket Pequot Tribal Enrollment Office 2009). The vast majority of those applying have been denied for various reasons and most probably justly so. Yet, for the hundreds of individuals, primarily the Simonds clan and other related families, tribal membership has been denied despite the fact that they have historical documentation linking them as members of the Pequot Tribe prior to *Federal Recognition* in 1983 and even dating clear back to the 1700 and 1800's. Many tribal members left the reservation to go to cities for employment and many others took residence with other tribes as social conditions in Mashantucket were bleak to say the least. Are these individuals still Pequot or did they forfeit their Pequot identity by going elsewhere or joining another group? Many of them fit the criteria set forth by the tribe and desire to be Pequot and their blood and lineage say they are Pequot, but those controlling the enrollment process say they are not Pequot. There are others facing obstacles as well to prove their Indianness to the Pequot---the children of members. The tribe recently in 1996 started to conduct genetic testing on Pequot children to ensure that they were legitimate children of Pequot tribal members. For a tribe that has historically had loose enrollment policies, tribal membership has become contested on numerous fronts from insiders and outsiders. Many tribal members will not speak out against membership policies, issues regarding spending, or funding in general because they are afraid of being "cutoff" or even banished from the tribe---a sense of fear does exist on some levels for those not in power⁷⁰ within the tribe. In fact, the Mashantucket Pequot Tribal Council Resolutions show that only 12 people were banished⁷¹ by the tribal council prior to the establishment of the Elders Council in 1996: however, several people have been banished each year since then and many of these banishments have been related to tribal

disobedience, improper behavior, and corruption (Mashantucket Pequot Tribal Court Member 2010).

Mashantucket Pequot Tribal Information

Pequot Enrollment		Living on Reservation	Off Reservation	Annual Stipend
1910	13 Members	13 Members	Unknown	0
1972	2 Members	2 Members	/	0
1973	0 Members	0 Members	0 Members	0
1983	30 Members	26 Members	4 Members	0
1986	76 Members	63 Members	13 Members	\$ 5,000
1992	251 Members	213 Members	38 Members	\$ 20,000
1993	275 Members	220 Members	55 Members	\$ 35,000
1994	326 Members	238 Members	88 Members	\$ 65,000
1995	383 Members	251 Members	132 Members	\$ 85,000
1996	491 Members	287 Members	204 Members	\$105,000
1997	521 Members	296 Members	225 Members	\$120,000
1998	550 Members	305 Members	245 Members	\$135,000
1999	576 Members	314 Members	262 Members	\$150,000
2000	603 Members	325 Members	278 Members	\$150,000 to \$200,000
2001	643 Members	330 Members	313 Members	\$175,000 to \$300,000
2002	691 Members	347 Members	344 Members	\$200,000 to \$400,000
2003	723 Members	358 Members	365 Members	\$200,000 to \$500,000
2004	749 Members	367 Members	382 Members	\$200,000 to \$600,000
2005	785 Members	378 Members	393 Members	\$200,000 to \$500,000
2006	813 Members	386 Members	427 Members	\$200,000
2007	846 Members	392 Members	454 Members	\$150,000
2008	871 Members	400 Members	471 Members	\$150,000
2009	913 Members	411 Members	502 Members	\$ 90,000 to \$120,000
2010	NA	NA	NA	* \$30,000 to \$50,000

*Tribal statistics reflect only those members enrolled in the tribe through documented sources---not those individuals that claim self-identify as Pequot.

*Many Pequot moved away from Mashantucket in the 1800 and 1900's, so the total number of descendants is unknown because of a number of factors.

*Tribal Stipends vary per member in the Mashantucket Pequot Tribe based on both cultural and economic factors as determined by the tribal council.

*Stipends do not include the high salaries that tribal members receive for tribal jobs (tribal jobs range from \$50,000 to \$1,000,000+ annually depending on the position)

*Tribal Stipends will be drastically cut because the tribe is nearly 2.3 Billion dollars in debt

*Tribal Stipends were given to all members until 1997, but after that only members 18 and older received stipends

*The Mohegan offer substantially smaller stipends to tribal members than the Pequot because of more members.

According to the 2009 U.S. Census, nearly 8.2 out of 10 individuals claiming Indian status are of mixed blood (two or more ethnic groups) and estimates show that by 2100 that number will jump to 9 out of 10 individuals---meaning that in the future hardly any individuals claiming Indian status will be "pure" blooded. No tribe has come under more scrutiny than the Pequot in terms of not looking or acting like "real" Indians

because of their lack of distinct cultural or tribal identity, but to imply that there are “real” Indians merely enforces stereotypes of primitivism, poverty, and otherness ultimately freezing the identities of Native Americans in time like caricatures (Mezey 1996). Controversy will almost always surround the Pequot and their Indianness because most of their members are mixed blood⁷² and are associated as being White or Black by outsiders. While the Pequot and their neighboring tribe the Narragansett have accepted Black tribal members, tribes such as the Cherokee, Creek, and Seminole Tribes of Oklahoma have excluded black tribal members from their enrollment policies unless they can prove their direct Indian ancestry not their ancestry through marriage. Gaming and real estate mogul Donald Trump⁷³ stated that: “[Pequots] don’t look Indian to me and they don’t look like Indians to other Indians.” Trump’s comment added another interesting question for scholars to examine: What do Indians look like? Do they look distinctly different from other ethnic or racial groups? What should the Pequot look like, and why? How should Indians act, and why?

Regardless of what the numerous opponents say about the Pequot, they are *Federally Recognized*⁷⁴ by the U.S. Government. The success of the Pequot has hindered other Connecticut tribes from being granted *Federal Recognition* and has also spawned the tribal casino frenzy in the Northeast. A similar case involving the Mashpee Tribe of Cape Cod, Massachusetts has gathered major headlines as well---as many believe the contemporary version of this tribe is simply self-invented and self-defined for the purpose of cashing in on tribal gaming. After getting their *Federal Recognition* case dismissed and numerous attempts at appeals blocked, the 32 year court struggle ended with their *Federal Recognition* being approved on February 15, 2007. Like the Pequot, the Mashpee had trouble verifying their relationship to the land, continuing existence, and their separation as a distinct cultural group from their surrounding cultural groups (Light & Rand 2005). Surprisingly, when a Spokesman for the Mashpee Tribe was asked what the tribe’s first order of business was, he replied, “We are already looking into the possible development of our tribe’s first casino” (Associated Press 2007). While many people blame the Pequot specifically for the surge of new tribes venturing into gaming, the Pequot also lead the pack in another area closely associated with tribal gaming--- tribal museums in the gaming era.

Shortly after Foxwoods opened, the Pequot became the first tribe in the nation to build a museum/research center promoting the tribe's Indian past and present using its casino generated revenue to do so. The first museum was built in a small area of the casino itself in 1993---the first of its kind. As a result, many other successful tribes around the country began incorporating the stories of their past within their casinos. While it is a way to preserve the past and inform both tribal members and non-tribal members about your group's history, why do it in a casino? The casino atmosphere merely commodifies the culture into a static past object all while displaying it in a nontraditional atmosphere. Why was the tribe so eager to tell its history? Why did they create their tribal museum within the casino?

On August 11th, 1998, the Pequot opened their massive \$193.4 million dollar state of the art Mashantucket Pequot Museum Research Center (MPMRC), which is the only Indian museum in the country recognized by the Smithsonian Institute and is the most expensive tribal museum ever built (See Appendix E). The museum attracts 250,000 visitors annually (MPMRC 2009). Many see the MPMRC as a way for the tribe to justify its own existence as a real Indian tribe, but the tribe has been working since 1983 to reconstruct its own history. Prior to being granted *Federal Recognition* from Congress in 1983, the Pequot hired archaeologist and ethnohistorian Kevin McBride⁷⁵, a professor from the University of Connecticut, to run the tribe's Mashantucket Ethnohistory Project (1983-Present) and he serves as the MPMRC's lead researcher. Professor McBride stated in an interview that there was no doubt the Pequot were a legitimate and real Indian tribe and that many outsiders have distorted the facts about the Pequot and their reemergence (2009). The MPMRC displays chronologically the important historical eras⁷⁶ as represented by the Pequot through interactive exhibits. The exhibit "Mashantucket Pequots Today" is the tribe's contemporary story (representation) of its people; however, the contemporary exhibit reveals little if anything about the contemporary Pequot and discusses hardly anything about the impacts that casino gaming has had on the tribe. The museum tells nothing of the changes in tribal membership, wealth brought in from tribal gaming, changing political and social atmosphere within the tribe, increased social problems, or the newly acquired debt from gaming. So who are the contemporary Pequot?

While the Mohegan have recently surpassed the Pequot as the tribal gaming giant in the state of Connecticut, they have not shared their visions of tribal growth. While the Pequot spent \$193.4 million dollars to create a tribal museum, the Mohegan have a modest museum in the works. Their future tribal museum set to open in 2010, is located in a small home just outside of the reservation's boundaries. The museum is operated by one of the tribe's families and cost the tribe nothing to own or operate as the museum is run by volunteers. The story of the Mohegan tribe is not as elaborate as the Pequot's story of who they are. For two tribes that been rivals in everything, the story of who they are seems to be the exception---why? Why would one tribe try so hard to validate their existence and the other one does not? Is one really more Indian than the other?

Casino profits have also helped restore the Pequot language, which was practically extinct by the time the tribe gained *Federal Recognition*. The language is hardly spoken at all among current tribal members because of the results of the *Treaty of Hartford* and the tribe's near extinction in the 1900's; however, a recent language program was put into place after the tribe's success in the casino industry. A Spokesperson for the Pequot estimated that less than 5% of tribal members know the language, but there has been an increase in those learning the language (2009). The Pequot are actively using historical documents and fragments of surrounding tribes' languages (Mohegan, Narragansett, and Wampanoag mainly) to help revive their own language. The Pequot have been using an original copy of *Eliot's Bible*⁷⁷ to help reconstruct their lost language---as of 2009, the Pequot have a basic dictionary created by tribal members with over 1,500 words in it. Yet, a lot of the language is still lost and trying to be recovered. Language is a vital part of any culture, but more importantly helps people understand who they are: "Personally, and for the tribe, language gives people a better understanding of themselves...Our culture wants to survive and language completes the circle. It gives us a sense of self" (Jones⁷⁸ 2002). The Pequot are actively trying to recover their language and are working with other tribes around the country to do so. The Pequot are also involved with the annual Algonquin Languages Conference and were planning to host it at the MPMRC, but have postponed the conference due to financial constraints until 2012.

Another benefit for the Pequot since tribal gaming has been their improved living

conditions both on and off the reservation for tribal members. In the 1970's, the Pequot had two trailers and a few small rundown buildings on their reservation, which consisted mostly of undeveloped forest land---the modern reservation resembles anything but that. Casino gaming has not only helped build houses, but has drastically improved the living conditions of all the Pequot tribal members. Many current tribal members have used their casino stipends to build lavish homes (ranging from hundreds of thousands homes to million dollar homes) both on the reservation and in the surrounding suburbs. The Pequot, like the Forest County Potawatomi Tribe of Wisconsin, have also used HUD money to build tribal homes despite the fact that their tribes have become self-sufficient from tribal gaming. In 1994, the Pequot received a \$1.5 million dollar grant from HUD to build 15 low income housing units. With each home coming in at price of nearly \$100,000 that is hardly a low income home---not to mention the tribe added another \$1.5 million dollars to match the amount that HUD granted the tribe making each house's cost nearly \$200,000 dollars. This is the tribe's fourth housing award from HUD⁷⁹---the other three came prior to the tribe owning and operating Foxwoods in 1993. Once money is granted from HUD for a specific project, the money is budgeted towards that project and if it is not spent it goes back to HUD---the money would not be redistributed to another needier tribe, but would go back to the general budget (HUD Spokesperson 2010). The tribe continued to expand its reservation by building 100 single family housing units and six, two unit townhouses in 2006 with casino revenue. While the tribe has improved the living conditions for its members, the tribe has also imposed its will onto the surrounding community.

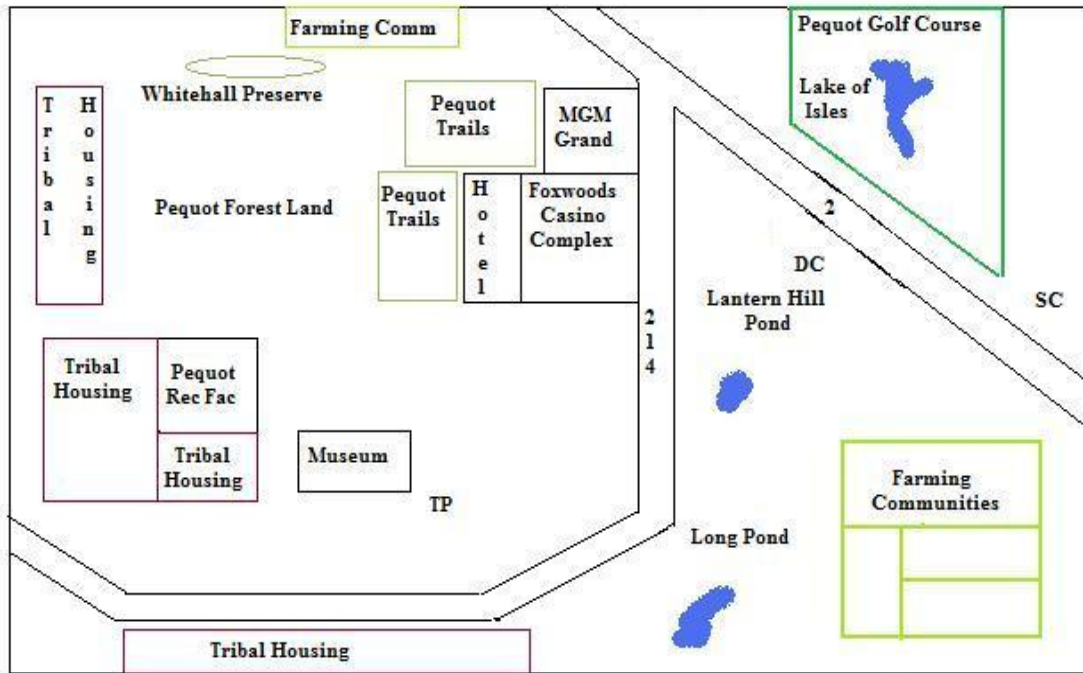
While casino gaming has been beneficial to tribal members, the increased money has caused an increase in social problems throughout the reservation and outside of the reservation. The *IGRA* intended that tribes use casinos as a way to generate revenue through jobs for tribal members to help improve their social conditions. However, it was estimated in 2009 that nearly 2/3 of all Pequot members live exclusively on payouts from the casino and few of them work at Foxwoods (Associated Press 2009). The Pequot, like other tribes, have traded their dependence on the Federal Government to a dependence on their tribal government for their members' survival. As casino success has increased, tribal unemployment has increased as well---a startling statistics. Why have more and

more Pequot decided not to work as tribal gaming has become more and more successful. Along with unemployment, there have been documented increases in drug use, alcohol use, public crimes, social counseling for problems, and money related problems (debt problems and credit problems) since the opening of Foxwoods for Pequot members. The most visible of these problems is the mismanagement of money for individual members and corruption among council members. However, to think that the mismanagement of tribal funds, corruption, inflated salaries or excessive per capita payments are a feature that only impacted the Pequot Tribe would be a false assumption. Tribes such as the Santa Ynez Band of Chumash Indians in California and the Seminole Tribe of Florida have dealt with similar issues revolving around tribal stipends and the spending and usage of tribal profits from gaming.

The Pequot have had both positive and negative relationships with their surrounding Connecticut communities. There are very few non-Indian homes directly surrounding Mashantucket, but there are a number of small towns surrounding the Pequot's land. The majority of all properties directly connected to the Pequot reservation are small individually owned farms. There are no businesses adjacent to the reservation or casino---the nearest businesses are a few miles away from the reservation. As the Pequot became more and more successful in their tribal gaming venture, so did their aspirations to grow their tribal boundaries and rebuild their nation. The Pequot became the first tribe in the U.S. to utilize tribal gaming to buy back, reacquire, and even purchase new lands (outside of the reservation) for tribal purposes. The Pequot tried to acquire a lot of land as trust land in communities surrounding their reservation and outside of their current boundaries (See Appendix E) to expand their tribal boundaries. The Pequot were looking to use the contiguous lands clause to expand their ownership of their tribal lands by buying commercial and residential properties. The Pequot were even bold enough to make their plans public by buying space in the local Connecticut *New London Day Newspaper* and publishing a map of their tribal plans for all to see. As shown by the map entitled *The Pequot's Master Plan* (See Appendix E), the Pequot's plan envisioned that the tribe would annex 8,900 new acres including 5,000 acres in North Stonington (14% of the town's total land), 3,000 acres in Ledyard (12% of the town's total land), and 900 acres in Preston (5% of the town's total land)---800 non-

Indian homes were within the boundaries of the land the Pequot wanted to annex. Were the Pequot “reservation shopping” as the critics feared?

MASHANTUCKET PEQUOT RELATIONSHIP WITH SURROUNDING COMMUNITIES



Pequot Site Analysis Map (Illustration by Author)

Foxwoods = Foxwoods / MGM / Hotel	Farming Communities = Non Pequot Land
Pequot Trails = Hiking / Nature Paths	Whitehall Preserve = Nature Preserve
Tribal Housing = Pequot Tribal Homes	DC = Cemetery
Museum = MPMRC	SC = Cemetery
TP = Tribal Police Station	Lake of Isles = Pequot Golf Course (PGA Course)

Tribes can only expand reservation land (through tribal sovereignty) with permission of the U.S. Department of the Interior---with an approval from the Secretary of the Interior. The Secretary of the Interior holds the only authority to grant this permission to tribes. The land in the majority of instances must be continuous or connected to existing tribal lands. Tribes do not have to acquire lands through the Department of the Interior if they wish to own these lands as commercial lands though. Tribal corporations/businesses can buy and sell any commercial lands they so choose to if they have the financial ability to do so. While the tribe does own nearly 8,300 acres of

land (3,300 acres of reservation land and 5,000 acres of commercial property) (See Appendix E), the tribal boundaries for the Pequot reside primarily within highways 214 and 2 with little reservation expansion going beyond those boundaries. The tribe was taken to court by the surrounding towns/cities and their plans for expansion went through the U.S. Department of the Interior and the vast majority of them were denied by the Secretary of the Interior as they were deemed to be unnecessary expansions into commercial and residential zones. This did not stop the Pequot from wanting to expand their boundaries outside of Mashantucket.

While the tribe's desire to expand had some negative impacts on the towns/cities surrounding Mashantucket, the decision to build a casino and eventually the Foxwoods resort has paid huge dividends throughout the state of Connecticut. Before the opening of Foxwoods in 1992, Eastern Connecticut was primarily a rural area with low economic activity with the exception of two or three major pockets of industry---primarily the defense industry. The Pequot through all of their economic ventures have accounted for nearly 13,000 new jobs⁸⁰ (10,100 jobs are from Foxwoods) throughout New London County, Connecticut (See Appendix E). Together, Foxwoods and Mohegan Sun employ 21,000 employees throughout the states of Connecticut, New York, and Rhode Island with an annual payroll of \$700 million dollars (with an average salary of \$33,333.95). Full time employees at Foxwoods/MGM receive a generous benefits package⁸¹. Only a few of the adult Pequot tribal members are employed by Foxwoods. The exact number of tribal members employed by the casino is not made available through the Public Relations Department of Foxwoods. The Spectrum Gaming Group⁸², commissioned by the Connecticut Division of Special Revenue, conducted the most comprehensive gaming report in state history (nearly 400 pages) in 2009 entitled *Gambling in Connecticut: Analyzing the Economic and Social Impacts*. The report based on the Pequot and Mohegan's casino enterprises produced the following economic results as of the end of 2008: combined the two casinos have contributed \$4.87 billion dollars to the state and to a 169 municipalities throughout the state (the state received \$3.3 billion and the municipalities \$1.57 billion), the two casinos have helped indirectly create an additional 30,000 jobs throughout Connecticut, since 1992 the two casinos have resulted in 12% of all new jobs in the state of Connecticut, the two casinos bring in nearly 80,000

visitors each day (Foxwoods averages 41,000 and Mohegan Sun averages 39,000) or 29.2 million visitors annually, and the two casinos purchase goods and services that benefit vendors in 90% of the 169 municipalities that they contribute taxes towards.

The increase in tourism has helped local businesses throughout New London County and throughout the state of Connecticut, primarily service related industries. The increased tourism has also brought increases in traffic throughout the area and caused numerous inconveniences for locals in the surrounding communities. Tourists⁸³ flock to these two casino resorts from all over New England as well as across the U.S. and from around the world (See Appendix E). The state of Connecticut profits greatly from these two casinos as they are the 5th highest producer of revenue for the state. While the Pequot and Mohegan are competitors in everything, they are partners when it comes to promoting their casinos to potential tourists. These two casinos' success relies heavily on the fact that they are in close proximity to New York and Boston, two of the country's most populated and wealthy urban areas (Darian-Smith 2003). Tourism has proved to be an important factor locally and throughout the state as New London County has a 9.4% unemployment rate and the state has an unemployment rate of 9.3% (the U.S. unemployment rate is 9.7% as of January 2010). The high tourism created by the casinos has constantly made Connecticut one of the top three states in terms of generating revenue from tribal gaming. Connecticut was recently surpassed by Oklahoma⁸⁴ as the number two state in the country in generating revenue.

The Pequot have also brought a number of academic opportunities to the state of Connecticut, the universities within the state, and college students from around the world. The MPMRC has provided a number of opportunities to scholars within the fields of Native American Studies, Anthropology, History, and Economics to name a few fields as the tribe has commissioned numerous scholars to study both past and contemporary issues affecting the tribe. The University of Connecticut has benefited the most from its partnership with the Pequot through its archaeological field schools and research programs. As a result of this program, numerous undergraduate and graduate students have been able to publish articles, theses, and dissertations about the Pequot and other tribes throughout New England. The Mohegan have followed the Pequot in this aspect as they work with the University of Connecticut as well, but they also work with Eastern

Connecticut State University.

While the majority of the impacts that Connecticut gambling has had on surrounding communities has been beneficial, there have been negative impacts on the communities. For the most part there has been no significant change in crime rates (normal or violent) since the opening of Foxwoods or the Mohegan Sun in the early 1990's. New London County, Connecticut has statistically had higher crime rates⁸⁵ than the U.S. averages since the 1970's, so it is hard to equate any of these statistics to casino gaming. There are two major crime rates that have increased greatly since the creation of casinos in Connecticut---drug and alcohol related crimes. There has been an increase in drug use, distribution, and production, drunk driving, public intoxication, and minor in possession crimes as reported by the state of Connecticut (2010). Many of these crimes occur at high rates in the communities surrounding the casinos (they impact tribal members at higher rates as well)—the direct correlation is unclear, but it would be safe to imagine that many of these crimes are the result of economic related issues and the casino industry. There has also been an increase in gambling related addictions and housing foreclosures in Southeastern Connecticut since the opening of the two casinos. Again, can any of the positive or negative impacts occurring in these communities be directly related to casino gaming?

MASHANTUCKET PEQUOT RELATIONSHIP WITH OTHER INDIAN TRIBES

While the relationship between the Pequot and Mohegan has already been explored, it is the relationship between the Schaghticoke, Paucatuck (Eastern) Pequot, and Golden Hill Paugussett that is rarely ever examined. Under current law, the State of Connecticut recognizes five tribes -- the Schaghticoke, the Paucatuck (Eastern) Pequot, the Mashantucket (Western) Pequot, the Mohegan, and the Golden Hill Paugussett as indigenous tribes that are self-governing entities possessing powers and duties⁸⁶ over tribal members and reservations. However, only the Pequot and Mohegan are federally recognized. Both the Eastern Pequot and Schaghticoke Tribes of Connecticut were granted *Federal Recognition* in 2002 and 2004; however, both lost their *Federal Recognition* in 2005 after the state of Connecticut challenged their legitimacy. The driving force behind the state of Connecticut challenging the legitimacy of these tribes

was their desire to entire into tribal gaming. Opponents thought that the state of Connecticut could not support any more tribal casinos and the Pequot were already a media lightning rod for opponents of tribal gaming because of their “questionable” status as Indians to many throughout the U.S. So the Eastern Pequot and Schaghticoke Tribes were under intense scrutiny from the minute they received *Federal Recognition*.

One of the biggest obstacles facing both tribes was they, like the Pequot, were accused of not being “Indian” enough. Both tribes were “accused” of having too much African-American blood (it outweighed the amount of Indian blood among tribal members) and that they had too many African American members, to be a “real” Indian tribe. Most of the critics of the Pequot have used this same argument against them, saying that the Pequot were Black not Indian. The difference in *Federal Recognition* being granted for the Pequot and the other two tribes being denied federal status can be attributed to the fact that Pequot tribal recognition was granted by a direct act of Congress, so they never went through the BIA's recognition process requiring them to prove their Indianness. The Eastern Pequots and Schaghticoke did have to go through the BIA procedure and were found to have failed to meet the necessary criteria for *Federal Recognition*⁸⁷ after numerous complaints and lobbying from individuals in the state of Connecticut. In an interview with Professor McBride (2009) discussing the differences between the contemporary Connecticut tribes and the *Federal Recognition* process, he stated that:

There was no qualitative or quantitative difference between the Federally Recognized tribes in the state of Connecticut and the non-federally recognized tribes as far as meeting the criteria for Federal Recognition were concerned...The main reason for the Pequot being granted Federal Recognition was they were first, earlier in their application than the others, and the others were later when the political and economic climate changed within the state. The state did not want any more gaming, so it pressured the Government to revoke their status.

If scholars consider all of the tribes in Connecticut to be legitimate tribes, why does the Federal Government not consider them to be legitimate? Are any of these tribes “playing Indian” by using their identity as a way to generate revenue through tribal casinos? Are these individuals similar to the false shamans that simulate Native American culture for their own purposes? Whether scholars are examining the ethnic switching of individuals

as scholars, writers, artists, shamans, or even capitalists, it only furthers the question of who is Indian and why? When individuals who are not “Indian” claim Indian identity, what is stake for those individuals and how does it affect those individuals who really are Indian? Could some false tribes merely be simulating other real tribes for economic gain? Are the Pequot “the destroyers” of the *Federal Recognition* Process or “the destroyers” of stereotypical representations of Indians?

MASHANTUCKET PEQUOT TRIBAL PLANS

While the tribe has numerous other gambling related ventures going on throughout the U.S. and internationally, their economic well-being is less than stable because none of them are currently operational. These venues have sputtered and stalled in the development phases for years, costing the tribe hundreds of millions of dollars. The tribe has spent little money in developing alternative, non-gaming related businesses, to help further secure their financial future. Their other non-gaming related businesses generate approximately \$30 million dollars annually, not nearly enough to cover the cost of their tribal services, expenses, loans, or debt. After years of financial mismanagement and spending beyond their economic earning power, the Pequot now find themselves with \$2.3 billion dollars of debt---according to financial analysts associated with the tribe and Las Vegas gaming analysts. With a casino that generates over a billion dollars annually, how could this happen to the Pequot? The Pequot did not invest in other industries and placed all of their success and all of their failure in the tribal gaming industry.

The Pequot, just like the Sault Ste Marie Chippewa, have found themselves in a catastrophic financial mess due to the poor mismanagement of their tribal gaming operations. In 2009, the former Chair of the Tribal Council, Michael Thomas, was removed from his position⁸⁸ by the Mashantucket Pequot Tribal Council because of questionable behavior and possible corruption. The final straw for the Tribal Council was when Thomas notified tribal members he would not cut tribal stipends and that members would be paid their normal stipends before the tribe paid back the lenders on its \$2.3 billion dollar debt. This merely added to the numerous bad decisions that Thomas made as Chair including the building of the MGM Grand and partnership with MGM

Mirage (another financially crippled business), the failed casino projects across the U.S. and internationally, the blundering of Foxwoods Philadelphia and a possible wasted gaming license, and the lack of diversifying tribal funds to ensure the future of its people. Before ousting Thomas in 2009, the tribe had to lay-off 900 employees at Foxwoods, trim the size of its government, and drastically cut tribal stipends to save money, so that they would be able to payback their current debt. No one can really predict what will happen to the Pequot as new Chairman Rodney Butler takes over in 2010 because the tribe is operating in a chaotic state. Butler has already proposed two controversial changes to Pequot gaming---lowering the legal age of gambling from 21⁸⁹ to 18 to bring in a new crowd and increasing the amount of time that alcohol can be distributed and sold from 1:00 am Sunday-Thursday and 2:00 am Friday-Saturday to 4:00⁹⁰ am all days.

Expanding beyond their financial capabilities has crippled the tribe for the time being and many estimate the tribe may have endangered the future generation and set the tribe back for the next 50 years. Some gaming experts also believe that the Mashantucket Pequot may have to file Chapter 11 bankruptcy to reorganize⁹¹ their tribal gaming business. The tribe cannot lose their tribal businesses or casinos on tribal land if they file for Chapter 11 bankruptcy and fall behind on their payments as was previously discussed in Chapter 3 when discussing the Chippewa's current dilemma. The tribe that once dominated the tribal gaming market like their warlike ancestors dominated Southeastern Connecticut ironically met the same fate, a devastating fall from power. What will become of the Pequot is unclear. Their successful model that other tribes followed was groundbreaking at the time, but the Pequot simply failed to keep up with the times and their inability to plan ahead instead of living in the moment created the financial downfall of their people for the foreseeable future.

CHAPTER 5

FROM THE SWAMPS OF FLORIDA TO THE INTERNATIONAL BOARDROOMS OF A GLOBAL ECONOMY: THE SEMINOLE TRIBE OF FLORIDA PURCHASES HARD ROCK INTERNATIONAL



Hard Rock Casino Hollywood (Top) & Tampa (Bottom) (Photos by Author 2009)



Florida Seminole Tribe: Tribal Headquarters Hollywood, Florida

Tribal Enrollment: 3,515

Tribal Casinos: 7 Tribal & Hard Rock Properties

Total Annual Revenue: \$2.5 Billion

Per Capita Payment: \$165,000 Annually

HISTORY OF THE SEMINOLE TRIBE

The Seminole Tribe of Florida is located primarily in Southern Florida (between Tampa Bay on the West and Hollywood on the East) and has members living on six non-continuous reservations throughout the state. There are also tribal members living throughout Southern and Central Florida on non-reservation lands, primarily in urban areas. The Seminole Tribe of Florida is a part of the larger Seminole Nation¹, which also consist of the Seminole Tribe of Oklahoma and thousands of other Seminoles living throughout the U.S and Central America (many live in the Caribbean). The Seminole are among a number of tribes whose language derives from the larger Muskogee/Creek language. The Seminole speak two languages Muscogee/Muskogee (Maskókî) and Miccosukee² (Mikisúkî), both of which are traditionally oral languages that can be used interchangeably. Both languages contain sentence structures and sounds that do not exist in English and are difficult to pronounce using the English language (Seminole Tribe 2009). The term Seminole³ is derived from the Muskogee term “Simanole,” which is a derivative of the Spanish term “Cimarron” meaning *runaway slave*⁴ in the 16th Century and slightly altered to mean *wild men* in the later part of the 18th Century. Both the Florida and Oklahoma tribes refer to themselves as the Seminole people as well as a number of politically unattached individuals throughout the U.S. (primarily in South Florida) and so do the Black Seminole.

The history of the Seminole Tribe traces back nearly 12,000 years according to archaeological remains scattered throughout the Southeast⁵ portion of the U.S. The Seminole prior to European contact lived primarily in small villages and were loosely organized, with no real central political authority. The Seminole were associated with many larger socio-cultural Indian groupings before their contemporary alignment--- primarily the Eastern Woodland⁶ (Southeastern), Mississippian⁷, and the Muskogee (Creek). Spanish explorers were the first to encounter the late remnants of the Mississippian culture in the early 1500’s. The Creek were the first indigenous group in the Southeast to have contact with the Spanish. The Creek⁸ Tribes dominated most of what is Georgia and Alabama throughout the 16th and early portion of the 17th Centuries. The Creek stayed throughout that region in the Southeast until the early 18th Century when several bands of Lower Creek from Georgia and Alabama migrated into Florida

along with bands of Hitchiti, Apalachee, Mikisúkî, Yamassee, Yuchi, Tequesta, Apalachicola, Choctaw, and Oconee Indians to escape conflict with other tribes and Europeans---these groups would form the contemporary Seminole Tribe, a new and separate tribe⁹ in Southern Florida. Many of these individuals were escaping British slavery¹⁰ and heading into Spanish controlled Florida---the Spanish had no desire or interest to return Native slaves to the British. The Spanish viewed Indians¹¹ living in Northern Florida as a buffer between British and Spanish settlements and also as an encroachment on Spanish lands.

The first Seminole town, Alachua, was established in Northern Florida in 1740 and marked the beginning of the contemporary tribe. The Seminole continued to migrate south and reached Tampa Bay (a current reservation for the tribe) by the 1760's. The tribe continued to prosper in Central and South Florida as they made their homesteads there in close proximity to the Spanish and away from the English. The interior region of Florida offered forests, grazing land for cattle, good farming land, and access to waterways, which helped the Seminole become more centralized in their lifestyles. The Seminole and other tribes throughout the state were loosely protected by their alliances with the Spanish from the English until the beginning of the 1800's when the English's desire to acquire Florida and its resources increased.

The area of Florida was in a constant state of flux because the colonial powers shifted throughout the 18th and 19th Centuries. Florida was settled and occupied by Spanish colonists in the early 1500's and remained under their control until the British seized power in 1763. The Spanish used missionaries as a way to recruit and eventually assimilate Indians into a European way of life---primarily a Spanish (Catholic) way of life. The Spanish later built missions¹² throughout the Southeast to help further colonize/assimilate Indians and control the region through the use of religion. The Spanish lifestyle also helped establish part of the contemporary structuring of the Seminole Tribe. The Spanish brought religion, sustained agriculture, trade (new technology), livestock, and an increased military presence to Florida that greatly impacted many tribes throughout the Southeast.

Spanish control during the 1700's was weakened as British forces and their Indian allies the Creek swept through Apalachee territory¹³ and Spanish occupied

Northern Florida attacking and looting villages and missions---killing hundreds and enslaving many Apalachee. The British began capturing and taking more and more Indian slaves throughout the 1600 and 1700's. The British seized temporary control of Florida from 1763 to 1783, but the Spanish regained control and would reign until 1819 when Americans ultimately seized control¹⁴ of Florida for good. The Seminole were smart during this time of conflict and played for and against the Americans, British, and Spanish forces to better their own existence. The Seminole also continued to trade with Spanish Cuba throughout this time, became more efficient at agriculture, and began to establish themselves as cattle ranchers. The Seminole Wars, three separate wars spanning from 1817¹⁵ to 1858, were vital in the formation of the modern Seminole Tribe and established their strength, resistance, and independence as a sovereign nation of people. "Seminole's legendary nineteenth-century resistance to American military and political domination most clearly set the pattern of independence that Florida Seminole cherish to this day" (Cattelino 2008, 21). Despite American plans of expansion, the Seminole maintained their ways of life throughout Southern Florida.

THE SEMINOLE WARS

As American expansion progressed into Florida, the Seminole became increasingly resistant to the encroachment of their lands by White settlers. The Seminole, who primarily sided with the Spanish, partnered with the British against the American in the War of 1812 (1812-1815) as the Americans fought to capture Florida from the British. The Seminoles siding with the British would be one of the catalysts that lead to the First Seminole War (1817-1818) along with the fact the Seminole were accused of harboring runaway slaves¹⁶. Major General Andrew Jackson took an army of 3,000 soldiers into Seminole territory during the war¹⁷ with the goal of liquidating the Seminole all together---several Indian villages were destroyed and hundreds of Seminoles were killed, captured, and removed from their land, but many resisted and fled South. After the first war and the U.S. formally gaining control of Florida from Spain in 1821, the U.S. Government made Florida an official territory on March 30th, 1822 and a state on March 3rd, 1845.

As American settlers began moving into Florida and into Seminole land near

Tallahassee¹⁸ causing numerous conflicts between Americans and the Seminole, the Governor, William Pope Duval, tried to settle the disputes with the Seminole. In 1823, the U.S. Government signed the *Treaty of Moultrie Creek* with the Seminole (some of the tribe not all of the tribe). Under the agreement of the treaty, the Seminole would leave Northern Florida for a designated reservation area in the center of the state (See Appendix F) and the Seminole would receive protection from colonists, compensation for 20 years, cattle and livestock, and other compensatory goods and services as long as they maintained a peaceful existence with the U.S. The majority of the Seminole resided in Central Florida under the terms of the treaty until the U.S. passed the *Indian Removal Act* in 1830 and the U.S. began to increase the pressure it applied on the Seminole to move. Some of the Seminole stated that the Government had deliberately separated some of the tribal chiefs while they were touring proposed Oklahoma tribal lands (for a new Seminole settlement) and tricked¹⁹ them into signing an agreement while at Fort Gibson, Oklahoma on March 28th, 1832. The agreement stated that the Seminole would move out to Creek Territory²⁰ and eventually lead to the Seminole signing the *Treaty of Payne's Landing* on May 9th, 1832. The treaty stated the Seminole had three years to move out West. The Seminole had a combined population of roughly 12,000²¹ individuals (including other Indians and slaves) at the signing of the treaty and nearly 4,000 Indians (including many Seminole and slaves) left voluntarily for Oklahoma between 1834 and 1835, while the rest prepared for war as they decided to stay in Florida.

The remaining 8,000 Seminole (other Indians and slaves) had no intentions of leaving their homeland and were led by Osceola for the upcoming onslaught that the U.S. military would bring. The Second Seminole War (1835-1842) started after Osceola²² and a combined group of 300 Seminole and Black Seminole killed Indian agent Wiley Thompson²³ and ambushed an army of 110 soldiers near Fort King killing all but three of the American soldiers. The Second Seminole War was one of the most expensive military campaigns ever, costing the U.S. an estimated \$20 to \$40 million dollars and claimed the lives of nearly 3,000 Seminole, other Indians, and slaves (including women and children) and 1,500 American soldiers. The seven year battle was fought from the forests of Central Florida into the swamps of the Everglades in what many historians called violent guerilla warfare. By the end of the war in 1842, the Seminole Tribe was

nearly eradicated from South Florida as 4000+²⁴ of the remaining Seminole, Indians, and slaves were forcefully removed and sent to Oklahoma and the few hundred remaining Seminole members fled deeper into the swamps of the Everglades.

1842 would signal the separation of the Seminole Nation as the majority of the Seminole, other affiliated Indians, and Black Seminole found a new home in Oklahoma and would later become the Seminole Nation of Oklahoma. The Seminole Tribe of Florida signed zero treaties with the U.S. Government; however, the Seminole Tribe of Oklahoma signed six treaties²⁵ with the U.S. Government. After 1842, estimates indicate that at most 300 to 500 Seminole remained in Southern Florida---primarily in the swamps and marshes of Big Cypress and the Everglades.

Most of the remaining Seminole tried to limit their contact with Whites all together and stayed on Southern part of the reservation or in remote areas in the Southern part of Florida where settlers would not travel. In the late 1840's and early 1850's, every Seminole that could be rounded up was removed from Florida when possible if they were captured or paid to leave. The Third Seminole War (1855-1858) began in 1855 when U.S. forces came into the Seminole reservation to forcefully remove the remaining Seminole and destroyed crops and villages; the Seminole²⁶ retaliated attacking the soldiers on the morning of December 20th, 1855, which lead to a series of small battles between the Seminole and the U.S. By the end of 1859, there were estimated to be less than 100 remaining Seminole left in South Florida and they were no longer considered a threat to the U.S.---they were no longer hunted or tracked by American soldiers.

THE FORMATION OF THE CONTEMPORARY SEMINOLE TRIBE OF FLORIDA

After the Seminole Wars, the Seminole were divided into two primarily groups---the Maskoki speakers who lived near Lake Okeechobee and the Mikisúkî who lived deeper in South Florida. The Seminole were destitute living in small villages and remaining in obscurity. The Seminole utilized the landscape to survive up until the early 1900's. These remaining Seminole would be the descendants of the contemporary Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the unaffiliated Independent or Traditional Seminoles. The population boom began to occur

in Southern Florida around the late 1800's as developers with aspirations of draining²⁷ some of the lands in the Everglades to expand usable land for settlers brought in thousands of settlers to the region. By the late 1800's, the Seminole began trading with White settlers at the edge of the Everglades. The increased presence of settlers was also a result of new roadways²⁸ being built and the implementation of the railroad throughout the region (From Northern Florida to Miami). The increased traffic of people began to impact the Seminole way of life by the 1920's as social and ecological pollution impacted crop growth and the ability for sustainable agriculture, resulted in less fish and game to hunt, and made resources scarcer as the Seminole had other populations to compete with. The Seminole began working on farms, at locals businesses, and selling crafts and utilizing tourists' attractions to generate income.

Assimilation was surrounding the Seminole faster and faster, especially with the U.S. Government passing the *Indian Citizenship Act* of 1924, which would make the Seminole officially part of the U.S. The U.S. was aware of the Seminole existence in South Florida and wanted to move the Seminole to settled reservation land and transition the tribe from sustainable agriculture and hunting/trapping to an agricultural based economy. In 1930, the first official state reservation was established near Big Cypress in the Ten Thousand Islands Region. As the *Indian Reorganization Act* of 1934 was passed, the boundaries of the first reservation area shifted inside the boundaries of Big Cypress. Four years later in 1938, the U.S. Government also established the Brighton and Hollywood Reservations creating nearly 90,000 acres of land for the Seminole. The Seminole were uneasy about moving to reservation land because of their past dealing with the U.S., so very few initially moved onto the reservation land. The Seminole would not fully relocate to the reservations until 1957, only after the Government tried to terminate the Seminole in 1953 as a tribe because of their initial hesitation and unwillingness to reorganize their tribe through an official constitution, which would outline tribal guidelines and policies. The Seminole did however file a land claim petition with the U.S. Indian Claims Commission for lands they lost during the Seminole Wars and during the mass migration of settlers into South Florida. After several meetings with tribal members, the tribe came together on July 21st, 1957 at the Council Oak in Hollywood, Florida to establish their tribal constitution²⁹ and the official

reorganization of the Seminole Tribe (See Appendix F).

During the formation of the official Seminole Tribe in the mid 1950's, the tribe split forever into two factions---the Seminole and the Miccosukee. There was already some separation between the tribes through language use, but the majority of the separation was due to political differences in the decision making process. There were also some other Seminole people that chose to remain neutral and side with neither splitting faction, declaring themselves "independents" or "traditional" as compared to the other two factions. The Miccosukee faction would gain *Federal Recognition* on January 11th, 1962. In 1967, the Seminole continued to defy standard practice as Betty Mae Jumper became the chairwoman of Seminole Tribe---the first woman elected to chair any tribal council in North America. Even though the Seminole were federally recognized, life on the reservation was slow and their economic situation was still dire. The tribe had an operating budget of \$15,000 annually during its first few years after gaining *Federal Recognition* and was in desperate need to generate revenue for its people.

The 1970's and 1980's would prove to be a period of experimentation and growth for the Seminole as they ventured into new economic territories and found their inner capitalism. In 1970, the Indian Claims Commission award the Seminole (of both Oklahoma and Florida, collectively) \$12,347,500³⁰ for the land taken from them by the U.S. military---this money was going to be used as economic seed money for tribal ventures, but it was not received until 1990. Other than agriculture, tourism (rodeos, culture, and alligator wrestling) and crafts, the Seminole's main form of income came from their cattle industry³¹ up until the 1970's. Another industry that would prove to be a successful venture would be the citrus industry³² for the Seminole. The tribe's first real moneymaking venture would be the introduction of their first "tax free" tobacco shop in 1976, which allowed the tribe to sell tobacco products to all customers at cheaper prices because of its ability to self-govern its economic ventures on tribal lands. This lucrative venture (multi-millions) lead to the second major financial decision made by the tribe, when in 1979, the Seminole Tribe opened the first High Stakes Native American Bingo Parlor in the U.S. on tribal lands---opening the door for every other tribe in the nation to at least ponder the decision of tribal gaming. From 1979 to the present, tribal gaming would become the tribe's leading source of revenue production. Tribal gaming lead to a

number of new business opportunities and improved the overall quality of life for tribal members.

The Seminole continued to expand their reservation boundaries in 1979 when the tribe was granted land in Tampa³³ and Immokalee, as reservations were established in those locations. Later in 1996, the tribe was granted their sixth and final reservation, Fort Pierce. The Seminole currently have over 89,000 acres of land on six unconnected reservations throughout Southern Florida (See Appendix F). Currently, the Seminole have a population of 3,515 tribal members with over half of the members living on the reservation. Reservation conditions have drastically improved as the Seminole have become the most successful tribe in the country through tribal gaming. Since 1979, the Seminole have transformed their landscape and their identity through tribal gaming revenue by becoming the ultimate capitalist³⁴ in the U.S. Through their tenacity and unwillingness to surrender/relinquish their land (by never signing a treaty), the Seminole who were nicknamed the “Unconquered People” or “Renegades” have used numerous situations to challenge the boundaries of the definition of sovereignty to generate economic revenue for its tribal members and redefine the future and the history of the Seminole people (Light & Rand 2005). The Seminole Tribe have lived up to their nickname of the “renegades” in several ways, mostly those connected to the tribal gaming industry as they have been considered unconventional and rebellious in their attitude towards expanding their economic infrastructure.

FLORIDA GAMING HISTORY

The first legalization³⁵ of gambling in the state of Florida, dog and horse racing in 1931³⁶, are attributed to the Great Depression and the land boom within the state of Florida from 1924-1925 (State of Florida 2004). The state legalized pari-mutuel betting because it was losing money with the races being run illegally by not collecting taxable revenue from these races. As the popularity of gambling increased, the state legalized both jai alai and slot machines in 1935. The act that allowed slot machines would be repealed two years later in 1937 because most Floridians (primarily those in government) were against the use of slot machines to generate revenue. In 1970, the *Greater Loretta Improvement Ass'n v. State* case set the precedent for legalized bingo in the state for

charitable purposes and limited “Las Vegas Nights” to generate revenue for commercial businesses. Beginning in 1978, the state of Florida proposed allowing full scale commercialized gambling through a bill that would legalize casino gambling---the bill failed and has failed every time³⁷ since that initial vote. In 1979, the Seminole Tribe opened the nation’s first high stakes bingo hall on reservation land and tribal gaming was born.

The 1980’s brought about even more change to the Florida gaming market. In 1984, commercial cruise operators began to operate Cruises to Nowhere³⁸ as a new way to introduce commercial gaming to tourists and generate revenue. 1984 was also the year that the state introduced simulcast horse and dog racing. Gambling continued to grow as the state of Florida amended the constitution in 1986 to legalize a state lottery through the *Florida Public Education Lottery Act*³⁹. After the passage of the *IGRA* of 1988, the Seminole began operating Class II style gaming halls and tribal gaming began to expand. Florida was still without full blown style casino style gaming in 1990 when the state of Mississippi legalized commercial casinos on June 29th, 1990---the legalization of Mississippi⁴⁰ casinos took revenue away from the state of Florida as individuals from all over the South began traveling there to gamble. The Seminole twice tried to sue the state of Florida (*Seminole v. Florida* 1991 and *Seminole Tribe of Florida v. Florida* 1996) to allow for Class III style gaming in the state, but lost both cases to the state. As a result, tribal casinos operated as Class II facilities and the state of Florida received no taxable revenue.

In 1996, the state began to allow card rooms in pari-mutuel facilities throughout the state, but revenue was declining because of the success tribal gaming venues. In 1999, the Miccosukee Tribe began operating a Class II gaming facility. In 2004, the state passed legislation allowing Class III style slot machines in Dade and Broward counties in approved facilities. This legislation along with the signing of the 2007 Class III gaming compact by Governor Crist with the Seminole, allowed the tribe to implement Class III style machines in their gaming facilities. Governor Crist twice had signed Class III gaming compacts with the Seminole (2007 and 2009) that were vetoed by the state. All legislative branches of the state needed to approve the signing of a Class III gaming compact⁴¹, which would not occur until 2010 when *Senate Bill 622* was passed.

Currently, casino style gambling in the state of Florida generates between \$3 to \$4 billion dollars per year---with over \$2 billion dollars coming from tribal gaming (1.81 billion from the Seminole alone) (See Appendix F). The state has eight tribal casinos (seven Seminole and one Miccosukee), 18 greyhound racing tracks, eight Jai Alai facilities, four thoroughbred tracks, one quarter horse track facility, and one harness racing track (See Appendix F). One of the reasons the Seminole are dominating the market is that they have the exclusive right to offer table games and Class III slots via their gaming compact. The Miccosukee and commercial operators cannot offer Class III slots or table games---only five commercial competitors⁴² can allow Class III slots. Gaming is continuing to expand throughout the state, but the gaming compact the Seminole signed with the state will slow full-scale expansion from commercial competitors and the Miccosukee tribe for the next few years as it gives the Seminole exclusive table gaming rights. The Seminole have a stronghold on the Florida casino gaming industry and it does not appear likely that the tribe will relinquish their grasp anytime soon.

THE GROWTH OF THE SEMINOLE GAMING EMPIRE

In 1976, Tribal Chairman Howard Tommie⁴³ of the Seminole proposed the creation of tax free tobacco shops to fund a tribal bingo project. By 1979 because of the sales of tobacco, the Seminole's tribal budget grew to almost \$9 million dollars---enough to help fund the project. As James Billie took office in 1979, he envisioned the impact that bingo could have for his tribe, but knew the tribe would need help because the Seminole had zero experience or knowledge in operating a bingo industry. Billie hired Seminole Management Associates Ltd.⁴⁴ (SMA), operated by James P. "Skip" Weisman and Eugene P. "Butch" Moriarty, to run the tribe's gaming operations---this was the tribe's first economic collaboration with non-Seminole. The initial startup cost for the bingo hall was \$900,000---that opened on December 14th, 1979. When the tribe offered bingo jackpots ranging from \$500 - \$1,000 (Florida's limit was \$100 at the time) during its first few days of being open in its small warehouse facility in downtown Hollywood, customers were lining up to play and the birth of Seminole gaming began.

After surviving the onslaught of the Florida's bid to shut down their tribal bingo

operation in Hollywood in 1979 (*Seminole v. Butterworth 1981*), Seminole bingo expanded in 1980 with creation of the Brighton bingo hall (managed by SMA) and the Tampa bingo hall in 1982 (managed by Pan American & Associates⁴⁵). From 1979 through the passing of *IGRA*, the Seminole's main source of revenue production was tribal bingo. In 1988, the Seminole began installing Class II gaming machines in their Hollywood and Tampa locations (converting from bingo halls to casinos) and Immokalee casino opened. The Seminole gaming empire continued to grow throughout the 1990's and their battles with the state of Florida began to heat up as well---the newly waged wars were over casino gaming (*Seminole Tribe v. Florida* (1991) and *Seminole Tribe of Florida v. Florida* (1996)). A clause in the *IGRA* makes it clear that tribes have limited sovereign status as a state must allow a specific type of gaming within its boundaries for a tribe within its boundaries to offer that same type of gaming on its tribal lands. Even though the Seminole lost these court cases, they still won a battle through defeat because the state of Florida received none of the tribe's casino revenue generated from bingo or Class II forms of gambling. A Las Vegas Casino Analyst stated the following in an interview when discussing the Seminole's gaming empire:

The Seminole have indirectly created a gaming monopoly throughout Southern Florida because of their status as a sovereign nation, which allows them to circumvent paying taxes to the state. Commercial operators have to pay taxes on Class II gaming machines, but tribes are exempt from paying the state anything until they negotiate to a Class III gaming compact. The tribe has benefitted from this greatly as they only have to report their earned tribal gaming revenue to the NIGC. The state of Florida is losing out on hundreds of millions of dollars each year without a gaming compact (2010).

It would take almost 20 years for the Seminole and Florida to finally agree upon a Class III gaming compact---the gaming compact was finalized in April of 2010.

By the summer of 2000, the Seminole Tribe was operating six Class II tribal gaming facilities in: Hollywood, Big Cypress, Tampa, Immokalee, Brighton, and Coconut Creek. The Seminole were generating hundreds of millions of dollars in revenue annually. By September of 2000, the Seminole had bought out or canceled all of the contracts that they had with independent investors, outside organizations, and management firms to take complete and outright control of their casino gaming facilities (See Appendix F). This move would prove to be vital in the success of the tribe as it

would return all of the decision-making power back to the tribe. The sovereign power of the Seminole Tribe's financial future would be in their hands. According to an independent investigative study conducted by *St. Petersburg Times* in 1997, the Seminole would save an estimated \$60 million dollars per year by managing their own casinos. The move to an all Seminole controlled gaming empire streamlined the efficiency in management by centralizing the decision making process, unified the gaming procedures and promotions, and most importantly made the process of accounting casino funds and revenue more accessible and easier to track and maintain across all gaming venues (Cattelino 2008).

The other benefit of moving all gaming operations under Seminole controlled was it eliminated all the negative outside sources affiliated with the tribe (business and financial partners), especially those with questionable backgrounds. There were numerous accusations against the tribe's former business associates. Article after article was written locally and nationally about who the Seminole partnered with and even about the corruption that occurred within the boundaries of their own reservation. When the *IGRA* was passed, the NIGC was supposed to monitor and regulate the ways that tribal gaming was operated whether a tribe ran a Class II or III facility. The NIGC was also designed to help protect tribes from partnering with questionable business partners and to help prevent mob style influence in tribal gaming like those, that ran and influenced Las Vegas casinos for years. The Seminole were a unique case because they were the tribe credited for unleashing tribal gaming upon the nation.

There is, indeed, a certain irony if not paradox in the fact that it was the Seminoles, so long respected for clinging to the 'ways of their ancestors' in the swampy vastness of the Everglades, who would be so pivotal in unleashing the juggernaut of Indian gaming in modern America.

~Anthropologist Anthony J. Paredes

The Seminole were supposed to be the "unconquered people," who fought the ways of the outside world and adapted to survive against all odds, or so it seemed because the Seminole were just as vulnerable to corruption as any other tribe venturing into gaming.

From the creation of their first tribal gaming venture, the Seminole began operating with questionable partners and practices. When SMA first partnered with the

tribe to operate their Hollywood and Brighton casinos, how come no one questioned this move? Was it not odd that former Chairman Howard's company was hired by his own tribe and by new Chairman Billie to run the tribe's gaming operations? Howard was the individual credited with wanting to bring bingo to the reservation, and yet if the tribe had no experience running a gaming operation then why would they hire the former Chairman's company to run it? The same could be said with PAA---why hire them? Both companies fronted the tribe with the startup costs to build and operate the casinos and even managed the casinos for an undisclosed percentage of the profits; however, neither company had any experience operating gaming facilities. Both organizations were believed to have questionable dealings with the tribe, outside investors, state legislators and were also believed to have used funds fraudulently, embezzled money, and/or dealt in questionable financial endeavors (some known by tribal officials). Both partnerships occurred before the signing of *IGRA*, but were subject to the NIGC's regulations when their contract renewals came up. No one brought up the question of whether or not preexisting contracts should be subjected to the NIGC's background checks or if they could be voided. Why not? Many tribes would probably be in better financial situations if this situations were examined right after the signing of the *IGRA*. Both of the Seminole's gaming partners' contracts had to be renewed in the early 1990's and would be subject to NIGC review. The NIGC has three commissioners⁴⁶ who oversee the dealings between tribes and outside organizations (business partners) regarding tribal gaming. Seminole Joel Frank⁴⁷ was one of those three commissioners from 1990 to 1993, the timeframe in which the Seminole's contracts were coincidentally overlooked by the NIGC.

A few years after Frank's employment at the NIGC, the Seminole's former partners (SMA⁴⁸ & PAA) were rejected contract renewals to run and operate the tribe's gaming facilities. Those two organizations did not pass background checks and faced repeated allegations of corruption and mob influence. The corruption and wrong doing was not limited to the Seminole's non-Seminole business partners though, the corruption ran deep through the tribe itself as those in positions of power abused their status and improved their own economic situations at the cost of their tribal members. Former Chairman Tommie Howard⁴⁹ has cashed in on his position as a shareholder of the SMA

by collecting tens of millions of dollars off of Seminole gaming facilities---he owned 45% of the investment company. Documents retrieved by the *St. Petersburg Times* investigative report⁵⁰ on the Seminoles in 1997 indicated that Howard paid nothing to receive his share of stock in the company. His share came as the result of securing the company's bid to become the management firm overseeing the Seminole bingo operations. Howard worked with current Chairman Billie to secure the tribe's use of SMA as the management company to oversee the tribal bingo operations. This is an example of a tribe hiring an inexperienced tribal member to work in the tribal gaming industry instead of hiring someone with experience to help the tribe---the worst part of the situation is that the tribal member profited from his tribe's bad business dealings at the expense of other tribal members and the future of the tribe.

This would be the start of all the questionable practices that Billie engaged in during his time as Chairman. In 2001, after a leaving a tribal, state, and federal paper trail for officials to follow, Billie was suspended as Chairman of the Seminole in 2001 and ultimately released of his duties on March 18th, 2003⁵¹. Billie was accused of taking bribes⁵² from outside organizations wanting to partner with the Seminole and help in their gaming ventures. Billie was accused of funneling millions of dollars to outside sources, private financial investors, and other individuals closely associated with him throughout his years as tribal chairman. There were "suspicious payouts⁵³" at Tampa, Hollywood, and Immokalee casinos for a select group on individuals that were either tribal members or held positions in conjuncture with the tribe's financial endeavors during Billie's reign. Billie several times denied any wrongdoing or the knowledge of wrongdoing as he vouched for his casinos' security and management practices. Numerous South Florida newspapers reported on the Seminole's "free-wheeling spending habits, lavish lifestyles, and luxury cars" during Billie's reign (Cattelino 2008, 111). Two major expenditures ultimately lead to Billie's undoing as tribal chairman: 1) a failed cruise ship investment (Seminole Express) that would travel into the Caribbean for casino gaming purposes, and 2) a failed offshore internet gambling facility operating internationally out of Belize and Nicaragua. These investments cost the tribe millions of dollars and would end the reign of Billie as Seminole Chairman. Ironically, the same Seminole politicians that removed Billie from power were under scrutiny for their lavish spending patterns and questionable

actions. Corruption seemed to be running ramped throughout the tribe's leadership because those in power simply wanted a larger piece of the pie---like most individuals in positions of power in capitalistic businesses.

To ensure that Seminole gaming would continue to succeed, the continuous prosperity of the Seminole Tribe, and that individuals would be held accountable for their actions (especially those handling the tribe's finances), the tribe setup new budgetary procedures. The tribe "began holding open budget hearings and rotating tribal council meetings from reservation to reservation" instead of just being held in Hollywood and incorporated the use of internet technology to broadcast the meetings live to each reservation so that non council members could watch the minutes of each meeting (Cattelino 2008, 110). Individual stipends for Seminole tribal members continued to climb the more successful the tribe got, but even though the distribution for regular members increased it was those in power that benefited the most. Despite all of these financial side problems, the Seminole were positioning themselves to be a major player in the gaming industry when in 2001 they began a partnership with the Hard Rock brand to create the Seminole Hard Rock Casino and Hotels in Tampa and Hollywood, Florida--- the casino hotels opened in 2004. With the opening of Seminole Hard Rock Tampa, the tribe decided to close the Tampa bingo hall and even flirted with the idea of closing Hollywood Seminole gaming⁵⁴, but the tribe ultimately decided to keep that gaming facility (located a few blocks from Seminole Hard Rock Hollywood) open. By the middle of 2004, the Seminole were operating seven tribal casinos and the revenue kept pouring in. At the end of 2006, the tribe purchased Hard Rock International franchise for \$965 million (the first multinational corporation purchased by an American Indian tribe). Regardless of any of the tribal problems, bad business decisions, corruption, or questionable practices, the Seminole are as business savvy as any other tribe in the country and their marketing and strategic planning rival that of some of the best commercial gaming industries throughout the world.

By 2007, the Seminole had completed their transaction of Hard Rock International and became the first tribe in the country to expand their boundaries internationally. The Seminole surpassed the Mohegan and the Pequot as the leaders of the tribal gaming industry by generating over \$2 billion dollars annually from their tribal

enterprises. 2007 also marked the tribe's 50th anniversary of its tribal constitution and the tribe highlighted a passage in their constitution to celebrate their success and their recent acquisition of Hard Rock International:

SEC. 5. To engage in any business that will further the economic well-being of the shareholders of the corporation or to undertake any activity of any nature whatsoever, not inconsistent with law or with any provision of this charter, or the laws of the State of Florida.

With the ownership of Hard Rock International, the Seminole are expanding their opportunities to broaden their economic infrastructure. According to Max B. Osceola Jr., Seminole Tribal Council of Seminole Gaming, the population of the tribe is growing and the tribe is looking to expand:

To provide for the tribe, we're looking beyond the border, the four square borders of our reservation. We're looking not just in the United States but we're looking in the world. So this income will provide for our tribe, for our young people that are coming up (Press Conference 2007).

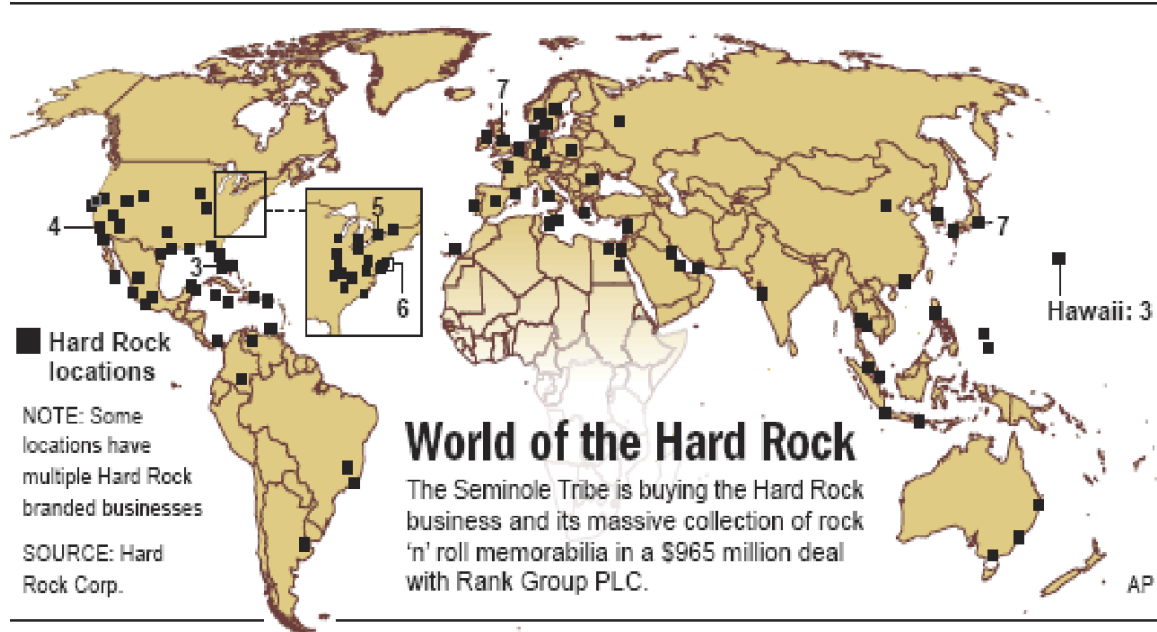
The Seminole see Hard Rock as a way to expand and prosper without limiting their future to merely tribal gaming, but by capitalizing on the food, entertainment, and tourism industries---something no other tribe has really tried to capitalize on yet. Currently, over 90% of the tribe's annual budget is generated from gaming related ventures.

THE SEMINOLE PURCHASE HARD ROCK INTERNATIONAL

The Seminole's most profitable and smartest gaming decision was made in 2001 when Chairman Billie began what seemed at the time an unorthodox relationship⁵⁵ with Hard Rock International. The relationship was unheard of at the time because while many tribes partnered with casino developers, no tribe had partnered with a casino/entertainment destination to capitalize on the entertainment industry associated with gaming. Hard Rock was viewed more as an international entertainment destination than an international gaming corporation--- it's only casino was Hard Rock Casino in Las Vegas⁵⁶. The initial startup money for the tribe's plan to create two Seminole Hard Rock Casino Hotels (Tampa and Hollywood) was generated from three revenue sources: Hard Rock International (financing amounts that were never made public), Cordish

Companies⁵⁷, which paid close to half of the total investment for both casinos, and the Seminole Tribe through the use of tribal bonds (loaned by the state of Florida). The initial startup cost for the two casinos was estimated at \$455 million dollars (\$250 million for Hollywood and \$205 million for Tampa). To help payback creditors and further finance other tribal endeavors, the Seminole borrowed \$469 million dollars in tribal bonds⁵⁸ between 2002 and 2004 (See Appendix F). Tribal bonds provide a unique way for tribes to finance projects within the boundaries of their tribal land. Tribes can either issue their own bonds to the public or corporations like a city, county, or state government can, or tribes can borrow state issued bonds for low rates of interest that may or may not be tax exempt depending on their use---only those bonds that are used for “essential tribal development” are not taxed. Many bonds that tribes use for gaming purposes are taxable if they are not deemed essential for a tribe’s economic development (cases vary).

By 2005, the Hard Rock partnership helped the tribe generate revenue in excess of over \$1 billion dollars per year. The partnership proved to be very successful for Hard Rock International as well because these casinos generated nearly 1/3 of all of its combined revenue. The Seminole Hard Rocks out-produced all other Hard Rock properties and thrust Hard Rock International into expanding its business fulltime into casino and hotel development and operation. After two and a half years of a successful business relationship, the Seminole decided to act upon acquiring Hard Rock International when the company announced it was for sale in the fall of 2006. In December of 2006, the Seminoles established themselves as one the tribal gaming giants in the country, when they announced plans to purchase Hard Rock International⁵⁹.



Map of Hard Rock International Properties (Hard Rock International 2007)

This would be the first deal between a Native American tribe and a multinational corporation where the tribe would “solely” own a multinational corporation. The \$965 million dollar deal, finalized on March 5, 2007, includes: ownership of 68 Hard Rock Cafes (44 in the United States, three in Canada, 17 throughout Europe, three in Australia, and one in Puerto Rico), licensing and/or franchising rights for another 56 more international Hard Rock Cafes, five hotels, and the Hard Rock Live Performance Venues, and over some 70,000 pieces of priceless collectable Rock ‘n’ Roll memorabilia (Hard Rock International 2007). Fitting that Rock ‘n’ Roll often considered a rebellious style of music, which was promoted economically through the Hard Rock brand, would now be owned by the “renegades” known as the Seminole Tribe of Florida. The groundbreaking deal set many questions into play concerning the identity of the Seminoles. The Seminoles were now “multinational” because they had access to commercial properties all throughout the world (See Appendix F).

The acquisition of Hard Rock International would change the ways that Native American tribes throughout the U.S. operate and do business. The deal would challenge the boundaries and identities of both the Seminole Tribe and the multinational corporation because this merger marked the first time in U.S. history that an Indian tribe purchased a multinational corporation (Associated

Press 2006; Sainz 2006). The tribe would now own properties outside of its reservations boundaries---not only would the tribe own property outside of the state of Florida and in other states throughout the U.S., the tribe would own properties in other countries throughout the world. The tribe would now be responsible for owning properties that are considered taxpaying businesses, whereas, tribal properties on reservation land within the U.S. are exempt from some state and federal taxes.

It's [Hard Rock International] also one of the few Indian companies that will operate as a taxpaying corporation. Yes, the Seminoles' seven Florida casinos generate the tax-free money that will help pay the interest on the debt. But the tribe can't very well claim sovereignty for Hard Rock properties when they're located [off-reservation] ... (Palmeri 2007).

How would the tribe cope with operating tribal and commercial businesses throughout different locations nationally and internationally?

Before analyzing the implications of the Seminole Tribe owning a multinational corporation, it is important to understand what makes Hard Rock International a multinational corporation. According to Alan V. Deardorff, Professor of Economics and Public Policy at the University of Michigan, a multinational corporation is:

*A corporation that operates in two or more countries. Since it is headquartered in only one country but has production or marketing facilities in others, it is the result of previous FDI (foreign direct investment). Foreign direct investment is the acquisition or construction of physical capital by a firm from one (**source**) country in another (**host**) country (Deardorff 2001).*

What makes Hard Rock International a transnational corporation? Hard Rock International is Headquartered in Orlando, FL, but has businesses scattered throughout the globe in every continent except for Antarctica. One of the reasons for its success is that the Hard Rock brand has become internationally associated with the American lifestyle⁶⁰. The company was founded by two Americans, Isaac Tigrett and Peter Morton, in 1971 in London, England. Hard Rock markets its rock 'n' roll atmosphere and attitude with a distinct American flavor. But to assume that rock 'n' roll music in itself is American, is to neglect its European and African influences that helped shaped its form, style, sound, and performance. Rock 'n' roll music, like jazz music, is the combination of many different cultures coming together to create a unique form, style, sound, and

overall performance. While not distinct to the American culture, it is globally recognized as an “American” form of music. Yet, the appeal of the Hard Rock brand is its “Americanness” in appearance, atmosphere, and overall style. While the company is American in its founding, its cultural atmosphere and appearance, and the overall philosophy governing it, the company was not founded in America---it was founded in England---further perpetuating an international identity marketed through its Americanness. The company also utilizes local music cultures in its venues as an additional marketing technique to draw in tourists.

THE GLOBAL EXPANSION OF HARD ROCK CAFE

The initial Hard Rock Café London became an instant success as British customers were fascinated with American culture at the time, primarily American rock ‘n’ roll music. After a decade of success, the company’s owners decided to expand internationally into other markets. The company split into Hard Rock America (owned by Morton) and Hard Rock International (owned by Tigrett). In 1982 when Morton and Tigrett parted ways because of their opposing viewpoints⁶¹ for gaining international market success, Morton moved his company to America and Tigrett expanded his company into France and Germany. Both companies began to expand their markets into large metropolitan cities and both Hard Rock companies became successful.

In 1990, the Rank Group Plc.⁶² bought majority rights to Tigrett’s Hard Rock International and later in 1996 it bought majority rights to Morton’s Hard Rock America brand. Morton kept the Hard Rock Casino and Hotel Las Vegas⁶³ (founded in 1995), which is considered the flagship property of the Hard Rock brand and its most valuable asset. Hard Rock America’s majority rights were transferred to a British company that kept the American based theme because of its international marketing value; while Morton still owned a portion of Hard Rock America and its licensing and franchising rights. The portion of Hard Rock America that Rank bought was now shifted under the ownership of the Hard Rock International brand. Hard Rock began to grow and expand domestically in the U.S. and internationally throughout North and South America, Europe, Africa, Asia, and Australia. In 2001, Hard Rock International partnered with the Seminole to create Seminole Hard Rock Casinos---the most profitable businesses under

the Hard Rock International brand behind the Hard Rock Las Vegas. The Seminole and Hard Rock envisioned casino hotels similar to the one in Las Vegas as large scale entertainment venues with all of the amenities---a Las Vegas style casino hotel in South Florida. The two parties wanted to use the already existing tourism in Florida and fuse it together with the atmosphere of the Hard Rock brand. While the Seminole owned the two casino hotels, Hard Rock received 25% of the gross revenue produced from the two casinos from 2004 to 2006.

In 2006 after three years of a successful partnership, the Seminole outbid numerous investors to acquire Hard Rock International and the majority stake of the Hard Rock brand. The Hard Rock brand split into three separate venues in 2006: (1) Hard Rock International, the largest portion of the company bought by the Seminole Tribe of Florida (who owns the franchising⁶⁴ and licensing rights for all Hard Rock properties), (2) the remaining locations of the Hard Rock America brand bought by the Morgans Hotel Group⁶⁵ (those locations not purchased by Hard Rock International), and (3) the remaining properties⁶⁶ still retained by the Rank Group after their sale of Hard Rock International to the Seminole. This further division of the company illustrates the global implications involved in the ownership and operation of the multifaceted and multinational Hard Rock brand. All of the Hard Rock properties (using the Hard Rock name, brand, or trademark) not owned by the Seminole are owned by franchisees and annually pay licensing and franchising fees. The Seminole stand to make millions of dollars annually on all of the Hard Rock venues they own, plus on all of the locations owned by franchisees. Little has changed for Hard Rock International since the Seminole have taken control of the internal business. The Seminole have kept all of the founding principles of the Hard Rock brand in tact because of its proven success. Tigrett and Morton created the business slogan, "Love All - Serve All," which has been the guiding philosophy that has governed Hard Rock since its inception and continues under Seminole management. Today, Hard Rock International, with Hard Rock Cafe at its core, is a thriving entertainment and leisure company that continues to successfully expand the Hard Rock Brand through "myriad music-related ventures, breathtaking properties, collectible fashions, and a great rock 'n' roll attitude" (Hard Rock International 2010). The Seminole have slightly altered the business plan⁶⁷ of Hard Rock by shifting

their focus from the cafes to the hotels and casinos---because they believe there is more revenue to be generated through gaming and vacationing. Currently, Hard Rock employs nearly 21,000 individuals throughout 49 countries globally and the Seminole are now the employers of thousands of international employees (Hard Rock Spokesperson 2010).

The importance of the Seminole controlling Hard Rock International is how an American Indian tribe⁶⁸ running a transnational corporation will influence the operation and control of the company and how owning this company will alter the identity and landscape of the Seminole tribe and its tribal boundaries. Some tribes throughout the country have experience owning and operating commercial businesses (taxpaying corporations); however, the majority of all tribes throughout the U.S. only own and operate properties and businesses within their U.S. reservation boundaries/borders (Light & Rand 2005). Some tribe's reservations have boundaries that are easily definable geopolitically, while others are more difficult to define because of treaties, allotment, and/or tribal acquisitions. The boundaries of the Seminole Tribe's reservation are not as clearly defined as some other tribal reservation boundaries because the tribe owns six unconnected reservations, each with its own unique boundaries created through different political processes. Defining tribal boundaries can be a problematic issue in itself, but when business is involved the boundaries can become blurred as can tribal identities (Lorber 1998). When tribes acquire new lands through economic transactions, that land may or may not be considered tribal land according to U.S. law. Land that is commercially owned cannot typically be put into trust status without prior approval by the Secretary of the Interior, and furthermore, existing businesses residing on commercial properties cannot be purchased by tribes and placed into trust status. These businesses are owned commercially and must be operated commercially, meaning they are not tax exempt properties and cannot be operated as tribal businesses---there have been no documented exceptions to this rule whatsoever thus far.

The acquisition of Hard Rock International will always be a commercial business for the Seminole---the two Hard Rock casino hotels in Tampa and Hollywood are the only exceptions because they were built, owned, and operated on tribal land meeting the guidelines of the *IGRA* and they are operated under the surveillance of the NIGC. Currently, no American Indian tribe has ever tried to change a corporate business that

they have purchased into a tribal business by asking the Secretary of the Interior to place the land that business occupies into “trust” status. While it has yet to happen, that does not mean that it will never happen---a tribe could challenge this notion at the level of the U.S. Supreme Court to overturn a decision by the Secretary of the Interior. The likelihood of this happening would be extremely rare unless the tribe could mount together a case that clearly represents how the business(es) benefit the cultural sovereignty of the tribe through this economic venture and that this is the only avenue the tribe could go down to acquire this extension of tribal sovereignty. Would this be an unfair advantage to non-Indians or would this be an extension of tribal sovereignty if tribes could somehow maneuver this feat? Hard Rock International owns and operates properties throughout 49 countries scattered across six continents; therefore, the Seminole could never make any claim on their international properties as tribal land because American Indian tribes hold no such international identity as being a “sovereign” nation outside the boundaries of the U.S. nation-state. American Indian tribes will be held to the same standards that outside business owners in other countries are held to, whatever they may be. American Indian tribes that venture into multinational corporations will also be held responsible by the Internal Revenue Service (IRS) for abiding by U.S. tax laws and international tax laws because the revenue they produce will be the product of multiple nations⁶⁹ and their citizenship is that of America, despite their semi-sovereign status within the U.S. (Scrivener 2003).

American businesses that operate domestically and internationally have some of the highest tax rates throughout the world----typically large American businesses have tax rates (including the combined state and federal taxes) ranging from 30% to 41.6% maximum (Forbes Spokesperson 2010). A multinational business like Hard Rock International is responsible for state, federal, and international taxes. The only tax exemption the Seminole get from Hard Rock is on the Tampa and Hollywood Hard Rock casino hotels as they are classified as tribal casinos. The tribe is in new territory as it is operating an international business and dealing with commercial tax practices for Hard Rock properties in other U.S. states and international tax practices⁷⁰ on its properties in the 48 other countries. The Seminole have no experience dealing with other U.S. states’ tax policies, let alone international tax policies---all tax policies vary from state to state

and country to country. The tribe has retained most of the existing employees that Hard Rock International had prior to the Seminole acquiring the business, especially those in the advertising, financial, and management sectors. While the Seminole have provided great management and leadership strategies to their tribal casinos, they lack experience in large scale management of businesses that are not in close proximity to their tribal boundaries and that are operated commercially. The tribe has also utilized Hard Rock's financial advisors who have a great deal of experience with international law, business policies, procedures and etiquette, and international tax laws. This was a very smart move on behalf of the Seminole to keep the individuals with experience as they could possibly teach and/or mentor tribal members to succeed them in these important business positions.

One advantage that the Seminole have in owning and operating Hard Rock International is that the headquarters is located in Orlando, Florida in close proximity (one to two hours away) to three of its tribal reservations: Tampa, Fort Pierce, and Brighton. Tribal leaders have direct access to the central management arm of Hard Rock International. Another advantage the tribe has is that it outright owns Hard Rock International. The Chippewa did not outright own Greektown casino, they had majority ownership, but also faltered because the distance between tribal land and the casino was too far away to effectively run the casino. Many of the properties that the Seminole own under the Hard Rock brand are not in close proximity to tribal boundaries (most are out of state or international locations), but these properties have been running effectively under their previous management, so the tribe kept those individuals in their positions to continuously manage those properties. As the Seminole plan to expand Hard Rock International, they are faced with a number of new challenges and are actively looking to expand their territories beyond their tribal boundaries to improve the quality of life for Seminole tribal members:

To provide for the tribe, we're looking beyond the border, the four square borders of our reservation. We're looking not just in the United States but we're looking in the world. So this income will provide for our tribe, for our young people that are coming up (Seminole Tribal Gaming Director Max B. Osceola Jr. 2007).

One of the driving factors behind the Seminole wanting to expand their economic boundaries is the growing population of the Seminole Tribe.

The Seminole view the Hard Rock brand as an American brand, but it is a brand that appeals to individuals all over the world. After acquiring Hard Rock, Max B. Osceola stated that, “Rock ‘n’ roll is part of American history...It goes across all the demographic lines, from a young person to somebody who loves the king, Elvis” (2006). Since this is the first international purchase made by an American Indian tribe in terms of the global economy, it is difficult to determine how the rest of the world views American Indian tribes in terms of identity. The Seminoles clearly view themselves as a sovereign nation as does every other tribal nation throughout the U.S., but how do foreign countries view the Seminole? Do they see them as Native Americans, sovereign nations, or simply as American citizens? This acquisition for the Seminole Tribe is a way to expand its tribal boundaries/borders into unknown global realms. How do the Seminoles expand after acquiring Hard Rock International, and what implications does that expansion have on the Seminoles and the rest of the globe?

David Schwartz, director of the Center for Gaming Research at University of Nevada - Las Vegas, said:

...The Seminoles likely made the deal with gaming expansion at the top of their priorities. I don't think that they bought this [Hard Rock International] because they only want to go into the restaurant industry...I don't think they want to only serve boneless buffalo wings (2007).

Schwartz’s analysis of the Hard Rock International merger was correct because the Seminole Tribe sought to expand on the Hard Rock image by maximizing its potential in hotel and casino development globally---moving the focus of the company away from cafes. This was due largely to the success of the Seminole Hard Rock casino hotels and Hard Rock Las Vegas. Many Seminole tribal council members made the tribe’s intentions publicly known in early 2007 right after the purchase of Hard Rock International:

Purchasing the 36-year-old brand [Hard Rock International] was an opportunity for the Seminole Tribe to diversify its business operations.

~Tribal Council Chairman Mitchell Cypress 2007

With the acquisition of the Hard Rock, we are worldwide now and thinking outside the box...Hopefully we'll be the Merrill Lynch of the future...When the British had colonies all around the world they used to say, 'the sun will always shine on the union jack.' Well the sun will always shine on the Seminole Hard Rock. ... We are in 45 countries now.

~Seminole Tribal Gaming Director Max B. Osceola Jr. 2007

I see great potential for the brand. Where possible, the Seminoles will explore adding casinos to existing hotels...The tribe already has plans to expand the business, with the number of Hard Rock hotels to grow to 15 in the next three to four years...This year, Hard Rock plans to finish reconstruction of a hotel and casino in Biloxi, Miss., that was damaged by Hurricane Katrina. It also plans to open a hotel in San Diego, begin development of a hotel and casino in Macau and start building condo-hotel properties at the Copper Mountain Resort in Colorado and in Palm Springs, California.

~James Allen, the Seminole's Chief Executive for Gaming 2007

The Seminole plan on moving Hard Rock International forward by capitalizing on commercial gaming and entertainment---something the Seminole have succeeded greatly at. The Seminole are hoping to take their tribal success and garner that into international success.

Another possible scenario surrounding the Seminole's acquisition of Hard Rock International would be if the tribe decided to turn their newly acquired and privately owned Hard Rock International into a publicly owned company/corporation through the use and sale of stock shares. The tribe might view Hard Rock International as a company that could generate high amounts of revenue through the use and sale of stocks. A Las Vegas Gaming Analyst explained in an interview that:

Successful casino corporations that own and sell stock, are always smart to retain and not sell and/or delude majority ownership of their corporation. If a company can retain at least 70% of its stock shares, they will have, for the most part, overwhelming control of the company (2010).

The question is would it be smart for a tribe to venture into the stock market? There is no certainty as to who would own shares of Hard Rock International as stock shares are often sold or traded among outside investors. It would also be unclear who in the tribe would own shares of the corporation and why. Would tribally enrolled members each receive an equal share of stock in the company to make it communally owned or would individuals holding high ranking jobs or positions of power hold the stock shares? If this scenario ever unfolded, it is unclear what tribal members would do as some might value their own personal interests over that of their fellow tribal members. If tribal gaming has taught anything to Native Americans and non-Native Americans alike, it is that many tribal members are no different than other capitalistic minded individuals and will often

times place their own personal interest above tribal interests. No tribe has ever owned a corporation that has ventured into the stock market by creating stock options for investors and owners. This could easily be accomplished by the tribe applying for and creating stock shares that are sold in international markets. If stock options were successful and generated working capital for the business to expand, profits could be reinvested into the company to try to generate a larger amount of revenue or dispersed to stock holders (the tribe). This could also lead to the tribe potentially being bought out by a domestic or international company if they were not careful in their planning and ownership of stock shares---many times when businesses distribute stock shares, the ownership of the company changes hands. Both the Rank Group Plc. and Morgan Hotel Group, who have some Hard Rock properties still under their control, use stock shares as a way to generate revenue for their companies. It is however unlikely that the Seminole would venture into the realm of the stock market in the near future because at the time of their acquisition of Hard Rock the company generated \$63 million in profits in 2006 and has posted profits between \$50 to a \$100 million annually in 2007, 2008, and 2009⁷¹. By examining corporate tax records, it would be possible to find out the exact amount of revenue that Hard Rock International generated because it is a commercially owned business.

What global markets the Seminole and Hard Rock will venture into next are unknown, but the company has unveiled some of its plans to the public through its website and media releases (See Appendix F). That amount of revenue generated by Hard Rock is expected to increase greatly with a shift into the development of more casinos and hotels. However, that will also cost the tribe more in the short-term as casino/hotel development is costly and takes time (years) to recuperate that revenue. That might also lead the Seminole to partner with other business partners to defer some of that cost. Like the Chippewa experienced through their bad investments and mismanagement with Greektown Casino, tribes can lose their investments in commercial properties if they default on loan payments to creditors or business partners. The Seminole could be sued or lose properties if they make bad investments with Hard Rock International---a situation that could not occur on tribally owned properties. The Seminole are hoping to further bank on their success in the tribal gaming industry by taking their brand of marketing and entrepreneurship into the global market. With the expansion of the

Seminole's gaming empire into more and more countries, the tribe continues to create more and more jobs globally. These jobs pay relatively well⁷² in comparison to other gaming positions and provide individuals in many countries (some developing countries and economically poorer countries) with the opportunity to be employed. The lonely reservation just got as loud and crowded as a busy casino because the Seminole Tribe is expanding its empire into the global economy. The Seminole plan to maximize their success in casino gaming and entertainment globally by incorporating the Hard Rock name with their tenacity and know how into their new casino and hotel investments. If past history tells us anything about the Seminole people, they might just be as American as anyone because of their capitalistic know-how and their pursuit to never settle and never surrender whether in the swampy Everglades of Florida or in the boardrooms of large transnational corporations.

THE OVERALL IMPACT OF SEMINOLE CASINOS

All seven of the Seminole's tribal casinos (five Seminole brand casinos and two Hard Rock brand casinos) are located in different socio-economical communities with varying local and surrounding populations throughout the Southern and Central region in the state of Florida. The state of Florida has a population of 18,328,340 residents as of 2009, which makes it a prime gaming market because of a large population base, high rates of tourism, and an overall warm climate. Florida also has a large percentage of its population (over 60% total) between the ages of 21-34 and 50+ (the two prime gaming demographics) that help the Seminole casinos generate revenue (U.S. Census 2009). The majority of the Seminole's gaming population comes from the Central and Southern regions of Florida, which comprise the majority of the state's population (See Appendix E). The economy of Central and Southern Florida varies greatly job wise because nearly 2/3 of entire state's population resides within this geographic region, so the direct impact of gaming on the job market is rather limited in comparison to some other gaming markets because of the large population. Economically, the Seminole casinos may not have the impact job wise that some other casinos do in smaller markets (like the Chippewa in Michigan's UP, the Potawatomi in Northeastern Wisconsin, or the Pequot in Southeastern Connecticut), but the tribe still employs 8,395 individuals throughout the

state---jobs that would not exist without the Seminole's seven tribal casinos.

Seminole Casinos provide 8,395 jobs to individuals living across 21 counties throughout Southern and Central Florida (these job statistics are from casinos only). The Seminole employ more individuals throughout the state of Florida, the U.S., and globally than any other American Indian tribe when adding up all of their business ventures. Many of the other companies the tribe owns are the direct result of their success in the tribal gaming market, which allowed them the capital to invest in other economic markets. Combined, the Seminole's seven casinos employ 8,395, Hard Rock International employs 21,000, and their non-gaming enterprises employ 2,120 individuals for a total of 31,515 jobs globally (See Appendix E). While the Seminole own and operate two Hard Rock casinos⁷³, the tribe does not include those casinos in their employment statistics or their economic income as Hard Rock International properties, but as tribal casinos. The two Hard Rock properties are ran and operated as tribal casinos; therefore, the revenue generated from them and the individuals employed there are strictly categorized under the Seminole's tribal casinos. No other tribe comes close to employing as many individuals as the Seminole do. There are no official statistics as to how many Seminole tribal members are employed at their casinos; however, the vast majority of all of the employees at those casinos are non-tribal members (the majority of these employees are minorities). There are no statistics available as to how many Seminole tribal members work in Seminole owned businesses or are employed in general---many Seminole, like the Pequot, live primarily on their tribal stipends.

As of January 1st, 2010, there have been no economic impact studies⁷⁴ throughout the state of Florida that have analyzed the impact of Seminole casinos on surrounding communities. One of the reasons that no studies exist on the Seminole is that the tribe was operating Class II gaming facilities in their casinos and this data is monitored only by the tribe and the NIGC not the state of Florida, which made getting accurate data on the casinos extremely difficult. The state of Florida was also unable to collect any taxes from these tribal casinos because there was no gaming compact between the two parties. The records available for researchers have been limited because the Seminole were in a sense operating under the radar with their Class II gaming facilities. Under the new 2010 gaming compact with the state of Florida, the Seminole's gaming revenue will now be

monitored by the Florida Department of Pari-Mutuel Wagering---this compact will make it easier for the state of Florida to monitor tribal gaming revenue and for gaming analyst and researchers to measure the impacts of tribal gaming throughout Florida. If the average salary of casino employees throughout the state is \$32,036, it would be safe to estimate that the Seminole are paying an estimated \$268,942,220 in wages to employees (maybe slightly more or less dependent on their average salary per worker). Based on standard casino gaming projections that factor in regional economics, average salary per casino worker, employment statistics for casino workers, and regional population density, it would be safe to say that the Seminole are generating between \$800 million to \$1 billion dollars of revenue for the regional economy and maybe even more considering the high rate of tourism in Florida (Las Vegas Gaming Analyst 2010). The Seminole also purchase a lot of their casino goods from local and regional vendors (including their own tribally owned companies) and have primarily used local contractors and construction companies to build and to renovate their gaming facilities, which creates a lot of jobs and brings back a lot of revenue to the Florida economy. Seminole casinos have been opened for 31 years (See Appendix E) and have impacted their surrounding regions' economies in many ways throughout that timeframe whether through the direct or indirect creation of jobs, helping spur housing booms, or bringing in tourism and other businesses. The Seminole casinos will continue to impact Southern and Central Florida for years to come as they bring in millions of tourists and generate billions of dollars in revenue annually. In 2011 after the Class III tribal-state compact between the Seminole and the state has existed for a year, it will be possible to see exactly what kind of impact Seminole casinos have on surrounding communities and the state economically because the data can be tracked.

THE IMPACT OF SEMINOLE CASINOS ON SURROUNDING COMMUNITIES

Seminole Hollywood Casino located in Hollywood, Florida, has been opened since 1979 and was renovated in 1995. The casino employs 850 individuals and is located in a large warehouse type building in the middle of a small commercial district. Across from the casino are a series of small strip malls (with some tribally owned shops scattered throughout) and behind the strip malls are working/middle class neighborhoods

populated primarily by Blacks and Latinos. Directly behind the casino is a large Seminole based neighborhood, primarily with middle/upper middle class homes (some non-Seminoles live in these homes). The Hollywood Seminole Casino is also located less than a mile down the street from the newer Seminole Hard Rock Hollywood Casino. The two casinos serve a much different clientele---Hollywood Seminole attracts mostly middle/working class local community members and the Hard Rock attracts a more broad range crowd from all over. A lot of that has to do with each casino's atmosphere as one has a more local feel and the other has more of a pop culture/touristy feel associated with it.

The area where the two Seminole casinos are located is a very populated, industrial, and commercial based area in general. The neighborhoods surrounding the Seminole Hard Rock have been intact for many years prior to the casino's development, so the casino did not create the housing boom in the area. The businesses scattered throughout the area though are relatively new in comparison to the development of the casino, so it would be safe to say that the casinos being built in the area did help create the commercial growth in that sector because of the high traffic throughout the area. The industrial sector surrounding the casinos is also relatively new (20-30 years), but that was more likely the result of the Fort Lauderdale & Hollywood International Airport being in close vicinity than the casinos. Most of the jobs surrounding the casino are in the sales, service, convenience, or industrial categories, so the new range of jobs in that area vary, but are primarily working to middle class type jobs based on income. The resources that are missing from that area are basic necessities like grocery stores, food sources, and hospitals/medical clinics (See Hollywood Hard Rock Site Map).

Seminole Brighton Casino located in Okeechobee, Florida, has been opened since 1980 and was renovated in 2008. The casino employs 230 individuals and is located directly in the middle of the Brighton Seminole reservation. There is nothing surrounding this casino for miles (primarily farming land and cattle) other than some scattered Seminole houses (mostly new homes) and small Seminole shops. The city of Okeechobee has a population of 5,876 people as of 2009---most of these residents do not live near the Seminole reservation. The casino is not located off of any main highway or easily accessible for individuals not familiar with the area, so it would be safe to say that

its impact is rather limited compared to other Seminole casinos. While the casinos has not helped create any commercial business for non-Seminole, it has helped the Seminole create other industries (located within a few miles of the casino) such as a trading post, arts and crafts center, campground sites, rodeo complex, and citrus fields that further help to create jobs and tourism for the local economy. These industries have helped employ many non-Seminole as many of the workers at these businesses are not Seminole tribal members (most workers are White or Latino). The casino also serves as one of the few locations within the surrounding area for individuals to eat out at or to see live entertainment. The casino is primarily a gaming stop for locals and vacationers at Lake Okeechobee. There is no indication that the casino has helped the population growth of the surrounding community because the majority of the area surrounding the casino is reservation land and wilderness used for vacationing purposes. There has been minimal change to the surrounding area.

Seminole Tampa Bingo Hall formerly located in Tampa, Florida, opened in 1982 and later closed in 2004 when the new Seminole Hard Rock Casino Tampa opened. While no longer open, the casino employed 535 individuals and was one of the tribe's bigger and more successful gaming venues. The area where the casino was located looks nothing like it did a mere six years ago as the tribe demolished all of the structures directly surrounding the casino (a Sheraton hotel, two tribal smoke shops (later rebuilt), and a small restaurant) to build the new Hard Rock facility. The majority of the land surrounding the old Tampa casino is tribal land---primarily neighborhoods, farming land, and forests. The Tampa casino was located on an island of land surrounded by highways (See Tampa Hard Rock Site Map) separating it from the rest of the tribal land, but allowing the tribe to have prime access to major highways in the East Tampa area. East Tampa is not generally known for being a wealthy area or an area of tourist interest (minus the casino and fairgrounds). The area is primarily a lower/middle class income area (primary Black) and has the highest crime rate in the entire Tampa area (FBI Crime Statistics 2010; U.S. Census Data 2010). The Tampa casino and the Seminole tribal neighborhoods were on the edge of East Tampa's high crime area---the Seminole land was for the most part vacant land (cheap real estate) at the time the tribe began rebuilding its reservation. The only existing structures in the area were the Florida St (Tampa)

Fairgrounds built in the late 1970's and the Tampa Executive Airport (Vandenberg Airport until late 2009). Many of the individuals that were employed at the Seminole Tampa Casino were minorities. The only real growth in the area in terms of commercial businesses was two shopping complexes that were built in close proximity to the casino in the late 1990's/early 2000's. The housing growth in the area has increased steadily since the success of the casino as land is starting to be utilized more and more in this portion of the city for middle class neighborhoods, commercial farming, commercial businesses, and industrial businesses. The casino and newly developed land from Seminole projects has increased the value of the surrounding real estate and helped the area grow.

Seminole Immokalee Casino located in Immokalee, Florida, has been open since 1988 and was renovated in 2008. The casino employs 525 individuals and is located on the outskirts of the small city (population 25,132 as of 2009) in a recently newly developed area. The city is primarily working to middle income class wise with a high minority population, primarily Latinos and Blacks. The neighborhoods directly surrounding the casino are primarily working to middle class (Latino and Black neighborhoods for the most part) and many of the neighborhoods surrounding the casino are rundown (there is one newer neighborhood, the Seminole neighborhood, and other newer neighborhoods and apartments are being built past the casino) in the newly developed section of the city. The casino is one of the largest employers in the area and the majority of workers are local and minorities. There has been recent commercial development near the casino, primarily because of the casino's existence. A motel and hotel have been built, fast-food restaurants, and gas stations have popped up in the area surrounding the casino creating even more jobs in the area. While the casino is modest in size, it attracts visitors from the Everglades area (Big Cypress National Preserve & Alligator Alley are known tourist locations there) and the cities of Ft Myers and Naples. Since the creation of the casino in Immokalee, the city's population has increased from 18,000 to 25,000 (39% population increase), more businesses and jobs have been created, and the housing market has increased significantly---crime⁷⁵ has also increased significantly as well.

Seminole Big Cypress Casino located in Clewiston, Florida, has been open since

1994 and is currently undergoing a renovation process which is expected to be completed by the summer of 2011. The casino only employs 65 individuals currently in its transitional phase---the old building is being tore down and the gaming takes place in a temporary bubble dome structure. As the Seminole's oldest remaining casino, yet to be renovated, Big Cypress looks more like a farming venue with its large old pole barn structure and bubble tent serving as its gaming facility. The city of Clewiston has a small population (7,130 as of 2009) and is scattered away from the Seminole reservation. The city is primarily a working/middle class community with a high White and Latino population. There are very few businesses in close proximity to the casino, but a tribal Spokesperson for the Seminole said they are hoping to build up this area economically with restaurants and either a motel or hotel (2009). There is a small restaurant, gas station, and the Seminole's large Ah-Tha-Thi-Ka Museum---the only other real businesses around there are the Seminole citrus fields, farming land, and cattle (all Seminole owned). Most of the workers in the area are White or Latino except for the museum, which employs mostly Seminole workers and volunteers. The majority of the tourism comes from people visiting the museum as most people throughout the state⁷⁶ do not even know that the Seminole have a casino in Clewiston. Big Cypress is expected to be about the size of the Immokalee casino when it is finished. There has been no significant change in population growth since the creation of the casino and there will probably not be much after the casino is constructed. Besides the farming and cattle in the area, much of the land in Clewiston is swamp land. The tribe did recently build a combined police and fire station in the area as there were none in close proximity---the fire and police stations, while tribal, do also serve the surrounding non-Seminole communities. More Seminole members might move out to this reservation though as it begins to develop.

Seminole Coconut Creek Casino located in Coconut Creek, Florida, has been open since 2000 and was renovated in 2008. The casino employs 675 and is located in the wealthy suburban commercial area of the city. The city has a population of 50,544 individuals as of 2009. Next to the Seminole's two Hard Rock casinos, Coconut Creek is the most high scale casino the tribe operates---it is the most valuable Seminole brand casino out of those five casinos predominately because of its location. Coconut Creek is

a wealthy area in general and the neighborhoods near the casino are primarily middle to upper class neighborhoods including the Seminole neighborhood near the casino. The area is a highly populated residential area, with numerous commercial properties in close vicinity to the casino, and also has numerous upscale businesses in the surrounding area. There are very few industrial businesses or farms anywhere near the casino. The area has a high White and Latino population with little crime in the community. Many of the homes and commercial businesses surrounding the area were built after the construction of the casino and rely on the traffic flow from there to operate their businesses. Tourism thrives in this upscale community and the tribe relies on customers coming from the nearby coastal cities of Boca Raton, Coral Springs, Plantation, Ft Lauderdale, and West Palm Beach (all wealthy populated areas).

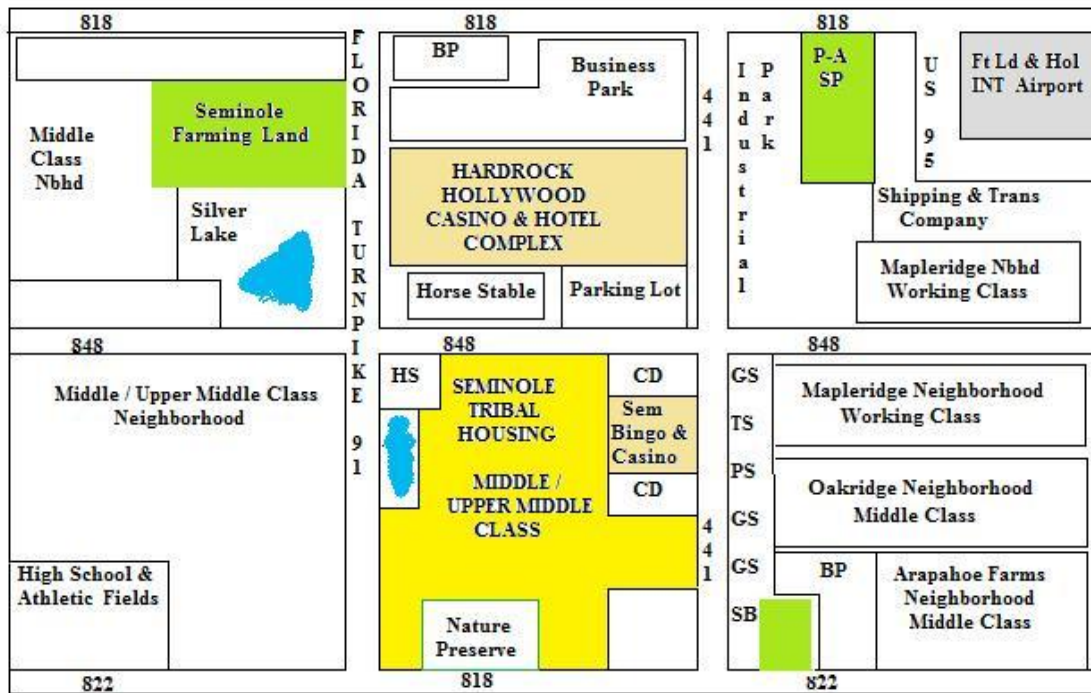
THE IMPACT OF THE SEMINOLE HARD ROCK CASINOS IN FLORIDA



Seminole Hard Rock Hollywood Entrance (Photo by Author 2009)

Seminole Hard Rock Casino Hollywood located in Hollywood, Florida, has been open since 2004 and underwent some minor renovations in 2007/2008 to shift from Class II gaming machines to Class III gaming machines and added table games. Of the Seminole's seven casinos, Hard Rock Hollywood is the flagship for the tribe as it is the

largest casino and generates the most revenue for the tribe. The casino employs 3,400 individuals and is located in the Industrial Area of downtown Hollywood (See Hollywood Hard Rock Site Map), a highly urbanized area. The city of Hollywood has a population of 142,622 as of 2009 and the greater Miami metropolitan area has a population of 5,597,635 making the casino’s location in prime proximity for tourists.



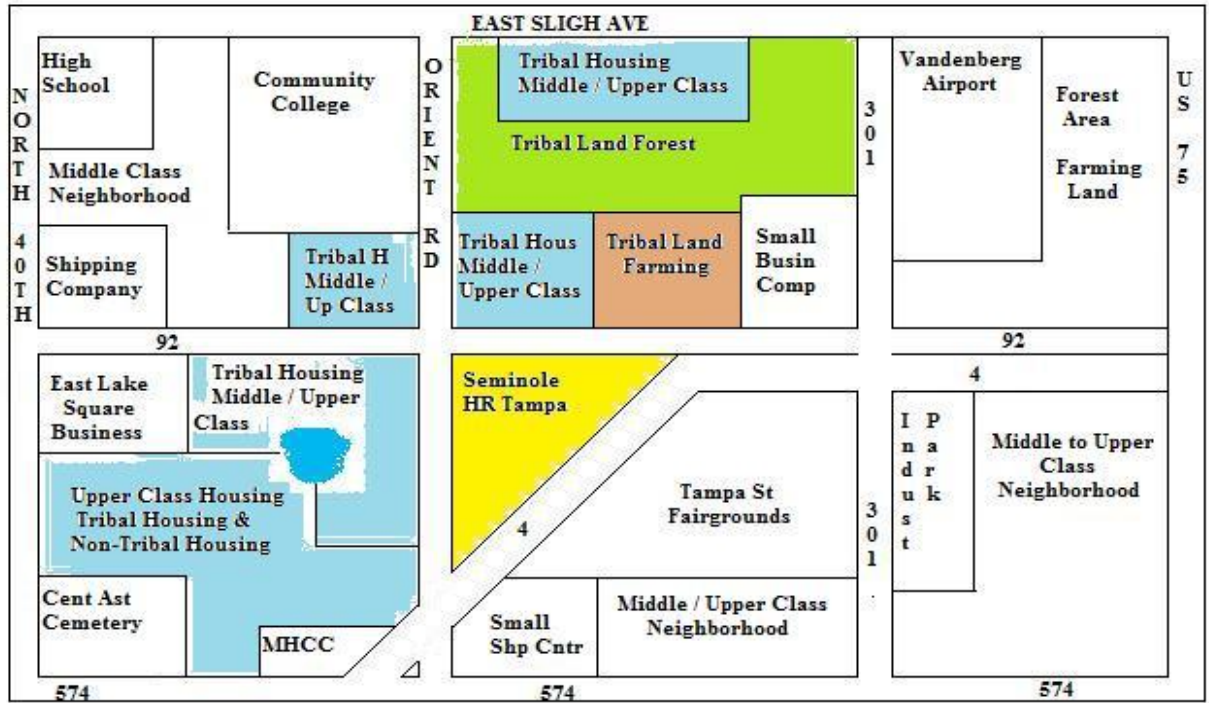
Site Map of Hollywood Industrial Area (Illustration by Author 2009)

Beige Color = Seminole Gaming Facilities	Industrial Park
Green Color = Farming Land or Parks	Shipping & Transportation Company
Yellow Color = Seminole Housing	Horse Stable
BP = Business Park	Parking Lot
CD = New/Used Car Dealership	Silver Lake
TS = Tobacco Shop	Seminole Nature Preserve
PS = Casino Pawn Shop	High School Athletic Facilities
GS = Gas Station	Ft Lauderdale & Hollywood International Airport
HS = High School	Working, Middle, & Upper Class Neighborhoods

The Hard Rock casino hotel has made a larger impact on the surrounding area than the Seminole casino has in terms of creating jobs, bringing in tourism, helping to create other businesses, and increasing the surrounding population. Although the Ft Lauderdale & Hollywood International Airport is in close proximity to the newly developed business and industrial park right near the Hard Rock, neither complex existed before the casino

was built. The new high school and athletic facilities in the area were built after the creation of the casino and there was a small population boom in the middle and upper class neighborhood surrounding the casino (including the Seminole neighborhood). The Seminole nature preserve, horse-stable, and farming land were all built by the tribe after the creation of the Hard Rock. While the tribe markets its modern pop culture casino, it has tried to maintain its traditional and cultural ways in this highly urbanized area. The Seminole have rebuilt their tribal community around their casinos in Hollywood and as a result the surrounding community has slowly begun to grow---the casino is acting as mini catalyst to help spur growth and renewal.

The Hard Rock employs primarily individuals who are non-Seminole, primarily Whites, Blacks, and Latinos. There is no research documenting how many indirect jobs the casinos in Hollywood have helped to create, but looking at the site map it would be easy to estimate that the creation of the casinos helped indirectly generate hundreds to a few thousand new jobs in the industrial area of Hollywood. This area of Hollywood was pretty barren other than the airport, a few small businesses, and some working to middle class neighborhoods before the construction of the Hard Rock. While a lot of the jobs created in the area are service jobs, many of the jobs in the newly built business and industrial park are middle to upper class jobs. The casinos have also greatly helped improve the number of tourists that visit Hollywood, especially the industrial area. The Hollywood casino brings in tourists from the areas of Palm Beach, Ft Lauderdale, Miami and tourists from all over Southern and Central Florida. The Hard Rock also draws tourists in from out of state and internationally because for a few years other than Hard Rock Las Vegas, Hard Rock Hollywood and Tampa were the only other Hard Rock casino hotels globally. The casino also has a Hard Rock Live⁷⁷ venue attached to it (one of five globally), which brings in large musical acts throughout the globe and is another key factor in bringing in tourists. The Hard Rock brand has an international appeal to it for tourists because of its global success.



Site Map of East Tampa Area (Illustration by Author 2009)

Yellow = Seminole Hard Rock Casino	Community College
Blue = Tribal Housing & Golf Course	High School
Green = Tribal Forest Land	Small Shopping Center
Brown = Tribal Farming Land	Industrial Park
Florida St (Tampa) Fairgrounds	Shipping Company
Vandenberg Airport (Tampa Executive Airport)	Centro Asturiano Memorial Cemetery
Community College & MHCC = Remington Community College	Forest Area (Undeveloped)
East Lake Square Business Park	Commercial Farming Land
Small Business Complex (Service Industries)	

Seminole Hard Rock Casino Tampa located in Tampa, Florida, has been open since 2004 when the casino hotel complex replaced the former Seminole Tampa Casino--the casino underwent some minor renovations in 2007/2008 to shift from Class II gaming machines to Class III gaming machines and added table games. The casino employs 2,650 individuals nearly 1,500 more individuals than the old Tampa casino, hotel, and restaurant employed combined. The Hard Rock is located in Eastern Tampa (See Tampa Hard Rock Site Map) in a relatively rural area and is on the edge of Tampa's inner city⁷⁸. The city of Tampa has a population of 343, 890 and the Hillsborough County has a population of 1,180,784 as of 2009. Tampa is the largest city that any of the Seminole casinos are located in, but Hollywood has the largest metropolitan

population of any of the areas where the Seminole operate casinos. The casino and the tribal neighborhood essentially act as the dividing line (socio-economical boundary) between the poorest area of the city and the newly developed area of the city. The area surrounding the casino has recently developed a new industrial park, small shopping center, and a small business complex, all of which were developed after the creation of the Hard Rock casino not the Tampa casino that existed there prior. The area is growing fast in terms of housing as numerous middle to upper level class houses are being built in newly developed residential communities surrounding the casino.

The majority of the employees at the Hard Rock in Tampa are minorities (primarily Blacks and Latinos). The population surrounding the casino is split between Blacks and Latinos to the West and Whites and Seminoles to the East. The clientele frequenting the casino is a mixture of ethnic groups and social classes as the casino appeals to wealthy tourists as well as the poorer communities surrounding the casino. Tampa gets a lot of tourism from its bay region, professional sports teams (Rays, Buccaneers, and Lightning), zoo/botanical gardens, Florida St Fairgrounds, and Busch Gardens Amusement Park, so the addition of the Hard Rock only adds to the tourist appeal of the area. Orlando, which is an hour away from Tampa, has a metropolitan population of 2,103,480, which provides a large number of tourists to the Hard Rock as well because it is the only casino serving the Central portion of the state of Florida. Many individuals that go for vacation in Orlando or Kissimmee (primarily for Disney World and Sea World) also go to Tampa for the Hard Rock casino. The Seminole, the surrounding cities, and the state of Florida, have all worked together to market these tourist attractions to potential visitors, which has paid dividends for all parties involved. Besides the increase in tourism, numerous jobs have been created directly and indirectly by the casino's development. Crimes rates in the Tampa/St Petersburg area have actually declined slightly since the creation of the Tampa Hard Rock in 2004; however, this metropolitan area has statistically always had high crimes rates according to FBI statistics usually ranking in the top 25 of the U.S.'s most violent cities (2009). Despite the decline in crime rankings in the Tampa area, it is safe to speculate that the casino is the both the direct and indirect result of numerous crimes that occur in the city.

HARD ROCK'S IMPACTS BEYOND THE RESERVATION BOUNDARIES

If the impact of the Seminole's Hard Rock casino hotels in Tampa and Hollywood are any indication of what the Hard Rock brand brings to a region, it would be a safe assumption that the Seminole's plans to expand the gaming and hotel aspects of the brand into other markets will have positive economic impacts on other communities. While it is impossible to completely and accurately project how a casino will impact a region, Hard Rocks (whether cafes, hotels, or casinos) have proven to be moneymakers in every national or international market they have operated in. The Seminole want to venture into more international markets by utilizing the brand's casinos and hotels. The best example of a successful international Hard Rock property is the Hard Rock Casino⁷⁹ Hotel Macau in Macau, China. Macau recently passed Las Vegas as the world's top gaming market in 2009 because of its ability to draw in tourists and its ability to draw in what gaming analysts refer to as whales⁸⁰ in the gaming market. The property is one of the central pieces of Macau's newly envisioned "City of Dreams," which is a combination of four luxury hotels (Hard Rock Hotel, Crown Towers Hotel, and two Grand Hyatt Hotels), a large gaming complex, and numerous restaurants and shopping venues. The City of Dreams was a \$2.1 billion dollar investment and has been a huge draw to tourists flocking to Macau for gaming and entertainment. While City of Dreams⁸¹ is not owned by Hard Rock International, the company seems poised to make a strong return on its investment in Macau by leasing the franchise to Melco Crown Entertainment. The Hard Rock property has become an instant success as American popular culture is widely popular through China and Asia. However, the Hard Rock has also utilized Chinese and Asian popular culture and music to appeal to local populations and cultures as well as international tourists. A Spokesperson for Hard Rock International said, "The hotel offers individuals from Asia and other Countries the opportunities to experience American culture first hand, and it also offers American tourists a welcome and familiar name in entertainment when traveling abroad" (2010). The more successful the hotel is, the more likely the Seminole will be to branch out into other international markets. The Seminole have an investment in Macau, but nothing that will lose them a lot of money---the situation is essentially a win-win for the tribe as they stand to make millions off of their Macau investment. New properties will likely create

large amounts of revenue for all parties involved.

SEMINOLE TRIBAL ENROLLMENT, MEMBERSHIP, IDENTITY, & TRIBAL BENEFITS

The Seminole are the largest tribe in the state of Florida with 3,515 enrolled tribal members. When the Seminole gained *Federal Recognition* in 1957, tribal enrollment was listed at 448 members---enrollment has since grown by 785%. Since the implementation of casino gaming, the tribal budget has grown from \$15,000 a year to over \$2.5 billion dollars a year annually and continues to get larger every year. While the tribal population has grown drastically since recognition, it has only increased moderately each year (there has been no unusual or questionable membership issues within the tribe). Tribal membership policies have stayed the same since the Seminole constructed their first constitution. Unlike casino tribes such as the Mashantucket Pequot (Connecticut), Cowlitz Tribe (Washington), Pechanga Band of Luiseno Indians and Chukchansi Indians of Picayune Rancheria (California), or the Isleta Pueblo (New Mexico) who have raised their tribal blood quantum or changed their membership policies⁸² as their tribal casino have become more successful, the Seminole Tribe is growing and tribal membership is not becoming tighter or more restrictive. The Seminole are the wealthiest tribe in the U.S. and its members receive some of the highest annual stipends⁸³ of any tribe in the country.

To be eligible for tribal enrollment in the Florida Seminole Tribe, an individual must meet the following three guidelines as established by the Seminole Government in the 1957 tribal constitution:

- 1) *An individual must have a minimum of one-quarter Florida Seminole blood*
- 2) *An individual must be able to prove direct relation to someone on the 1957 Tribal Roll*
- 3) *An individual must be sponsored by a current tribal member*

All three of the requirements are strictly enforced by the tribe; however, the second requirement is occasionally challenged because some of the Seminole separated from the tribe prior to *Federal Recognition* (Independent Traditional Seminole Nation and Unattached Seminole) and these members exist on other tribal documents prior to 1957. Seminole tribal members cannot be enrolled in any other tribe and the tribe does not

allow individuals to switch their tribal status to being Seminole if they were previously enrolled in another tribe (Seminole Cultural Specialist 2010). Many enrolled Seminole do not live on tribal land and/or are not actively involved with tribal affairs, but these tribal members are not ostracized or disenrolled---some tribes disenroll members for not being actively involved in cultural aspects of tribal life. Since the creation of casino gaming, enrollment has increased from nearly 200% from 1,200 members to 3,600 members. As tribal enrollment has increased, clan membership within the tribe has decreased---the tribe has fewer individuals associating with their traditional clan⁸⁴ than ever.

Some members (a minority section of the tribe) believe that clan affiliation and active participation should be a tribal requirement (added as a constitutional amendment) for individuals wanting to have tribal membership. Some other tribal members think that the blood quantum level should be removed or lowered as well (Florida Cultural Specialist 2010). There are roughly 30 to 50 calls, emails, or inquiries every week (or around 2,000 a year) from individuals claiming to be of Seminole descent, which the tribal enrollment committee examines---very few of these claims, if any, result in new tribal members each year. For the Seminole, like many other gaming tribes, there is a lot at stake financially for each tribal member. As of 2009, each Seminole tribal member was reported to receive approximately \$165,000 annually from tribal gaming revenue, which means the tribe spent nearly \$580 million dollars in 2009 alone to cover the stipend cost for its members. The Seminole even provide stipend payments to tribal members that are minors---there are few tribes in the country that provide stipend payments to minors. The Seminole parents of minors receiving stipends are typically in charge of the youth's stipend money---often times the money is put in account for the child until the child reaches the age of 18 or the age in which the parents think the child is capable of handling his or her money. Some parents spend the money as if it is their own money to spend since they raise the youth. The Seminole spend what would seem like to an outsider as an outrageous amount of money on per capita payments to tribal members. A family of four (assuming all are tribal members) would receive \$660,000 annually and a family of six would receive nearly \$1 million dollars in revenue each year. Only a few tribes throughout the country have ever received \$1 million dollars a year annually from

gaming---most of these tribes have cut back their revenue sharing process as millionaire tribal members are rare throughout the country except for a few tribal leaders and gaming executives. The millionaire Indian is a falsely perpetuated stereotype and many Seminole tribal members are victims of this idealized simulated caricature.

Seminole Tribe's Yearly Casino Stipends for Individual Members

Year	Payment Amount	Payment Type	Total Cost	Tribal Members
1957	<i>Federal Recognition</i> Begins	No Payments	Money Allocated	448
1979	\$100 Per Year	\$ 100 End of the Year	\$120,000	1,200
1981	\$600 Per Year	\$ 600 End of the Year	\$900,000	1,500
1994	\$ 2,400 Per Year	\$ 200.00 Per Month	\$ 5.08 Million	2,115
1995	\$ 4,000 Per Year	\$ 333.33 Per Month	\$ 8.76 Million	2,190
1996	\$ 6,500 Per Year	\$ 541.67 Per Month	\$ 14.88 Million	2,275
1997	\$ 12,000 Per Year	\$ 1,000.00 Per Month	\$ 27.86 Million	2,322
1998	\$ 14,000 Per Year	\$ 1,166.67 Per Month	\$ 34.16 Million	2,440
1999	\$ 16,500 Per Year	\$ 1,375.00 Per Month	\$ 41.99 Million	2,545
2000	\$ 20,000 Per Year	\$ 1,666.67 Per Month	\$ 52.20 Million	2,610
2001	\$ 24,000 Per Year	\$ 2,000.00 Per Month	\$ 64.56 Million	2,690
2002	\$ 30,000 Per Year	\$ 2,500.00 Per Month	\$ 82.65 Million	2,755
2003	\$ 36,000 Per Year	\$ 3,000.00 Per Month	\$102.96 Million	2,860
2004	\$ 50,000 Per Year	\$ 4,166.67 Per Month	\$145.65 Million	2,913
2005	\$ 65,000 Per Year	\$ 5,416.67 Per Month	\$195.00 Million	3,000
2006	\$ 84,000 Per Year	\$ 7,000.00 Per Month	\$268.80 Million	3,200
2007	\$120,000 Per Year	\$10,000.00 Per Month	\$398.40 Million	3,320
2008	\$150,000 Per Year	\$12,500.00 Per Month	\$517.50 Million	3,450
2009	\$165,000 Per Year	\$13,750.00 Per Month	\$579.98 Million	3,515
2010	NA	NA	NA	3,600

*1957 the Seminole Tribe gains its *Federal Recognition*

*1979 the Seminole Tribe opens the country's first high stakes bingo hall on reservation land

*1981 the Seminole Tribe makes its first annual payment to tribal members from gaming revenue

*The Seminoles distribute tribal stipends to all members, even those under 18 years of age

*Tribal Statistics provided by anonymous tribal members (2009) and Miami Herald Archives (1994-2009)

Why do the Seminole and other Native American tribes throughout the country focus so much of their casino generated revenue on per capita payments to each tribal member instead of putting that money into community needs? In 1994 during an interview with the *Miami Herald*, Max Osceola Jr., the tribe's Director of Gaming Operations, stated that: "We distribute gaming profit revenue directly to our people so that they can lead more independent lives." The Seminole have historically tried to distribute wealth among their people dating back to when the tribe primarily survived by hunting and farming---the wealthy distributed their excess food to other tribal members as a way to demonstrate their status through generosity. Many tribes throughout the country practiced this type of general reciprocity with other tribal members. Professor

Cattelino⁸⁵ provides a detailed explanation of why the contemporary Seminoles (20th and 21st Century) give out per capita payments to tribal members:

First, the purposes for which casino revenues can be spent by their tribal government are limited by IGRA, so dividends are one way to render casino revenues fungible (since individual Seminoles can use them as they wish). Second, Seminoles have employed the per capita method since the 1950's to distribute federal funds and income from cattle and other enterprises of the Seminole Tribe of Florida Inc., so this mechanism is familiar. Third, raising dividend levels is a time tested tactic by Seminole politicians seeking reelection, and eliminating dividends would be political suicide...Fourth, per capita distributions fit well with American values of individual choice over asset management...Fifth, and relatedly, dividends are a mechanism for wealth distribution that honors and reinvigorates a long standing Seminole value on noninterference in one another's affairs...[Lastly,] perhaps the most important, and least publicly recognized, motivation behind Seminole distributions springs from long-standing values of leadership that are linked to the distribution of wealth [through traditional ceremonial gatherings] (Cattelino 2008, 105-107).

Since the Seminole are one of the wealthiest tribes in the country and their wealth is relatively newly acquired, there has been a lot of interest and speculation about the tribe's income from outsiders (individuals, businesses, and commercial gaming competitors).

In a 2007 article about the Seminole, newspaper columnists that frequently covers the tribe, stated that “the Seminoles have long guarded their privacy and financial information and, as a sovereign nation, are under no obligation to open their records” (Kestin, Franceschina, & Maines 2007). Cattelino also made it very clear in her research (*High Stakes: Florida Seminole Gaming and Sovereignty* 2008) that she decided not to reveal how much Seminole tribal members received in yearly stipend payments because of the tribe's desire to remain private and because of her personal involvement with the tribe: “I have chosen not to reveal the amount of a Seminole tribal citizen's monthly dividend check...Why are non-Seminoles so curious about this number? Why do outsiders want to know how much each Seminole receives?” (104). While tribes are not required to make their economic revenue produced within reservation boundaries public record, casinos are a different case altogether. Casinos are not traditionally or culturally Indian in way, shape, or form, they are a creation of Western culture, of capitalistic societies. Casinos are the most regulated form of business throughout the world for very

important reasons:

(1) the numerous individuals involved in their daily operations (customers, employees, suppliers of goods, financiers, and owners), (2) games must adhere to national and international protocol/guidelines (for consumer fairness), (3) the massive amount of revenue they handle on a daily basis, (4) the amount of taxable income they create (local, state, and/or federal), and (5) the amount of revenue they generate for all individuals involved (Las Vegas Gaming Analyst 2010).

Casino gaming in all gaming venues, needs to be regulated the same way to ensure fairness and quality assurance across the board in the form of policies and procedures, which means knowing where money is spent and how (especially for tax purposes).

Class II gaming facilities, which act as smaller scale casinos⁸⁶, do not release their gaming data or revenue to anyone other than the NIGC, which is problematic. The Seminole's revenue was not regulated by the state of Florida for a long time; whereas, every other gaming facility throughout the state was strictly monitored and publically documented by the Florida Department of Pari-Mutuel Wagering---this is the main the reason that individuals have been so curious about how much money Seminole tribal members make each year from tribal gaming because their gaming data has been withheld from public record for the most part. Under Class III gaming compacts with the state that the tribe resides within, a state must regulate Class III gaming; therefore, the state has access to tribal records on gaming. State governments must readily make available all sources of taxable income that the state receives to the general public (public record) and to the IRS (Under the Tax Information for Federal, State, and Local Governments section in the IRS Tax Code). All commercial casinos throughout the U.S. are required by law to have their gaming data made public for the reasons stated above. Casinos on any level must strictly be monitored and their data must be made public to account for possible fraud, consumer fairness, and taxable income because most gaming revenues are distributed to state funds to pay for public expenses such as education and other general funds.

For the Seminole, like any other gaming tribe in the U.S., their casino generated income that is distributed in per capita payments⁸⁷ will always be of interest to outsiders--similar to how Americans desire to know how much money other Americans make in various job fields. The per capita income provided throughout this dissertation (for the

tribes distributing stipends) was not done to violate any personal information, but to explain how tribes spend gaming revenue and what the impacts of this revenue have on individuals within tribes and those outside of the tribe. Understanding how and why casino revenue is generated and spent is a vital aspect of any type of casino based literature as the entire field is based on understanding the statistical data generated from casino operations. Throughout the state of Florida, individuals constantly talk about the Seminole and their gaming empire---some claim to know every detail about the tribe's finances and others are essentially clueless. Many outsiders talk about the Seminole's finances and how these individuals are financially set for life. Cattelino (2008) discussed during her ethnographic work how these conversations were discussed amongst outsiders and tribal members:

I frequently heard non-Seminole Floridians joke about the prospect of striking it rich by marrying a Seminole. Some Seminoles complain about "dividend babies," the children of non-Seminole...[and that individuals try to] make money on their children's casinos dividends...In the context of dividend babies, casino wealth becomes a way of talking about community boundaries, insofar as dividend babies stand in for loss (for the tribal community) or inappropriate gain (for the non-Seminole partner) at the boundaries of tribe, race, and kinship (91).

What is also at stake for tribes providing per capita payments to tribal members is the separation of tribal members created by economic boundaries. Many tribes, like the Pequot (See Chapter 4), have questions that arise externally and internally about the authenticity of tribal members, especially children (the requirement of DNA testing to prove membership), which is the direct result of tribal gaming revenue that is distributed amongst members. When hundreds of thousands of dollars to millions of dollars are at stake per family, many individuals have a newly found vested interest in who is and who is not a tribal member. Cattelino (2008) further explained that Seminole members themselves actively participated in these types of discussions:

Some tribal citizens expressed concern that children today hardly "look Seminole," and some drew mental maps of the reservation based on the composition of surrounding communities (with Brighton considered more White, Immokalee more Latino, Fort Pierce more Black, Big Cypress more Indian, Hollywood a mix; speakers universally acknowledge these to be generalizations, even stereotypes (91).

Tribal identities⁸⁸ are contested throughout the country for various reasons, but for the

Seminole, many people relate the communities surrounding their tribal land as to how Seminole members should look like. Individuals' identities are being associated with geographic places---ideologies about race and place are infiltrating the reservation and are only further perpetuating simulated identities of Native Americans.

The Seminole, already dual members of the U.S. and the Seminole Tribe, now own businesses worldwide---they are a "transnational" tribe and the identities of some tribal members may be changing as well. Some tribal members employed by the Seminole gaming industry and Hard Rock International travel frequently across the U.S. and around the globe conducting business on behalf of the tribe. These individuals are spreading Seminole culture and ideology outside of the reservation and into other countries and bringing back new ideologies and cultural traits from other cultures and countries. Can American Indian tribes like the Seminole use their businesses as a way to gain citizenship in other countries? Has it ever been attempted? What are the implications and laws concerning the acquisition of citizenship in other countries? Where do the boundaries of the Seminole people start and stop? Is their identity limited to their reservations or do their tribal identities cross internal boundaries? Recently (2004 - 2006), Congress once again discussed whether or not to remove the Seminole's "sovereign" status away from the tribe by wiping out their reservations as they tried to do in the 1950's during the *Indian Termination Policy*, the 1890's during the *Allotment Act*, and the 1830's *Indian Removal Act*. State and Federal Governments become threatened by the success of tribes like the Seminole and Pequot when their success reaches boundaries past their expectations and moves beyond the reservation. Why? Many have claimed that the Seminoles have a monopoly in the South Florida gaming market because of tribal sovereignty and have used that status to expand into commercial gaming moving beyond the boundaries of their reservation. Many are claiming that the Seminole are more capitalistic than Indian---the same accusation that has lingered against the Pequot for years.

The Seminole tribe owns 89,004 acres of tribal land (See Appendix F) and owns an undisclosed amount of non-tribal land (commercial land) in Florida, throughout the U.S., and internationally through various investments. The tribe technically owns thousands of acres of land throughout the U.S. and internationally because of its outside

investments---primarily because of Hard Rock International. Throughout their six unconnected reservations, the tribe has an estimated 2075 individuals living on tribal land or 57.6% of the tribe's total population. Nearly 3,400 of the Seminole's 3,600 members (94.4%) live scattered throughout the state of Florida. Unlike the Chippewa or Pequot, the Seminole are not trying to buy the land surrounding their reservations to expand their tribal boundaries through the practice of contiguous land development. Most of the tribe has remained within the tribal lands that they were given to them by the state of Florida (through the U.S. Government). The tribe has also been extremely active in the environmental preservation of the Everglades through the Everglades Restoration Initiative⁸⁹ and the tribe has an Environmental Resource Management⁹⁰ Department, which oversees the protection and use of Seminole lands and waters. The tribe has been looking into and acquiring international properties for new Hard Rock locations and for other tribal investments. How will these new land holdings impact the tribal landscape of the Seminole tribe?

With an increase in tribal membership and in the revenue that the tribe produces annually, the tribe has drastically improved its living conditions. Like the Pequot and Potawatomi, the Seminole have continued to reap the benefits of government assistance for a number of programs despite its annual budget exceeding \$2.5 billion dollars annually. One of the questionable areas in which the Seminole receive government money is from HUD. The tribe has received nearly \$40 million dollars for housing purposes since they began tribal gaming in 1979---the majority of that money (\$29 million dollars) was distributed to the tribe between 1985 and 2005 for tribal housing. The \$40 million provided from HUD has helped to build nearly 650 tribal homes throughout the tribe's six reservations. That distribution equates to nearly \$260,000 per home per Seminole family receiving housing assistance from the tribe. The Seminole Housing Authority⁹¹ also provides up to \$200,000 for first time Seminole home owners to build homes through tribal lands (Seminole Housing Authority 2010). The problem here, like with some other tribes, is that by the mid 1990's the tribe was generating \$500 million annually and taking HUD money for tribal members. The Seminole and HUD were not accurately tracking the income levels of individuals using that money for housing assistance. When HUD auditors examined which tribal members (families) were

using appropriated HUD funds to purchase, build, or finance homes through the Seminole tribe, they found out that tribal records were only counting one individual's stipend per home (when every Seminole member regardless of age gets a stipend) and not everyone living in the house---violating HUD policy.

The Seminole have moved away from traditional chickee hut style homes to several hundred thousand dollar houses to million dollar homes. The chickee style homes have been present throughout the Southeastern portion of the U.S. for over 1,000 years. The more contemporary version that the Seminole made popular has been around since the early 1700's. While the Seminole rarely use this style of home anymore, they have utilized this aspect of their culture and made it into a profitable and even fashionable home accessory for Indians and non-Indians alike---the chickee is even the central figure in their tribal flag (See Appendix F). The chickee style home is popular throughout the warm weather climate of Southern and Central Florida. The Seminole have used numerous aspects of their culture to generate money through the commodification⁹² of culture into marketable goods to non-Seminole. From aspects of their culture to landscape/environment, to their images, the Seminole have utilized effective moneymaking strategies to generate revenue. What is the social cost of tribes commodifying their culture and identities to generate revenue? Every culture throughout the world at one time or another has directly or indirectly marketed aspects of their culture to generate revenue---many outsiders market the culture of others to generate profit. No other tribe throughout the country has been as effective as the Seminole at doing so. The question becomes when do aspects of tribal culture go from cultural markers to revenue generators---what is lost when this happens?

Are the Seminole exploiting their culture and continuing to promote racist practices against all Native Americans for their own economic endeavors...possibly? The Seminoles have been promoted and touted as the "renegades," but are they truly renegades or merely just really good capitalists that use their opportunities to generate a new way of life for their people? They have challenged the boundaries of sovereignty by operating a transnational business that redefines reservation boundaries, recreated their own identity as capitalists, angered numerous Native Americans and non-Native Americans alike with their success, and will continue to recreate the imagery of Native

Americans nationally and globally with their acquisition of Hard Rock International, yet there are numerous representations and simulations surrounding their identities. As the boundaries of their reservation have changed, so have the boundaries surrounding their identities. As Professor Eve Darian-Smith explains, Americans have trained Indians to be the new capitalists, maybe even the ultimate capitalists (Darian-Smith 2003). How do we understand the contemporary identity of Native Americans when they interact on a transnational level on a daily process? The Seminole are actively using pieces of their culture to generate revenue, but no differently than other cultures have for centuries before them.

The Seminole also offer tribal members a number of free resources and social programs (in addition to their stipends)---the tribe spends tens of millions of dollars⁹³ each year to provide these resources and social programs for tribal members. Additional resources and social programs include: housing assistance, free cultural activities, tribal libraries, health and dental care, educational benefits (free education throughout college), childcare, recreation centers, language preservation, drug and alcohol prevention, free counseling services for a number of social issues, and some miscellaneous services⁹⁴. The tribe offers all of these social programs and services on every reservation except for Ft Pierce⁹⁵. The Seminole place a strong emphasis on education for their youth and the youth in the surrounding communities by investing millions annually into educational programs (tribal and public education). One of the goals of the Seminole (since the success of their casinos) is to better educate the future youth, so that they can take a more hands-on and active role in the cultural development of their people and to help expand tribal business to continue to provide better lives for tribal members (Seminole Cultural Specialist 2010). While the Seminole have spent more money on educating their youth, there has not been a significant increase in their youth graduating high school or attending college. The question is why are the youth not taking advantage of these new opportunities? Some of the elders think that many of the youth feel a sense of entitlement because of the revenue they receive from gaming and that some of them are actually becoming more likely to be lazier because they do not feel the need to work. As with many gaming tribes throughout the country, casino wealth can and maybe only temporary (See the Chippewa and Pequot Chapters). With casino wealth being an uncertain and

unknown option, many tribes around the country need to find new ways to engage their youth⁹⁶ to become more actively involved in tribal affairs.

The other big investment of the Seminole Tribe is preserving their cultural heritage. The Seminole, like the Potawatomi and Pequot, have used gaming profits to build a tribal museum. The Seminole have two tribal museums---the Ah-Tha-Thi-Ki Museum⁹⁷ (their main museum) located on the Big Cypress reservation right next door to their Seminole Big Cypress Casino and their smaller museum located within the Hard Rock Hollywood Casino in Hollywood. The Ah-Tha-Thi-Ki Museum is a state of the art learning center complete with a larger nature preserve and is located in a remote not easily accessible area; whereas, the museum in Hollywood is in the casino and easily accessible to many non-Seminole and has more of a tourist feel to it. As with all of the tribal museums created from gaming profits, why is there such a need to validate tribal existence to the public? The identity of the Seminole Tribe is changing rapidly (maybe more rapidly than any other tribe in the country) throughout their reservations, the U.S., and globally across the world, so how accurate will any representation of the tribe be to tribal members and outsiders? Does a tribal museum built in a relatively low populated area (Big Cypress) provide more for tribal members than anyone else and what purpose does it serve being isolated from so many non-Seminole. While the museum may have a limited impact on non-Seminole, the museum is the host site for a number of tribal events, festivals, and cultural activities---maybe the museum serves more as a cultural reminder to tribal members about their identity than to anyone else. The museum helps to recreate and create tribal identities---no matter how real or imaginary they may seem to tribal members and to outsiders (See Appendix F).

The Ah-Tha-Thi-Ki is also the central location for the tribe's plans to help actively restore the Miccosukee (Mikisúkî) language that tribal members speak. As with many U.S. tribes, the proficiency rate of Seminole speakers is extremely low throughout the tribe (estimated at less than 20% or less than 600 speakers) in terms of members actively speaking and/or knowing their tribal language. The tribe offers programs at the museum and throughout various cultural programs in their reservations to teach Seminole and non-Seminole their language (Seminole Cultural Specialist 2010). The primary reasons for the loss of the Seminole language were the conversion of many tribal

members into Christianity (primarily Baptists) and the impact of the surrounding Euro-American communities on the tribe. The tribe has been actively using cds as a way to teach individuals (primarily youth) their traditional language. The cds⁹⁸ are both in English and Spanish because of the high Spanish population surrounding the tribe in some areas. As of now, it is unclear what impact these language cds are having on the Seminole tribal members and the increase in speakers---the same can be said for numerous other tribes around the country as well because it is one thing for individuals to learn bits and pieces of their traditional language, but how much of this is being retained and actually used through any tribe?

One of the biggest problems facing the Seminole since the creation of tribal gaming has been an increase in drug and alcohol use among tribal members (no official data is available). The tribe has had to implement numerous health related programs to try to slow down the rise of drug and alcohol use among members living on reservation land. The problem has impacted the Seminole youth at an alarming rate and may be one of the other factors leading to many of them not finishing high school or attending college. Drug and alcohol use has also been linked to an increase in tribal unemployment⁹⁹ as well. As the tribe becomes wealthier, many tribal members are deciding not to work and live mainly on their stipends. This is a detrimental trend occurring within the majority of tribes that offer individual payments to their members. It also sets an example for the youth in the community when they see their parents not working that they too can live just on their tribal money. Many Seminole are becoming dependent on tribal stipends (tribal welfare) like individuals in the Pequot Tribe---for the Pequot this factor helped in to the overall collapse of an economically successful tribe. While casinos can, but do not always generate large amounts of revenue, they are ironically not teaching many Native American tribes how to be financially self-sufficient or successful as they were designed to. A trend that spans across all American cultural and ethnic groups and primarily impacts those who are lower class economically, is that when individuals suddenly acquire large amounts of wealth they do not know how to spend it---their behaviors become irregular and they buy things in excess to compensate for all of the years of going without (Las Vegas Gaming Analyst 2010). This trend seems to impact Native Americans at extremely high rates, especially for those tribes that have

suffered generations of having a poor overall quality of life. How can a tribe like the Seminole counteract the trend of individuals not working when the tribe for the near future, minus any catastrophic economic collapse, will continue to generate large amounts of revenue and tribal stipends will probably continue to rise for the years to come?

SEMINOLE RELATIONSHIP WITH OTHER INDIAN TRIBES

The Seminole have only one tribe directly surrounding their reservation land, their former tribal members the Miccosukee Tribe of Indians of Florida. The Miccosukee Tribe occupies tribal land in the Everglades, just west of the city of Miami near Highway 41 (that spans across Southern Florida), through four reservations¹⁰⁰. The majority of the tribe's 650 members (480) or 73.8% of the tribe live within their tribal lands---many others live in close proximity to their reservation lands¹⁰¹ in Southern Florida. The Seminole and Miccosukee do not have much of a contemporary relationship between their governments because the tribes parted ways when the Many individual Seminole and Miccosukee live on each other's reservations, have continued to intermarry, and share a number of cultural similarities between one another (Cattelino 2004). The Miccosukee are one the Seminole's largest gaming competitors in the state of Florida---maybe even more so than most commercial casinos.

While the Miccosukee only own and operate one casino, Miccosukee Gaming & Resort, the casino has a better location than any of the Seminole's casinos as it is located on the Western edge of the city of Miami (Southern Florida's top tourist location). The casino continues to generate more and more revenue each year and accounts for roughly 15% of the state's tribal gaming revenue with nearly \$200 to \$300 million dollars in revenue each year. The casino does not generate as much revenue as either of the Hard Rock locations, but the tribe could immensely improve its revenue production if they were to sign a Class III gaming compact with the state of Florida. The tribe is still operating only Class II gaming machines and has no table games, which makes it hard to compete with the Seminole casinos and the commercial racinos in the Miami-Dade area. The Miccosukee Tribe has no plans to sign a Class III gaming compact¹⁰².

While the tribe is not currently planning to expand its gaming operations or change its

Class II gaming machines, they are generating a lot of revenue and causing some competition for the Seminole. The success of the Miccosukee's casino has also led the tribe to sponsor a NASCAR team---the Seminole do not sponsor any professional sports teams.

While the Seminole compete against the Miccosukee in the Florida gaming market, the Seminole through Hard Rock International have indirectly partnered with the Cherokee Tribe of Oklahoma (Hard Rock Casino Tulsa), the Isleta Pueblo of New Mexico (Hard Rock Hotel & Casino Albuquerque), and the Mashantucket Pequot Tribe of Connecticut (Hard Rock Café). These indirect tribal partnerships show a progressive way of thinking between tribal communities as a way to generate revenue. The Seminole do not directly own any of these properties, but they retain the licensing and franchise rights to these casinos, hotels, and cafes through the Hard Rock brand and receive undisclosed amounts of revenue from each location. The Seminole could have never made these deals or connected with these other tribes if they did not own Hard Rock International. The two casinos in Albuquerque and Tulsa switched over to the Hard Rock brand to try to generate more revenue---they were not built as Hard Rock properties rather renovated into them. A Spokesperson for Hard Rock International (2010) confirmed that the tribe has a great deal of interest in partnering with other tribes throughout the country to bring the Hard Rock brand into other reservations. The tribe gets to expand its brand by moving into other markets and generating more revenue while other tribes can capitalize on the brand to generate their own source of revenue. The siltation in the eyes of the Seminole and Hard Rock International appears to be a win-win scenario. It is unclear what tribes the Seminole will partner with through Hard Rock International in the future to expand their brand, but it is clear that if the Seminole could partner with fellow gaming giant the Mashantucket Pequot in Connecticut that the tribe could foreseeable partner with any tribe in the country. The Seminole are currently looking into other partnerships with tribes across the U.S. to expand the Hard Rock International brand.

SEMINOLE RELATIONSHIP WITH SURROUNDING COMMUNITIES

The boundaries of the Seminole nation span throughout six unconnected

reservations, so the Seminole impact a number of communities throughout Southern Florida directly and indirectly. With the expansion of Hard Rock International, the Seminole Tribe will directly impact hundreds of communities throughout six continents and as the Hard Rock brand grows, so will the impacts that the Seminole have on other communities. While the impact that the Seminole Tribe and Hard Rock has on its surrounding Florida communities has been examined, one of the most overlooked impacts is how tribal gaming impacts commercial racinos throughout the state of Florida. The recent gaming compact that the Seminole signed with the state of Florida greatly impacts these commercial racinos. The tribe has been given a temporary monopoly over Las Vegas style table games throughout Florida based on its gaming compact. Commercial racinos and the Miccosukee cannot acquire any table games for at least five years (after 2015), which brings a lot of business directly to the Seminole. A Spokesperson for the Florida Pari-Mutuel Wagering Department said:

Customers that want to play table games will travel further distances to play them and bypass other casinos on the way if they do not offer what the customer wants. The Seminole are at a distinct advantage over everyone else in the state of Florida when it comes to gaming options. The tribe was making over a billion dollars of revenue annually from their tribal casinos and the state was seeing no profit whatsoever from these Class II gaming facilities. So instead of the state making no money, they [the state] basically had to sign a Class III gaming compact with the Seminole because of their dire financial situation to generate some type of revenue to help with the massive deficit. This is a great deal for the Seminole, maybe not so much for the state of Florida and the Seminole's gaming competitors as it indirectly eliminates some of the gaming competition. The only advantage that commercial competitors are seeing is that when the state signed the compact in competitive fairness, the state decided to lower Class III slot machine taxes at commercial casinos from 50% to 35%, which might help generate more revenue for commercial casinos and the state (2010).

The only real advantage that commercial competitors have over the Seminole is their access to more commercial land throughout the state of Florida than the Seminole Tribe has. The Seminole can acquire no more reservation land for gaming purposes unless they are using land that is already placed in "trust" status for them. However, Hard Rock International could acquire commercial land and build other casino/hotels throughout Florida, but that is extremely unlikely as these commercial properties would have to operate just like any other commercial casino in the state---paying 50% slot machine taxes and not being able to offer any Class III table games. Instead, the Seminole are

more likely to venture outside of the state of Florida, and most likely internationally via the Hard Rock brand.

Commercial casino competitors have been livid at the state of Florida's 50% slot machine tax rate, which is the second highest in the country for racinos or commercial casinos behind only Pennsylvania (Las Vegas Gaming Analyst 2010). In addition to that high percentage, Florida racinos also pay an annual \$3 million licensing fee for casinos and county and municipal taxes on slot machine revenue (Florida Pari-Mutuel Wagering Department 2010). The Seminole and Miccosukee were not required to pay any county or municipal taxes on slot machine revenue up until the summer of 2010. Florida racinos are limited by state law for their hours of operation and can only operate 18 hours on weekdays; whereas, most tribal casinos in Florida are open 24 hours every day (tribes dictate hours of operation). The state of Wisconsin witnessed its once powerful pari-mutuel horse racing industry collapse because of the impact of tribal gaming in the state, so could the same situation occur in Florida? Probably not because the state of Florida is not limited in terms of its operating schedules as dog and horse racing tracks can operate all year long because of Florida's warm climate. The state of Florida still has a lot of historical importance in terms of its pari-mutuel wagering industry and its fan base. In fact, Hollywood Park is still one of the premier racing tracks in the country with crowds averaging in the tens of thousands. The state of Florida recently licensed several private commercial businesses Class III gaming licenses to operate slot machines, so it is unclear how this will impact the Seminole. The state of Florida, while working to resolve their longstanding battle with the Seminole over gaming rights, is trying to retake control of the state's market by putting the clamps down on the Seminole Tribe and commercial businesses throughout the state. It is unclear what would happen if the state of Florida opened its doors up to full-scale Class III gaming to commercial competitors and the Miccosukee. The Seminole would probably have less of the gaming market and would have to work harder to generate that lost revenue through their Hard Rock International brand. With a population of over twelve million individuals in Central and South Florida and over five million in the greater Miami area, South Florida could easily become one of the best gaming markets throughout the U.S. if Class III gaming became a free market for all.

SEMINOLE TRIBAL PLANS

The Seminole have learned faster than most tribes that innovation is the key to tribal success. They have been successful in understanding their strengths and weaknesses as they have utilized their resources to expand their economic future into different markets. Despite the numerous accusations against the tribe of money laundering, wasteful spending, embezzlement, fraudulent use of revenue, fixing/tampering games, and favoring tribal members over non-Seminole businesses and individuals, the Seminole have succeeded far greater than any other American Indian tribe ever has economically. The Seminole Tribe's rise to being a power player in the global economy (primarily because of casino gaming) seemed almost certain as the tribe was constantly pushing the boundaries of their "sovereign" status in the U.S. The tribe's position within the U.S. and among other tribes was firmly established from their success in the gaming industry, but the tribe still has bigger plans, international plans. The boundaries of tribal land will continue to grow as Hard Rock expands into other international markets.

The Seminole have made it clear that their future lies not only in the arena of tribal gaming, but by diversifying their tribal funds into multiple economic opportunities. Hard Rock International allows the tribe to explore previously unobtainable gaming, restaurant, and entertainment markets. A Spokesperson for Hard Rock International stated the tribe was looking more and more into larger international cities for gaming and entertainment opportunities (2010). While the Hard Rock brand made its name as a café franchise that sold American culture, the Seminole have made their livelihood as casino gaming entrepreneurs. If you combine the quality of the Hard Rock brand and ingenuity of the Seminole Tribe, it is clear to see that the new Hard Rock International will venture into new territories capitalizing on restaurants, entertainment, and casino gaming--- bringing something unique to each market it enters. What are the limits of the Seminole as they take on a global market? They conquered the American tribal gaming market and wanted to move off of the reservation and into the world and did so.

With the Seminole, we see a tribe that is diversifying its finances into several businesses both within the boundaries of their reservations and outside of these boundaries. The tribe is most likely finished building tribal casinos except for the

possibility of creating a new casino at its Ft Pierce reservation, which would open a newer market to the tribe and expanding its gaming dominance in South and Central Florida. A Spokesperson for Hard Rock International said that the tribe was finished creating Hard Rock Properties in the state of Florida (2010). Hard Rock has been looking into commercial properties throughout large American cities and other untouched markets in the country. Hard Rock has been looking to target South American, African, and Asian markets to expand its brand. With the explosion of legalized gambling worldwide, the Seminole are hoping to capitalize on new opportunities when possible. With all of these opportunities available to the tribe, how will Hard Rock continue to change the perception of Seminole identity? Will the Seminole continue to become more of a tribal corporation and seem less and less like a traditional tribe or will their ventures into other economic markets simply help to reinforce their culture and traditions? Will tribal members become transnational citizens or will the tribe remain largely in Florida? With the expansion of Hard Rock, the Seminole face a whole new set of questions from an entirely different audience as they continue to move beyond the reservation and into the world.

CONCLUSION
THE FUTURE OF TRIBAL GAMING



Oneida Tribe's Turning Stone Casino in Verona, New York (Photo by John Bubb 2009)

THE VENTURE OF TRIBAL GAMING

If you must play, decide upon three things at the start: the rules of the game, the stakes, and the quitting time. ~Ancient Chinese Proverb

The Chinese proverb above simplistically describes the gamble that tribes take when entering into the field of tribal gaming. “The rules of the game” could best be described as how tribes navigate through the *IGRA* to create their tribal gaming enterprise. Is the tribe looking to create a traditional tribal casino, an off-reservation casino, or a commercial casino? This decision essentially determines the given path that a tribe will follow. “The stakes” could best be described as the financial and cultural costs of entering the tribal gaming market. Does the tribe have the financial revenue to start a tribal casino or must it look to an outside investor for the necessary revenue? What must the tribe sacrifice financially and culturally to acquire or to begin and sustain a profitable venture in tribal gaming? “The quitting time” could best be described as what a tribe ultimately hopes to gain from tribal gaming. Is the tribe hoping to create jobs for its people, create revenue that sustains individuals or the tribe as a whole, and/or does gaming provide a short-term or long-term solution to these financial situations? Many tribes do not plan for the long-term and gaming is conceived as a solution for the contemporary moment (the short-term); whereas, other tribes see gaming as merely a starting point to help make their people self-sufficient through economic investment and expansion into other fields and industries¹.

GUIDELINES FOR OFF-RESERVATION GAMING AND SUCCESSFUL CASINO DEVELOPMENT FOR TRIBES

Tribal gaming throughout the U.S. is influenced by a number of factors ranging from the state that the reservation/tribal land resides in (does the state allow tribal gaming?), the geographic location of the reservation (is it near any metropolitan areas or tourist destinations?), the size of the tribe (the number of tribally enrolled members), and the economic situation of a tribe (the tribe’s available budget or deficit). All of these factors are equated into whether or not tribal gaming is even an option for existing Native American tribes. For tribes to be successful in the gaming industry, they must know how what they are getting into culturally and financially before starting. For every tribe that has succeeded in tribal gaming, there is one that has floundered. The difference between

success and failure is that when a tribe fails at a multimillion dollar investment, it can cripple the tribe financially for decades. For each tribe that ventures into tribal gaming, the livelihood of all of its members hangs in the balance. The most successful tribal casinos in the country have utilized the following strategies to ensure that their tribal gaming enterprises maximize their economic potential. The case studies of the Potawatomi, Chippewa, Pequot, and Seminole are all intertwined within the following suggestions to provide evidence as to why these suggestions are important to follow.

First, tribes that own all aspects of their gaming operations are more successful in the long run because tribes can track where all of the earned revenue is distributed and why. This also allows tribes to have control of their gaming operations from top to bottom. With this being said, tribes need to hold themselves accountable and have a system of checks and balances in place so that no individual manipulates their position of power and places the tribe in a bad situation. Most tribes lack the initial capital to finance gaming facilities on their own, and must seek outside investors to help fund their gaming projects. Tribes without the startup capital to finance their own casinos need to thoroughly research their potential partners (this is where many tribes throughout the country run into problems), have expert casino analysts survey the casino's potential placement and economic impact (sometimes gaming projections are inaccurate), and examine potential impacts gaming will have on their tribe culturally and economically.

The more successful the casino becomes, the faster a tribe should buyout its partners if it has any so that all of the revenue is under the control of the tribe. The Potawatomi, Chippewa, Pequot, and Seminole all utilized this method to maximize their revenue production when their gaming industries were at their peak level of performance. Many outside investors (business partners) take advantage of tribes because they know these tribes have limited options as to where they can get the financing from for their investment. Many business partners negotiate deals with tribes that either give them a set amount of annual revenue or a percentage of the casino's gross or net win---typically the percentage of the casino's gross or net win is the worse of the two options because if a tribe hits or exceeds its projected gross or net revenue (as they do most of the time), the tribe stands to lose millions annually (Las Vegas Gaming Analyst 2010). The Potawatomi, Chippewa, Pequot, and Seminole all bought out their gaming partners

contracts because the tribes' were giving up a percentage of their revenue and the amounts they were paying back to their investors equated to being more than twice the amount of the original loans. A tribe that can control its investments has a higher chance to be successful in the gaming industry.

Second, tribal leaders need to remember that the purpose of tribal casinos is to ensure the future of their tribe. The individuals in power need to see and understand the needs of their people (the community) and not the needs of themselves and those who are closely associated with them (friends or business partners). Many tribes who struggle with a new influx of revenue do so because of a lack of experience managing finances. The community needs to know where the funds are going to hold those in positions of power accountable---without accountability corruption tends to occur. Tribal spending records need to be made accessible to tribal members, not just those in power because of NIGC guidelines. Power and responsibility of tribal revenue should be made through the collective tribal voice not singular individuals in position of power. Many individuals have had the tribe's best interest at hand when they began in the gaming industry, but many could not handle the money, power, or the newly developed capitalistic desires to better their own social positions at the cost of their tribe. The Chippewa, Pequot, and Seminole all fell victim to this scheme because tribal leaders put their own vested interest ahead of the tribe, costing their people financially and in some cases culturally in the short-term and long-term. Corruption within the tribe also calls into question the methods that a tribe uses to run its gaming facilities---putting the tribe and their businesses under a larger microscope by the public, competitors, and the regulating bodies of the tribal gaming industry (state and federal).

If a tribe lacks qualified specialist to run and operate their business, then hire specialists to manage your gaming operations if needed. The Potawatomi and Pequot hired individuals with gaming experience to help startup their gaming empires and learned the ropes from individuals with experience in gaming---helping establish their own internal management process. The Chippewa went at it on their own and succeeding in the tribal gaming industry, but failed miserably in the commercial gaming industry. The Seminole hired inexperienced people to run their operation, costing their tribe millions of dollars, but the tribe was able to rebound from this misstep (most tribes

cannot rebound from a multimillion dollar blunder). Do not give jobs or positions of power to inexperienced individuals simply because they are tribal members or associates. Let tribal members that lack experience learn from or be mentored by those with experience before giving them power or responsibility. The Chippewa and Pequot gave inexperienced individuals positions of power in their gaming industries and it cost them hundreds of millions of dollars financially. The Chippewa blundered away a casino that produced \$350 million dollars of revenue each year and cost their tribal members numerous social benefits because of inexperienced tribal members calling the shots. The Pequot had a number of failed casino developments off of reservation property, a bad investment with MGM Mirage, and cost tribal members revenue and a reduction in social services all because of inexperienced individuals running the gaming operation. Both tribes had successful internalized management processes for tribal gaming in place, but lacked these systems for off-reservation gaming. There is no substitute for experience in the gaming industry. Success needs to be maximized at any level of gaming before expanding your operations, so carefully place qualified individuals in positions of power.

Third, the smaller and safer the bet, the better the chance there is for a tribe to create a positive return². Tribes that start out small, but steadily make profit can progress in a positive direction. When the Potawatomi, Chippewa, Pequot, and Seminole all succeeded and hit their peak, they did so by utilizing a financial plan that grew and built on smaller levels of success that continuously expanded gaming operations. Planning is an important stage for casino development and operation. In the casino industry, bigger does not always mean better---know the surrounding landscape, the amount of tourism, and the amount of available and required resources needed for successful operation. The bigger the initial bet for tribes, the more disastrous the typical outcome for tribes is. Tribes that accrue hundreds of millions of dollars of debt, typically damage the future of their tribe for a number of years before any real change or progress is brought to the tribe---maybe a generation or two before the tribe sees any real financial change. The Chippewa and Pequot expanded massively beyond their means and ultimately endangered the future and well-being of their tribal members. Their desire to expand economically was ambitious and not well thought out and most importantly put the tribes into debt by expanding beyond their available stream of useable revenue. Only expand if

you can afford to expand---do not accrue more debt in the hopes that a new expansion will bring more revenue back to the tribe. Stay within the tribe's available spending budget because positive revenue is always a profit. The Potawatomi and Seminole succeeded because their mega expansions were within their tribe's budget, so the risks they took were not as great or as costly. Spend what you can afford to spend and pay back within a manageable timeframe.

Fourth, if a tribe is trying to venture outside of the boundaries of their tribal lands to create a casino, know the acceptable and permissible guidelines as established by the *IGRA* and the Department of the Interior. Tribes asking for land to be placed in trust status outside of the reservation need to remember that the lands they are asking for cannot exceed a distance of 40 miles or a commutable traveling distance³ for tribal members. Remember, the goal of any tribal casino (including off-reservation casinos) is to create jobs for tribal members and help make tribes and their members more self-sufficient not to generate massive amounts of revenue. Tribes are almost certain to have off-reservation casino proposals rejected that travel far distances away from their land, that ask for prime real estate in major metropolitan areas, or that cross state boundaries. Tribes cannot realistically hope to acquire tribal lands in metropolitan areas for the sole purpose of gaming, so a tribe may have to alter its desired plans to another smaller location. The Potawatomi are and probably will be the only exception to this rule. The truth is, some larger metropolitan markets do not want commercial casinos within their boundaries, so why would they want tribal casinos there that pay them less in taxes? If a tribe does acquire an off-reservation casino, localized gaming control of that casino is a must for successful casino operations and management. Without on site management and control, decision making processes are delayed and slow down creating ineffective operations of the gaming facility. Most tribes fail when they do not have direct access and control over their investments. The Potawatomi succeeded in Milwaukee because they placed tribal officials on site in Milwaukee to ensure that their investment panned out; whereas, the Chippewa failed because they did not have direct access to their commercial gaming investment in Detroit. The Pequot failed by not having experienced gaming directors run their off-reservation gaming endeavors (nationally and internationally), which resulted in no projects succeeding. The Seminole succeeded

because they left experienced gaming operators in positions of power nationally and internationally---they also were successful in managing Hard Rock International in that its headquarters was in close proximity to the reservation. For any tribe, a casino is their largest investment, so they must be able to be hands-on and take an active role in its management and daily operations.

Fifth, if a tribe ventures into the realm of commercial gaming as a way to either begin or expand their gaming industry, tribes must strictly know the differences between commercial and tribal gaming regulations, laws, and operating protocol. Tribes that acquire commercial gaming properties must know that their tribal sovereignty does not exist in any way, shape, or form when owning and operating a commercial business. That being said, commercial casino operators are much more strictly governed, regulated, and taxed than tribal casinos. The Chippewa and Pequot were unprepared for the realm of commercial gaming despite being giants in the tribal gaming industry. Their failure at knowing the ins and outs of the commercial industry cost their tribes enormously. The Seminole succeeded by working with individuals who had succeeded at commercial gaming and investing and were able to create the first successful transition of tribal gaming to international commercial gaming.

Local and state governments get a monthly portion of gross casino revenue⁴ (not net) and commercial casinos typically pay a much higher tax rate (20% to 50% varying by state) plus they pay high regulatory fees. Tribes almost always see less revenue generated from owning commercial casinos because every aspect of that industry is heavily taxed (food, drinks, hotels, entertainment, and all forms of gambling), whereas, tribal casinos only have to directly report gaming generated revenue. Gaming compacts typically ask tribes to payout on average 5% to 12% of their net gaming generated revenue (total revenue or based on slots) and commercial casinos (minus Las Vegas⁵) typically payout 25% to 33% from all gaming revenue. Many tribes do not have to pay revenue generated from table games or bingo, which saves tribal casinos millions in revenue---commercial operators pay on slots, table games, bingo, and sports betting. Tribes need to learn quickly how to operate commercial casinos as the learning curve is a lot steeper for owning a commercial casino. Again, a tribe should bring in specialist if the individuals within their tribe do not have the proper qualifications to market and

manage this type of investment. Owning, partnering, and operating commercial casinos have been the downfall of some successful tribes and some tribes just starting out in the casino industry, so tribes should tread with caution when venturing into this arena of gaming.

Finally, if tribes become successful through gaming, they should look to diversify their economic funds into broader investment opportunities. Placing your entire economic livelihood in one area is not a smart investment, especially in gaming. Sooner or later, gaming markets will level out around the country and casino revenues will flat-line with no growth and possibly with decline. The Pequot experienced this firsthand when Foxwoods saw its revenue flat-line and they placed all of their revenue in gaming ventures leaving them with over \$2 billion dollars in debt. That being said, successful casinos will always generate profits, but not always to the extent of previous years, to the expectations of expert casino analysts, or even to the expectations of owners. Every economic market around the world fluctuates to some degree or extent, so profitability does not always maximize no matter how good the product or how previously successful the market was or is. Successful tribes take some of their profits and invest them into sound investments for the future of the tribe---again outside expert help may be needed in this area. The Potawatomi have invested in non-gaming related businesses and made millions over the last decade. The Seminole bought Hard Rock International because it also offered restaurants, hotels, and entertainment venues to market versus just gaming. Tribes should always thoroughly checkout any investment option that is available to them and should do background checks on any partner that will be working with them to invest their money. The NIGC should investigate any partners that tribes are thinking of partnering with, but tribes should not leave this in the hands of the NIGC---they need to be proactive and take control.

NEW TRENDS IN TRIBAL GAMING

The expansion of tribal gaming is opening up new markets in larger metropolitan areas, previously anti-gaming states⁶ across the U.S. are beginning to allow gaming, and more international territories are becoming available options for tribes. Besides the emergence of new markets, some new trends are starting to emerge in tribal gaming: (1)

Tribes helping or partnering with other tribes locally or across the country, (2) Tribes opposing other tribes locally or across the country as the tribal gaming industry becomes a more competitive business field, (3) Tribes partnering with commercial gaming partners to create tribal casinos that are financed, supplied by, managed, or licensed/franchised by commercial gaming partners, (4) Tribes venturing into commercial gaming either within the boundaries of their tribal land or outside of the boundaries of their tribal land (huge difference in operational procedures), (5) Tribes venturing into international gaming markets through the use of commercial gaming facilities, and (6) Tribes using gaming profits to venture into other non-gaming industries to diversify their financial investments for the future of their tribes. Whatever route a tribe takes, the tribe must remember that tribal gaming has both its cultural and economic costs. Many times the cultural costs of a tribal casino cannot be predicted no matter how proactive a tribe is. As tribal gaming and commercial gaming explodes across the American landscape, indirect sources of revenue are continuing to be generated from these markets. One of the newest trends to capitalize on gaming (especially tribal gaming) comes from universities⁷ that want a piece of the gaming market. Casinos generate money and create new jobs, so universities are seeing a new opportunity to capitalize and train students to be job ready in the casino industry---tribes are also capitalizing on this trend in gaming by partnering with universities and helping to develop classes and training.

Another trend occurring in the gaming industry is the emergence of tribes traditionally opposed to gaming entering the market. The Navajo voted down the notion of tribal gaming several times until recently passing a gaming ordinance allowing for the creation of tribal casinos in Arizona and New Mexico. The Navajo opened Fire Rock Casino in Gallup, New Mexico on November 19th, 2008, and has had success with their first tribal casino. The tribe plans to open up more casinos throughout Arizona and New Mexico, but how successful can large tribes be when it comes to the casino industry? The tribe had to take out a multimillion dollar loan to finance the casino and with over 200,000 tribally enrolled members, what impact can casinos have on the country's largest land-based and federally enrolled tribe? The vast majority of the revenue (profits minus debt) generated from the casino (95%) will be distributed back to the larger Navajo Nation in Window Rock, Arizona, for the tribe to dictate how the money will be spent

and a small portion of that revenue (5%) will be left for the Churchrock Chapter in New Mexico to spend for operating the casino---the majority of revenue created by Navajo casinos will not be left in the community it will be transported back to the tribe's headquarters. The casino employs mostly Navajo as 93% of the 312 employees are Navajo (284) and the vast majority of the regular customers (70%) according to players' club cards are Navajo members. While the casino is making money, it is also making a lot of money off of tribal members, which the casino was intended to help. What impacts will a tribe like the Navajo venturing into tribal gaming have on other non-gaming tribes thinking about venturing into tribal gaming as way to generate revenue for its tribe?

NEW GAMING MARKETS

Casinos are no longer just in Las Vegas, Atlantic City, or remote isolated areas with small populations, casinos are breaking down the door in some of the country's largest metropolitan areas. As a result, the development of Indian gaming facilities in urban areas is also becoming an increasingly popular ideology for both tribes and states. The expansion of casino gaming into Philadelphia, the country's sixth largest city and the fifth largest metropolitan area in the U.S., establishes an important moment in gaming history because Philadelphia becomes the largest city in the country to allow casino gaming within its boundaries. While casino gaming occurs in Chicago's metropolitan area, the country's third largest metropolitan area, casino gaming does not occur within the city's boundaries (the country's third largest city). If gaming is successful in Philadelphia, other large urban areas may follow suit to Philadelphia and allow casino style gambling within their city's boundaries. Philadelphia is limiting its gaming (as is the state of Pennsylvania) to the use of slot machines.

The Gabrielino-Tongva Tribe are currently pursuing to acquire tribal land in Los Angeles, California, the country's second largest metropolitan market behind only New York City. What impact would this have on the rest of the U.S. if the country's second largest market allows legalized gambling? Metropolitan markets such as Albuquerque, New Mexico, Miami, Florida, Milwaukee, Wisconsin, San Diego, California, Tucson, Arizona, Tulsa, Oklahoma, and Spokane, Washington already have tribal gaming within their greater metropolitan area. Commercial gaming markets already exist in the

following large metropolitan markets: Chicago, Illinois, Detroit, Michigan, Las Vegas, Nevada, New Orleans, Louisiana, Pittsburgh, Pennsylvania, and St Louis, Missouri. Legislation is underway or already passed in some cases for the development of commercial gaming in the following metropolitan markets: Boston, Massachusetts, Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Oakland, California, and Philadelphia, Pennsylvania. While casinos are appearing in more metropolitan markets, these casinos are not in the downtown or upscale sections of these cities, they are in fact on the outskirts and most of the time in some of the areas with the highest crime rates. These metropolitan based casinos are generating numerous jobs⁸ for individuals in the areas hit the hardest by the economy and with high unemployment rates. Gaming will continue to expand into newer and larger markets as long as there is the customer base to support it (Las Vegas Gaming Analyst 2010).

ROLLING THE DICE ON TRIBAL GAMING

Casinos will always be a gamble for tribes because of their lack of experience in the gaming industry. Some tribes will either follow a proven success model or create their own, others will follow in the footsteps of tribes' who have ultimately faltered or failed, or some will venture on their own path of difficulties and dilemmas. Most tribal casinos are of moderate size in comparison to most commercial casinos, so tribes are finding better ways to market to low rollers, the average casino customer. "Many casinos realize the "low rollers" can be extremely profitable. They operate on the McDonald's principle---price the product low, but sell to more people" (Hashimoto 2007, 7). The tribes are becoming active participants in helping to shape their own identities by helping construct the imagery and advertisements for their casinos.

In contemporary Western cultures, photography, cinematography, and television have, since the nineteenth century, combined with the political economy of market capitalism to construct representations of societies and cultures that exist through, and even depend on, the proliferation and consumption of visual images (King 136).

Tribes are learning to commodify their own culture for revenue, when needed, because some tourists buy into the "Indian" mystic. The future of tribal gaming will forever be tied to individual tribe's circumstances, economic position, and the surrounding politics

(both tribally and externally), but where a tribe ultimately goes in the gaming industry can be like a roll of the dice in the game of craps.

For the average Native American living in the U.S., the casino industry has little impact on his/her daily life. Despite the massive wealth generated by the few select tribes lucky enough to benefit from tribal gaming, Native Americans in general are statistically at the bottom of most of the negative social statistics in the country including: high school dropout rates, graduation rates, drug and alcohol use, domestic violence, health related issues/problems⁹, crime rates, and incarceration (BIA 2010). For most tribes, tribal gaming is merely a temporary fix to their cultural and economic problems. Thinking that gambling will not cause other cultural or economic problems is wishful thinking at its best because even the most successful tribes in the country have encountered their problems along the way---some they would probably never like to discuss. Owning and operating any type of casino is all about having experience and maintaining control. *"When a gambler picks up a pack of cards or a pair of dice, he feels as though he has reduced an unmanageable world to a finite, visible and comprehensive size"* (Author Annabel Davis-Goff). While gamblers feel a rush and sense of control while they are in their element (gambling), casino owners feel the same since of control and power, but the truth is only a few individuals really cash in on casinos. For most tribes venturing into tribal gaming, it is the outsiders, the non-tribal members that are truly cashing in on Indian casinos. Most tribes are quickly learning in the gaming industry that the only thing that matters is making money and that it does not matter who you make that money off of. Casinos are the ultimate form of capitalism as their only goal is to create and generate revenue for those that own them.

EPILOGUE

TRIBAL DEVELOPMENTS DURING 2010

During 2010, the tribal gaming industry continued to grow and adapt in new and unpredictable ways. Tribal gaming continued to generate roughly \$26 billion dollars in gaming revenue (a 1.9% loss from 2009). The reason for tribal gaming losing money in 2010 was due to the slow rebounding of the U.S. economy, the development of fewer new tribal casinos opening, the increase in competition from commercial casinos, and because of the added expenditures of many tribes (Meister 2010). Tribes continued to expand their gaming venues, which cost them additional revenue in startup costs and had other gaming related expenditures. A number of tribes also were dealing with multimillion dollar loan repayments and some also had to restructure their debt. Each of the tribes examined within this dissertation went through a number of changes during the 2010 fiscal year and this epilogue will provide a brief picture of those experiences.

FOREST COUNTY POTAWATOMI COMMUNITY TRIBAL DEVELOPMENTS

The Forest County Potawatomi Community encountered a number of major changes throughout 2010 as the tribe ran into some financial difficulties. Despite having a record breaking year producing nearly \$400 million dollars at the Potawatomi Bingo Casino and having a steady year at the Northern Lights Casino, the tribe has found itself having to cut back on its expenditures. The tribe has been paying back the interest on its 2008, \$240 million dollar casino expansion loan, increased gaming operational costs, buying and development of new tribal lands (trust land and commercial land), and an increase in the overall cost of tribal benefits. As a result of all the new costs that the tribe has encountered, the allotted amount for the tribal budget was less than the tribe needed for its expenditures. The biggest change that resulted from the cutbacks were the lowering of tribal stipends from the 2009 amount of \$97,364 dollars to \$60,000 dollars in 2010, which was roughly what tribal members received between 2005/2006. The tribe also decided to cut its distribution of stipends to youth under the age of 18. The \$37,364 dollar decrease per adult, plus the elimination of nearly 300 youth stipends is expected to save the tribe nearly \$55 million dollars annually. Enrollment in the tribe has seen little growth as the tribe has increased in size by roughly 40 members.

The Potawatomi have continued to expand their tribal boundaries by acquiring new lands. The Potawatomi received approval from the Milwaukee Plan Commission on September 20, 2010, for a \$29 million dollar renovation of the former Concordia University/Indian Community School located on Milwaukee's West side. The tribe plans to turn the old school into a business park and has been planning to do so since 2007 when it moved locations. The Potawatomi also signed a memorandum of understanding with the Fond du Lac County board of supervisors in Wisconsin to purchase 80 acres of land in the town of Ashford, located along the shores of Lake Michigan, for an undisclosed amount of money. The tribe plans to use this land as a historic preserve and not to develop it economically as there are no roads, commercial districts, or residential areas in the vicinity---there are no plans for casino development on this land. Where the tribe goes from here is unknown, but recent developments show a desire to expand both culturally and economically for the Potawatomi.

SAULT STE MARIE CHIPPEWA TRIBAL DEVELOPMENTS

In 2010, the Chippewa Tribe received a critical blow to their livelihood as the MGCB approved the transfer of the debt ridden Greektown Casino in a vote of 4-0 from the ownership of the Chippewa to their creditors, Greektown Superholdings, Inc. and Greektown Newco Sub Inc. The majority of the debt incurred by the Chippewa from Greektown has vanished because the tribe lost the casino by defaulting on its loan payments, thus transferring possession of the property to its creditors. While the tribe is no longer responsible for the majority of the \$777 million dollars of debt, the tribe's credit rating has went from A to D (the lowest rating), possibly impacting the tribe's future financial options. The decision by the MGCB did not go over easily with the Chippewa as they fought it to the bitter end. There are two problems with the Chippewa losing Greektown: 1) the transfer of ownership from the Chippewa to the creditors violated the MGCB's casino ownership policy and 2) some of the land the Chippewa owned in Detroit is being challenged as trust land through the *Quiet Title Act* and the *Indian Intercourse Acts*. For the MGCB to complete the transfer of a gaming facility from one party to another, the board must do background checks on each of the new owners. There were too many owners through the credit companies that acquired

Greektown to individually license them, so the MGCB granted them temporary ownership status and licensing---violating their own laws. The Chippewa and their investment partners were examined for nearly two years through the background check by the MGCB. U.S. Rep Bart Stupak from Michigan's UP challenged the transfer of Greektown Casino to the Chippewa's creditors and even wrote a personal letter to the U.S. Secretary of the Interior asking him to look into the situation seeing if the transfer of ownership violated the sale/transfer of Indian land without the consent of the U.S. Government. There has been no indication that the Chippewa have a case because the property has a commercial license. The loss of Greektown has financially wounded the Chippewa as they are still having to cut benefits to enrolled members---new enrollment status is still on hiatus because of financial difficulties.

The Chippewa have made one more off-reservation purchase despite their recent blunder with Greektown. The tribe purchased a parcel of land (7 acres) in Huron Township (in Wayne County North of the Detroit Airport) from Pinnacle Race Course---Michigan's only horse racing track. The tribe paid \$179,000 dollars for this parcel of land and is looking to place the land in trust status. The tribe has plans to develop the land in partnership with Pinnacle and is believed to be planning the creation of another off-reservation casino. The land is currently classified as commercial property, but if the land can be switched into trust land, the tribe could have the opportunity to create a successful gaming facility as the only racino in Michigan. If the land cannot be switched, the tribe would have a second chance at running a commercial casino in partnership with Pinnacle.

MASHANTUCKET PEQUOT TRIBAL DEVELOPMENTS

The Pequot have faced a number of financial difficulties during the year of 2010. Foxwoods is still producing over a billion dollars annually (second best globally), but its growth rate has flat-lined. The partnership with MGM Mirage has provided the tribe with little except for massive debt. The inclusion of the MGM property next to Foxwoods has not even helped the tribe out-produce their gaming rival the Mohegan. Furthermore, the partnership has not taken the tribe into the boundaries of Atlantic City, Las Vegas, or internationally, the most enticing reason the tribe inked the partnership.

The partnership will be on hold for an undefined amount of time as MGM has continuously seen its stock drop and has been reeling financially from a recent number of bad multimillion and billion dollar global investments---most notably City Center in Las Vegas.

The tribe is continuing its development of Foxwoods Philadelphia, but delays keep mounting for the tribe, slowing any real development from occurring. The tribe has slowed down its pursuit of off-reservation gaming markets and international gaming markets as its financial situation has improved little (still over \$2 billion dollars in debt). The other reason for the tribe's jumbled financial situation is that Foxwoods Casino Resort has went through four CEO's since 2007, which has led to numerous management and financial decision making problems as the tribe has attempted to expand outside of Mashantucket. The failure to produce new revenue and expand gaming operations has continued to affect the benefits that the tribe could offer to its members. Stipends have been cut from six figures down to \$50,000 annually and some additional resources have been cut or limited. The cut in tribal stipends and benefits should save the tribe in excess of \$60 million dollars annually.

FLORIDA SEMINOLE TRIBAL DEVELOPMENTS

Financially, the Seminole are the only one of the four tribes that made no cuts in benefits to its members. The acquisition of Hard Rock International has continued to be a benefit to the tribe both culturally and economically. The tribe has decided to lease and franchise its Hard Rock brand to other investors more so than to build brand new properties on its own. This strategy has proven to provide the tribe with more spendable and available revenue because they are not required to provide any startup cost for a new property. This is also allowing the tribe to partner with other tribes and commercial investors nationally and internationally----allowing them to selectively choose their own markets. The Hard Rock brand since being taken over by the Seminole has made a conscious effort to focus more on international development rather than developing new U.S. properties.

The signing of the Class III gaming compact with the state of Florida has also increased the Seminole gaming revenue generated from their tribal casinos---generating

record high revenue of nearly \$2 billion dollars from its seven tribal casinos. The Class III compact has also increased the Seminole's control over the Florida gaming market and continued to anger commercial casino operators. Because of the record high revenue being produced by the tribe, tribal benefits (community and individual based) are continuing to increase for tribal members. Tribal stipends increased from \$165,000 in 2009 to \$175,000 per individual in 2010. Despite the increase in benefits, the tribe is once again dealing with issues of corruption among its tribal government. This issue has plagued the Seminole Tribe since it first ventured into tribal gaming; however, the allegations this time around are more serious as the NIGC is investigating the tribe for inappropriate use of tribal funds. The NIGC regulates all tribal gaming and could enforce fines, limit their gaming operations, or under serious conditions even close down tribal gaming facilities. The decisions made by those in leadership positions for a tribe (tribal government and gaming operations), ultimately make the decisions of how to spend gaming revenue and often times internal conflicts arise amongst tribal members on how to do so.

Often times, there is a disconnection between the financial sector of the tribe, the cultural sector of the tribe, and the interests of the individual tribal members when it comes down to the spending of gaming revenue. Any decision made will impact the tribe...and there will always be individuals that feel excluded or left out of the decision making process. The larger the tribe, the more of a disconnection there will be. If there are sudden changes in leadership or tribal policies, the disconnection will be even higher (Kevin McBride 2009).

Professor McBride sums up the difficulties involved with tribes spending gaming revenue and also provide insight as to why and how there can be a disconnection between where tribal gaming revenue goes.

End Notes for Introduction

¹ Gambling is currently the number two form of entertainment worldwide in terms of generating revenue---sports is number one (Las Vegas Gaming Analyst 2010; Meister 2009).

² There are currently 84 tribes out of the 564 *Federally Recognized Tribes* that own off-reservation trust land for business purposes---only four of these tribes have been granted Federal approval to use this land for gaming purposes.

³ Some tribes are entering into gaming compacts with local or state governments that are creating buffer zones for these tribes to operate free from other gaming competition for a set percentage of their total revenue.

⁴ The U.S. Supreme Court Case of Donald Carcieri, Governor of Rhode Island, v. Ken Salazar, Secretary of the Interior, denied the Narragansett Indian Tribe of Rhode Island and other tribes in the U.S. that were granted Federal Recognition after 1934 from acquiring land trust status from the U.S. Government.

⁵ The partnership between the city of Duluth and the Chippewa is the first tribal gaming revenue sharing agreement between a tribe and a non-tribal government. The tribe and city are currently renegotiating that agreement.

⁶ The casino recently underwent a \$120 million renovation, mostly paid for from their off-reservation casino profits.

⁷ Crime rates indicate the amount of reported crimes in an area, not the number of prosecuted crimes in an area. Crimes such as theft, robbery, money laundering, embezzlement, drug and alcohol related crimes, and civil offenses (minor violations) have all increased; whereas violent crime rates have stayed the same or declined on average in casino gaming communities (FBI Statistics 1980-2010). A violent crime is a crime in which the offender uses some type of aggravated force or threatens violence in order to commit a crime. Violent crime according to the FBI include: murder, rape, assault, and armed robbery. In communities surrounding tribal casinos and off-reservation casinos, the only crimes that have shown visible increases according to FBI statistics are drug and alcohol related crimes. While other crimes may occur in these areas, the data available does not show any measurable change from prior to the start of gaming to after the implementation of gaming.

⁸ Liminal space referring to the boundaries in life where existing definitions of individuals, things, or places no longer suffice or may not work and new definitions may not be clearly defined (Kaplan 2005).

⁹ CNIGA, founded in 1988, is a non-profit organization comprised of Federally Recognized tribal governments. CNIGA is dedicated to the purpose of protecting the sovereign right of Indian tribes to have gaming on Federally-Recognized Indian lands. It acts as a planning and coordinating agency for legislative, policy, legal and communications efforts on behalf of its members and serves as an industry forum for information and resources (2009).

¹⁰ Most tribes do not have the economic means (prior to tribal gaming) to finance their own future in the gaming industry; therefore, most tribes create some type of partnership with outside non-tribal businesses to finance their gaming endeavors.

¹¹ "There are a large number of legal rules defining American Indian identity, and they are formulated and applied by different actors for different purposes" (Garrouette 2001, 224). The use of blood quantum levels as the determining factor for tribal membership only institutionalizes and reinforces the colonial practices of Euro-Americans when determining the contemporary ethnic status of individual tribal members and tribal nations as a whole.

¹² Each trip lasted from a few days to a few weeks when visiting a location. The total amount of time spent working on each of the case studies was around three months total in the field.

¹³ The direct amount of ethnographic work was intentionally limited to reduce the complications involved with analyzing multiple sites, time restraints, tribal issues (privacy), data collection, and further complicating the research project by broadening the project's scope. The data collection process (gathering of fieldnotes and interview techniques) required from an ethnographic approach would be vastly different and would be more heavily scrutinized than they would be in conducting a cultural site analysis at multiple locations. Conducting detailed ethnographic work at the "off-reservation" casinos themselves would be an extremely beneficial aspect to this research project; however, the reality of being granted permission to ethnographically observe and interview casino employees, tribal members, and customers is extremely limited at best because of the high levels of security at the casinos, tribal policies, and policies from state

gaming commissions and ordinances as well as those from the NIGC.

¹⁴ While blogs could be considered, at times, unreliable forms of data, they provide a unique and honest perspective for individuals who wish that their identities maintain anonymous. Blogs are also brutally honest in what they say and how they say it. They are not edited, looked over by supervisors, or managed, so the writer is in full control of what he/she discusses.

¹⁵ Many of the individuals, who agreed to be interviewed, asked that their identities be made anonymous for varying reasons; therefore, a brief descriptive (generic) title was created for those individuals.

¹⁶ The guided questions were only used when I was trying to find specific data for a particular situation.

¹⁷ Each tribe's contribution to the county/city and state, economic infrastructure of the surrounding area (jobs), the tribal reservation, individual tribal members, and the tribe as a whole was the method used to determine the economic impact that a specific tribe had.

¹⁸ Tribal gaming changes rapidly, so in one year a lot changed. A brief one page Epilogue section was added for each of the four tribes studied within this dissertation from January of 2010 to January of 2011.

End Notes for Chapter 1

¹ Throughout European history, sovereignty referred to the supreme, independent authority over a territory in which the governing body has complete control to rule and make laws (Nagan & Hammer 2004).

² The importance of this date is that it documents the first type of sports betting, which has grown into one of the largest forms of casino gambling worldwide.

³ Cockfighting has been in the Americas since Europeans arrived in the Western Hemisphere. The English brought it to the Northern colonies and the Spanish introduced it to the Southeast/Gulf Coast region as well as Latin America. While cockfighting is banned throughout the U.S., in Central and South America cockfighting is still a thriving sport and a cultural tradition for many groups of people.

⁴ The origins of dog fighting date back to the days of the gladiators in Rome (3rd Century BCE) and it is still an immensely popular sport in other parts of the world despite its ban throughout the U.S.

⁵ Although the sport became a popular local pastime, the development of organized racing in America began after the Civil War when the *American Stud Book* began in 1868 to document horse racing results (The Jockey Club 2009).

⁶ The history of the greyhound racing began in 1876 on the Welsh Harp Reservoir in Hendon, England when greyhounds were first raced (Greyhound Racing Association of America 2009).

⁷ Through the use of televisions and print media, lotteries once viewed as corrupt and immoral, became both acceptable and popular again in mainstream America. "Commercials advertise the fun of playing the lottery, big jackpots transform the lottery into an item on the evening news, and some networks televise half-hour shows devoted to the lottery" (Volberg 2004, 55). The media made gambling fun again; it transformed gambling from an immoral act into a recreational pastime, an experience.

⁸ Currently, only Alabama, Hawaii, Mississippi, Nevada, and Utah do not allow any type of lottery game within their states' boundaries---Nevada offers every other type of gambling within state boundaries, but lotteries.

⁹ Powerball originally Lotto*America began in 1987 and Mega Millions began in 1996. As of July 2010, Powerball is played in all states except for Alabama, Alaska, California, Hawaii, Mississippi, Nevada, and Utah and Mega Millions is played in all states except for Alabama, Alaska, Florida, Hawaii, Louisiana, Mississippi, Nevada, Utah, and Wyoming.

¹⁰ The Venice Casino in the Serenissima Republic of Venice was the world's first casino and opened in 1638.

¹¹ New Orleans, quickly gained a reputation as a sinful city with its gambling and prostitution, it was the Las Vegas of the Eastern part of America before Las Vegas was the sin city capital of America (Asbury 2003).

¹² International waters are defined by the U.S. Department of the Interior as 12 nautical miles or 22 kilometers away from the coast of the U.S.

¹³ Each state has its own rules and guidelines governing riverboat casinos and their operations.

¹⁴ States in some scenarios can exclude tribes from owning and operating casinos if the state only allows for gambling on the state's river ways. The states, under Federal jurisdiction, regulate the nation's waterways like wards. Tribe's cannot own waterways even if they cross through reservation boundaries, but they can

use them (Spokesperson Department of the Interior 2009). The problem is that the *IGRA* regulates tribal casinos on tribal lands, not state waterways, which are owned by the Federal Government. Federal guidelines also distinguish between waterways and lakes because gaming is not permitted on lakes, which tribes do in some cases own. The only way a tribe could own and operate a riverboat would be to get a commercial license for the state allowing riverboat gambling and operate the riverboat as a commercialized business venture.

¹⁵ Racinos have exploded throughout the country in the following 13 states: Delaware, Florida, Indiana, Iowa, Louisiana, Maine, Minnesota, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, and West Virginia.

¹⁶ Approximately, only 20% to 25% of contemporary Native Americans are fluent in their traditional tribal language (Spokesperson for BIA 2009).

¹⁷ Native Americans, like all minority groups, are currently characterized through stereotypes, and the invention of the casino has only helped to create the contemporary stereotype of the “rich” and “greedy” Indian stealing the white person’s money (Light & Rand 2005). All of the stereotypes that surround the identities of Native Americans (both past and present) have been created by the dominant White American culture and perpetuated throughout popular culture.

¹⁸ Manifest Destiny was a political agenda to annex the Western portion of the U.S. and to further expand the boundaries of the U.S. nation-state where possible. That expansion meant moving Indians from their traditional homelands out West into less desirable lands, so that American settlers could utilize those lands.

¹⁹ Throughout the 1800 and 1900’s, the slogan “Kill the Indian, Save the Man” was a popular ideology used throughout Indian Boarding Schools as a way to assimilate Indian youth into the White American culture.

²⁰ Chief Justice John Marshall’s decisions in the Marshall Trilogy were vital to the formation of tribal sovereignty.

²¹ The BIA’s mission is to “... *enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives*” (BIA 2010).

²² Tribes have limited sovereign status within reservation lands, which is subject to most Federal laws and some state laws. Most reservation land was given to tribes through their signing of treaties with the U.S. Government and some reservations were the result of tribes being given land from state governments. Currently, Native Americans have 55.7 million acres of reservation land, which accounts for 2.3% of the total surface area of the U.S. (BIA 2010). Reservation land includes land designated as reservations, pueblos, rancherias, and communities.

²³ In 1938, the *Indian Mineral Leasing Act* was passed allowing the Secretary of the Interior the authority to oversee mineral development on lands allotted to Native Americans. Many tribes leased their land through the Government to private businesses---it is unclear how much compensation tribes received during these transactions.

²⁴ The Navajo’s leasing of reservation land for uranium mining had disastrous results for its people because many of them who went to work in the uranium mines were uneducated about the health risks associated with it and it also left their sacred land barren and stripped of resources.

²⁵ One of the tribe’s hit hardest by the policy was the Klamath Indian Tribe of Oregon, whose Klamath Reservation located in Oregon, was terminated by Congress in 1954, and then restored in 1986. The tribe lost almost its entire million-acre forest-and-river homeland, which was acquired by private businesses mainly for logging purposes.

²⁶ The selling of these goods helped tribes generate revenue that could be used for other economic ventures. For some, it was the seed money used to venture into tribal gaming, primarily tribal bingo.

²⁷ The Federal Recognition process applies to Native American tribes in all states, but Hawaii. Hawaii is currently trying to pass legislation that makes “Native Hawaiians” a Federally Recognizable tribe in the eyes of the U.S. Government that would allow them sovereignty over their land like tribes have in the other 49 states. The U.S. Congress refers to Native Hawaiians as “any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.” Hawaiians refer to themselves as Kanaka Maoli, the descendants of early Polynesians, who arrived at the islands 1,500-2,000 years ago.

²⁸ “Ethnic switching” entails that individuals change their ethnic status for varying reasons at different moments in their life.

²⁹ “*The strategies available to tribes were limited: reservation economies had been depressed for a century,*

in part because of location and nature of lands assigned to tribes by the Federal Government. Bingo was an attractive option to tribal governments” (Light & Rand 2005, 39).

³⁰ The court decision that involved the State of New York and the Oneida Tribe stated under *Public Law 280* that tribal bingo was legal as the state of New York allowed for charitable bingo. However, the decision demonstrated that the Oneida violated a state law that limited bingo jackpots used for generating revenue for charitable purposes to \$100 maximum per prize. As a result, the decision would be vital in demonstrating that tribes were only semi-sovereign in their status because their gaming actions even within tribal lands were still regulated by the state in which their reservation resides within and would be the precursor to tribes having to sign Class III gaming compacts with states.

³¹ “Where the state regulates the operation of bingo halls to prevent the game of bingo from becoming a money-making business, the Seminole Indian tribe is not subject to that regulation and cannot be prosecuted for violating the limitations imposed” (*Seminole Tribe of Florida v. Butterworth* 1981).

³² Bingo began in 1530, as an Italian lottery called “*Lo Giuoco del Lotto D'Italia*,” which is still played every Saturday in Italy (Casino City Times 2009). Bingo would not be introduced into the U.S. until it appeared in Atlanta, Georgia in 1929. Originally called “beano” in the U.S., the game had its origins being played throughout county fairs where a dealer would select numbered discs from a cigar box and players would mark their cards with pinto beans. They yelled “beano” if they won. New York toy salesman Edwin S. Lowe renamed it “bingo” after he overheard someone accidentally yell “bingo” instead of “beano” (Asbury 2003). Lowe later hired Columbia University math professor Carl Leffler, to help him increase the number of combinations in bingo cards to expand the number of players and increase the amount of revenue that could be generated. In 1934, a Catholic priest from Pennsylvania approached Lowe about using bingo as a means of raising revenue for his church. When bingo started being played in churches, it became increasingly popular and spread throughout the country as an economic tool to generate funds for a number of different social institutions (primarily non-profits). Bingo would become legalized throughout the country under various state statutes in every state, but Hawaii (the only state with no charitable gambling). From there, tribal bingo spread all across the country on tribal lands becoming a multibillion dollar industry for tribes. Commercialized bingo³² has also become a multibillion dollar industry, although technically it is mostly used for charitable fundraising in the commercial industry throughout the U.S.

³³ The Oneida Tribe was the first tribe or commercial business in the country to create a televised bingo game---the idea was borrowed from the state of Pennsylvania, which had the country’s first televised lottery show in the U.S. in 1975. The Oneida Tribal Bingo Show ran from 1982 through 1997.

³⁴ The Big Green Lottery was the precursor to the Coeur d’Alene Tribe of Idaho’s *National Indian Lottery* that operated from March 1997-December 1998 where individuals used phone lines and internet to buy tickets (Shores 2002). This lottery predated any internet/phone based lottery system in American history, but was quickly made illegal because states could not regulate phone or internet sales of tickets that crossed other state boundaries

³⁵ “The National Indian Gaming Association (NIGA), established in 1985, is a non-profit organization of 184 Indian Nations with other non-voting associate members representing organizations, tribes and businesses engaged in tribal gaming enterprises from around the country. The common commitment and purpose of NIGA is to advance the lives of Indian peoples economically, socially and politically” (NIGA 2010).

³⁶ The National Indian Gaming Commission (NIGC) is an independent Federal Regulatory agency of the United States, which was established pursuant to the *IGRA* of 1988. The Commission's primary mission is to regulate gaming activities on Indian lands for the purpose of shielding Indian tribes from organized crime and other corrupting influences; to ensure that Indian tribes are the primary beneficiaries of gaming revenue; and to assure that gaming is conducted fairly and honestly by both operators and players. To achieve these goals, the Commission is authorized to conduct investigations; undertake enforcement actions, including the issuance of notices of violation, assessment of civil fines, and/or issuance of closure orders; conduct background investigations; conduct audits; and review and approve Tribal gaming ordinances (NIGC 2010).

³⁷ The purpose of tribal gaming is to create tribal jobs and an industry within reservation boundaries that help develop tribal economies throughout the country. Many non-Indians see tribal gaming as the Federal Government trying to help tribes become wealthy and consequently many non-established tribes (those not Federally Recognized) see it as a way to generate vast amounts of revenue because of the success of other tribes. The other areas of confusion are defining Indian lands, defining the differences between Class II

and Class III regulations, and the understanding of who can use the revenue generated from tribal casinos and what that revenue can be used for and why.

³⁸ States such as Hawaii (in the process of gaining Federal Recognition, but allows no gambling) and Utah (where no forms of gambling are prohibited).

³⁹ (a) *Prohibition on lands acquired in trust by Secretary. Except as provided in subsection (b), gaming regulated by this Act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of enactment of this Act [enacted Oct. 17, 1988] unless--*

(1) such lands are located within or contiguous to the boundaries of the reservation of the Indian tribe on the date of enactment of this Act [enacted Oct. 17, 1988]; or

(2) the Indian tribe has no reservation on the date of enactment of this Act [enacted Oct. 17, 1988] and--

(A) such lands are located in Oklahoma and--

(i) are within the boundaries of the Indian tribe's former reservation, as defined by the Secretary, or

(ii) are contiguous to other land held in trust or restricted status by the United States for the Indian tribe in Oklahoma; or

(B) such lands are located in a State other than Oklahoma and are within the Indian tribe's last recognized reservation within the State or States within which such Indian tribe is presently located.

⁴⁰ Section 2717 *Gaming on lands acquired after October 17, 1988* also clearly explains the process for acquiring off-reservation gaming lands:

(b) Exceptions.

(1) Subsection (a) will not apply when--

(A) the Secretary, after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination; or

(B) lands are taken into trust as part of--

(i) a settlement of a land claim,

(ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or

(iii) the restoration of lands for an Indian tribe that is restored to Federal Recognition.

End Notes for Chapter 2

¹ The Potawatomi have Federally Recognized bands in Michigan, Wisconsin, Oklahoma, and Kansas. The Potawatomi also have populations in Ohio, Indiana, and Illinois on non-reservation lands.

² The Algonquian language and its sub-dialects are spoken by a number of tribes (27 in total). The Potawatomi are linked in the Central Algonquian language grouping with the Cree, Menominee, Ojibwa, Ottawa, Fox, Shawnee, and Miami (Clifton et al 1986).

³ Potawatomi history refers to the Atlantic Coast region as the Great Salt Water (FCP 2009; Edmonds 1987).

⁴ A tribal scholar for the FCP explained the relationship with the three tribes as follows: *The Potawatomi, Chippewa, and Ottawa were once a united, strong, mighty tribe that lived together, traveled together, and experienced life together...they were known as the Three Fires, a bond that would forever unite them as one. While it is unclear when the tribe first started to separate and form three separate tribes, the three separated and parted ways at Georgian Bay, Ontario, Canada. From here, the oldest brother, the Chippewa or Ojibwe, moved to the Apostle Islands on Lake Superior. The middle brother, the Ottawa or Odawa, moved to Manitoulin Island on Lake Huron. The youngest brother, the Potawatomi or Bodwe'wadmi, moved towards the southern shores of Lake Michigan* (2009).

⁵ The seven contemporary Citizen Potawatomi bands throughout the U.S. are: Potawatomi Nation (Oklahoma),

Forest County Potawatomi Community (Wisconsin), Hannahville Indian Community (Michigan), Match-E-Be-Nash-She-Wish Band Potawatomi (Michigan), Nottawaseppi Huron Band of Potawatomi (Michigan), Pokagon Band of Potawatomi Indians (Michigan), and Prairie Band of Potawatomi Nation (Kansas).

⁶ In 1838, the Potawatomi (850 total) were rounded up at gunpoint and forcefully removed from their Indiana lands and forced to march Westward to their Kansas reservation---many died and became extremely ill during the march.

⁷ These areas where the Potawatomi settled in 1880 would later become their current reservation lands.

⁸ Reverend Morstad worked in Wisconsin during the late 1800's and early 1900's to improve social conditions and convert the Potawatomi, Winnebago, and Chippewa tribes into religious beings and American citizens (Loew 2001).

⁹ The *Homestead Act* of 1862 "provided the transfer of 160 acres of unoccupied public land to each homesteader on payment of a nominal fee after five years of residence; land could also be acquired after six months of residence at \$1.25 an acre" (*Homestead Act* 1862).

¹⁰ Based on treaties and agreements with the U.S., the larger Potawatomi Nation was owed nearly \$500,000 from the U.S. Government---the Wisconsin Potawatomi received nearly \$150,000 of that money (most of which was used to purchase trust land). The majority of that land (12,000 acres in Forest County) is their reservation land, while the tribe also owns 3,000 acres of land in Wood County, which is not reservation land. While the tribe owns nearly 3,000 acres in Wood County, the land is not in direct connection to their main reservation land and not considered in trust status. However, many members still live on that land and the tribe considers it Potawatomi land.

¹¹ The Potawatomi reservation land resembled a checkerboard (like many reservations) with unconnected parcels.

¹² The Potawatomi had little experience farming, which led to difficult living conditions because they were primarily hunters, fisherman, and gatherers.

¹³ The FCP's 1937 Constitution was superseded by their 1982 constitution, which is their current constitution.

¹⁴ The Potawatomi produced their own beer when they could not afford to buy it---this process began in the 1950's (Edmonds 1986).

¹⁵ As the "Keepers of the Fire," the Potawatomi have incorporated this aspect of their culture into their gaming facilities and into their tribal flag, which represents their tribal nation---see photo in Chapter 2 and Appendix C.

¹⁶ Despite gambling being illegal, the state of Wisconsin ventured into horse racing in 1876 when the Milwaukee Mile horse racing track was established and was the start of horse racing (pari-mutuel betting) in the state. Horse racing was always legal in the state of Wisconsin, but betting on the activity was technically illegal---this did not stop individuals from betting on horse racing as the activity generated a lot of interest from those in the organized crime syndicate. Both the states of Wisconsin and Florida played host to illegal betting/wagering on horse racing and had strong connections to individuals associated with organized crime syndicates.

¹⁷ Both cases went to Federal Court and were ultimately decided by Judge Barbara Crabb. The Seminole case was resolved in 1981 and the Oneida case was resolved in 1986.

¹⁸ The Oneida Tribe always seemed to be at the forefront of tribal gaming as it started bingos, lotteries, and tribal casinos within the state of Wisconsin.

¹⁹ *The State of Wisconsin Constitution*, as adopted in 1848, stated in *Article IV, Section 24*: "The legislature shall never authorize any lottery." The state defined a lottery as "any game involving the three elements of prize, chance (random odds or luck), and consideration (having to pay money or give something of value to play) and thus prohibited." Under the 1848 *Wisconsin Constitution*, the state outlawed all forms of gaming.

²⁰ The ruling also stated that if the state negotiated one type of Class III gaming, it must negotiate for all types of Class III gaming (*Lac du Flambeau Band of Lake Superior Chippewa Indians v. Wisconsin* 1991).

²¹ In 1989 when the state of Wisconsin approved the licenses for five greyhound parks, the state was immediately making money on their pari-mutuel wagering investment. However, with the development of tribal casinos and full scale Class III gaming, the racetracks slowly began to lose customers and revenue dropped greatly forcing the racetracks to eventually close down because they could not compete with the tribal casinos. Dairyland Park is still currently being pursued by the Menominee Tribe of Wisconsin with backing from the Mohegan Tribe of Connecticut to build/renovate a \$1 billion dollar off-reservation racino.

²² Omni Bingo of Wisconsin Inc. was a management corporation of bingo venues throughout the state.

²³ The Menomonee Valley was the only location that the city of Milwaukee would allow the tribe to use for gaming purposes. At the time of purchase, this section of the city was a barren, rundown, forgotten industrial area of the city. The FCP had originally hoped to acquire land in downtown Milwaukee, but settled for what they could get.

²⁴ Omni Bingo and FCP have two separate gaming agreements---one for the casino in Carter, Wisconsin from 1991-1994 and one for the casino in Milwaukee, Wisconsin from 1991-1997. Both paid Omni Bingo 40% of the total revenue generated.

²⁵ The Indian Community School (formerly Concordia University) first opened in 1986 to serve Indian youth throughout the greater Milwaukee area educationally, culturally, and spiritually. The FCP Tribe purchased the land (11.5 acres that school resides on) when they purchased the 15.6 acres for the Potawatomi Bingo Casino--- they help fund the school because they own the land it is on and lease the land to the school.

²⁶ During 1991, PBC could only offer bingo until the FCP signed a gaming compact with the state of Wisconsin in 1992 allowing other forms of Class III casino style gaming.

²⁷ NLC was three times the size of PBC at the time of opening (12,000 sq. ft. to 4,000 sq. ft.), offered more slot machines (420 to 200), and also employed more people (632 to 450) (FCP 2006).

²⁸ The FCP signed gaming compacts and amendments with the state of Wisconsin in 1992, 1992, 1998, 2003, 2003, and 2005. All of these amendments/compacts made slight alterations to the agreements between the state and the tribe for both the NLC and PBC, mostly due to the fact of one casino being on reservation and one being located off of the reservation. The tribe has more stipulations on its off-reservation casino and is also required to pay more in taxes and fees for operating the casino in Milwaukee.

²⁹ The FCP did not create the FCP Gaming Commission until after it had full control of its gaming facilities.

³⁰ The FCP invested another \$60 million dollars into the renovation of the NLC in Carter, Wisconsin in 2008.

³¹ Beyond Design Incorporated also designed the Mohegan Sun Casino, which won award designs for its incorporation of traditional Mohegan elements into their tribal casino (Beyond Design Incorporated 2009). Beyond Design Incorporated designs numerous high-end commercial projects, specializing in gaming (tribal casinos).

³² Employees at PBC receive on average above minimum wage per hour and the following benefits: including health, dental and vision insurance, 401k, paid time off, free team member meals, free parking and free uniforms.

³³ The PBC is Wisconsin's top tourist attraction.

³⁴ The Rust Belt was a region of manufacturing plants, steel mills, and other factories that spanned throughout the Great Lakes region including Pennsylvania, Ohio, Indiana, Michigan, Illinois, and Wisconsin.

³⁵ The Valley was once the most vibrant industrial region in all of Wisconsin and one of the most productive port areas on Lake Michigan. The name Menomonee comes from the Ojibwe word "manoominii," which means people of the wild rice (FCP Cultural Specialist 2009). The Menomonee Valley, prior to being an industrial area grew wild rice because of the abundance of water surrounding the area causing the land to be swamp like allowing wild rice to be grown in the area. The Menomonee, Ojibwe, and Potawatomi all utilized this land at some time or another prior to and even during the settling of Americans into the landscape.

³⁶ Like many cities within the Rust Belt, Milwaukee was crippled when shipping and rail yards were replaced with trucking companies and the use of the interstates for the transportation of goods.

³⁷ Americans have always gravitated towards games that offer a chance of winning with minimal investment.

³⁸ Miller Park is the new state of the art baseball field for the Milwaukee Brewers. The stadium is right down Canal Street a few blocks away from PBC, and the Potawatomi are the team's official sponsors.

³⁹ The Hank Aaron State Trail is a park system wrapping around the Valley, in honor of the Brewers former all- star and serves as a way to bolster the Valley through the city's new green initiative.

⁴⁰ Menomonee Valley Partners Inc. is a broad group of community partners working to restore the Valley

economically, ecology, geographically, and culturally (Menomonee Valley Partners Inc. 2009).

⁴¹ No other tribe or commercial casino can be built or operated within 30 miles of the city of Milwaukee.

⁴² Unemployment rates have fluctuated greatly between 2007-2009 due in most part because of the instability in the U.S. economy. The statistics presented by the state are as of the end of 2009.

⁴³ The Health and Wellness Center is a \$10 million dollar complex that offers full medical, dental, vision, rehabilitation services, special services, and preventative care to both Potawatomi and non-Potawatomi (FCP 2009).

⁴⁴ In 1806 the Battle of Lake Mole was fought. This was a bloody battle taking the lives of over 500 combined Sioux and Chippewa warriors who fought over the fertile territory of Mole Lake's wild rice beds and the land.

⁴⁵ The two tribes often shared hunting areas, fishing areas, water resources, and even farming lands (primarily rice fields) in Forest County.

⁴⁶ Crandon Mine was tested and researched from the 1970's to 2003 for minerals and possible use. The mine was only open from 1993-1997. The Potawatomi and Chippewa purchased the land officially closing the mine from ever reopening in 2003.

⁴⁷ The Chippewa struggled greatly to produce their portion of the revenue needed to buy the Crandon Mine. The tribe had to borrow the majority of its share of the \$16.5 million (\$8 million) from investors on a 20 year loan that would be paid off by its casino revenue. The Potawatomi paid their share (\$8.5 million) in cash from their casino profits.

⁴⁸ The estimated price tag to renovate the Mole Lake Casino and build the Lodge and Conference Center was \$22 million dollars. The new casino, lodge, and conference center has helped bolster the Chippewa's cultural and economic future.

⁴⁹ The amount of the revenue the Potawatomi receive annually from the Sokaogon is unknown as details of the deal were never made public.

⁵⁰ Past proposals have also targeted the city of Racine, Wisconsin for a possible off-reservation casino.

⁵¹ The Chicago land area/Northern Indiana is the #3 gaming market in the U.S. (Casino City Times 2009).

⁵² The Mohegan Tribe are willing to help fund the casino for a stake of the gross revenue produced.

⁵³ Crime rates for Milwaukee have been relatively high long before the introduction of legalized gaming in the city. Milwaukee has statistically ranked in the top 15-20 cities with the highest crime rates in the country (FBI Statistics: National Annual Crime Rates Review 1980-2009). There's has been no increase in reported crimes in the area of Milwaukee surrounding the casino or in the city in general.

⁵⁴ One shooting occurred when officers pulled over a speeding vehicle outside of the casino and the driver pulled out a gun on police officers and the suspect was fired upon. The other occurred when a drunk driver tried running over a police officer in the casino's parking structure and the suspect was fired upon. (Milwaukee Journal Sentinel 2008 & 2009).

⁵⁵ If alcohol rates are higher, it would be safe to assume that drug rates are probably on the rise as well as they are substance abuse problems like alcohol use.

⁵⁶ Alcohol is served at both casinos, but not on the gaming floor like some other casinos. It is only served in designated areas of the casinos. Alcohol will be served on the gaming floor starting in 2010 at the PBC.

⁵⁷ Most casinos place a small sign in the front of the casino warning individuals about compulsive gambling and a few casinos offer pamphlets on compulsive gambling and that is the extent to which most casinos handle problem gambling. Harrah's Entertainment is the only major casino corporation in the country to have commercials promoting responsible gambling (National Council on Problem Gambling 2009).

⁵⁸ Gus Frank was the Chairmen of the FCP from 1999 to the beginning of 2008 and the Vice Chairmen from 1996 to 1999. Frank was succeeded by Philip Shopodock in 2008.

⁵⁹ The PBDC has investments in the following companies: Advancia (OK), BlueStem Ethanol II, LLC (IA), Bradley Associates(IL & OH), Brendan Technologies (CA), Dynamic Homes (MN), Haley Associates (AZ, IL, OH, MI, NE, & TX) HCI Logistics (NE), Mammoth Equities (CA & NV), Milwaukee Composites (WI), One Prospect Technologies (WI), Potawatomi Design Group (WI), Residence Inn Capitol (D.C.), Sprouts (AZ), Summit Group, Inc. (SD), and Waukesha Tool and Stamping (WI).

End Notes for Chapter 3

¹ The Chippewa have bands in Michigan, Minnesota, Montana, North Dakota, and Wisconsin in the U.S. and also occupy lands throughout Ontario, Canada.

² To date, there has only been one recorded history about the Sault Ste Marie Chippewa. Professor Richard White was commissioned by the Chippewa to write their history---The *Chippewas of Sault Ste Marie* in 1979. White has written several works about various American Indian tribes and the American West.

³ Chippewa totems were local exogamous groups and each totem represented a different type of animal that held spiritual and cultural significance to the Chippewa. Clan identity was passed from the father to his children and intermarriage between members of a totem was strictly forbidden---taboo. The totem system slowly started to fade out during increased interaction with the Europeans (SSMC Tribal Scholar 2009; Danziger 1990).

⁴ This was the first social major alliance of the Chippewa in the UP for political and social power.

⁵ From 1622 - 1763 the French occupied the Sault Ste Marie area, the British from 1763 - 1820, and the Americans began occupation of the area in 1820 to the present.

⁶ Prior to the War of 1812, Americans had little interest in Michigan's UP. The area was of strategic importance for Americans because of its value as a shipping region.

⁷ The Ottawa-Chippewa Tribe was used every time the U.S. Government wished to acquire land from both tribes---it made negotiations for the state of Michigan and the U.S. Government easier because they only had to deal with one entity instead of multiple entities.

⁸ The total amount of land lost by the Chippewa during the 1800/1900's is unknown. The tribe went from occupying millions of acres of land pre-European arrival, to owning less than 1,700 acres of land

⁹ In 1877, the Norris Company of St. Catherine's, Ontario purchased lands on the peninsula between Waishkey Bay and the St. Mary's River to establish a lumber mill and the area eventually became known as Bay Mills (Cleland 2001).

¹⁰ In 1934 after the passing of the *IRA*, four Michigan tribes, the Bay Mills Indian Community, Keweenaw Bay Indian Community, Saginaw Chippewa, and the Hannahville Potawatomi Indian Community received Federal status.

¹¹ The Tribe operates under a Constitution and Bylaws approved in November 1975 by the Secretary of Interior. It is governed by an elected 12-Member Board of Directors representing five geographic election units in the Eastern Upper Peninsula.

¹² The *Michigan Constitution of 1835* in Article XII, Section 6 states that: "No lottery shall be authorized by this State nor shall the sale of lottery tickets be allowed." Michigan's waterways made it one of the first regions to have riverboat gambling because the Great Lakes separated the U.S. from Canada and made most gambling occur in international territories.

¹³ The Keweenaw Bay Indian Community approved tribal gaming (casino style gaming) in late 1981 when they voted to add it to their tribal constitution. Their constitution had a clause in it that stated if the BIA did not act on an amendment within two weeks, the tribe could automatically pass that amendment. The BIA in Sault Ste Marie did not act upon the amendment and the Keweenaw passed their own tribal gaming law (My North 2009).

¹⁴ The clause is also known as "Las Vegas Nights" in other states.

¹⁵ While the state allowed the use of Las Vegas style gaming, it limited the amount of use, which Dakota violated.

¹⁶ The seven original compacts signed with the state were the Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Hannahville Indian Community, Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Saginaw Chippewa Indian Tribe, and the Sault Ste Marie Chippewa.

¹⁷ "The *Michigan Strategic Fund* is the agency responsible for overseeing the state's economic development strategies. The appropriation to the Michigan Strategic Fund is used to support global and statewide business development and job creation and retention activities, promote statewide tourism, and administer federal community development block grants" (State of Michigan 2009).

¹⁸ "Each tribe shall determine which local unit or units of government shall receive payments from [the

tribe]” (Stipulation for Entry of Consent & Consent Judgment, State of Michigan, 1993).

¹⁹ Voters in the state of Michigan narrowly passed Proposal E with a vote of 51.5 FOR and 48.5 AGAINST. “An act providing for the licensing and control of casino gambling operations, manufacturers and distributors of gaming devices and gaming employees; providing for the distribution of revenue for public education, public safety and economic development; authorizing limited casino operations within the State of Michigan; and vesting authority for the regulation of casino gaming in a gaming control board” (MGCB 1996).

²⁰ MGM Mirage is a Las Vegas, Nevada based company that owns and operates casinos and hotels around the world. MGM is the second largest casino owner in the world, behind only Harrah’s Entertainment.

²¹ Marian Llitch is vice chairwoman of Llitch Holdings, Inc., which is a privately based corporation that has numerous businesses including professional sports franchises, restaurant chains, entertainment companies, and casinos. Llitch Holdings, Inc. also is invested in the following tribal casinos: Little River Band of Ottawa Indians’ Little River Casino Resort in Manistee, Michigan, Shinnecock Indian Nation in Hampton Bays, New York to develop a casino in New York, and Los Coyotes Band of Cahuilla and Cupeno Indians to develop casinos in Barstow, California.

²² The gaming compacts with the state of Michigan for the commercial casinos pay higher tax rates to both the state and city of Detroit than tribal gaming compacts do.

²³ Caesars Windsor is operated by Harrah’s Entertainment and is owned by the Ontario Gaming and Lottery Corporation, which operates ten casinos throughout Ontario, 17 racinos, and the lotteries throughout the province. Casino Windsor first opened in 1994 and underwent multimillion dollar renovations in 1998 and 2008.

²⁴ In 1998, the state signed compacts with the Little Traverse Bay Bands of Odawa Indians, Nottawaseppi Huron Band of Potawatomi, Pokagon Band of Potawatomi Indians, and Little River Band of Ottawa Indians. In 2007, the state signed a compact with the Gun Lake Band of Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians. These new gaming compacts required the tribes to pay a percentage of their electronic net revenue to the state of Michigan as they were not signed prior to the passage of *Proposal E*.

²⁵ From 2006 to 2010, Michigan ranked in the bottom five of all U.S. states in terms of individual economies. Economic debt, loss of jobs, loss of revenue production, population decrease, and an increase in crime were some of the factors influencing the current state of Michigan’s economy.

²⁶ The SSMC followed the likes of the Saginaw Chippewa in 1981, Keweenaw Bay in 1983, and Bay Mills in 1984 into the tribal gaming market.

²⁷ Kewadin is the Anishinaabe word meaning “North,” which the Chippewa define North as: “The time of our elders, our old people. It is a time of wisdom, so much like the answers found in our dreams. It represents the night, as a time called midnight, and a time called winter when things are as unpredictable as our dreams. North is representative of those things that are positive, a time of snow and purity” (SSMC Tribal Scholar 2009). As depicted in the tribal flag (See Appendix D), from the Northern direction all life revolves around the sun. The Northern direction dictates wisdom and the crane (the central figure of the flag---spokesperson for the tribe) is present at all of the tribal casinos on both the casino’s exterior and within the interior.

²⁸ Bouschor was chairman of the SSMC from 1988-2004 and was the individual primarily associated with helping the tribe to grow its gaming industry. He was preceded by Joseph Lumsden (1972-1988) the tribe’s first chairman and he was succeeded by Aaron Payment (2004-2008).

²⁹ Employee benefits for qualified employees include: 401k, Vacation / Holiday /Sick Leave, Paid Jury Duty, Group Medical Insurance, AFLAC, Short Term Disability, Long Term Disability, Employee Assistance Program, Life Insurance, Workers Compensation, Education Reimbursement, Team Member Enrichment and other non-specified benefits. Benefits are typically for fulltime employees, special status employees, and tribal members (SSMC 2009).

³⁰ Michigan Consultants is a Michigan based group of consulting experts that provides services in the fields of economic development, business services, casinos and gaming, energy and environment, housing and human services, and transportation throughout the state of Michigan and U.S. (Michigan Consultants 2010).

³¹ The total available workforce in Chippewa County is 17,175 individuals---15,100 individuals are currently employed and 2,075 individuals are unemployed, yet eligible to work. Out of the 15,100 that are

employed, Kewadin Casino employs 1,512 or 10.01% of the total county's workforce and the other Chippewa businesses employ 613 individuals or 4.06% of the total workforce (Kewadin Casinos 2009; State of Michigan Employment Data 2009).

³² The new Kewadin Casino Resort is built adjacent to the old Kewadin Casino, which is still present on the tribal land--not being used left abandon.

³³ Gale Ann Norton served as Secretary of the Interior from 2001 to 2006. She was preceded by Bruce Babbitt 1993-2001 and succeeded by Dirk Kempthorne 2006-2009.

³⁴ Under *Proposal E*, the State levied an 18% tax on the gross revenue received by a casino licensee. "Gross revenue was defined as the total of all cash received as winnings, cash received in payment for credit extended by the casino to a patron for gaming purposes, and compensation received for conducting games in which the casino licensee was not party to a wager. *Proposal E* then distributed the revenue from the tax, with the State School Aid Fund receiving 45% of the revenue and the remaining 55% going to Detroit for use in connection with public safety, economic development programs, anti-gang and youth development. In addition [to payments] each casino pays an annual licensing fee of \$25,000 and an annual State Services Fee equal to one-third of \$25.0 million, which is adjusted each year for inflation. Each casino also paid the State a one-time application fee of \$50,000. The City of Detroit also receives an annual municipal services fee of \$4.0 million from each casino (*Proposal E*, State of Michigan, 1998).

³⁵ Proposals for legalized casino gambling also failed in 1977, 1981, and 1988 in the city of Detroit.

³⁶ The Chippewa did have lands in the Detroit region prior to European occupation of the area through the early 1900's, but all of the Chippewa left the area by the early to mid-1900's--therefore, no continuous occupation of the land existed or could be used in a court case against the state or Federal Government.

³⁷ One of the reasons that Greektown Casino Investors LLC was awarded the third license was that it included local Michigan owners (100% of the investors were from the state), it had minority shareholders (Chippewa and African American owners), and many of the business partners were from the Detroit/Wayne County area.

³⁸ Gatzaros and Pappas were major players in the Greektown neighborhood owning several businesses, having ties to community and city board members, and were also linked to some crooked dealings in their past business ventures, which lead to the MGCB declining them ownership rights.

³⁹ The tribe had to pay an additional \$85 million dollars to buyout these investors and others before the project ever began. The tribe was forced to take 80% ownership of Greektown before initial progress was ever made, ultimately increasing the amount of loans the tribe had to take out, increasing the amount of revenue they would have to pay back with interest, and increasing their total debt.

⁴⁰ The first commercial casino license granted under *Proposal E* was issued July 28, 1999, to the MGM Grand Detroit, LLC, doing business as the MGM Grand Detroit Casino. On December 14, 1999, the second license was issued to Detroit Entertainment, LLC, doing business as Motor City Casino. The third license was issued November 8, 2000, to Greektown Casino, LLC, doing business as Greektown Casino.

⁴¹ Under the commercial gaming compacts that the commercial casino owners signed with the state of Michigan and the city of Detroit, the casino owners were required to build permanent casino resorts in order to receive a tax break. The initial casino taxation rate would be 18% total as mentioned previously for the combined city and state taxes, but that number would balloon to 24% (12.1% for the state and 11.9% for Detroit) in 2004 if the casinos remained as they were in their temporary facilities. Greektown paid the 24% up until 2009 because they were behind pace on their renovations and did not work out a deal with the city and the MGCB----costing the tribe tens of millions of dollars annually in lost revenue, which was desperately needed to pay back lenders and help finance other tribal necessities. The deal was designed to keep the casinos in Detroit by making them permanent resort destinations.

⁴² The Omaha Tribe of Western Iowa and Northeastern Nebraska's Casino Omaha was the first casualty of the U.S.'s weak economy as it closed on June 30th, 2009. The Federated Indians of Graton Rancheria in California also have stalled on their casino project in Sonoma County, California as tribal revenue and problems with their commercial gaming partner Station Casinos are facing financial problems. Station Casinos is a commercial casinos company operating out of Summerlin, Nevada and operates numerous gaming properties throughout Nevada and the country. Station Casinos recently filed for Chapter 11 on June 28th, 2009, which has stalled all of its ongoing partnerships and future developments.

⁴³ Founded in 1701 by the French, "Detroit" translates to mean a straight connecting two larger bodies of water---St Clair Lake to the North and Lake Huron to the South. Detroit was historically a key location for

the French, British, and English during the fur trade era and was occupied for hundreds of years prior to their arrival by several Indian tribes including the Chippewa.

⁴⁴ According to the annual FBI statistic reports on violent crimes, Detroit has placed in the top five or been deemed the murder capital of the country almost every year from 1967 to the present in 2010.

⁴⁵ The goal of the Greektown Merchants Association was to unite Greek immigrants who were business owners together as a way to clean-up the area, improve the area, and market the overall Greek experience to members of the Detroit community and to individuals throughout Southeast Michigan (Greektown Merchants Association 2009).

⁴⁶ Stand-alone casinos are casinos that exist in an urban area by themselves---not in close proximity to other casinos or other businesses. The proximity of casinos from other casinos and businesses may vary.

⁴⁷ Greektown has several times been voted Detroit and Michigan's top gaming experience / destination as selected by readers of the *Detroit Free Press* and *Detroit News*.

⁴⁸ The Detroit People Mover System is an automated train system that runs 12 trains through a 2.9 mile loop in clockwise pattern through the central business district of downtown Detroit (as displayed in the map). The system averages between 8000 and 10,000 individuals per day according to the Michigan Department of Transportation 2009.

⁴⁹ Trappers Alley (owned by Gatzaros and Pappas) has been a fixture in the city since the 1820's when it first opened as a trading market for furs. Detroit's downtown was a fixture in the national fur trade scene since the 1700's and helped the city grow economically and culturally as the country began its own national transformation. Trappers Alley continued to be a fixture in the downtown area as the German residents occupied the area and as the area shifted into a Greek business district. The area began to slowly shift away from being merely a fur market to a swap meet like venue with a number of different vendors and shops throughout the early to mid-1900's. By the 1960's, the area had primarily become a mini mall like setting and would continue to be known as a small strip mall area until this day.

⁵⁰ Downtown Detroit was largely left undeveloped until the late 1800's and early 1900's because of the Great Fire of 1805, which nearly burnt down most of city of the Detroit and left a lot of the area undeveloped. It was not until the late 1800's that city officials and planners began to focus their attention on the downtown area in the eastern portion of the city near the Detroit River as the focal point of the city.

⁵¹ Opened in 1999, BCA is housed in the newly built Wayne County Juvenile Detention Facility, a state of the art, 89,300-square-foot building in downtown Detroit with half a dozen gymnasiums, two computer labs, a media center, mental health unit and medical and dental facilities (City of Detroit 2009).

⁵² While Las Vegas might be infamously known as "Sin City," most casinos do not wish to attract these negative stereotypes. Most casinos have to actively fight numerous forms of opposition in their planning stages from anti-gaming groups, which makes them actively try to avoid negative media coverage and stereotypes from the public eye (Meister 2009).

⁵³ Most anti-gaming groups in America are in fact lead by religious organizations (Gabriel 2003).

⁵⁴ Archer served as the mayor of Detroit from 1993-2002 and he was one of the lead proponents of new casinos and sports venues in the downtown. His decision did however block the casinos from grabbing riverfront real estate property, like the casino at Windsor occupies. Many critics thought this decision hurt the Detroit gaming market.

⁵⁵ While the city of Detroit has 34% of its residents under the poverty line (300,000+ individuals) and its economy has been crippled, the surrounding suburbs of Detroit are some of the wealthiest in the U.S. In fact, Oakland County, Michigan has either ranked as the 3rd or 4th wealthiest county in the entire U.S. during the last 20 years (1990-2010) according to information from the U.S. Census Bureau.

⁵⁶ There has been less crime reported in the areas surrounding the three Detroit casinos since 1999 when the casinos first opened. This may be due to the fact that there are not many residential areas surrounding the casinos and that there are more police in the areas surrounding the casinos than probably any other area in the city of Detroit, which helps prevent crime.

⁵⁷ The 68 jobs average out to a salary of \$29,411 annually, yet some of these jobs were reported to be higher end jobs; therefore, some of the jobs were part time jobs. It was also unclear what areas would be specifically impacted the most from these layoffs.

⁵⁸ *"Unfortunately, over the years, millions in tribal reserves has been dwindled down to nothing. According to financial analysts, if changes are not made, the tribe will not recover...This is an extremely tough*

decision to make, it has not been easy...However, due to our financial position and to ensure the longevity of our tribe and the profitability of our tribal businesses, changes must be made. We have to look to our future and make decisions that will sustain our tribe and benefit our membership” (Joe McCoy SSMC Tribal Chairmen 2008).

⁵⁹When tracing to the 1910 Durant Census Roll, one must trace to either the Sault Ste. Marie or Mackinac Band. (There are 4 different bands on the Durant Roll — the other 2 being Traverse and Grand River.) An individual must be able to document each generation with one of the following documents: birth, death, marriage, or baptismal certificate.

⁶⁰The second most non-joined non-continuous plots of reservation land belong to the Seminole Tribe of Florida with six separate reservations that encompass more total land than the Chippewa reservations encompass.

⁶¹Recently, there have been a few instances of inappropriate use and spending of tribal funds against tribal members that are currently being settled in tribal court and some in U.S. courts for embezzlement and fraud.

⁶²The exact figure for HUD money that the SSMC received is difficult to estimate because many of the funds received were for community projects, family/rental properties, and other projects.

End Notes for Chapter 4

¹ A sachem is considered to be a paramount chief among the Algonquian tribes that has local or regional rule of smaller groups of peoples (Pequot Scholar 2009).

² The Pequot understood land ownership through the occupation of conquered and settled lands by its peoples---whether or not other tribes resided on the land prior to them seizing control of it. The Pequot, like many of the Europeans, took land from other Indians through force if necessary.

³ Wampum is white or purple beads or discs made from the shells of mollusks that were typically strung together to make necklaces or used as a form of currency. Wampum was popular among the Eastern Woodland tribes and those around the coast (Pequot Scholar 2009).

⁴ The Western Niantic were once part of the larger Niantic Tribe of Rhode Island, but the tribe was broken in two by the Pequot. After the Pequot scattered the tribe into two factions, the Western Niantic became a tributary or sub-tribe of the Pequot and the Eastern Niantic remained rivals of the Pequot.

⁵ The exact killer is unknown to this day, but the Pequot were ultimately held accountable for the death.

⁶ While the Pequot War is a relatively unknown period of time for many, the war was the first massive cultural conflict between Indians and European settlers. *“The Pequot War really set the stage for the subsequent relationships the colonists had with native people...This was the first time native people experienced total warfare and cultural genocide. The English wanted to eliminate the Pequot as a force”* (McBride 2008).

⁷ The *Treaty of Hartford* was not signed by the Pequot tribe, but the stipulations of the treaty greatly impacted the Pequot people.

⁸ Some Pequot were sold into slavery in Bermuda and some were also placed under English custody as slaves on colonial farms throughout Southern New England.

⁹ John Winthrop Jr. was a wealthy Puritan that traveled to America leading an English charter that was commissioned by King Charles 1. Winthrop served as the first governor of the Massachusetts Bay Colony and served a total of 12 years (non-consecutively) in that position between 1630 and 1649. Winthrop was also one of the first to advocate for the fair treatment of Indians as he intervened to help out the Pequot.

¹⁰ King Philip’s War was a war between English colonists and Native Americans in Southern New England from 1675-1676 that was the result of numerous conflicts between colonists and Native Americans. The war resulted in the deaths of 600+ colonists and 3,000+ Native Americans.

¹¹ The French and Indian War was a war between the English and French primarily along the Eastern Coast and the Midwestern region of the U.S. and Canada from 1754-1763 that was the result of territorial control over North America. The war resulted in the British acquiring most of the French territory East of the Mississippi in North America and resulted in more than 20,000+ deaths of English, French, and Native Americans combined.

¹² The Brotherton Movement began in 1740 as a way of converting indigenous peoples into Christians. These individuals helped the Mohegan, Pequot, Narragansett, Montauk, Tunxis, and Niantic move to Brotherton, New York, which at the time was Oneida Territory. The majority of all the Indian migrations

occurred between 1785 to 1810.

¹³ Skip Hayward would be the first Mashantucket Pequot Chairman serving from 1975-1998 later being replaced by Kenneth Reels 1998-2003---Hayward would serve as Reels' Vice Chairman from 1998-2003. After he finished serving as an elected official, Hayward disappeared from the public eye and had little to do with the Pequot's tribal plans---many viewed him and his family as outcasts upon Skip leaving office.

¹⁴ McBride notes that many Pequot moved away from the reservation in the 1800/1900's in search of work, but that there were other Pequot members living throughout the Northeast just not on the reservation in 1973 (2009).

¹⁵ The Pequot tribal constitution provided the strategic framework for economic self-sustainability, affordable tribal housing, and the development of an economic infrastructure. Casino development was not in the constitution.

¹⁶ "Founded in 1970, the Native American Rights Fund (NARF) is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations and individuals nationwide. NARF's practice is concentrated in five key areas: the preservation of tribal existence; the protection of tribal natural resources; the promotion of Native American human rights; the accountability of governments to Native Americans; and the development of Indian law and educating the public about Indian rights, laws, and issues" (NARF 2010).

¹⁷ Of the \$900,000, \$600,000 was granted for purchasing land and the other \$300,000 for economic development.

¹⁸ Urban Indian America defines an "Urban Indian" as individual who resides in a major metropolitan city (100,000+ according to the U.S. Census Bureau), sometimes implies disconnectedness from Indian culture, and/or implies that an individual does not reside or has never lived on a reservation. Many contemporary Indians are "urban" Indians by this definition.

¹⁹ Since Connecticut adopted its first constitution, the *Fundamental Orders of Connecticut* on January 14, 1638, none of its constitutions (1661, 1818, or 1965) had restrictions on or prohibitions against gambling. Lotteries helped fund Yale University and other Connecticut institutions of higher learning up until the early 1900's. Gambling in Connecticut began to institutionally legalize in the 1900's as the state of Connecticut allowed for charitable bingo to be conducted by non-profit organizations in 1939. The state also allowed non-profits to legalize the use of bazaars and raffles in 1955. Only charitable forms of gambling were allowed in Connecticut until 1972 through special provisions.

²⁰ The State of Connecticut General Assembly added gambling to its list of statutes in the state constitution when voters passed *Public Act No. 71-865*---making gambling legal for the first time technically in Connecticut.

²¹ Connecticut's pari-mutuel wagering industry has suffered greatly since the successful introduction of tribal gaming in the state. Connecticut has three greyhound racing tracks throughout the state in Bridgeport, New Haven, and Plainfield; however, limited racing actually occurs at these sites as they are primarily used as simulcast locations.

²² The Schaghticoke, Eastern Pequot, and the Golden Hill Paugussett in Connecticut, the Mashpee Wampanoag and the Nauset in Massachusetts, and the Narragansett in Rhode Island were all tribes vying for tribal recognition or for tribal casinos. The Narragansett and the Mashpee Wampanoag both have Federal status, the Eastern Pequot and Schaghticoke both had their Federal Recognition stripped from them, and the Golden Hill Paugussett and Nauset do not have any Federal Recognition.

²³ While California has a standard 25% payment of tribal generated gaming revenue to the state, the breakdown includes 10% of all net win from all games and an additional 15% on Class III slot machines. Connecticut receives 25% of the gross slot machines revenue, which equates to a larger payment to the state than California's 25% payment rate. However, California has more casinos (58) to Connecticut's two casinos, so California receives a lot more revenue in taxes than Connecticut does.

²⁴ 25% is the highest tribal payout, but some racinos pay 35% to 55% of slot machine revenue in their commercial gaming compact agreements with state government.

²⁵ The \$350 to \$400 million dollars that Connecticut tribes pay the state is more than most other states receive in total from all of their tribes---most states have more tribes than Connecticut as well.

²⁶ Oklahoma recently passed Connecticut as the #2 most profitable tribal gaming state in the country in 2008. Prior to 2008, Connecticut was the second most profitable tribal gaming state in the U.S.

²⁷ Most casino gaming analysts stated that the gaming industry was the one industry that was "recession proof" prior to 2008 when the U.S. economy began to struggle. When the economy began to weaken, the

gaming industry began to feel the effects because fewer and fewer people were gambling or traveling to casinos. Some geographic areas were immune to the struggling economy, but for most areas where gambling occurred there was a slight decline in revenue production and growth.

²⁸ The Penobscot Indian Nation is a Federally Recognized tribe in Central Maine located near the Penobscot River by Old Town, Maine. The Penobscot ran what the state of Maine called an illegal bingo operation starting in 1978 (just after their Federal Recognition) and running until November of 1983 when the Supreme Court ruled that their bingo operation was illegal because of the state of Maine's stance on gambling.

²⁹ To acquire the loan, the Pequot needed to pay the United Arab Bank \$500,000 of the initial \$5 million dollar loan as collateral payment. The Penobscot provided \$200,000 of that money and Hayward convinced the BIA to front the Pequot the additional \$300,000 to gain the loan. The Penobscot tribe would receive \$250,000 annually for five years to manage the casino and an additional 20% of the bingo hall's net revenue. The amount of interest the Pequot had to pay the United Arab Bank was never made public through any documents.

³⁰ Clarine Nardi Riddle was the acting Attorney General of the state of Connecticut and served under Governor William O'Neil. Riddle was also in charge of the process of overlooking the regulations of *IGRA* and possible negotiations with the Pequot on Class II/III tribal gaming.

³¹ Tom Tureen worked to get the Pequot Federal Recognition, worked on their bingo settlement case, and worked to get the tribe's Class III gaming compact signed with the state of Connecticut.

³² When the Pequot decided not to renew the Penobscot's management contract, relations between the two tribes soured because the Pequot would now be able to own more of their own gaming revenue and the Penobscot would be left with nothing in the partnership except for the money they earned.

³³ Genting Berhard is the investment and holding company of Genting Group, which was founded in 1965 by Dr Lim Goh Tong. The group primarily focuses on the promotion of tourism, travel, hotel, gaming, and entertainment. The company is based primarily out of Malaysia, but has businesses throughout the world.

³⁴ Genting Highlands is a large entertainment destination that features six hotels, a casino, golf course, six amusement/theme parks, eight restaurants, four bars, the Genting Skyway (cable car system), and other various amenities.

³⁵ While full details of the loan that Tong made to the Pequot were never fully disclosed, the amount of the loan was made public and the stipulations of the loan were made public---the interest rate or the amount of years the Pequot had to pay back the loan were never made public.

³⁶ Walt Disney World has 42 million visitors annually and generates \$19.7 billion dollars for the Orlando community each year and billions more for the state of Florida in taxes and various forms of tourism (Disney 2010).

³⁷ Some of this money was generated from the Pequot's gaming revenue and some of this money came as a loan extension from Tong. Again, the details of this loan agreement were never made public.

³⁸ Pari-mutuel forms of wagering via simulcast on jai alia and dog and horse racing are legal at Foxwoods; however, sports betting is strictly banned except for in the states of Delaware, Montana, Nevada, and Oregon.

³⁹ On October 19th, President Clinton signed the *Mohegan Nation of Connecticut Land Claims Settlement Act of 1994*, which gave the Mohegan Tribe reservation lands and the ability to pursue economic interests of their choice---tribal gaming. The Act was signed because of land disputes with the state that stemmed from the violation of the 1790 *Trade and Intercourse Act*.

⁴⁰ The Mohegan and TCA renegotiated their contract in 2000 to state that TCA would get a 5% return on the gross profit for 15 years---through 2014/2015.

⁴¹ The Mohegan are known as the "wolf people" and their tribal casino is named after the "Sacred Center Circle" of life---the Sun. Like the Pequot, the Mohegan's flag was created in 1994 prior to their casino's opening and plays a vital role in their culture and the representation of their casino (See Appendix E).

⁴² The Mohegan's \$1.035 billion dollar expansion is the most expensive price tag for any Indian casino (new or renovated) and the \$1.695 billion dollars they have invested into the Mohegan Sun is more than any other tribe has spent on their casino resort---even the Pequot. There are commercial casinos throughout the world that cost more than the Mohegan Sun.

⁴³ The MTGA focuses on meeting the demands of a guest that seeks a "wide array of products and services, all available at a central location with easy access (MTGA 2010).

⁴⁴ The Menominee have an option to lease the racetrack, but do not currently own the racetrack. Dairyland

would have to be an off-reservation casino because the Menominee do not own the land the racetrack resides on.

⁴⁵ The Mohegan tribe is invested in this partnership through a fully owned subsidiary of the MTGA, known as the Mohegan Ventures-Northwest LLC. The Mohegan began creating subsidiary gaming companies to handle business ventures in other parts of the country because it allowed the tribe to place qualified individuals in other gaming regions and markets.

⁴⁶ The BIA requires that all commercial land that tribes request to be put in trust status goes through an environmental site analysis to ensure that any business placed upon the new land will not have a negative impact on the environment. The site analysis goes through even more scrutiny when the tribe is trying to acquire land for gaming purposes.

⁴⁷ Penn National Gaming Inc. is the third largest gaming organization in the U.S. with 19 gaming facilities, seven racetracks, and six off-track wagering locations, employing 16,000+ people throughout the country (Penn National Gaming Inc. 2010).

⁴⁸ A Spokesperson for the Sault Ste Marie Chippewa indicated that the Mohegan were in contact with them about their process in acquiring a commercial gaming license and the difficulties involved in operating a commercial casino.

⁴⁹ The state of Massachusetts currently has supporters and anti-gaming activists throughout the state as tribal casinos, commercial casinos, and racinos are awaiting the outcome of legalized gambling. The Mashpee Wampanoag are trying to acquire a tribal casino in Middleborough, four racinos are hoping to be granted slot permits and casino status, and three proposed commercial casinos (including the Mohegan Sun Palmer) are all awaiting the outcome of the gaming debate in Massachusetts.

⁵⁰ Project Horizon was expected to be a \$1 billion dollar mega expansion to the Mohegan Sun that would make the casino resort 4,900,000 sq. ft. (larger than Foxwoods 4,700,000 sq. ft.).

⁵¹ As of January 1st, 2010, the Mohegan Sun is the 4th largest tribal casino in the U.S. in terms of gaming space available and the second largest casino resort in the world. The current casino includes 364,000 sq. ft. of gaming, 1 Hotel (1,356 Rooms), 20 restaurants, 20 clubs/bars, 30 shops/specialty stores, Elemis Spa, Kids Quest Facility, Cabaret Theater, Wolf Den, New London's WMOS FM Radio Station, and the Mohegan Sun Arena.

⁵² Atlantic City casinos pay 9.25% of all of their net gaming revenue and racinos throughout the region pay 25% to 55% on their gross revenue compared to the Pequot and Mohegan's 25%. Some of the state's in the region receive more from gaming taxes than Connecticut does, but the tribes pay a hefty fee compared to other tribes nationally.

⁵³ MGM Mirage was formed on May 31st, 2000 when MGM Grand Inc. and Mirage Resorts Inc. came together through a \$6.4 billion dollar merger---at the time the largest merger in casino gaming history (behind Harrah's Entertainment \$9.3 billion dollar acquisition of Caesars Entertainment Inc.). Kirk Kerkorian, the son of Armenian immigrants, was the original founder of the MGM casino resorts. MGM derives its name from the famous Los Angeles based Metro-Goldwyn- Mayer (MGM) movie studio, which was founded on April 16th, 1924 (MGM Mirage Spokesperson 2010). Kerkorian bought MGM studio in 1969 and shortly after in 1973 he built the MGM Grand Hotel and Casino. Kerkorian had numerous other dealings in Las Vegas before (1960's) and after the creation of MGM Grand Inc., Kerkorian continued to build MGM until the merger with Mirage. Mirage Resorts Inc. was originally known as Golden Nugget Companies Inc. and was formed in 1973 when casino mogul Steve Wynn acquired the Golden Nugget Casino in Las Vegas. The name changed when on November 22nd, 1989, Wynn opened at the time the most expensive casino hotel on the planet the Mirage at a cost \$630 million dollars. The company from that point on was known as Mirage Resorts Inc. until it merged with MGM and the two became MGM Mirage. MGM is known internationally for its elegant casino resorts and for its stunning atmospheres, which has become its trademark in the casino gaming industry.

⁵⁴ Sugarhouse Casino is a proposed casino on the Delaware Riverfront area of Philadelphia.

⁵⁵ Washington Philadelphia Investors, L.P. includes Washington Partners Community Charities, L.P., which is 60 percent of Washington Philadelphia Investors, L.P. They own the majority rights of Foxwoods Casino Philadelphia at 70% and the Pequot own 30%, but the Pequot are managing and operating the casino because of their experience.

⁵⁶ *IGRA* was designed to help established and struggling tribes that suffered from displacement and numerous years of injustices as a result of the treatment forced upon them by the U.S. Government. *IGRA* was furthermore designed to help tribes that had already tried other economic ventures to help make

themselves self-sustainable.

⁵⁷ Naomi Mezey is a Professor of Law at Georgetown University. Her article *The Distribution of Wealth, Sovereignty, and Culture through Indian Gaming* published in the *Stanford Law Review's* February 1996 issue (48:711–38) was one of the first academic pieces to truly examine the shaping of contemporary Pequot identity.

⁵⁸ Jeff Benedict is a former journalist and Professor of Law at Virginia Southern University. He also cofounded the Connecticut Alliance Against Casino Expansion (CAACE), which was instrumental in stopping the Federal Recognition of the Eastern Pequot and Schaghticoke tribes of Connecticut and their bids for tribal casinos.

⁵⁹ Benedict's work inspired three other books chronicling the Pequot: Kim Eisler's *Revenge of the Pequots: How a Small Native American Tribe Created the World's Most Profitable Casino* (2001), Brett Fromson's *Hitting the Jackpot: The Inside Story of the Richest Indian Tribe in History* (2003), and Leo Fletcher's *The Tribe of Foxes: The True Inside Story About the Mashantucket Pequot Tribal Nation* (2008).

⁶⁰ The 1977 amendment stating that Pequot had to be at least one-eighth Indian helped the tribe grow as it brought in other families besides the descendants of the Georges.

⁶¹ Blood quantum percentages range from as high as the Northern Ute Tribe in Utah with a 5/8 blood quantum to a zero percentage blood quantum. Many tribes still institute the use of blood quantum practices because some Federal programs require individuals to prove their blood quantum for Indian status and to receive available benefits.

⁶² There were 27 tribes not requiring blood quantum as part of their membership policy on January 1st, 2010, but tribes alter their membership policies to best suit the needs of their communities so these statistics do change.

⁶³ Most tribal members have at most 1/8 Pequot blood, many are 1/16 or 1/32 Pequot by blood, and others have no blood, which has made individuals question the authenticity of the Pequot as a true or traditional Indian group.

⁶⁴ All four of the contemporary tribal chairmen of the Pequot did not claim Pequot or Indian background before their roles on the tribal councils or as chairman, Richard Heyward was White (1975-1998), Kenneth Reels was Black (1998-2003), Michael Thomas was Black (2003-2009), and Rodney Butler was Black (2009-Present). None of these individuals lived on the reservation during their time as chairman; they lived in wealthy White and Black suburbs outside of the tribe's boundaries.

⁶⁵ Tribal members receiving per capita payments pay Federal Income Tax on these payments---they are not tax free.

⁶⁶ The Pequot are one of many tribes that have dealt with financial corruption due to the implementation of tribal gaming---the Sault Ste Marie Chippewa and the Florida Seminole tribes have also encountered this to name a few.

⁶⁷ Many tribal members receive \$25 dollars per hour at the casino and lack experience, which could save the tribe money if they paid tribal members the same as regular employees (Former MP Casino Worker 2009).

⁶⁸ The Pequot even give scholarships to Indians outside of their tribe in the form of donations to the American Indian College Fund and the Native American Rights Fund.

⁶⁹ Several individuals throughout the state of Connecticut, who helped the tribe gain recognition, also received "Pequot" status from the tribe after their Federal Recognition. Other individuals, some loosely affiliated with the tribe and from other tribes, have also been granted membership. Again, it is the Pequot and the Pequot alone who have the ability to grant or deny tribal membership on their own grounds---even if it is a few select individuals controlling the process.

⁷⁰ Most Pequot will not speak "on the record" about income or tribal policies and were reluctant about speaking to outsiders in general regarding anything. Questions and answers were basic and seemed preplanned from interviews.

⁷¹ Banishment from the Pequot occurs for a number of reasons from corruption and fraud to tribal disagreements---there is no uniform set of criteria that could explain the different reasons that many Pequot have been banished from the tribe.

⁷² There have been hundreds of newspaper and magazine articles challenging the tribe's ethnic background and the most common theme among them is that that Pequot are Whites and Blacks backed by Asian money playing the role of Indians. For every article written about the Pequot, there are hundreds to thousands of individuals' blogging about their feelings surrounding the tribe and their gaming empire.

⁷³Testimony of Donald Trump Before the Senate Select Committee on Indian Affairs Regarding “Proposed Changes to the Indian Gaming Regulatory Act.” March 18, 1992. Trump started out as an opponent of Indian Gaming because of his casinos in Atlantic City, but has recently become pro Indian gaming as he has created partnerships with other tribes around the U.S.

⁷⁴ While numerous tribes have struggled to prove their tribal existence, the Pequot received congressional recognition---opponents claim the Pequot could not have passed the BIA’s Federal Recognition process because they could not prove the seven established criteria (See Appendix A). Opponents further claim the tribe is merely self-defined as Indian and through fraudulent representations and lies the tribe manipulated their Indian status into casino riches.

⁷⁵ Professor McBride has been excavating sites all over Southeastern Connecticut for the tribe trying to help reconstruct the tribe’s past. He has published numerous works on the Pequot and has worked with and supervised lots of college students who have studied the Pequot and worked in the field schools he has ran in Connecticut.

⁷⁶One of the exhibits (a film), “Bringing Them Home,” plays hourly in the “Federal Acknowledgment Theatre” and tells the story of the Pequot’s recognition, tribal rebirth, and entry into tribal gaming. The film documents how creative and charismatic leadership helped lead the tribe through a changing political atmosphere and into a new era of prosperity.

⁷⁷ John Eliot was a Puritan missionary (1604-1690) that worked to help convert Massachusetts Indians. Working with Algonquin speaking Indians, Eliot translated the Bible (the New and Old Testaments) into the Massachusetts Algonquin Indian language. Currently, the Pequot, Mohegan, Narragansett, and Wampanoag are using the bible to help recover lost parts of their tribal languages.

⁷⁸ Charlene Jones was a former Council Member for the Mashantucket Pequot and was vital in helping the Pequot acquire a copy of *Eliot’s Bible* and helping the tribe reconstruct its lost language.

⁷⁹ The Pequot’s neighbors the Mohegan were also awarded a HUD grant worth \$2.2 million to build 15 rental houses for low-income tribal members and non-tribal casino workers---yet the Mohegan returned the grant back to HUD and used money from their casino to build these homes (Burgess & Splide 2004).

⁸⁰ At the peak of the Pequot’s success, they employed nearly 15,000 individuals throughout New London County in 2007/2008. A weak U.S. economy and a slowed down gaming industry has led to the loss of over 2,000 jobs.

⁸¹ Benefits for fulltime employees include: medical, dental, and vision coverage, a three tier prescription program, disability insurance, childcare reimbursement, work/life issues support, tuition reimbursement, paid personal days, gym membership reimbursement, attractive 401(k) plan, paid meal time, and free parking/free bus transportation.

⁸²Spectrum Gaming Group is a casino gaming research company that was founded in 1993 in Linwood, New Jersey. Spectrum conducts a number of gaming related studies for both commercial and tribal casinos throughout the U.S. and globally.

⁸³ Nearly 1/3 of all the customers at Foxwoods and Mohegan Sun are Asian; however, the state of Connecticut is only 3.5% Asian by population---meaning the vast majority of these customers are from out of state and international visitors. As a result, the casinos cater to their Asian clientele. The two casinos also have a large customer base from individuals of White and Black racial backgrounds as well, but do not cater specifically to them.

⁸⁴ Oklahoma has 72 tribal casinos as compared to the two in Connecticut. Oklahoma utilizes the “McDonald’s” business method of mass producing its product and selling it to numerous customers in small portions whereas Connecticut utilizes the “high roller” method to bring customers into their mega resorts that offer everything.

⁸⁵ New London County has high crime rates in arson, thefts, assaults, robberies, and rape (FBI Crime Statistics 1970-2009).

⁸⁶ Such powers and duties include the power to: (1) Determine tribal membership and residency on reservation land; (2) determine the tribal form of government; (3) regulate trade and commerce on the reservation; (4) make contacts, and (5) determine tribal leadership in accordance with tribal practice and usage. (General Statutes of Connecticut, Revised to Jan. 1, 1991, Vol. 12, Chapter 824, Sec. 47-59 a (b)).

⁸⁷ Both tribes appealed the decision, but the appeals went against the tribes.

⁸⁸ Thomas was first placed on administrative leave, but was later ousted as chairman because of his actions.

⁸⁹ The state of Connecticut established a legal gambling age of 21; therefore, the Pequot and Mohegan must abide by the existing state laws until they renegotiate with the state.

⁹⁰ Three separate fatal car crashes involving alcohol use in 2009 that killed three individuals, prompted Governor M. Jodi Rell of Connecticut to withdraw her proposal that would allow casinos to serve alcohol 24 hrs. a day to patrons. All three of the individuals that caused the fatal accidents were served alcohol at the Mohegan Sun not at Foxwoods.

⁹¹ In 2009, the Pequot's credit rating was CCC, which is an extremely poor credit rating after falling behind in their loan payments. The tribe's credit rating slipped even further, all the way down to D the lowest rating possible, in late 2009 when they defaulted on a \$500 million dollar bond package according to the Standard and Poor's Corporate Credit Rating System (Cumings 2009).

End Notes for Chapter 5

¹ The Seminole Nation has a population of nearly 28,000 individuals throughout the U.S. (U.S. Census Data 2009).

² Miccosukee, while similar in structure and sound to Muscogee, is only spoken in Southern Florida. Muscogee is spoken primarily in Oklahoma. A small handful of individuals are fluent in both languages (Seminole Cultural Specialist 2009).

³ In 1771, the first recorded use of the term Seminole was written in history to refer to the group as its own tribe.

⁴ The term Cimarron first appeared in written text in 1572 as England's Sir Francis Drake used the term to describe the enslaved Africans who escaped from their Spanish masters in the country of Panama. The term spread throughout Latin America as there were many slave colonies during that time and there were many individuals fleeing from their captures---there are variations of the term such as Cimarrones and Maroons (Porter 1996).

⁵ The earliest ancestors of the Seminole tribe lived as far West as Mississippi and inhabited villages throughout Alabama, Tennessee, Georgia, South Carolina, and Florida (Garbarino 1989; McReynolds 1957).

⁶ Most tribes East of the Mississippi were associated as Woodland because of their increased dependence on natural resources and centralized gatherings in villages. The Woodland period lasted from 2000 BC – 800 AD (Walthall 1990; Wright 1986).

⁷ The Woodland tribes in the Southeast eventually developed into the Mississippian tribes, who were known primarily for their development of cities and the large mounds. The Mississippian period lasted depending on the region from 800-1500's AD (Walthall 1990; Wright 1986).

⁸ The Creek were divided in the 18th Century into the Upper and Lower Creek. The Upper Creek were more aggressive and conflictual; whereas, the Lower Creek were more passive and peaceful.

⁹ The Seminole created a new tribe through the formation and combination of several Native American groups (primarily those escaping warfare and conflict) through the process of ethnogenesis. Ethnogenesis is the process where a cultural group of people comes to understand themselves as ethnically distinct from the wider social landscape from which their grouping emerges (Anderson 1999).

¹⁰ Between 1670 and 1715, tens of thousands of Native Americans were sold or put into British slavery---many of these individuals were sent off to the Caribbean slave trade. Estimates of slaves range from 24,000-51,000 (Gallay 2003).

¹¹ Most Indians that occupied Florida prior to the 1700's had tumultuous relationships with the Spanish because of warfare and disease (primarily smallpox). Tens of thousands of Indians died from direct/indirect Spanish contact.

¹² The first mission in Florida was St Augustine founded in 1565, consequently the state's first city. The missions were a cornerstone of the Spanish empire in the Americas as it helped establish control, trade, and an organized way of life throughout new regions. The missions were also used as areas to colonize and control the local indigenous tribes throughout the regions. Most Spanish missions in Florida were built in or around Apalachee Indian territory. The Spanish utilized the Catholic religion through the Southeast, Southwest, Caribbean region, and Central and Southern America.

¹³ The Apalachee and Spanish were allies during the time of British invasion in 1704, and by the British attacking the Apalachee it severely weakened Spanish control throughout Florida. The Creek were also enemies of the Apalachee during the time of the attacks. These attacks would later be known as the Apalachee Massacre and would be linked historically as part of Queen Ann's War (1702-1713).

¹⁴ The Spanish traded control of Florida to the British for Havana, Cuba during the Seven Year's War

(1754-1763). In 1783, the *Treaty of Paris* returned Florida to the Spanish as the Revolutionary War (1775-1783) ended. In 1819, the Spanish ceded Florida to the U.S. as part of the *Adams-Onis Treaty*, which gave the Spanish most of Texas and the Southwest.

¹⁵ The dates of the First Seminole War have been long debated among historians as battles between the Seminoles and Americans have taken place since the War of 1812. Some scholars believe the war actually started in 1814.

¹⁶ During the late 1700's and early 1800's, many African-Americans, primarily those escaping slavery, migrated into Florida and settled near the villages of the Seminole. These former slaves found protection, friendship, and cultural acceptance in their relationships with the Seminole---they later became known as the Black Seminoles. Black Seminoles were defined as "those people of African origin who attached themselves voluntarily to the Seminoles or were purchased by them as slaves" (Porter 1996). The Black Seminoles or "Seminole Maroons" became intertwined with the Seminole, yet most scholars say that the intertwining of the two cultures still had separate boundaries despite intermarriage and interdependence on one another.

¹⁷ The Seminole Wars are also noted by historians as the first time American forces fought gorilla style warfare as their encounters with the Seminole were anything but typical style warfare fighting in intense environments including the Florida Everglades.

¹⁸ Tallahassee was formally the Seminole's unofficial capital and would later become the capital of the territory and the state of Florida because of its historic importance.

¹⁹ The Seminole were taken out West to Indian Territory in Oklahoma and shown their "new lands" if they agreed to leave Florida, but the circumstances of the Seminole agreeing to and signing the treaty were unclear as no official minutes were taken and the meeting was done in secrecy. The Seminole believed they were tricked into signing a false agreement and stated that they never agreed to succeed their tribal lands in the state of Florida to the U.S.

²⁰ The Seminole and Creek Tribes have an intertwined and complicated history together and depicting how closely related the tribes are or were related has been a complicated task for scholars.

²¹ Indian occupied lands in Florida were estimated to have between 18,000 to 30,000 Indians and slave populations were estimated to be between 3,000 to 5,000 in Florida after the *Treaty of Moultrie Creek*---most official documents were lost during the Seminole Wars and it was nearly impossible to get an official and accurate account of the exact Indian numbers throughout the Florida territory.

²² Osceola would later be arrested in 1837 during a negotiation of peace and would die in jail on January 30th, 1838.

²³ Thompson was assigned as the Florida Indian agent in charge of overseeing the removal of the Seminole from the state of Florida in 1834 to Oklahoma. He helped remove about 4,000 Seminole prior to his death in 1835.

²⁴ Included in the 4,000+ Seminoles sent to Oklahoma were hundreds of Black Seminole and hundreds of other Indians. Nearly 8,000 total Seminole, other Indians, and slaves migrated West to Oklahoma from 1834-1842 and it is unclear how many thousands died on their way to the tribe's new reservation land during those forced removals from mistreatment, disease, starvation, and poor conditions---even more died shortly after their arrival to Indian land.

²⁵ The Oklahoma Seminole signed the following six treaties with the U.S. Government: *Treaty of Moultrie Creek* (1823), *Treaty with the Appalachicola Band* (1832), *Treaty of Payne's Landing* (1832), *Treaty at Fort Gibson* (1833), *Indian Territory, Treaty of Washington, D.C. with the Creeks and Seminoles* (1845), and *Treaty of Washington, D.C. with the Seminoles* (1866).

²⁶ The Seminole were led by Chief Billy Bowlegs, who led a number of small raids and battles against the U.S. Billy was a tribal chief during the Second and Third Seminole Wars leading many raids and attacks against the U.S.

²⁷ Private developers and the U.S. Army Corps of Engineers utilized numerous methods (canals, drainage areas, introductions of plant species, and the implementation of soil fillers) to drain water from areas in South Florida to make it usable for settlers.

²⁸ In 1928, the Tamiami Trail (Currently U.S. Route 41 from Tampa to Miami) opened helping increase tourism to South Florida. The Seminole began selling arts and crafts to the numerous tourists traveling through the area and wrestling with alligators for entertainment and revenue--- the area surrounding this highway is currently known as Alligator Alley.

²⁹ The tribal constitution of 1957 established a two tiered government that included a tribal council and

board of directors that had elected representatives from each reservation community.

³⁰ The \$12,347,500 million dollar settlement would not be paid to the Seminole until 1990 because of numerous court filings and legislation---the amount actually award to all Seminoles would be \$50 million dollars and the Florida Seminole would receive \$9.5 million as their portion of the settlement.

³¹ The Seminole cattle industry began in 1936 when the Seminole received a shipment of 500 cattle from Arizona. The Seminole have become one of the most successful tribes in the country raising cattle and one of the leading producers of beef in the state of Florida. The Seminole cattle industry is located on the Big Cypress and Brighton Reservations. The Seminole have their own brand of cattle that they sell at some of their Hard Rock locations.

³² The citrus industry was started in 1980, but really began to prove to be a successful large scale operation in 1984. The Seminole citrus industry is operated on the Big Cypress and Brighton Reservations. The Seminole sell their citrus products throughout the state.

³³ Archaeological evidence was the catalyst for the tribe being granted land in Tampa, one of their first tribal settlements in the state---the tribe lost this land in 1823 when they were forced from into Central Florida.

³⁴ Darian-Smith (2004) refers to the ultimate capitalist as Native Americans who use their semi-sovereign status to become highly intelligent business people by using the position that was forced upon them by the Federal Government to their economic advantage---typically done through the use of tribal gaming enterprises.

³⁵ Florida's fourth constitution in 1868 made gambling illegal. Section 20 stated that "lotteries are by prohibited in this state." Lotteries were defined as any act that involved individuals wagering on an event or outcome determined by chance with the desired outcome paying dividends to the winner. Many Floridians continued to gamble and illegally. South Florida particularly became a haven for illegal gambling, hitting its peak during the Great Depression. Henry Flagler, business tycoon and partner of John D Rockefeller at Standard Oil, was the first individual to bring casino style gambling to the state. Flagler enticed gamblers to Florida with casino style games such as craps, roulette, card games, and even ran bookie board games (sports betting) throughout hotels in St Augustine, Tampa, Miami, and Palm Beach. The Tampa region also became a hot spot for the Cuban numbers game "bolita" and dog/horse racing as well---being dubbed "Little Chicago" by organized crime bosses and mobsters in the late 1920's. The Tampa and Miami regions were two of the biggest illegal gambling areas throughout the entire country during the 1920's and 1930's.

³⁶ The law was initially vetoed by Governor Doyle E. Carlton, but overturned by the Florida legislature and became legalized on June 5th, 1931. Horse and dog racing are commissioned by the Florida State Racing Commission.

³⁷ Legislation for legalized commercial casino gambling has failed five times in the state of Florida: 1978, 1986, 1994, 1998, & 2010.

³⁸ "Cruises to nowhere are gambling ships that depart from and return to a single port without stopping en route at any other ports of call. These day cruises sail into international waters for the purpose of allowing their patrons to gamble, returning to their home port in a matter of hours" (Florida Senate 1984).

³⁹ The *Florida Public Education Lottery Act* uses revenue generated from lottery sales to benefit the Florida public education system throughout the state.

⁴⁰ Southern Mississippi, primarily the Gulf Coast region, would dominant the gaming market throughout the Southern portion of the U.S. until Hurricane Katrina decimated their gaming industry in 2005

⁴¹ The state of New Mexico went through the exact same type of situation as the state of Florida when their governor (Gary Johnson) signed thirteen tribal-state Class III gaming compacts in 1995, however the New Mexico State Supreme Court ruled that Governor Johnson lacked the ability to single handedly speak on behalf of the state and vetoed the gaming compacts. It took two years for the state of New Mexico to pass Class III gaming compacts and three years for the state of Florida to pass Class III gaming compacts. The Class III gaming compact the Seminole signed with the state of Florida gives the Seminole exclusive rights to operate Blackjack, Baccarat, and Chemin De Far at five of its locations (Hollywood, Hollywood Hard Rock, Tampa Hard Rock, Coconut Creek, and Immokalee) for five years---the Miccosukee and other pari-mutuels cannot offer these games during these five years. The deal also allows the tribe to operate all of its Class III slot machines for the next 20 years. The tribe has already paid the state a lump sum of \$250 million dollars, agreed to pay \$1.2 billion over the next six year, and has agreed to pay an additional \$150 million dollars for each of the 14 years following that first six years to round out its 20 year agreement.

⁴² Only Gulfstream, Mardi Gras, Pompano, Flagler, and Calder commercial gaming facilities can offer Class III slot machines in the state---each of these casinos has to pay 50% of their net revenue to the state in taxes, which is significantly higher than the Seminole tribe has to pay. Current legislation that is in the process of being passed would drop the taxation rate for commercial gaming operators to only pay 35 % of their net revenue not 50%.

⁴³ Tommie Howard was the second Seminole Tribal Chairman serving from 1971-1979. He succeeded Betty May Jumper (chaired from 1967-1971) and preceded James Billie (served from 1979-2003).

⁴⁴ Former Tribal Chairman Howard Tommie owned 45% of Seminole Management Association and began receiving payment from his own tribe to help the tribe operate its casino.

⁴⁵ Pan American Associates (PAA) is a management company run by Jim Clare, Donald Valverde, and Alfred Estrada that runs businesses in South Florida and throughout the U.S. PAA bought the land in Tampa for the Seminole tribe and gave them the property if the tribe agreed to let them manage their bingo hall that would be built there. PAA paid \$185,000 for the 8.5 acres of land and helped finance Tampa bingo, 2 smoke shops, and a Sheraton hotel all owned by the Seminole. PAA also managed the tribe's Immokalee casino.

⁴⁶ The three commissioners for the NIGC come from participating tribes who have and operate gaming facilities and are directly appointed by the Secretary of the Interior.

⁴⁷ Joel Frank has had a long and respected career with the Seminole tribe serving as the Director of the Seminole Tribal Housing Department (1985-2003), worked with HUD, and served on a number of different Seminole and national committees even serving as the President of NIGA. He currently serves to oversee financial matters for the tribe. Many people (including tribal members) did not blame Frank to save him the embarrassment of being indicated with the scandals because of his years of dedicated service helping the tribe. Some even think he was unaware of what was happening with the tribe's gaming operations, but others think he turned a blind eye and moved through the paperwork.

⁴⁸ When the NIGC rejected the Seminole Management Association's contract bid, the Seminole hired JPW Consultants, owned by brothers James P. "Skip" Weisman and Eugene P. "Butch" Moriarty -- the same men who managed the hall under the previous company.

⁴⁹ Howard currently lives off of the Seminole reservation in a million dollar bought with his investment money from Seminole gaming---he also receives his monthly stipend like any other Seminole tribal member.

⁵⁰ Goldstein, Brad & Jeff Testerman. *In Seminole gambling, a few are big winners: The Seminole tribe's Florida casinos are taking in nearly \$500-million a year.* St Petersburg Times, 1997.

⁵¹ As the Seminole Tribal Council ruled on Billie's future they gave the following statement as they expelled him: "He acted as if the tribal government were his kingdom or his dictatorship" (Seminole Tribe 2003).

⁵² Under the *IGRA* of 1988, an individual desiring to pursue in a casino gaming business relationship with a tribe may not "unduly interfere or influence for its gain or advantage" in their dealings with that tribe.

⁵³ Suspicious payouts refer to individuals winning numerous times at the same casino---far more times than what could be considered luck or probability. Similar winnings like the ones mentioned in Seminole casinos have occurred in tribal casinos in the states of California, Connecticut, Michigan, and New Mexico to name a few states.

⁵⁴ Seminole Casino Hollywood is still one of the tribe's most successful gaming facilities despite being the second oldest remaining casino location for the tribe (only the Big Cypress facility is older, but that is currently being renovated). The casino is still a multimillion dollar revenue generator and was a wise investment for the tribe to keep because many locals prefer the smaller scale Seminole casino to the Hard Rock casino a few blocks away.

⁵⁵ The specific details of the partnership between Hard Rock International and the Seminole were never made public. Most tribal members (even council members) and business experts never really knew how the arrangement between the two parties was setup or made. The only details made public of the partnership through the NIGC was that the Seminole were paying Hard Rock International 25% of their net revenue annually for licensing and franchising fees and were also paying the Cordish Companies of Baltimore, Maryland 30% net revenue for the next 10 years for helping finance the casinos (NIGC 2001).

⁵⁶ Hard Rock Casino Biloxi opened three years after the Seminole Hard Rock casinos in 2007---although the casino was constructed in 2005, it would not open until 2007 because of Hurricane Katrina and its devastation of the Gulf Coast region in Mississippi.

⁵⁷ The Cordish Companies are a global real estate and entertainment destination developer (primarily casino development) conglomerate founded in Baltimore, Maryland, in 1910. The company is nationally known for its developments of the Baltimore Harbor, entertainment venues, sports complexes, and its involvement in the film industry.

⁵⁸ In 1982, the U.S. Government passed the *Indian Tribal Governmental Tax Status Act* (Section 7871 of the Internal Revenue Code), which allows tribes to operate with the same Federal tax treatment as city, county, and state governments. "The Act states that tribes are to be treated like states for purposes of the bond rules, but makes them subject to a couple of specific restrictions. *First, tribal governments are permitted to issue bonds only to finance facilities that serve an essential governmental function. Second, tribes are not permitted to issue private activity bonds except for certain manufacturing facilities operated by the tribal government.* While neither the statute nor any IRS regulation defines what constitutes an "essential governmental function, the Act's legislative history describes the test in terms of activities *customarily performed by State and local governments with general taxing powers*" (Niles 2002, 21). Most tribal bonds are tax exempt, but many associated with tribal gaming are challenged by the IRS as "essential government functions" and may or may not be susceptible to IRS taxation. The Seminole were audited by the IRS in 2005 for their \$469 million dollars of issued bonds from the state of Florida, and the issue was later resolved in 2007 for \$10 million dollars by the Florida Capital Trust Agency, which handles the state's bond issues.

⁵⁹ The tribe was accused by several businesses that were trying to acquire the company of participating in "Insider Trading" and "Collusion" in their acquisition of Hard Rock International. Primarily by estranged business partner Cordish Companies. The Seminole and Cordish have been engaged in a legal battle over Casino profits from the tribe's two Hard Rock casinos since 2005 after the tribe exceeded profit projections. For lending the tribe \$231 million dollars, Cordish was expected to receive 30% of the tribe's net casino profit for 10 years, which was estimated to be between \$1.3 to \$1.8 billion dollars in revenue, but the tribe thought otherwise as casino profits far exceeded expectations. After paying Cordish some \$400+ million dollars from 2004-2006, the tribe sought to buyout Cordish (a process that started in 2005, but ended in May of 2007). The exact payout was never made public as tribal transactions are not required to be made public because of their sovereign status. The Cordish Companies filed a lawsuit against the Seminole for their purchase of Hard Rock International, but the case was ultimately dismissed even though many gaming experts believe Cordish could have offered Rank more money for Hard Rock International than the Seminole did.

⁶⁰ Because of globalization, "the growing integration of economies and societies around the world that result from dramatically increased international trade and cultural exchange," American culture has been popularized through forms of mass media in countries around the globe and has helped American businesses, cultural activities, and ideologies from American gain mass popularity (World Bank 2010).

⁶¹ Morton believed that success of Hard Rock, a company that was founded based on American culture, was in an American market; however, Tigrett believed that the success of the Hard Rock Company was in marketing American culture to the rest of the world.

⁶² The Rank Group Plc. currently operates over a 150 gaming operations throughout Europe (primarily in Great Britain) and employs nearly 9,000 individuals. Rank is the 5th most successful gaming business globally and was founded in 1995 to be a leader among the European gaming companies.

⁶³ Hard Rock Las Vegas was founded in 1995 and is one of the premier properties in all of Las Vegas with an estimated value of over \$1 billion dollars. Hard Rock Las Vegas was also one of the gaming catalysts in helping to changing casino gambling from merely casino gaming to entertainment destinations by infusing rock 'n' roll culture and creating a family friendly atmosphere in Sin City.

⁶⁴ A franchise is a form of business organization in which a firm which already has a successful product or service (the franchisor) enters into a continuing contractual relationship with other businesses (franchisees) operating under the franchisor's trade name and usually with the franchisor's guidance, in exchange for a fee. A franchisee is an individual who purchases the rights to use a company's trademarked name and business model to do business. The franchisee purchases a franchise from the franchisor. The franchisee must follow certain rules and guidelines already established by the franchisor, and in most cases the franchisee must pay an ongoing franchise royalty fee to the franchisor (Las Vegas Gaming Analyst 2010; Meister 2009).

⁶⁵ On May 12th, 2006, Peter Morton sells the remaining Hard Rock rights (Hard Rock Las Vegas Casino Hotel and casino hotel property rights West of the Mississippi River in the U.S., Western Canada, and

Australia) to Morgans Hotel Group, an American business. Morgans Hotel Group is a development company that was founded in 1984 in New York City and has properties throughout the U.S. and internationally. Many of the properties acquired by Morgans will change their name under the new ownership---the Hard Rock Las Vegas will retain its name and the music theme.

⁶⁶ The Rank Group will retain some of the Hard Rock properties internationally and plans on changing the names of these locations under the Rank brand and completely separating from the Hard Rock brand as they plan to focus more on gaming than entertainment.

⁶⁷ By altering the business plan, the Seminole think they can generate more revenue annually because they have to pay off their \$965 million dollar acquisition of Hard Rock International. A tribal spokesperson for the Seminole stated that “the tribe said it expects to fund the purchase price from a combination of debt issued by a new Hard Rock operating company and equity funding from the tribe’s gaming division capital structure” (Associated Press 2006).

⁶⁸ During the finalizing of the deal between the Rank Group Plc. and the Seminole Tribe of Florida, a spokesperson for Rank was quoted as saying: “They [the Seminole] are getting a great brand that is rich in American culture and tradition, so it is only fitting that the success of this brand goes back into the hands of Americans, who founded the company” (Associated Press 2006). This quote by Rank is interesting because Rank, a British company, refers to American Indians as simply “American” and makes no distinction between American Indians and Americans despite the fact that the Seminole Tribe is a “sovereign” nation within the U.S.

⁶⁹ The IRS holds all American businesses accountable for the revenue they generate domestically and internationally.

⁷⁰ Tax practices vary by country and international businesses must abide by these tax practices unless a business operates in an international “free zone” where taxes are exempt. A free zone is a designated area of a country where businesses are exempt from paying taxes---the ideology of having a free zone is that it will help develop jobs and help develop the economy of a region. Typically free zones exist in developing or low income countries.

⁷¹ The exact profits of Hard Rock International are no longer made public since the Seminole bought the company in 2006 and do not release public reports on the company like Hard Rock did when the Rank Group Plc. owned the company. Rank released public records of the company’s earnings because the company owned and sold stock shares for Rank; therefore, they were responsible to inform stock holders of all of their investments and holdings.

⁷² Both the Seminole Tribal Casinos and Hard Rock International currently offer the following benefits to their employees: medical, pharmacy, vision, dental, life, accident and disability insurances, 401(k) plan, generous paid time off plan and much more (Seminole Tribe 2010).

⁷³ When the Seminole tribe leased the Hard Rock franchise from Hard Rock International and named its two casinos after the brand, the tribe was operating the casinos under its tribal sovereignty. While Hard Rock International was leasing its franchise to the tribe, they were counting the properties as part of Hard Rock International’s collective group of properties. After the Seminole acquired Hard Rock, the Seminole no longer counted Hard Rock Tampa and Hollywood as part of Hard Rock International, but solely as part of their collection of tribal casinos. The Seminole do not include employment statistics or revenue generated from those casinos as part of Hard Rock International.

⁷⁴ There have been estimated impact studies conducted on the tribe’s impact throughout the state using mathematical equations and estimates, but no studies that used actual data from the tribe or the state have been thoroughly conducted to this point in time. Casinos and development companies use estimated data all of the when trying to predict the potential income a casino could generate in a given geographic area, but these studies are conducted prior to the development of the casino and many times the results are inaccurate based on what actually occurs versus what is predicted to occur (Las Vegas Gaming Analyst 2010).

⁷⁵ Crimes such as theft, robbery, alcohol related crimes, and drug related crimes have all increased as well as an increase in gaming addictions.

⁷⁶ The Seminole do not even list Seminole Big Cypress Casino as an official casino because the casino operates in a make shift structure for the time being and has never had a permanent structure to house its gaming operations.

⁷⁷ Of the five Hard Rock Live venues, two are located within the state of Florida---Hollywood and Orlando.

⁷⁸ The North 401 Highway is the dividing line between East Tampa’s inner city and the newly developing

East Tampa. What is not present in the Site Analysis Map, is that going west on 574 (Martin Luther King Jr. Blvd) past North 401 is the inner city portion of Tampa Bay. The poorest area of the city is in close proximity to the Hard Rock Casino & Hotel and to the Seminole tribal land.

⁷⁹ The Hard Rock Hotel Macau was completed in 2009 and the casino is expected to be completed by 2011.

⁸⁰ Casino have three types of players: recreational to everyday players that spend anywhere from a few dollars to a few thousand dollars; high rollers that spend \$25,000 dollars to \$250,000 dollars; and whales or individuals that spend upwards of over \$250,000 per visit. Whales are treated extravagantly by those in the casino industry and are the most prized after clientele available. Macau has lured away many of the whales that typically went to Las Vegas to gamble because many of them are European and Asian, so Macau provides a closer location for them to travel.

⁸¹ City of Dreams is owned and operated by Melco Crown Entertainment, an international gaming and entertainment based company (primarily in Asia). The company is the 12th largest gaming company globally and employs nearly 10,000 individuals (Melco Crown Entertainment 2010).

⁸² Some casino tribes such as the Otoe-Missouria and Pawnee (Oklahoma) and Hoopa Valley Tribe (California) have actually lowered their blood quantum and reduced membership policies---not a common occurrence among casino owning tribes as most tribes raise blood quantum levels.

⁸³ Some tribes in California and Oklahoma provide higher annual stipends to tribal members than the Seminole. The Mashantucket Pequot tribe used to offer higher annual stipends until the tribe met recent financial troubles.

⁸⁴ Panther clan is the most populated clan followed by X clan or no clan affiliation.

⁸⁵ Professor Jessica Cattelino, an Anthropology Professor at UCLA, is the only individual to do a detailed case study on the Seminole and their gaming empire. Her research provides some important commentary to my research as she lived and worked among the tribe gaining cultural access into seemingly closed areas of Seminole life.

⁸⁶ The NIGC is not required to release gaming data by tribe or by state, only by gaming region, which keeps a lot of tribal gaming information from being public record or knowledge. Any commercial business that operates Class II gaming (usually for charitable purposes) must apply for a special permit and the revenue generated must be made known to the state for tax purposes.

⁸⁷ In 2005, the NIGC issued and reinforced guidelines for distributing tribal gambling money. Tribes can only spend gambling profits on individual members through stipend payments or approved social programs that are available to all members. Tribes are not allowed to: (1) Give gifts or payments to individual tribal members outside of a program. (2) Buy personal items such as cars, boats, houses and clothing, (3) Pay for an individual member's non-business trips, visits to health spas, residential landscaping or outstanding bills, or (4) Make payments to businesses or clubs owned by tribal members (NIGC 2005).

⁸⁸ Many contemporary Black Seminoles (mixed Seminole and Black blood individuals) have felt discriminated against by many tribal members---primarily because these individuals make up a small percentage of the tribe's enrolled members. In 2000, the Oklahoma Seminole decided to formally exclude Black Seminoles unless they could prove descent from a Native American ancestor on the Dawes Rolls, which may have impacted how Black Seminoles in Florida are perceived.

⁸⁹ The Everglades restoration Initiative focuses on healing wildlife areas throughout Southwestern Florida's vast Everglades including: Kissimmee River, Lake Okeechobee, Swamp land, and other areas that protect wildlife.

⁹⁰ The tribe created the Environmental Resource Management Department in 1987 "to protect and evaluate the Tribe's land and water resources and to facilitate the wise use and conservation of these resources by other departments." (Seminole Tribe 2010). The tribe has offices in Hollywood, Brighton, and Big Cypress.

⁹¹ The Seminole Housing Authority typically uses HUD funds to create subsidized homes or free homes for tribal members depending on what types of funding they receive from HUD. Some of the Seminole homes were built as rentals and some of them were built as family homes that were meant to be owned through tribal ownership. The Seminole Housing Authority also provides other services to its members like repairs, help with planning, and elderly assistance. Each reservation has its own housing agency to help tribal members with any problems they encounter.

⁹² Seminole people have utilized aspects of their culture since the early 1900's to generate revenue tribal revenue. The tribe has primarily sold and/or marketed clothing, arts and crafts, alligator wrestling, cattle, rodeos, tobacco, farming (citrus), their environment (the Everglades), their cultural images (Chief Osceola

and Renegade the Florida State University mascots), and bingo to generate revenue. All of these resources have been marketed to non-Seminole populations and have been transformed from items of cultural significance/cultural markers to commodities. Tribal scholars from the Seminole Tribe have worked closely with FSU to create images that are represented as “accurate” by the Seminole Tribe; however, the Seminoles are being paid for their imagery to be used. The problem is this, not all of the Seminole Nation approves of this practice. The Seminole Tribe of Oklahoma has been against the use of Chief Osceola and Renegade (King & Springwood 2007). The Oklahoma Seminoles also receive none of the revenue generated from the sales of FSU’s licensed Seminole apparel because it depicts the “Florida Seminoles” not the larger Seminole Nation or the Seminoles of Oklahoma.

⁹³ The Seminole still receive government funding in a number of areas including Education, Cultural Affairs/Language Preservation, Economic Development, and Housing despite generating over 2.5 billion annually from casino gaming.

⁹⁴ The Seminole tribe also owns a private airfield (located in Big Cypress) used primarily for tribal business and for local small aircraft and they own television broadcasting stations (the main station is located in Hollywood with sister stations in Big Cypress, Brighton, and Immokalee) to broadcast local and Seminole news to individuals in the surrounding areas. The television stations have helped spread Seminole culture through Southeastern Florida.

⁹⁵ FT Pierce is a relatively undeveloped tribal reservation as of 2010. The tribe just recently began establishing the reservation land and developing housing units in this area.

⁹⁶ Most tribes throughout the U.S. are having trouble retaining their youth as more and more are leaving the reservation each year. Casino tribes are actually maintaining more of their youth statistically than non-gaming tribes (NIGC 2010). If an individual has more income and options, one would presume that individual would be more likely to leave, but that is not the case as these individuals are staying in the areas where they have more social support rather than leaving.

⁹⁷ Ah-Tha-Thi-Ki Museum translates to “a place to remember/learn” and the museum was built in 1997.

⁹⁸ The Seminole have one tribal cd that they primarily use, *Seminole Language*, and the Baptists in Southern Florida have created a Seminole language cd of their own, *Words of Life*, since many Seminole are Baptists or live near areas with high religious populations. The Baptist cd primarily teaches the Seminole language in relation to bible verses and the Seminole language cd helps speakers learn words, verb use, and sentence structure.

⁹⁹ There is no official data available on the number of unemployed Seminole tribal members or the number of individuals who have accrued debt from not properly handling and/or investing their annual stipends.

¹⁰⁰ One of the tribe’s reservations, a 33.3 acre parcel of land, is on loan from the National Park Service for a 50 year period, which is set to expire on January 14th, 2014. It is unclear what will happen to this land once that date arrives and if the land will be transferred back to the National park Service or if the Secretary of the Interior will ask that the land be permanently transferred as trust land to the Miccosukee tribe.

¹⁰¹ Some Miccosukee and some Seminole members live on one another’s tribal lands as they have continued to do so even after their political split in the 1950’s. Their differences are more so political than cultural.

¹⁰² A spokesperson for the Miccosukee stated that: “*The addition of Class III slot machines is not being considered at the present time...The performance of the Class II machines at our facility has always been very good, and in some cases off the charts. We also see that Class III slot machines at the pari-mutuel casinos underperform what we currently have. Our market grew up with the style of machines that we offer. So why change what is working?*” (Florida Gaming 2010).

End Notes for Conclusion

¹ Currently, no tribe owning a casino has an exit strategy in place for leaving the tribal gaming industry. While some tribes have publically stated that they see gaming as merely a vehicle to jump start their economic infrastructure, none have voluntarily walked away from the gaming industry to pursue other business ventures once they have made themselves economically self-sufficient. If game was truly a short-term option for tribes to generate revenue, why have no tribes walked away from the gaming industry?

² Many tribes do not follow the policy that I mentioned of starting out small and gradually building their gaming industries larger as success occurs. The trend is actually the opposite, most tribes spend hundreds

of millions of dollars that they do not own to build their casinos and place themselves in economic holes for years to come. Tribes borrow these large amounts of revenue from banks and private lenders at prime interest rates. Banks typically charge tribes 10% to 20% interest compounded annually. Private lenders typically charge a percentage of the annual revenue the casino generates (gross or net) based on what expert analysts predict the casino will generate.

³ The Memorandum for Tribal Gaming (Off-Reservation) Casino restrictions states that proposals need to address the following: “What is the unemployment rate on the reservation? How will it be affected by the operation of the gaming facility? How many tribal members (with their dependents) are likely to leave the reservation to seek employment at the gaming facility? How will their departure affect the quality of life on the reservation? How will the relocation of reservation residents affect their long-term identification with the tribe and eligibility of their children and descendants for tribal membership? What are the specifically identified on-reservation benefits from the proposed gaming facility? Will any of the revenue be used to create on-reservation jobs opportunities? (2008).

⁴ Most tribes make a onetime annual payment to local and state governments for tax purposes based on their total gross or net revenue (varies by state). Tribes have to report monthly gross and net revenue to these governments for taxation calculations, but the payments are only typically made once per year; whereas, most commercial casinos pay per month based on those calculations.

⁵ Las Vegas has one of the lowest tax rates in the U.S. at 6.75% of all gross gaming revenue, but each slot machine is taxed each year, numerous annual fees are paid, and all forms of betting are taxed.

⁶ States are beginning to legalize commercialized gaming to generate economic revenue for local economies and for the state’s budget (which in many cases is a deficit). States such as Arizona, Florida, Illinois, Indiana, Michigan, Ohio, and Pennsylvania are expanding their gaming markets. Racinos are becoming increasingly popular in states that offer racetracks and limited commercial gaming, despite the high tax rates.

⁷ Universities in Southern California such as places like UCLA, USC, San Diego St, UC Berkeley, UC Santa Cruz, UC Davis and Pepperdine, began offering classes on casino gaming, tribal gaming, casino management, or casino studies. San Diego St. even went so far as to create a degree in casino management and operations joining only UNLV and Nevada as the only other universities in the country to offer such degrees. The landscape of Southern California is becoming more like Las Vegas in terms of gaming operations and development.

⁸ Casinos employed more minorities than other businesses in the arts, entertainment, recreation, accommodation and food services sectors (by 9.9 percent). They also employed more minority officials and managers, professionals and technicians than these other businesses (American Gaming Association 2008). Casinos in larger metropolitan markets tend to employ more minorities because of their location.

⁹ Only one study, the *Association of Family Income Supplements in Adolescence With Development of Psychiatric and Substance Use Disorders in Adulthood Among an American Indian Population* (JAMA Vol. 303 No. 19, May 19, 2010), performed on the Eastern Band of Cherokee Indians in Oklahoma has linked that per capita payments have improved the quality of health among tribes operating casinos. No other studies have been performed documenting this type of research on tribes owning casinos throughout the U.S.

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Chapter 11 Bankruptcy.

INTERVIEWS

There were numerous interviews conducted with individuals working in the gaming industry (tribal and commercial gaming industries), state and federal employees, tribal representatives, and tribal members, many of whom wished that their identities would be made confidential because of the nature of some of the conversations. So for privacy reasons, some individuals may be indicated by their title or through a generic reference. Some interviews were performed in person, some over the phone, and some through emails and texts. Many of the questions within the interviews occurred on multiple dates, so a time range is provided for the date of the interview instead of one single date.

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APPENDIX A (INTRODUCTION)

Spending of Tribal Gaming Revenue (Figure 1)

Total Revenue from 240 Indian Tribes		26.50100 Billion
Education, Children/Elders, Culture, Charity, & Other Purposes	20%	5.42860 Billion
Economic Development	19%	5.13417 Billion
Health Care	17%	4.44431 Billion
Police & Fire Protection	17%	4.44431 Billion
Infrastructure	16%	4.18288 Billion
Housing	11%	2.87573 Billion

(National Indian Gaming Association Report: *The Economic Impact of Indian Gaming 2009*)

Gaming Revenue Chart (Figure 2)

Indian Gaming Revenue by Year			Commercial Gaming Revenue by Year	
Year	Actual Dollars	Growth %	Actual Dollars	Growth
2009:	\$26.501 Billion	-1.0%	\$30.711 Billion	- 5.6%
2008:	\$26.738 Billion	2.3%	\$32.540 Billion	- 4.7%
2007:	\$26.514 Billion	4.9%	\$34.130 Billion	5.3%
2006:	\$25.265 Billion	10.2%	\$32.430 Billion	4.9%
2005:	\$22.934 Billion	14.6%	\$30.290 Billion	6.6%
2004:	\$20.020 Billion	15.3%	\$28.931 Billion	4.5%
2003	\$17.369 Billion	14.5%	\$27.020 Billion	6.6%
2002	\$15.171 Billion	15.2%	\$26.502 Billion	2.9%
2001	\$13.175 Billion	20.2%	\$25.722 Billion	5.5%
2000	\$10.959 Billion	11.8%	\$24.314 Billion	8.6%
1999	\$9.801 Billion	15.4%	\$22.225 Billion	11.3%
1998	\$8.495 Billion	14.0%	\$19.715 Billion	7.5%
1997	\$7.451 Billion	18.3%	\$18.235 Billion	6.2%
1996	\$6.301 Billion	15.5%	\$17.105 Billion	6.4%
1995	\$5.455 Billion	59.6%	\$16.005 Billion	13.6%
1994	\$3.417 Billion	31.7%	\$13.825 Billion	18.8%
1993	\$2.595 Billion	59.0%	\$11.220 Billion	14.3%
1992	\$1.632 Billion	126.6%	\$9.618 Billion	10.5%
1991	\$720.2 Million	47.4%	\$8.612 Billion	3.3%
1990	\$488.5 Million	62.8%	\$8.331 Billion	9.9%
1989	\$300.0 Million	147.9%	\$7.508 Billion	7.8%
1988	\$121.0 Million	Gaming Begins*	\$6.925 Billion	2.5%
1976-1987	No Recorded Data	Pre-IGRA	Unavailable	/

*From 1976 to 1987 Indian Gaming was not regulated by the Federal Government; therefore, there is no recordable data available for the amount of revenue generated during that time period (Meister 2010).

2009 Tribal Gaming Revenue Data by Region (Figure 3)



National Indian Gaming Commission Tribal Gaming Revenues Chart (2009)

	Number of Operations	Revenue in (Thousands)	Percentage of Operations/Revenues	Mean (Thousands)	Median (Thousands)
\$250 Million & Over	21	\$10,256,700	5.0% 38.7%	\$488,414	\$387,000
\$100 to \$250 Million	50	\$ 8,167,831	11.9% 30.8%	\$163,357	\$158,652
\$ 50 to \$100 Million	52	\$ 3,707,540	12.4% 14.0%	\$ 71,299	\$ 70,729
\$ 25 to \$ 50 Million	67	\$ 2,384,381	16.0% 9.0%	\$ 35,588	\$ 33,474
\$ 10 to \$ 25 Million	90	\$ 1,473,178	21.5% 5.6%	\$ 16,369	\$ 15,900
\$ 3 to \$ 10 Million	68	\$ 415,275	16.2% 1.6%	\$ 6,107	\$ 6,174
\$ 3 Million & Under	71	\$ 77,542	16.9% 0.3%	\$ 1,092	\$ 779
Total	419	\$26,482,447			

*Excludes the two tribal bingo operations in Maine, which make the total number of tribal casinos 421

Active Off-Reservation Casino Proposals (2009/2010)

Active Off-Reservation Casino Proposals	Proposed Off-Reservation Casino Location
PHOENIX REGION	
Tohono O'odham Nation	Glendale, Arizona
PORTLAND REGION	
Confederated Tribes of Warm Springs (Oregon) Oregon	Columbia River Gorge,
SACRAMENTO REGION	
Fort Mojave (Arizona, California, & Nevada) Manzanita Band of Mission Indians (California)	Needles, California Calexico, California
ST PAUL REGION	
Little River Band of Ottawa Indians (Michigan) Spokane Tribe (Washington)	Muskegon, Michigan Spokane, Washington
WASHINGTON D.C. REGION	
Mashpee Wampanoag Tribe (Massachusetts) Massachusetts Seneca Nation (New York) Stockbridge Munsee Band of Mohican Indians (Wisconsin)	Middleboro, Catskills, New York Catskills, New York
2009: Tribe (State)	Proposed Off-Reservation Casino Location
ST PAUL REGION	
Menominee Indian Tribe (Wisconsin) St. Croix Chippewa (Wisconsin)	Kenosha, Wisconsin Beloit, Wisconsin
2008: Tribe (State)	Proposed Off-Reservation Casino Location
PHOENIX REGION	
Jemez Pueblo (New Mexico) Tigua Tribe (Texas)	Anthony, New Mexico Chaparral, New Mexico
PORTLAND REGION	
Burns Paiute Tribe (Oregon) Colville Confederated Tribes (Washington) Lower Elwha (Washington) Muckleshoot Tribe (Washington)	Ontario, Oregon Wenatchee, Washington Port Angeles, Washington Auburn, Washington
SACRAMENTO REGION	
Big Lagoon Rancheria Indians (California) Chemehuevi Tribe (California)* Dry Creek Rancheria (California) Fort Mojave (Arizona, California, & Nevada) Los Coyotes Band of Cahuilla & Cupeño Indians (California)*	Barstow, California Barstow, California Marysville, California Needles, California Barstow, California
ST PAUL REGION	
Hannahville Indian Community (Michigan) Ho-Chunk Nation (Wisconsin) Lac du Flambeau Band of Lake Superior Chippewa (Wisconsin) Lac Vieux Desert Band of Lake Superior Chippewa (Michigan) Turtle Mountain Chippewa (North Dakota) Dakota	Romulus, Michigan Lynwood, Illinois Shullsburg, Wisconsin Muskegon, Michigan Grand Forks, North
TULSA REGION	
Kickapoo Tribe & Sac and Fox Nation (Kansas) United Keetoowah Band of Cherokee Indians (Oklahoma)	Kansas City, Kansas Fort Smith, Arkansas

WASHINGTON D.C. REGION

Mississippi Band of Choctaw Indians (Mississippi)	Jackson, Mississippi
St. Regis Mohawk Tribe (New York)	Monticello, New York
Stockbridge Munsee Band of Mohican Indians (Wisconsin)	Thompson, New York
Seneca-Cayuga Tribe (Oklahoma)	Montezuma, New York
The Stockbridge Munsee (Wisconsin)	Catskills, New York

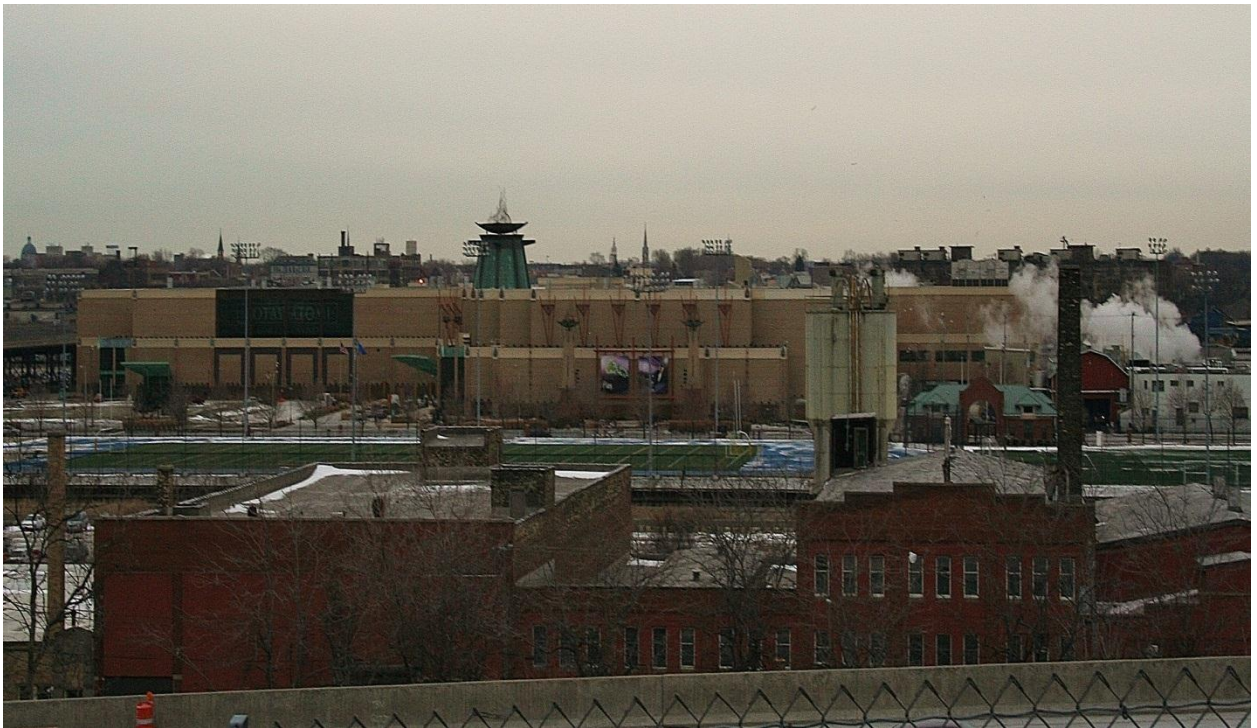
*Both the Los Coyotes Band of Cahuilla & Cupeño Indians and Chemehuevi Tribes of California have resubmitted their off-reservation casino proposals during the Obama administration after being rejected by the Bush administration. Their applications are currently pending.

*Every year the U.S. Department of the Interior rejects numerous applications for off-reservation land applications in which tribes try to acquire land in trust for the purpose of gaming, but there are numerous other ways that tribes can acquire “off-reservation” lands and create “tribal” casinos that are not definable in current research. It has been the inconsistency in decision making from state governments and the U.S. Government in terms of tribes acquiring land in “trust” for tribes throughout the country that has led many tribes to explore alternative avenues in the gaming industry.

Four Existing Off-Reservation Casinos (Figure 5)



Fond-Du-Luth Casino in Duluth, Minnesota 2009 (Photo by Author)



Potawatomi Bingo Casino in Milwaukee, Wisconsin (Photo by Author 2010)



Ojibwa Casino Marquette, Marquette, Michigan (Photo by Author 2009)



Northern Quest Casino in Spokane, Washington (Kalispel Tribe 2010)

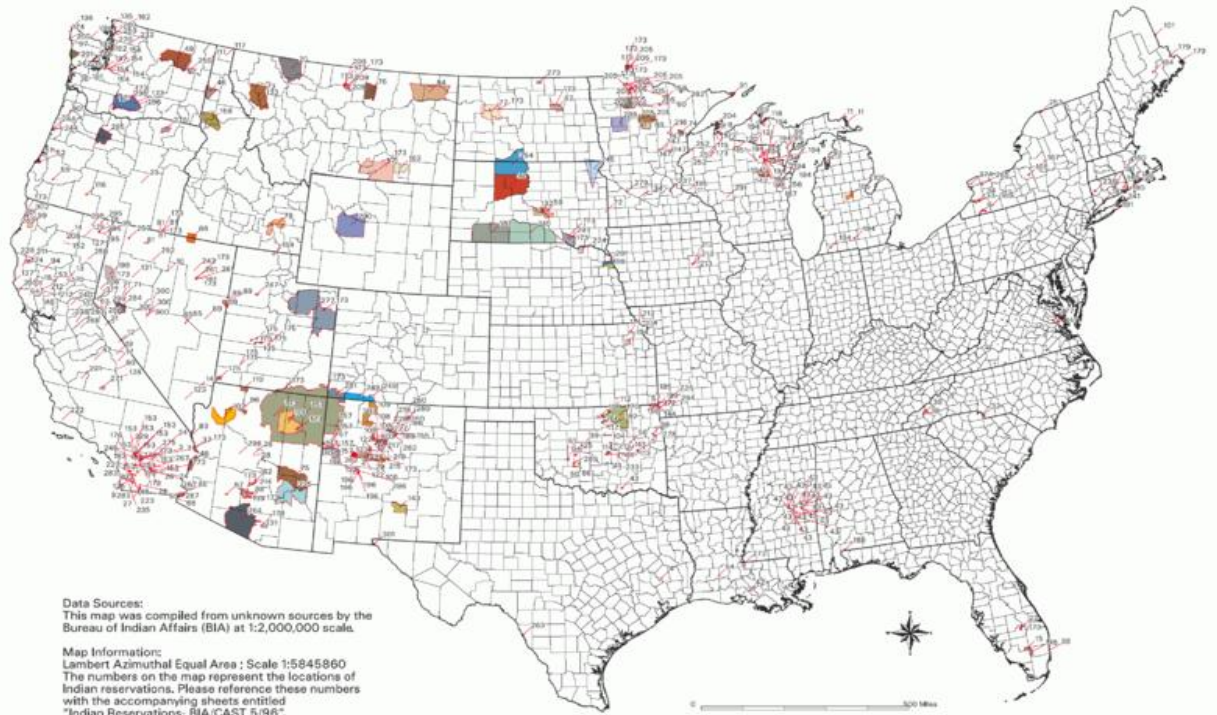
APPENDIX B (CHAPTER 1)

Federal Recognition Process Criteria (Figure 1)

- 1) Existence as an Indian tribe on a continuous basis since 1900. Evidence may include documents showing that governmental authorities —federal, state, or local — have identified it as an Indian group; identification by anthropologists and scholars; and evidence from newspapers and books.*
- 2) Existence predominantly as a community. This may be established by geographical residence of 50% of the group; marriage patterns; kinship and language patterns; cultural patterns; and social or religious patterns.*
- 3) Political influence or authority over members as an autonomous entity from historical times until the present. This may be established by showing evidence of leaders' ability to mobilize the group or settle disputes, inter-group communication links, and active political processes.*
- 4) Copies of its governing documents and membership criteria.*
- 5) Evidence that the membership descends from an historical tribe or tribes that combined and functioned together as a political entity. This may be established by tribal rolls, federal or state records, church or school records, affidavits of leaders and members, and other records.*
- 6) Unless unusual circumstances exist, evidence that most of the group's members do not belong to any other acknowledged North American tribe.*
- 7) Absence of federal legislation barring recognition.*

Map of U.S. Indian Reservations (Figure 2)

Indian Reservations in the Continental United States



(Bureau of Indian Affairs 2010)

List of States with Federally Recognized Tribes (Allowing Tribal Gaming) (Figure 3)

Alabama	Maine*	North Dakota
Alaska	Massachusetts (NO)	Oklahoma
Arizona	Michigan	Oregon
California	Minnesota	Rhode Island (NO)
Colorado	Mississippi	South Carolina (NO)
Connecticut	Montana	South Dakota
Florida	Nebraska	Texas
Idaho	Nevada	Utah (NO)
Iowa	New Mexico	Washington
Kansas	New York	Wisconsin
Louisiana	North Carolina	Wyoming

*Currently 29 states operate some form of tribal gaming within their boundaries

*Currently 4 states that have Federally Recognized Tribes do not allow tribal gaming: Massachusetts, Rhode Island, South Carolina, and Utah. South Carolina used to allow tribal gambling, but is currently reworking state policies.

*Maine's Catawba Tribe has operated a High Stakes Bingo Hall since the early 1980's, but the tribe has limited hours of operation, use, and games (most of which are between Class I and Class II), so many reports do not include the state of Maine in their calculations of tribal gaming since all that they offer is tribal bingo. Maine is in most reports not included, so most reports state that only 28 states throughout the country have tribal gaming and not 29.

*States without Federally Recognized Tribes: Arkansas, Delaware, Georgia, Hawaii, Illinois, Indiana, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia.

APPENDIX C (CHAPTER 2)

Forest County Potawatomi Treaties with the U.S. Government (Figure 1)

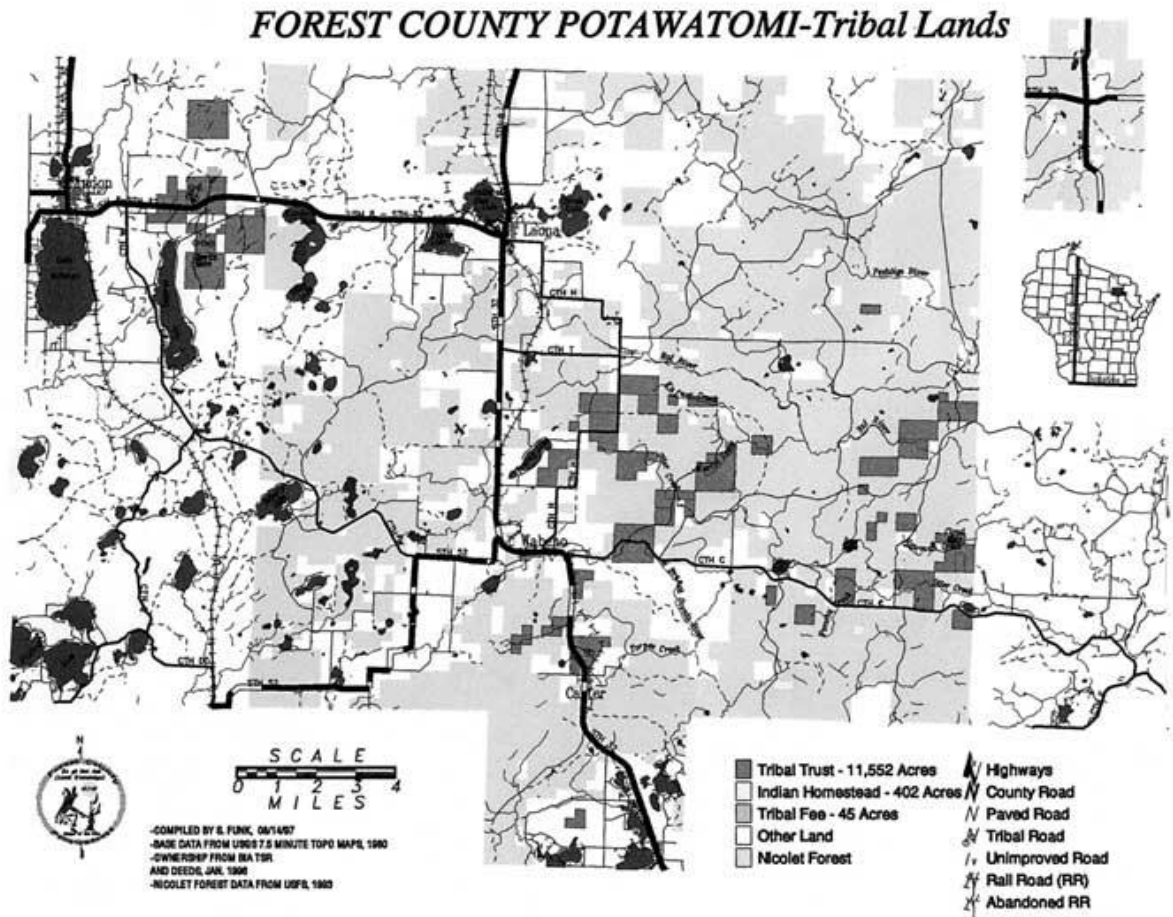
Year	Treaty / Location	Land Lost / Result	Payment / Land Received
1789:	Treaty of Fort Harmar (OH)	Ohio Territory	Goods
1795:	Treaty of Greenville (OH)	Ohio / Chicago / Detroit	Goods
1803:	Treaty of Fort Wayne (IN)	Central & Eastern Indiana	Goods & Money
1805:	Treaty of Fort Industry (OH)	Lake Erie	Cash Per Tribe
1805:	Treaty of Grouse land (IN)	Northern Indiana	Cash Per Tribe
1807:	Treaty of Detroit (MI)	SE Michigan / NW Ohio	Goods
1808:	Treaty of Brownstown (MI)	SE Michigan	Goods
1814:	Treaty of Greenville (OH)	Peaceful Negotiations	Land Rights
1815:	Treaty of Portage des Sioux (MO)	Peaceful Negotiations	Land Rights
1815:	Treaty of Spring Wells (MO)	Peaceful Negotiations	/
1816:	Treat of St Louis (MO)	Chicago / Lake Michigan	Goods & Money
1817:	Treaty of Miami Rapids (OH)	Ohio Valley	Cash Per Tribe
1818:	Treaty of St Mary's (OH)	Ohio Valley	/
1821:	Treaty of Chicago (IL)	Michigan Territory	Small Areas of Land
1825:	Treaty of Prairie des Chiens (WI)	Peaceful Negotiations	/
1827:	Territory of Butte Des Mortes (WI)	Peaceful Negotiations	/
1828:	Treaty of Green Bay (WI)	Peaceful Negotiations	/
1828:	Treaty of St Joseph (MI)	SW Michigan / NE Indiana	Cash
1829:	Treaty of Prairie du Chien (WI)	Peaceful Negotiations	/
1832:	Treaty of Camp Tippecanoe (IN)	NW Indiana / Lake Michigan	Cash
1832:	Treaty of Tippecanoe (IN)	Amendment to Previous Treaty	/
1833:	Treaty of Chicago (IL)	Illinois & Wisconsin	Reservation Land
1833:	Treaty of Chicago (IL)	Amendment to Previous Treaty	Traditional Lands
1834:	Treaty of Tippecanoe (IN)	Northern Indiana	Goods & Money
1834:	Treaty of Lake Maxeeniekuekee (IN)	Northern Indiana	Goods & Money
1834:	Treaty of Potawattimie Mills (IN)	Northern Indiana	Goods & Money
1834:	Treaty of Logansport (IN)	Northern Indiana	Res Land (Kansas)
1836:	Treaty of Turkey Creek Prairie (IN)	Northern Indiana	Cash
1836:	Treaty of Tippecanoe (IN)	Northern Indiana	Cash
1836:	Treaty of Tippecanoe (IN)	Amendment to Previous Treaty	Res Land (Kansas)
1836:	Treaty of Logansport (IN)	Northern Indiana	Cash Res Land (KS)
1836:	Treaty of Logansport (IN)	Amendment to Previous Treaty	Cash Res Land (KS)
1836:	Treaty of Yellow River (IN)	Northern Indiana	Cash Res Land (KS)
1836:	Treaty of Chippewaynaung (IN)	Northern Indiana	Cash Res Land (KS)
1836:	Treaty of Chippewaynaung (IN)	Amendment to Previous Treaty	Cash Res Land (KS)
1836:	Treaty of Chippewaynaung (IN)	Amendment to Previous Treaty	Cash Res Land (KS)
1837:	Treaty of Washington (D.C.)	Northern Indiana	Cash Res Land (KS)
1846:	Treaty of Potawatomi Creek (KS)	Kansas	Land & Money
1861:	Treaty of Kansas River (KS)	Portions of KS Reservation	Individual Lands
1866:	Treaty of Washington (D.C.)	Portions of KS Reservation	Res Land Kansas
1867:	Treaty of Washington (D.C.)	Portions of KS Reservation	Res Land Oklahoma

*The Forest County Potawatomi, of the larger Potawatomi Nation, acknowledge the signing/participation of the above mentioned 42 Treaties. The larger Potawatomi Nation has been involved in the signing of over 50 Treaties with both the U.S. government and other tribes throughout the country.

*The treaties reflect only the agreements made between the Potawatomi and the U.S. government not other tribes as their arrangements within a particular treaty may have had different specifications.

(Treaties & Chart constructed from assistance by Potawatomi Tribal Historian & Actual Treaty Documents)

FCP Reservation in Forest County, Wisconsin (Figure 2)



(State of Wisconsin 2006)

Map of Wisconsin Gaming Facilities (Figure 3)
MAP OF WISCONSIN GAMING FACILITIES AS OF JANUARY 1ST, 2010

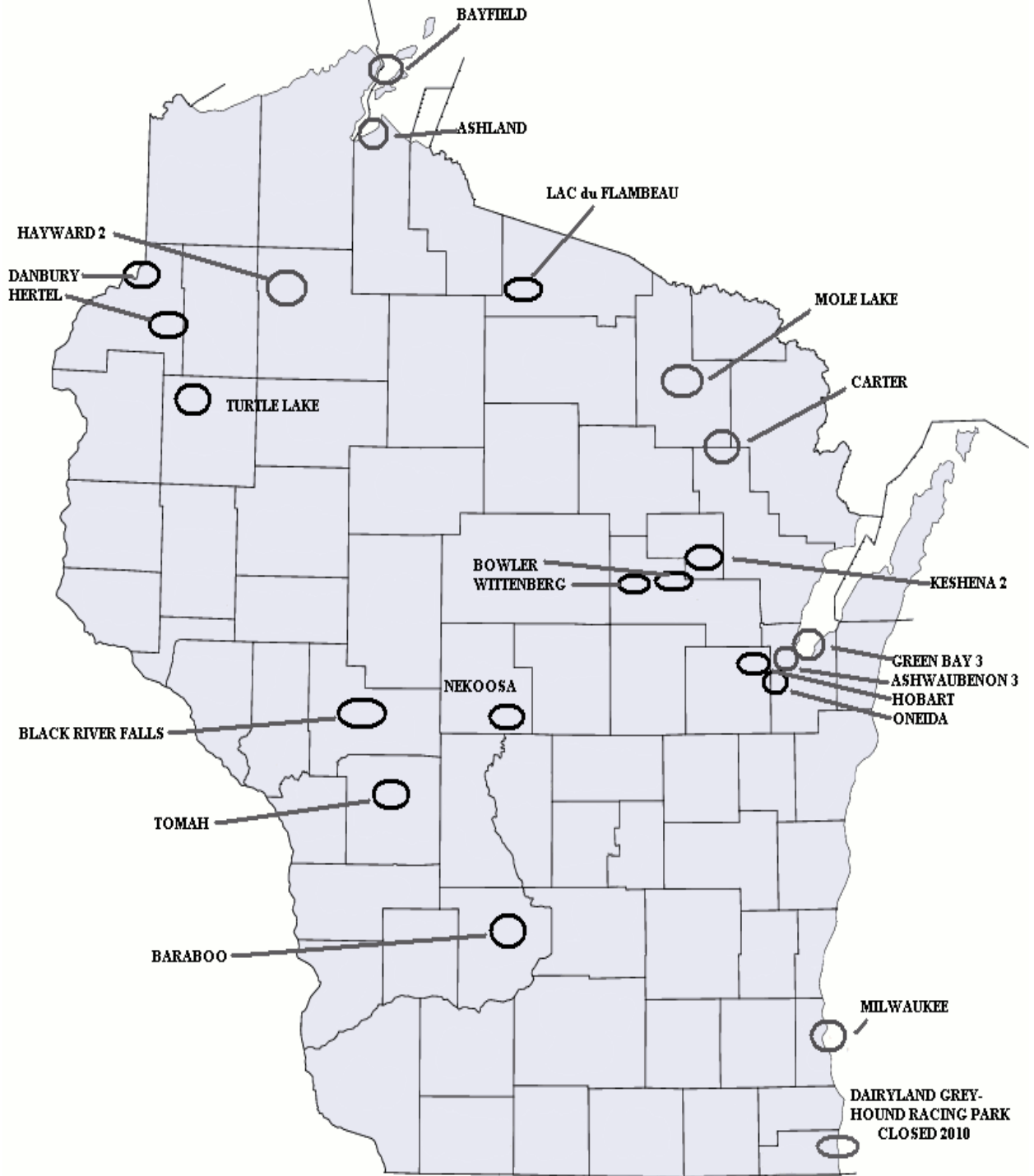


Illustration by Author 2010

Wisconsin Casinos (Figure 3)

Tribe	Casinos	Location
Bad River Band of Lake Superior Chippewa Indians	Bad River Casino	Ashland
Forest County Potawatomi Community	Northern Lights Casino Potawatomi Bingo Casino	Carter Milwaukee
Ho Chunk Nation	Ho Chunk Casino Ho Chunk North Majestic Pines Casino Rainbow Casino Whitetail Casino	Baraboo Wittenberg Black River Falls Neboosa Tomah
Lac Courte Oreilles Band of Lake Superior Chippewa Indians	Lac Courte Oreilles Casino Grindstone Creek	Hayward Hayward
Lac du Flambeau Band of Lake Superior Chippewa Indians	Isle of Torches Casino	Lac du Flambeau
Menominee Indian Tribe of Wisconsin	Menominee Nation Casino Crystal Palace Casino	Keshena Keshena
Oneida Nation of Wisconsin	Irene Moore Activity Center Oneida Bingo & Casino Radisson Hotel & Conference Center Highway E & EE Convenience Store Mason Street Casino Packerland Convenience Store Highway 54 Convenience Store Oneida Travel Center	Ashwaubenon Ashwaubenon Ashwaubenon Green Bay Green Bay Green Bay Hobart Oneida
Red Cliff Band of Lake Superior Chippewa Indians	Isle Vista Casino	Bayfield
Sokaogon Chippewa Community	Mole Lake Regence Resort Casino	Mole Lake
St Croix Chippewa Community	Hole in the Wall Casino Little Turtle Hertel Express St Croix Casino	Danbury Hertel Turtle Lake
Stockbridge –Munsee Band of Mohican Indians	Mohican North Star	Bowler
Commercial Casino	Dairyland Greyhound Racing Park	Kenosha
*Dairyland Greyhound Racing Park closed at the end of the 2009 / beginning of 2010		

10 Largest Tribal Casinos in the U.S. by Gaming Sq. Ft (Figure 4)

Rank	Casino	Location	Tribe	Size (sq. ft.)
1	Potawatomi Bingo Casino	Milwaukee, WI	Forest County Potawatomi	780,000 sq. ft.
2	San Manuel Indian Bingo/Casino	Highland, CA	S M Band of Mission Indians	480,000 sq. ft.
3	Island Resort & Casino	Harris, MI	Hannahville Indian Community	408,520 sq. ft.
4	Mohegan Sun Casino	Uncasville, CT	Mohegan Tribe	364,000 sq. ft.
5	Foxwoods Resort Casino	Mashantucket, CT	Mashantucket Pequot	344,000 sq. ft.
6	Viejas Casino	San Diego, CA	V Band of Kumeyaay Indians	327,000 sq. ft.
7	Jackpot Junction Casino	Morton, MN	Lower Sioux Indian Community	325,000 sq. ft.
8	Barona Valley Ranch Casino	Lakeside, CA	Barona Band of Mission Indians	310,000 sq. ft.
9	Chumash Casino	Santa Ynez, CA	S Y Band of Chumash Indians	280,000 sq. ft.
10	Jackson Rancheria Casino	Jackson, CA	J R Band of Miwuk Indians	257,789 sq. ft.

*If the MGM Grand is included into Foxwoods total, then Foxwoods is the third largest tribal gaming casino in the country with 410,000 sq. ft.; however, the MGM Grand is listed as a commercial casino owned by the tribe on tribal land.

*Tribal Casinos are measured by their total available gaming space, not the total size of the tribal casino with all of its hotels, shops, restaurants, or amenities (Meister 2010).

Potawatomi Employment Charts (Figure 5)

Job Charts for Potawatomi Bingo Casino

PBC Job Growth History		% Increase	Employment at PBC (Ethnic Breakdown)	
2009:	3,000	50.00%	Caucasian	47%
2006:	2,000	17.86%	African American	30%
2003:	1,697	14.97%	Hispanic	9%
2000:	1,476	88.45%	Native American	8%
1999:	782	73.77%	Asian	6%
1991:	450	/	Total:	100%

(FCP 2009)

Number of Individuals Employed by the FCP in Forest & Milwaukee Counties

Employer	County	Employees	Rank
Forest County Potawatomi Tribe	Forest	750	1 st
Northern Lights Bingo Casino	Forest	440	2 nd
Mole Lake Casino & Resort	Forest	175	3 rd
Construction (Various Projects)	Forest	110	8 th
Potawatomi Bingo Casino	Milwaukee	3,000	12 th
Construction (Various Projects)	Milwaukee	500	/
Total Jobs Provided by Potawatomi	Both	4,800	/

*Mole Lake Casino & Resort is owned by the Sokaogon Chippewa.

*Statistics from Wisconsin Department of Workforce Development 2008 & U.S. Census 2009.

Wisconsin Employment Statistics for 2009

Job Description	Forest County (\$)	Milwaukee County (\$)	Wisconsin (\$)
All Occupations:	\$25,892	\$44,113	\$38,070
Casino Employee Categories:			
Other Services	\$15,523	\$24,208	\$22,073
Leisure & Hospitality	\$18,917	\$18,966	\$13,589
Professional/Business Management	\$34,318	\$49,222	\$44,328
Financial Activities	\$28,739	\$66,149	\$50,749
Construction (Casinos/Businesses)	\$22,582	\$55,093	\$47,489

Other Potawatomi Jobs

Education & Health	\$28,493	/	\$39,606
Public Administration	\$32,126	\$51,387	\$39,879

*Statistics reflect jobs that the FCP provide for workers in various industries based on the average in that market.

*Statistics from Wisconsin Department of Workforce Development 2008 & U.S. Census 2009.

(Potawatomi Jobs 2009)

Population Chart for PBC and NLC Customer Base (Figure 6)

Forest County Potawatomi Tribe	1,299
Sokaogon Chippewa Tribe	1,261
Forest County	10,329
Green Bay Metropolitan 302,937	
City of Milwaukee	602,194
Milwaukee County	953,323
Metropolitan Milwaukee (Milwaukee, Ozaukee, Washington, & Waukesha Counties)	1,739,495
Wisconsin	5,647,000
Marketing to Surrounding States (Tourism)	
Illinois	12,901,563
Minnesota	5,220,393
Upper Peninsula (Michigan)	328,014
*Information based on 2009 U.S. Census Data & Tribal Enrollment Figures	

Wisconsin Tribal Gaming Chart (Figure 7)

Year:	Total State Revenue	National Ranking	% of National Revenue
2009:	1.4423 Billion	7 th	/
2008:	1.4001 Billion	8 th	5.23%
2007:	1.3352 Billion	8 th	5.04%
2006:	1.2446 Billion	8 th	4.92%
2005:	1.1829 Billion	8 th	5.16%
2004:	1.1303 Billion	8 th	5.65%
2003:	1.1005 Billion	8 th	6.34%
2002:	1.0002 Billion	5 th	6.59%
2001:	970.9 Million	5 th	7.37%
2000:	902.1 Million	5 th	8.23%
1999:	842.3 Million	5 th	8.59%
1998:	762.4 Million	5 th	8.97%
1997:	660.2 Million	5 th	8.86%
1996:	537.7 Million	5 th	8.53%
1995:	334.6 Million	5 th	6.13%
1994:	203.1 Million	4 th	5.94%
1993:	157.7 Million	4 th	6.08%
1992:	98.2 Million	4 th	6.01%
1991:	No Data Available	/	/

(Wisconsin Division of Gaming 2009)

Forest County Potawatomi Casino Revenue Figure 8

Gaming Revenue from the Off-Reservation Casino in Milwaukee (Figure 10)

PBC Earnings:	Milwaukee County	Milwaukee City	Wisconsin Total Taxes		
2009:	\$369,812,538	\$5,552,740	\$5,552,740	\$22,188,752	\$33,294,232
2008:	\$337,333,333	\$5,060,000	\$5,060,000	\$23,613,333	\$33,733,333
2007:	\$321,321,557	\$4,824,648	\$4,824,648	\$25,705,725	\$35,355,021
2006:	\$278,814,733	\$4,182,221	\$4,182,221	\$22,305,179	\$30,669,621
2005:	\$327,434,371	\$4,916,432	\$4,916,432	\$19,646,062	\$29,478,926
2004:	\$257,313,412	\$3,856,626	\$3,856,626	\$ 6,375,000	\$14,088,252
2003:	\$243,725,630	\$3,659,544	\$3,659,544	\$ 6,375,000	\$13,694,088
2002:	\$239,760,000	\$3,600,000	\$3,600,000	\$ 6,375,000	\$13,575,000
2001:	\$227,772,000	\$3,420,000	\$3,420,000	\$ 6,375,000	\$13,215,000
2000:	\$222,500,000	\$3,240,000	\$3,380,000	\$ 6,375,000	\$12,995,000
1999:	\$220,446,000	\$3,240,000	\$3,380,000	\$ 6,375,000	\$12,995,000
1998:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
1997:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
1996:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
1995:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
1994:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
1993:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
1992:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
1991:	Not Available	No Payment	No Payment	\$ 350,000	\$ 350,000
Lump Sum Payments to the State of Wisconsin (Based on State-Tribal Gaming Compact)					
2007: Lump Sum Payment				\$29,400,000	
2006: Lump Sum Payment				\$43,600,000	
Totals:	\$3,289,959,204+	\$45,552,211	\$45,832,211	\$227,509,051	\$318,893,473

*Annual payment to the city of Milwaukee is 1.5% of net win or 3.38 million, whichever is greater (1999 – 2025).

*Annual payment to the county of Milwaukee is 1.5% of net win or 3.24 million, whichever is greater (1999 – 2025).

*The Potawatomi pay a variable percentage rate each year of their total revenue to the state of Wisconsin based on the 2005 gaming compact. The Potawatomi will pay 7% for 2005, 8% for 2006, 8% for 2007, 7% for 2008, 6% for 2009, 6% for 2010, 6.5% for 2011, and 6.5% each of the following years until 2025.

*The Potawatomi were not legally obligated to make public any of their net winnings prior to 1999 under confidentiality clauses in their state-tribal gaming compact.

Northern Lights Casino in Carter, Wisconsin

Earnings	Forest County Government	Wisconsin
1991-2005: Not Available	No Payment	\$5,625,000*
2006-2009: Not Available	\$1,400,000	Based on Gaming Compact

*The Potawatomi were not legally obligated to make public any of their net winnings under confidentiality clauses in their gaming compact on their reservation casino.

*The tribe made a flat annual payment to the state of Wisconsin under the gaming compacts from 1991 - 2005 of \$375,000.

*Gaming compacts changed in 2006, when the tribe began paying the Forest County Government an annual payment of \$375,00 and their payment to the state of Wisconsin is based on the following criteria: Less than 20 million generated in net revenue they pay the state 3% of net, Between 20 to 50 million they pay the state 5% of net, and Over 50 million the state and tribe must negotiate the amount of payment to be made.

Photos of the FCP Cultural Center, Library, & Museum (Figure 9)



(Photos by the Forest County Potawatomi Tribe)



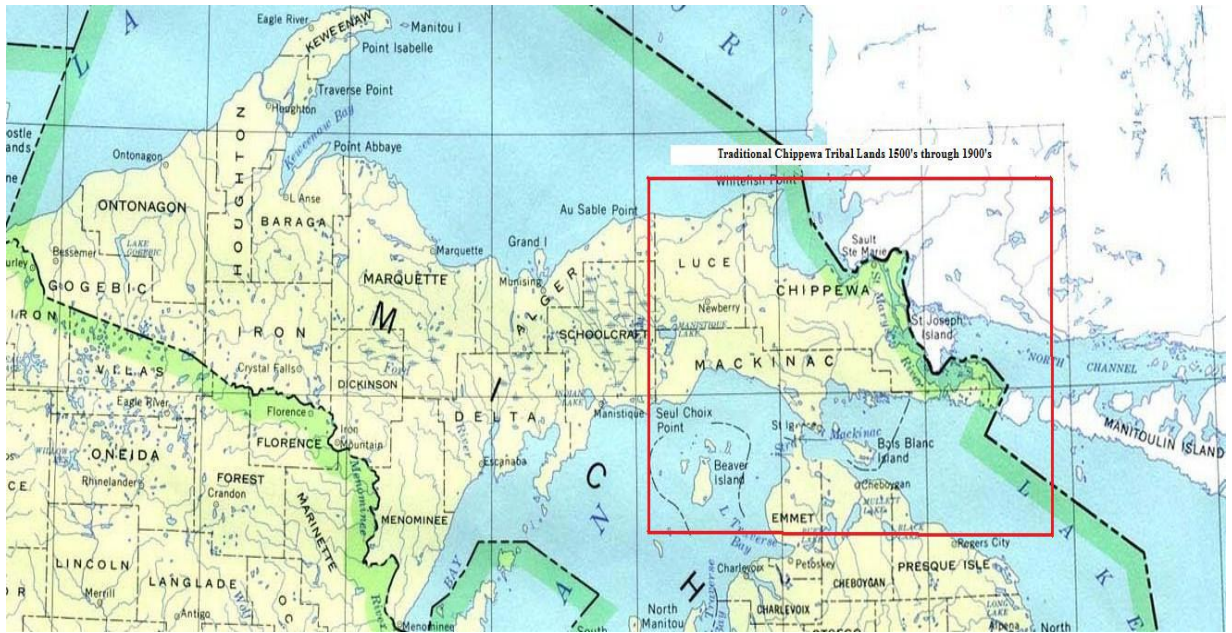
Forest County Potawatomi Tribal Flag (Figure 10)



(FCP 2009)

APPENDIX D (CHAPTER 3)

Chippewa Tribal Lands from the 1500's - 1900's (Figure 1)



(Picture from Sault Ste Marie Chippewa Tribe 2009)

Sault Ste Marie Chippewa Treaties with the U.S. Government (Figure 2)

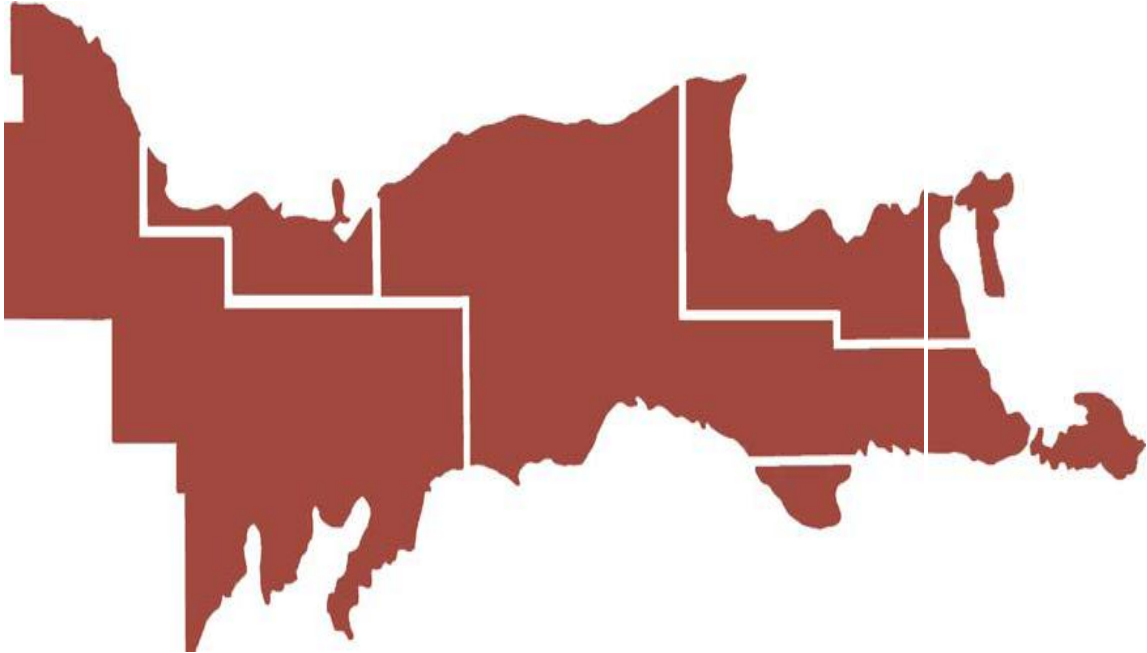
Year:	Treaty / Location	Land Lost /Result	Payment / Land Received
1785:	Treaty of Fort McIntosh (PA)	Ohio Territory / Detroit	Goods
1789:	Treaty of Fort Harmar (OH)	Ohio Territory	Goods
1795:	Treaty of Greenville (OH)	Ohio / Detroit	Goods
1805:	Treaty of Fort Industry (OH)	Lake Erie	Cash per Tribe
1807:	Treaty of Detroit (MI)	SE Michigan / NW Ohio	Goods
1808:	Treaty of Brownstown	Detroit	Goods
1815:	Treaty of Spring Wells	Peaceful Negotiations	/
1819:	Treaty of Saginaw (MI)	NE Michigan (LP)	Land Rights
1820:	Treaty of Sault Ste Marie (MI)	Michigan UP / Ontario	Goods & Fishing Rights
1820:	Treaty of Michilimackinac (MI)	St Martins Islands / St Mary's River	Goods
1821:	Treaty of Chicago (IL)	Michigan Territory	Small Areas of Land
1836:	Treaty of Washington (D.C.)	Lake Superior / Huron / Michigan	Land & Cash
1842:	Treaty of La Pointe (WI)	Michigan UP / Lake Superior	Hunting / Fishing Rights
1855:	Treaty of Detroit (MI)	St Mary's River Area	Sugar Island

*The Sault Ste Marie Tribe of Chippewa, of the larger Chippewa Nation, acknowledge the signing and participation of the above mentioned 14 Treaties. The larger Chippewa Nation has been involved in the signing of over 40 treaties with both the U.S. government and other tribes throughout the country.

*Treaty chart composited from individual treaties and with the help of SSMC tribal scholars.

*Sugar Island is the contemporary home of the Sault Ste Marie Chippewa Tribe---it is also home to the Bay Mills Indian Community as well.

Map of the SSMC's Five Social Service Units (Figure 3)



The Western most section of the map is Unit 4, the section directly above that is Unit 5, the Central section is Unit 2, the Southeastern section is Unit 3, and the Northeastern section is Unit 1.

(SSMC Housing Authority 2009)

Distribution of SSMC Population	Enrolled Members	% of Population
Total for Upper Peninsula	15,482	36.0%
Total for Lower Peninsula	13,027	30.3%
Outside of Michigan	14,491	33.7%
Outside of Service Area	28,886	67.2%
Total Enrolled Members	43,000	/

Section:	Cities of Service:	Enrolled Members	% of Population
Unit 1	Sault Ste Marie & Sugar Island	6,500	15.1%
Unit 2	St Ignace & Drummond Island	2,153	5.0%
Unit 3	Hessel, Naubinway, & Newberry	1,985	4.6%
Unit 4	Marquette & Munising	2,401	5.6%
Unit 5	Escanaba & Manistique	1,075	2.5%
Total for All 5 Units:		14,114	32.8%

Map of Michigan's Tribal & Commercial Casinos (Figure 4)

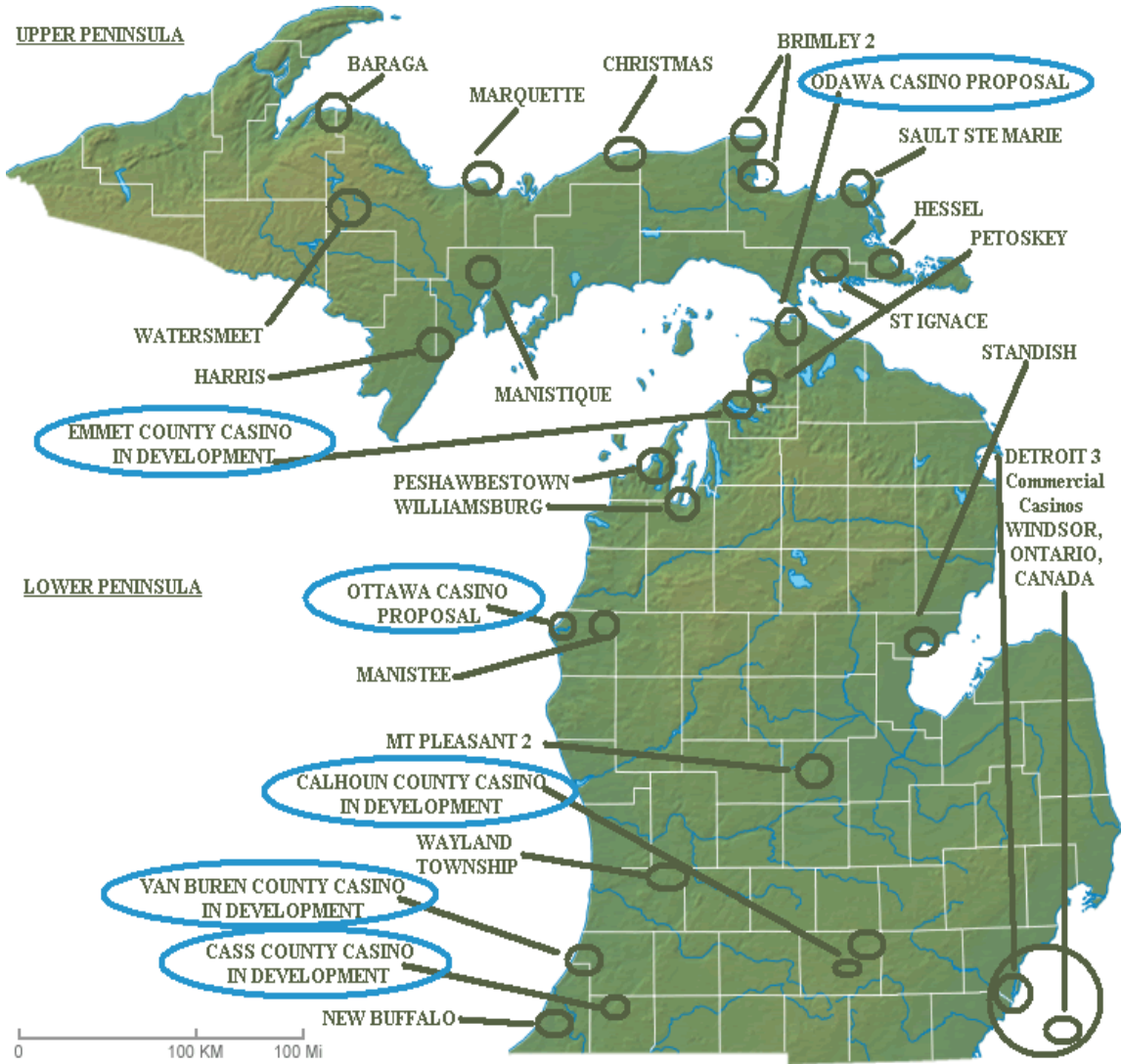


Illustration by Author 2010

Michigan Casinos (Figure 4)

Tribal	Casino	Location
Bay Mills Indian Community	Bay Mills Resort & Casino	Brimley
	Kings Club Casino	Brimley
Grand Traverse Band of Ottawa & Chippewa Indians	Leelanau Sands Casino	Peshawbestown
	Turtle Creek Casino	Williamsburg
Gun Lake Band of Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians	Gun Lake Casino	Wayland Township
Hannahville Indian Community	Island Resort Casino	Harris
Keweenaw Bay Indian Community	Ojibwa Casino Resort	Baraga
	Ojibwa Casino II	Marquette
Lac Vieux Desert Band of Lake Superior Chippewa Indians	Lac Vieux Desert Resort Casino	Watersmeet
Little River Band of Ottawa Indians	Little River Casino Resort	Manistee
Little Traverse Bay Bands of Odawa Indians	Odawa Casino Resort	Petoskey
	In Development	Emmet County
	Proposal	Odawa County
Nottawaseppi Band of Potawatomi Indians	In Development	Calhoun County
Pokagon Band of Potawatomi Indians	Four Winds Casino Resort	New Buffalo
	In Development	Cass County
	In Development	Van Buren County
Saginaw Chippewa Indian Community	Soaring Eagle Casino & Resort	Mt Pleasant
	Soaring Eagle II	Mt Pleasant
	Saganing Eagles Landing Casino	Standish
Sault Ste. Marie Band of Chippewa Indians	Kewadin Casino	Christmas
	Kewadin Casino	Hessel
	Kewadin Casino	St Ignace
	Kewadin Casino	Manistique
	Kewadin Casino	Sault Ste Marie
Totals:	20 Existing Tribal Casino	
	5 Casinos in Development	
Commercial Casino Owner	Casino	Location
Marian Llitch	Motor City Casino Resort	Detroit
MGM Mirage	MGM Grand Casino Resort	Detroit
Sault Ste Marie Chippewa Tribe (Now Owned by Greektown Superholdings Inc. & Greektown Newco Sub Inc.)	Greektown Casino Resort	Detroit
Ontario Lottery & Gaming Commission	Caesars Windsor Casino Resort	Windsor (Detroit Metro)

Sault Ste Marie Chippewa Tribal Nation Flag (Figure 5)



(SSMC 2010)

Kewadin Casino Costs (Figure 6)

Casino	Opening Cost	Renovation Cost
Christmas (1994)	\$1.2 Million	2004 (\$5 Million)
Hessel (1992)	\$800,000	2006 (\$3 Million)
Manistique (1996)	\$1.5 Million	2005 (\$11 Million)
Sault Ste Marie (1984)	\$3.9 Million	2006 (\$44 Million)
St. Ignace (1989)	\$2.6 Million	2007 (\$41 Million)
Greektown (2000)	\$275 Million	2009 (\$600 Million)
Totals:	\$285 Million	\$704 Million

*Sault Ste Marie Casino underwent a massive expansion shortly after opening and the total cost was \$3.9 million.

*Statistics Provided from Kewadin Casinos 2009 & Sault Ste Marie Chippewa 2009

Population Chart for Chippewa Casinos (Figure 7)

Sault Ste Marie Chippewa	43,000
Bay Mills Indian Community	815
Sault Ste Marie	16,695
Chippewa County	38,971
Sault Ste Marie, Ontario (Canada)	81,312
Christmas	412
Alger County	9,438
Hessel	204
St Ignace	2,335
Mackinaw County	10,624
Manistique	3,085
Schoolcraft County	8,220
Upper Peninsula (Michigan)	328,014
Detroit	916,952
Wayne County	1,949,929
Detroit Metropolitan (Wayne, Oakland, Macomb, Lapeer, St. Clair & Livingston Counties)	4,425,110
Windsor, Ontario (Canada) Metropolitan	323,423
Michigan	10,003,042
Marketing to Surrounding States (Tourism)	
Ohio	11,485,910
Indiana	6,376,792

*Information based on 2009 U.S. Census Data, 2009 Canadian Census Data, & Tribal Enrollment Figures 2009

Kewadin Casino Map & Population Base (Figure 8)



Map of Michigan's Upper Peninsula (Illustration by Author 2010)

Red Circles = Largest Population Areas	Blue Circles = Kewadin Casinos
Northwest: Houghton	North Central: Christmas
Southwest: Iron Mountain/Kingsford	South Central: Manistique
North Central: Marquette	Southeast: St Ignace
Southeast: St Ignace/Mackinac	Southeast: Hessel
Northeast: Sault Ste Marie (Michigan & Canada)	Northeast: Sault Ste Marie

Chippewa Job Charts (Figure 9)

Chippewa Casinos Economic Impact 2008/2009

	Employment	Wages Paid	Average Salary	Regional Economic Output
Kewadin Casino	3,332	\$106.2 Million	\$31,872.75	\$353 Million
Upper Peninsula (Average Salary Per County)				
Alger County			\$28,513.75	
Chippewa County			\$29,812.35	
Mackinaw County			\$24,812.53	
Schoolcraft County			\$29,313.33	
Greektown Casino	4,000+	\$140.8 Million	\$35,200.00	\$1.21 Billion
Detroit Area (Average Salary Per County)				
Wayne County			\$44,832.12	

Kewadin Casino / Greektown Employment Statistics 2008/2009

Casino Location	Employees	Tribal Members	Non-Tribal Members	Minorities
Sault Ste Marie	1,512	801	713	312
St Ignace	1,087	417	670	256
Manistique	399	203	196	46
Christmas	232	101	131	51
Hessel	112	48	64	12
Kewadin Casinos	3,332	1,570 (47.11%)	1,762 (52.89%)	677 (20.32%)
Detroit Casino	4,000+	41 (1.03%)	3,959 (98.97%)	2,992 (74.80%)
Total Statistics	7,332+	1,611 (21.97%)	5,721 (82.03%)	3,669 (50.04%)

*No statistics are available on full or part employment data.

Chart of the Top U.S Gaming Markets in 2009 (Gross Revenue) (Figure 11)

1) Las Vegas (Strip)	\$6.25 Billion	6) Tunica / Lula (MS)	\$1.15 Billion
2) Atlantic City	\$4.50 Billion	7) St Louis (MO / IL)	\$1.10 Billion
3) Chicagoland (IL / IN)	\$2.35 Billion	8) Biloxi (MS)	\$0.96 Billion
4) Southeastern Connecticut	\$2.15 Billion	9) Shreveport (LA)	\$0.87 Billion
5) Detroit/Windsor	\$1.90 Billion	10) Boulder Strip (Las Vegas)	\$0.85 Billion

*Even when Windsor is not included as part of the Detroit metropolitan gaming market, Detroit still ranks as the fifth strongest gaming market in the U.S.

Economic Impact of Detroit Casinos 2009-1999 (Figure 11)

	MGM Grand	Motor City	Greektown	Total Revenue	Total Taxes
2009:	\$542,650,488.06	\$448,491,713.87	\$350,255,378.80	\$1,341,397,580.73	\$255,461,779.67
2008:	\$578,306,948.18	\$464,978,705.28	\$316,298,982.20	\$1,359,584,635.67	\$255,639,708.63
2007:	\$513,480,980.32	\$480,214,415.45	\$341,320,495.58	\$1,335,015,891.41	\$289,488,256.45
2006:	\$489,635,967.64	\$468,653,111.03	\$345,013,744.60	\$1,303,302,823.27	\$286,696,621.12
2005:	\$460,697,859.89	\$432,212,661.34	\$335,633,365.40	\$1,228,543,886.63	\$270,279,655.05
2004:	\$433,269,430.39	\$436,107,617.60	\$319,887,388.89	\$1,189,264,436.88	\$229,147,605.76
2003:	\$403,312,839.33	\$401,576,270.79	\$325,312,777.04	\$1,130,201,887.16	\$203,437,182.07
2002:	\$394,981,693.27	\$402,513,542.51	\$327,648,264.68	\$1,125,143,500.46	\$202,525,830.08
2001:	\$366,135,859.96	\$361,034,767.91	\$279,822,838.18	\$1,006,993,466.05	\$181,258,823.89
2000:	\$397,235,334.93	\$315,746,974.38	\$ 30,650,659.55	\$ 743,632,968.86	\$133,853,934.41
1999:	\$173,679,112.22	\$ 14,759,589.25	/	\$ 188,438,701.47	\$ 33,918,966.26
Total:	\$4,753,386,514.19	\$4,226,289,369.41	\$2,971,843,894.92	\$11,951,519,778.59	\$2,341,708,363.39

*Statistics provided by the MGCB Detroit Casinos' Annual Revenue Reports 1999 - 2010.

*Taxes Paid indicate the amount of money that the three casinos combined pays to the state of Michigan and the city of Detroit.

Sault Ste Marie Chippewa Land Holdings (Figure 12)

On Reservation & Off-Reservation Trust Land	Michigan County	Total Acres
Sault Ste. Marie city (part)	Chippewa County	346
Sugar Island township (part)	Chippewa County	8
Au Train township (part)	Alger County	2
Munising township (part)	Alger County	65
Kinross charter township (part)	Chippewa County	685
Sault Ste. Marie city (part)	Chippewa County	48
Escanaba city (part)	Delta County	94
Pentland township (part)	Luce County	80
Clark township (part)	Mackinac County	64
St. Ignace township (part)	Mackinac County	185
Marquette city (part)	Marquette County	27
Manistique township (part)	Schoolcraft County	72
Total Land Holding		1,676

(SSMC 2009)

Michigan Tribal Gaming Chart (Figure 13)

Year:	Total State Revenue	National Ranking	% of National Revenue
2009:	1.2150 Billion	9 th	4.58%
2008:	1.1210 Billion	9 th	4.19%
2007:	1.0365 Billion	9 th	3.91%
2006:	.9276 Billion	9 th	3.67%
2005:	.9261 Billion	9 th	4.04%
2004:	.8688 Billion	9 th	4.33%
2003:	.8633Billion	9 th	4.97%
2002:	.8500 Billion	7 th	5.60%
2001:	.7990 Billion	7 th	6.06%
2000:	.7650 Billion	7 th	6.98%
1999:	.7015 Billion	7 th	7.16%
1998:	.6100 Billion	6 th	7.18%
1997:	.4875 Billion	5 th	6.54%
1996:	.3910 Billion	5 th	6.21%
1995:	.3125 Billion	5 th	5.73%
1994:	.2140 Billion	5 th	6.26%
1993:	.1420 Billion	5 th	5.47%

*Information provided by the NIGC and Casino City Press 2010

Photos of Detroit Casinos (Figure 14)



Motor City Casino & Hotel in Detroit, Michigan (Photo by John Bubb 2009)



MGM Grand Casino Hotel (Photo by the American Institute of Architects 2009)

Sault Ste Marie Chippewa Casino Revenue (Figure 15)

Kewadin Casinos Economic Impact

Year:	Total Revenue	Taxes Paid: (Michigan)	(Local Municipalities)	Total Taxes
2008/2009:	\$101,792,743.50	No Payment	\$2,035,854.87 (2%)	\$ 2,035,854.87
2007/2008:	\$ 96,992,321.50	No Payment	\$1,939,846.43 (2%)	\$ 1,939,846.43
2006/2007:	\$ 97,563,226.00	No Payment	\$1,951,264.52 (2%)	\$ 1,951,264.52
2005/2006:	\$ 99,114,532.50	No Payment	\$1,982,290.65 (2%)	\$ 1,982,290.65
2004/2005:	\$ 98,036,433.50	No Payment	\$1,960,728.67 (2%)	\$ 1,960,728.67
2003/2004:	\$ 96,304,966.00	No Payment	\$1,926,099.32 (2%)	\$ 1,926,099.32
2002/2003:	\$ 95,659,601.00	No Payment	\$1,913,192.02 (2%)	\$ 1,913,192.02
2001/2002:	\$ 96,632,897.50	No Payment	\$1,932,657.95 (2%)	\$ 1,932,657.95
2000/2001:	\$100,204,189.50	No Payment	\$2,004,083.79 (2%)	\$ 2,004,083.79
1999/2000:	\$ 98,925,764.00	No Payment	\$1,978,515.28 (2%)	\$ 1,978,515.28
1998/1999:	\$105,740,068.00	\$ 5,884,340.48 (8%)	\$2,114,801.36 (2%)	\$ 7,999,141.84
1997/1998:	\$100,841,744.25	\$ 8,067,339.54 (8%)	\$2,018,591.77 (2%)	\$10,085,931.31
1996/1997:	\$ 93,502,265.13	\$ 7,480,181.21 (8%)	\$1,851,505.38 (2%)	\$ 9,331,686.59
1995/1996:	\$ 97,514,973.75	\$ 7,801,197.90 (8%)	\$2,030,777.74 (2%)	\$ 9,831,975.64
1994/1995:	\$ 95,416,919.00	\$ 7,633,353.52 (8%)	\$1,710,403.44 (2%)	\$ 9,343,756.96
1993/1994:	\$ 47,639,491.38	\$ 3,811,159.31 (8%)	\$ 984,320.65 (2%)	\$ 4,795,479.96
Totals:	\$1,525,048,992.76	\$40,677,571.96	\$30,334,933.84	\$71,012,505.80

Figures Only Include Revenue from Electronic Games (Excludes Table Games / Dining / Entertainment / Lodging)

*Local Taxes = 2% of Electronic Net Win (1993-2008)

*No State Taxes Paid from February 1999 to Present (State Taxes Paid 1993-1999)

*State / Local Taxes = 10% of Total Net Win from Electronic Games (1993-1999)

(MGC B 2009)

Greektown Economic Impact

Year:	Total Revenue	Taxes Paid (Michigan)	Taxes Paid (Detroit)	Taxes Paid	% Detroit Market
2009:	\$350,255,378.80	\$42,380,900.83 (12.1%)	\$41,680,390.08 (11.9%)	\$84,061,290.91	26.1%
2008:	\$316,298,982.20	\$38,272,176.85 (12.1%)	\$37,639,578.88 (11.9%)	\$75,911,755.73	23.3%
2007:	\$341,320,495.58	\$41,299,779.97 (12.1%)	\$40,617,138.97 (11.9%)	\$81,916,918.94	25.6%
2006:	\$345,013,744.60	\$41,746,663.10 (12.1%)	\$41,056,635.61 (11.9%)	\$82,803,298.71	26.5%
2005:	\$335,633,365.40	\$40,611,637.21 (12.1%)	\$39,940,370.48 (11.9%)	\$80,552,007.69	27.3%
2004:	\$319,887,388.89	\$29,963,656.44 (12.1%)	\$33,695,240.47 (11.9%)	\$63,568,896.91	26.9%
2003:	\$325,312,777.04	\$26,350,334.94 (8.1%)	\$32,205,964.93 (9.9%)	\$58,556,299.87	28.8%
2002:	\$327,648,264.68	\$26,539,509.44 (8.1%)	\$32,437,178.20 (9.9%)	\$58,976,687.64	29.1%
2001:	\$279,822,838.18	\$22,665,649.89 (8.1%)	\$27,702,468.98 (9.9%)	\$50,368,118.87	27.9%
2000:	\$ 30,650,659.55	\$ 2,482,703.42 (8.1%)	\$ 3,034,415.30 (9.9%)	\$ 5,517,118.72	4.1%
Totals:	\$2,971,843,894.92	\$ 312,313,012.09	\$ 330,009,381.9	\$642,322,393.99	26.8%*

*State / City Taxes = 24% of Total Net Win (2004 - 2008) *Tax Change Began September 2004

*State / City Taxes = 20% of Total Net Win (2000 - 2003)

*Indicates Greektown Average Market Share

(MGC B 2010)

Economic Impact from All Chippewa Casinos

Year:	Taxes Paid: (Michigan)	(Local Municipalities)	Total Taxes
2008/2009:	\$42,345,761.10	\$ 47,381,615.97	\$89,727,377.07
2007/2008:	\$37,639,578.88	\$ 39,579,425.31	\$77,219,004.19
2006/2007:	\$41,299,779.97	\$ 42,568,403.49	\$83,868,183.46
2005/2006:	\$41,746,663.10	\$ 43,038,926.26	\$84,785,589.36
2004/2005:	\$40,611,637.21	\$ 41,901,099.15	\$82,512,736.36
2003/2004:	\$29,963,656.44	\$ 35,621,339.79	\$65,584,996.23
2002/2003:	\$26,350,334.94	\$ 34,119,156.95	\$60,469,491.89
2001/2002:	\$26,539,509.44	\$ 34,441,261.99	\$60,980,771.43
2000/2001:	\$22,665,649.89	\$ 29,706,552.77	\$52,372,202.66
1999/2000:	\$ 2,482,703.42	\$ 5,012,930.28	\$ 7,495,633.70
1998/1999:	\$ 5,884,340.48	\$ 2,114,801.36	\$ 7,999,141.84
1997/1998:	\$ 8,067,339.54	\$ 2,018,591.77	\$10,085,931.31
1996/1997:	\$ 7,480,181.21	\$ 1,851,505.38	\$ 9,331,686.59
1995/1996:	\$ 7,801,197.90	\$ 2,030,777.74	\$ 9,831,975.64
1994/1995:	\$ 7,633,353.52	\$ 1,710,403.44	\$ 9,343,756.96
1993/1994:	\$ 3,811,159.31	\$ 984,320.65	\$ 4,795,479.96
Totals:	\$356,196,701.90	\$364,081,112.30	\$720,277,814.318

(MGC B 2009)

10 Largest U.S. Tribes by Tribal Enrollment (20,000 + Members) (Figure 16)

Largest Tribes (States)	# of Enrolled Members	# of Casinos	Offers Individual Stipend
1) Navajo (AZ / NM / UT)	207,000	1	NO (Community Based Spending)
2) Cherokee (OK)	110,000	7	NO (Community Based Spending)
3) Cree (OK)	86,000	7	NO (Community Based Spending)
4) Lumbee Tribe (NC)	55,000	0	NO (<i>Federal Recognition</i>)
5) Choctaw Tribe (OK)	44,000	9	NO (Community Based Spending)
6) Sault Ste Marie Chippewa (MI)	43,000	6	NO (Community Based Spending)
7) Chickasaw (OK)	38,000	13	NO (Community Based Spending)
8) Turtle Mountain Band Chippewa (ND)	31,021	1	NO (Community Based Spending)
9) Cook Inlet (Alaska)	31,000	0	NO Casinos
10) Calista (AK)	21,000	1	NO (Community Based Spending)

*This chart represents the 10 largest tribes, not tribal nations within the U.S. The figures within this graph reflect tribal data from 2009. These are also all of the tribes in the country with at least 20,000+ enrolled members.

Chippewa Tribal Museum (Figure 17)

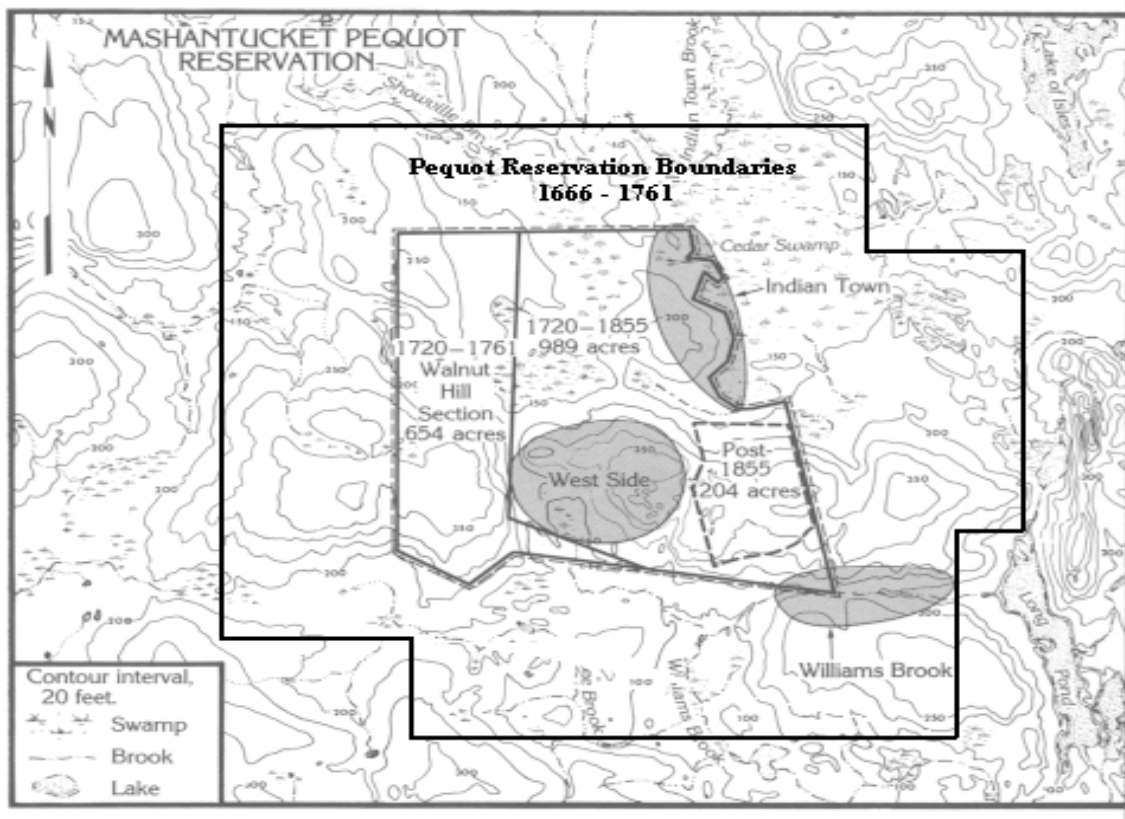


(Photo by Author 2009)

APPENDIX E (CHAPTER 4)**Pequot Treaties (Figure 1)**

Year	Treaty	Results of Treaty
1634	Massachusetts Bay-Pequot	Cede Connecticut Lands / Trading Limitations
1638	Treaty of Hartford	Terminated the Pequot Tribe / Land / Culture
1721	Treaty of Noank	Ceded Noank / Retain Hunting & Fishing Rights

Map of Pequot Reservation Boundaries 1666 – 1855 (Figure 2)



(MPMRC 2010)

Pequot Tribal Population from 1500 to 1983 (Figure 3)

Year	Tribal Members	Notes
1500:	16,000	(Including Mohegan)
1600:	8,000	(Split from Mohegan)
1636:	3,000	(Start of Pequot War)
1638:	200-300	(End of Pequot War)
1651:	110	(Tribal Reservation at Noank)
1666:	132	(Tribal Reservation at Mashantucket)
1721:	167	(Complete Removal from Noank)
1761:	182	(Reservation Size Reduced from 3,000 to 989 acres)
1810	111	(Tribal Members move to Brotherton, New York)
1910:	66	(First U.S. Census taken at Mashantucket)
1935:	42	(State Commission Report on Tribal Populations)
1972:	2	(2 Tribal Members---2 Sisters are all that remains)
1973:	0	(No Living Tribal Members)
1974:	5	(Skip Hayward brings Relatives back to Mashantucket)
1976	13	(Tribe's First Constitution)
1983:	30	<i>(Federal Recognition)</i>

List of All Congressionally Federally Approved Tribes (Figure 4)

Tribes Recognized by Congressional Act	State	Year
Pascua Yaqui	Arizona	1978
Cow Creek Band of Umpqua Indians	Oregon	1982
Mashantucket Pequot	Connecticut	1983
Confederated Tribes of Coos, Lower Umpqua, & Siuslaw Indians	Oregon	1984
Lac Vieux Desert Band of Lake Superior Chippewa Indians	Michigan	1984
Ysleta del Sur Pueblo	Texas	1987
Texas Band of Traditional Kickapoos	Texas	1987
Arrostock Micmac Tribe	Maine	1991

Map of Connecticut Gaming Facilities (Figure 5)

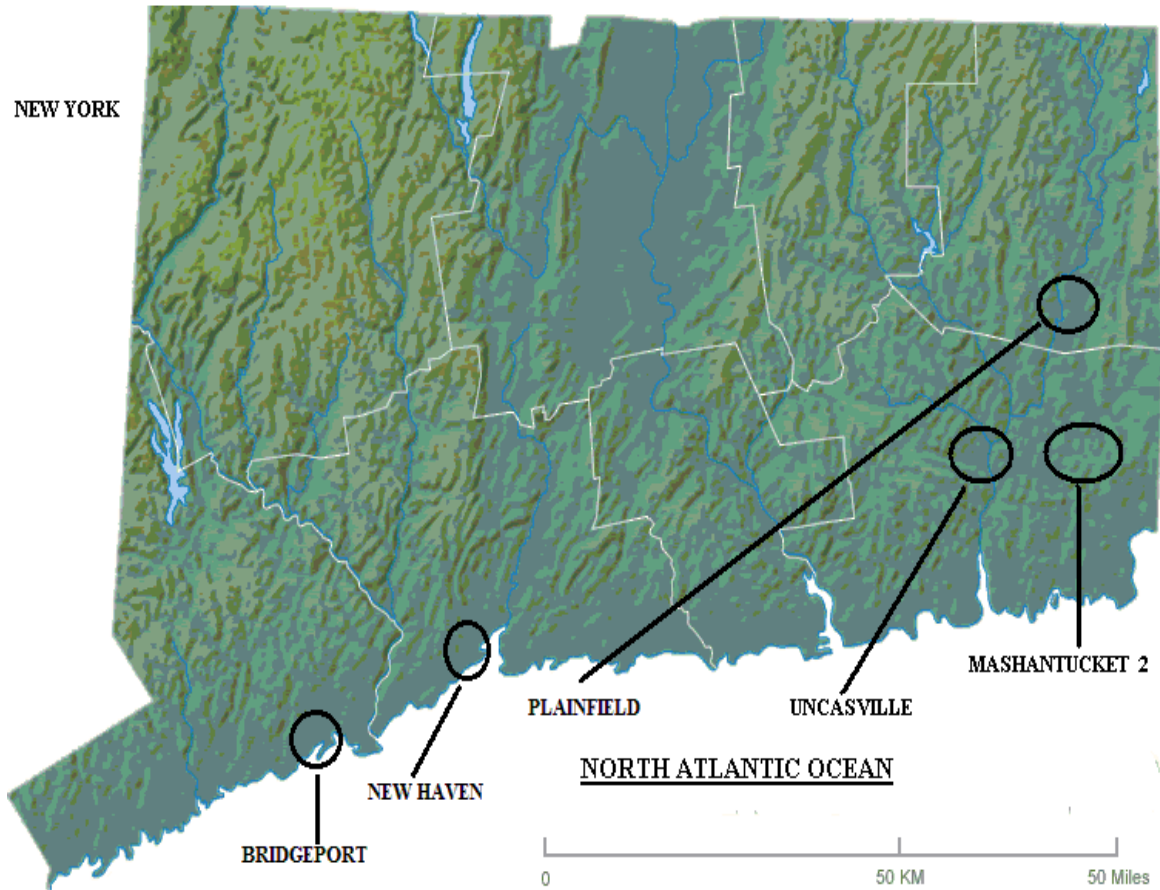


Illustration by Author 2010

Casinos in Connecticut (Figure 5)

Tribal	Casino	Location
Mashantucket Pequot	Foxwoods Casino Resort	Mashantucket
	MGM Grand at Foxwoods	Mashantucket
Mohegan	Mohegan Sun	Uncasville
Commercial	Casino	Location
Sportech Inc.	Winners Shoreline Star Greyhound Track	Bridgeport
Sportech Inc.	Shoreline Star Greyhound Park (Simulcast)	New Haven
Sportech Inc.	Plainfield Greyhound Park (Simulcast)	Plainfield

Foxwoods & Mohegan Sun Expansion Charts (Figure 6)

Foxwoods Casino Resort (Including MGM Grand) Expansions

Year	Cost	Size of Casino (Gaming Area)	Games	Amenities Added
1986:	\$5 Million	6,000 sq. ft.	/	Bingo Parlor
1992:	\$60 Million	46,000 sq. ft.	TG (170)	New Casino
1993:	\$240 Million	150,000 sq. ft.	TG (234) SM (2,650)	Great Cedars Hotel & Two Trees Inn
1994:	\$135 Million	214,000 sq. ft.	TG (308) SM (3,864)	New Casino
1996:	\$75 Million	265,000 sq. ft.	TG (308) SM (4,244)	New Casino
1997:	\$125 Million	315,000 sq. ft.	TG (368) SM (5,002)	Grand Pequot Tower
2004:	\$100 Million	344,000 sq. ft.	TG (368) SM (6,200)	Restaurants & Entertainment
2008:	\$700 Million	400,000 sq. ft.	TG (421) SM (7,600)	MGM Grand
Total Cost:	\$1.44 Billion	400,000 sq. ft.	TG (421) SM (7,600)	4 Hotels (2266 Rooms)

Mohegan Sun Casino Resort Expansion Chart

Year	Cost	Size of Casino	Games	Amenities
1996	\$280 Million	186,000 sq. ft.	204 TG / 3,700 SM	Casino of the Sky
1998	\$30 Million	/	204 TG / 3,744 SM	Restaurants
2001	\$135 Million	191,000 sq. ft.	216 TG / 4,344 SM	Mohegan Sun Arena
2001	\$400 Million	310,000 sq. ft.	334 TG / 6,774 SM	Casino of the Earth
2002	\$500 Million	319,000 sq. ft.	352 TG / 6,744 SM	Mohegan Sun Hotel
2008	\$350 Million	364,000 sq. ft.	380 TG / 7,600 SM	Casino of the Wind
2010*	Project Horizon	/	/	/
Total Cost:	\$1.695 Billion	364,000 sq. ft.	380 TG / 7,600 SM	1 Hotel (1,356 Rooms)

*Project Horizon was set to be a major expansion for the Mohegan and would have added another hotel to their destination, more gaming space, and other gaming and tourist amenities.

*Current plans for expansion at the Mohegan Sun have been placed on hold because of current economic conditions.

Mashantucket Pequot Tribal Nation Flag & Mohegan Tribal Nation Flag (Figure 7)



Mashantucket Pequot 2010



Mohegan Tribe 2010

Comparison of Mohegan Sun & Foxwoods Casino Revenue (Figure 8)

Mohegan Sun

Mohegan Gaming Revenue Earnings from Electronic Gaming (Slot Machines)

Year	Revenue Generated	Payment to State	(% of Net Win)	Mohegan Profit
2008/2009	\$802,563,411	\$200,651,400	(25%)	\$601,912,011
2007/2008	\$885,091,882	\$221,373,298	(25%)	\$663,718,584
2006/2007	\$916,381,818	\$229,095,455	(25%)	\$687,286,363
2005/2006	\$892,083,304	\$223,020,826	(25%)	\$669,062,478
2004/2005	\$851,537,777	\$212,884,444	(25%)	\$638,653,333
2003/2004	\$823,403,536	\$205,850,884	(25%)	\$617,552,652
2002/2003	\$763,815,776	\$190,953,944	(25%)	\$572,861,832
2001/2002	\$679,663,824	\$169,915,956	(25%)	\$509,747,868
2000/2001	\$566,938,166	\$141,734,541	(25%)	\$425,203,625
1999/2000	\$529,000,120	\$129,750,030	(25%)	\$399,250,090
1998/1999	\$463,801,176	\$113,450,294	(25%)	\$350,350,882
1997/1998	\$384,031,430	\$ 91,007,858	(25%)	\$293,023,572
1996/1997	\$227,632,554	\$ 57,643,836	(25%)	\$169,988,718

*Revenue generated is only that from Class III slot machines, this revenue does not include revenue produced from table games, food and beverage sales, merchandise, or hotel accommodations

Foxwoods

Pequot Gaming Revenue Earnings from Electronic Gaming (Slot Machines)

Year	Revenue Generated	Payment to State	(% of Net Win)	Pequot Profit
2008/2009	\$708,613,940	\$177,153,485	25.0%	\$531,460,455
2007/2008	\$760,150,699	\$190,037,675	25.0%	\$570,113,024
2006/2007	\$805,521,026	\$201,380,257	25.0%	\$604,140,769
2005/2006	\$818,023,141	\$204,505,785	25.0%	\$613,517,356
2004/2005	\$819,812,200	\$204,953,050	25.0%	\$614,859,150
2003/2004	\$787,532,382	\$196,883,096	25.0%	\$590,649,286
2002/2003	\$785,202,112	\$196,300,528	25.0%	\$588,901,584
2001/2002	\$796,152,838	\$199,038,210	25.0%	\$597,114,628
2000/2001	\$762,735,093	\$190,683,773	25.0%	\$572,051,320
1999/2000	\$756,940,157	\$189,235,039	25.0%	\$567,705,118
1998/1999	\$694,324,415	\$173,581,104	25.0%	\$520,743,331
1997/1998	\$660,271,975	\$165,067,994	25.0%	\$495,203,981
1996/1997	\$583,831,731	\$145,957,933	25.0%	\$437,873,798
1995/1996	\$594,811,060	\$148,702,765	25.0%	\$446,108,295
1994/1995	\$542,896,068	\$135,724,017	25.0%	\$407,172,051
1993/1994	\$375,482,357	\$113,000,000	30.1%	\$262,482,357
1992/1993	\$ 81, 526,795	\$ 30,000,000	36.8%	\$ 51,526,795

*Revenue generated is only that from Class III slot machines, this revenue does not include revenue produced from table games, food and beverage sales, merchandise, or hotel accommodations.

Pequot Job Charts (Figure 9)

Pequot Employment Statistics

Pequot Employment Statistics		Foxwoods/MGM Employment Statistics	
Foxwoods /MGM	10,100 Jobs	57% of Employees are Male	(5757)
Pequot Pharmaceutical	356 Jobs	43% of Employees are Female	(4343)
Norwich Spa	74 Jobs	Average Age of Employee	38.3 Years Old
Lake of Isles Golf Course	214 Jobs	37.62% of Employees are White	(3,800)
Pequot Hotels	812 Jobs	36.14% of Employees are Black	(3,650)
MPMRC	156 Jobs	12.08% of Employees are Asian	(1,220)
Other Industries	1,167 Jobs	9.90% of Employees are Hispanic	(1,000)
Total Jobs:	12,879 Jobs	4.26% of Employees are Indian	(430)

*The Pequot fired nearly 900 employees from Foxwoods/MGM during 2009---nearly 8% of their casino workforce.

*Mohegan Sun Casino Philadelphia will generate an additional 950 jobs when it opens.

*Statistics Provided by Mashantucket Pequot Tribal Spokesperson (2010)

Annual Wages for Pequot Employees

Occupation Average	Salary	Location	Connecticut
New London County	\$43,142		\$ 68,411
Construction	\$55,174	Foxwoods	\$ 57,909
Management	\$41,716	Foxwoods	\$136,609
Entertainment	\$24,988	Foxwoods	\$ 28,971
Gambling Services & Recreation	\$23,498	Foxwoods	\$ 22,367
Food Services	\$17,352	Foxwoods	\$ 17,054
Housekeeping	\$20,491	Foxwoods	\$ 24,476
Museums & Historical Sites	\$29,519	MPMRC	\$ 28,780
Pharmaceutical	\$42,794	Pequot Pharmaceutical	\$ 46,102
Average Salary	\$ 31,942	/	\$ 45,284

*Statistics provided by Connecticut Labor Market Information 2010

*2009 Statistics Represent the 2008 Financial Year

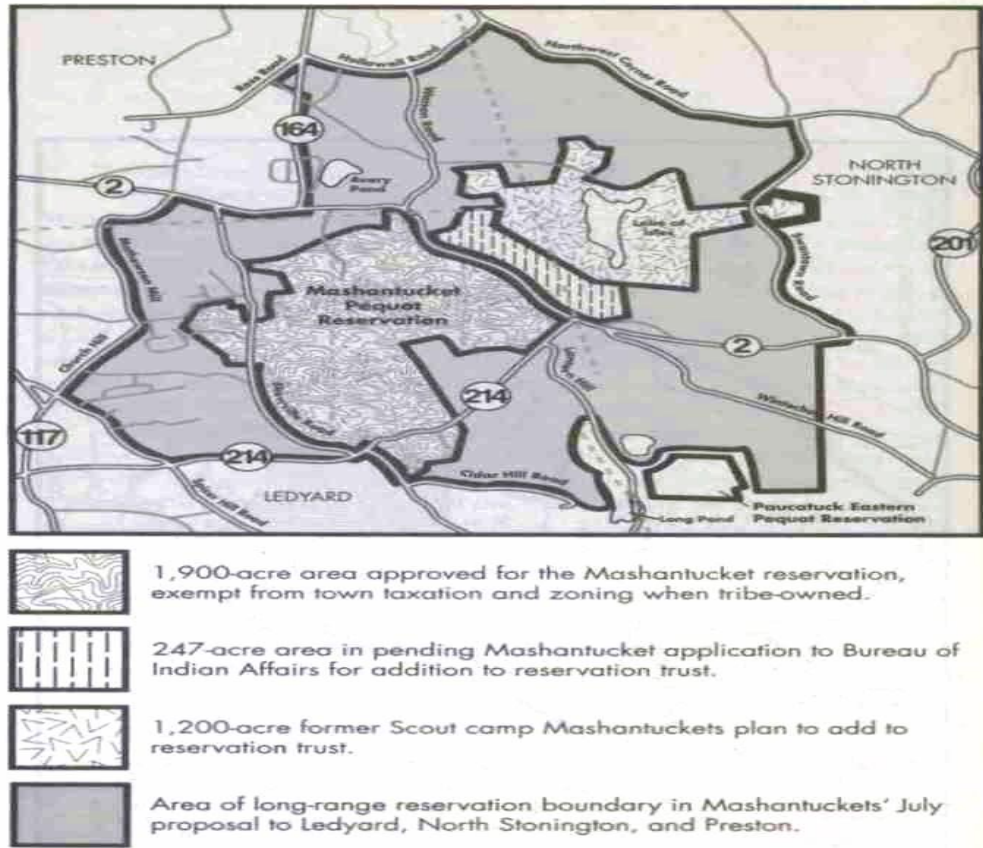
Population Chart for Pequot Casinos (Figure 10)

Location	Population
Mashantucket Pequot Tribe	871
Mohegan Tribe	1,700
New London County	264,519
Connecticut	3,501,252
Marketing to Surrounding States (Tourism)	
Rhode Island	1,050,788
Massachusetts	6,497,967
Boston Metropolitan	
New York	19,490,297
New Jersey	8,682,661
Philadelphia	1,448,394
Philadelphia Metropolitan	3,880,695
Pennsylvania	12,448,279

***The tourism for the Philadelphia casino is listed here as the casino is expected to open in 2010/2011.**

***Information based on 2008 U.S. Census Data & Tribal Enrollment Figures**

Map of Pequot Annexation Plans (Figure 11)



(New London Day July 13th, 1993)

Pequot Tribal/Reservation Lands (Figure 12)

Year:	Trust Land	Off-Reservation Land	Total Land
2010	3,300 acres	5,000 acres non-trust land	8,300 acres
2002	3,100 acres	4,250 acres non-trust land	7,350 acres
1997	2,065 acres	4,085 acres non-trust land	6,150 acres
1995	2,147 acres	4,003 acres non-trust land	6,150 acres
1993	1,900 acres	250 acres non-trust land	2,150 acres
1983	1,450 acres	4 acres non-trust land	1,454 acres
1856	213 acres	/	213 acres
1761	989 acres	/	989 acres
1666	3,000 acres	/	3,000 acres
1638	No Tribal Lands	/	/
1616	250 sq. miles	/	250 sq. miles
Before Europeans*	/	CT	CT

*Before European Contact the Pequot were merged with other tribes and their members occupied lands in Connecticut, Rhode Island, Massachusetts, and New York.

Connecticut Tribal Gaming Revenue Chart (Figure 13)

Connecticut Tribal Gaming Chart

Year:	Total State Revenue	National Ranking	% of National Revenue
2009:	NA	/	/
2008:	2.4005 Billion	3 rd	8.98%
2007:	2.5320 Billion	2 nd	9.55%
2006:	2.4933 Billion	2 nd	9.87%
2005:	2.4187 Billion	2 nd	10.55%
2004:	2.2035 Billion	2 nd	11.01%
2003:	2.0005 Billion	2 nd	11.51%
2002:	1.7200 Billion	2 nd	11.34%
2001:	1.4016 Billion	2 nd	10.64%
2000:	1.3087 Billion	2 nd	11.94%
1999:	1.2531 Billion	2 nd	12.79%
1998:	1.1125 Billion	2 nd	13.10%
1997:	.91501 Billion	2 nd	12.28%
1996:	.65003 Billion	2 nd	10.32%
1995:	.57500 Billion	2 nd	10.54%
1994:	.50005 Billion	2 nd	14.63%
1993:	.13000 Billion	5 th	5.01%

*Revenue based on statistics provided by Connecticut Division of Special Revenue and Casino City Press 1993-2010.

MGM Mirage & Mashantucket Pequot Memorandum of Agreement (Figure 14)

[1] MGM MIRAGE will consult with MPTN in the development of the \$700 million destination hotel/casino resort, currently under construction at Mashantucket, adjacent to the existing Foxwoods Resort Casino, which is owned and will be operated by MPTN. The new resort will utilize one of the most well-known brands in the hotel/casino resort industry -- MGM Grand -- under a long-term license arrangement, and will contain the kind of meeting and convention, fine dining, night club, entertainment, spa and retail amenities for which Foxwoods and MGM MIRAGE are famous. Scheduled to open in the Spring of 2008, the new hotel/casino resort will be known as the "MGM Grand at Foxwoods."

[2] The Mashantucket Pequot Tribal Nation and MGM MIRAGE will collaborate on the master planning of future destination resorts and other resort facilities at Mashantucket, and nearby. The parties contemplate that additional MGM MIRAGE brands may be associated with such projects.

[3] MGM MIRAGE will provide MPTN with a variety of technical services in connection with operations at Foxwoods Resort Casino and MGM Grand at Foxwoods.

[4] MPTN and MGM MIRAGE will develop a variety of cross-marketing opportunities between their resorts.

[5] MPTN and MGM MIRAGE have formed a jointly owned company, Unity Gaming, LLC, to acquire or develop gaming and non-gaming enterprises, including Indian and non-Indian gaming, throughout the United States and abroad. MPTN's existing resort development company, Foxwoods Development Co.(FDC), will be MPTN's representative in the new Unity Gaming, LLC, which will be involved in off-reservation and/or out-of-state projects. MGM MIRAGE will provide a loan of up to \$200 million, intended to be used to finance a portion of MPTN's investment in joint projects

MGM Mirage Properties (Figure 15)

Nevada Properties	Location
Bellagio Casino	Las Vegas, Nevada
MGM Grand Casino	Las Vegas, Nevada
Mandalay Bay Casino	Las Vegas, Nevada
The Mirage Casino	Las Vegas, Nevada
Luxor Casino	Las Vegas, Nevada
New York-New York Casino	Las Vegas, Nevada
Excalibur Casino	Las Vegas, Nevada
Monte Carlo Casino	Las Vegas, Nevada
Circus Circus Casino	Las Vegas, Nevada
Slots-A-Fun	Las Vegas, Nevada
Aria Casino (50% Ownership with Infinity World Development)	Las Vegas, Nevada
City Center (50% Ownership with Dubai World)	Las Vegas, Nevada
Shadow Creek Golf Course	Las Vegas, Nevada
MGM Mirage Vacations	Las Vegas, Nevada
Circus Circus Casino	Reno, Nevada
Silver Legacy Casino (50% Ownership with Eldorado Hotel Casino)	Reno, Nevada
Railroad Pass Casino	Henderson, Nevada
Gold Strike Casino	Jean, Nevada
Other U.S. Properties	Location
Primm Valley Golf Club	Nipton, California
Grand Victoria Casino	Elgin, Illinois
MGM Grand Casino (98% Ownership with Detroit Partners L.L.C)	Detroit, Michigan
Beau Rivage Casino	Biloxi, Mississippi
Fallen Oak Golf Course	Saucier, Mississippi
Gold Strike Casino	Tunica, Mississippi
Borgata Casino (50% Ownership with Marina District Development Company LLC)	Atlantic City, New Jersey
MGM Grand Casino (Under Development)	Atlantic City, New Jersey
MGM Grand Casino (Franchise Rights---Owned by Mashantucket Pequot)	Mashantucket, Connecticut
World Properties	Location
MGM Mirage Hospitality	International
MGM Grand Casino (50% Ownership with Pansy Ho Chiu-king)	Macau, China
Dubai Pearl Development (Franchise Rights---Owned by Mubadala Development)	Dubai, United Arab Emirates
*Other U.S. & International Properties are being discussed for future projects, but none are substantial investments at this point in time because of MGM's financial difficulties.	

Location of Foxwoods Philadelphia (Figure 16)



Vacant 16 Acres between Tasker & Reed Streets (South Philadelphia: Google Images 2010)

Comparison of Mohegan & Pequot Tribal Museums (Figure 17)



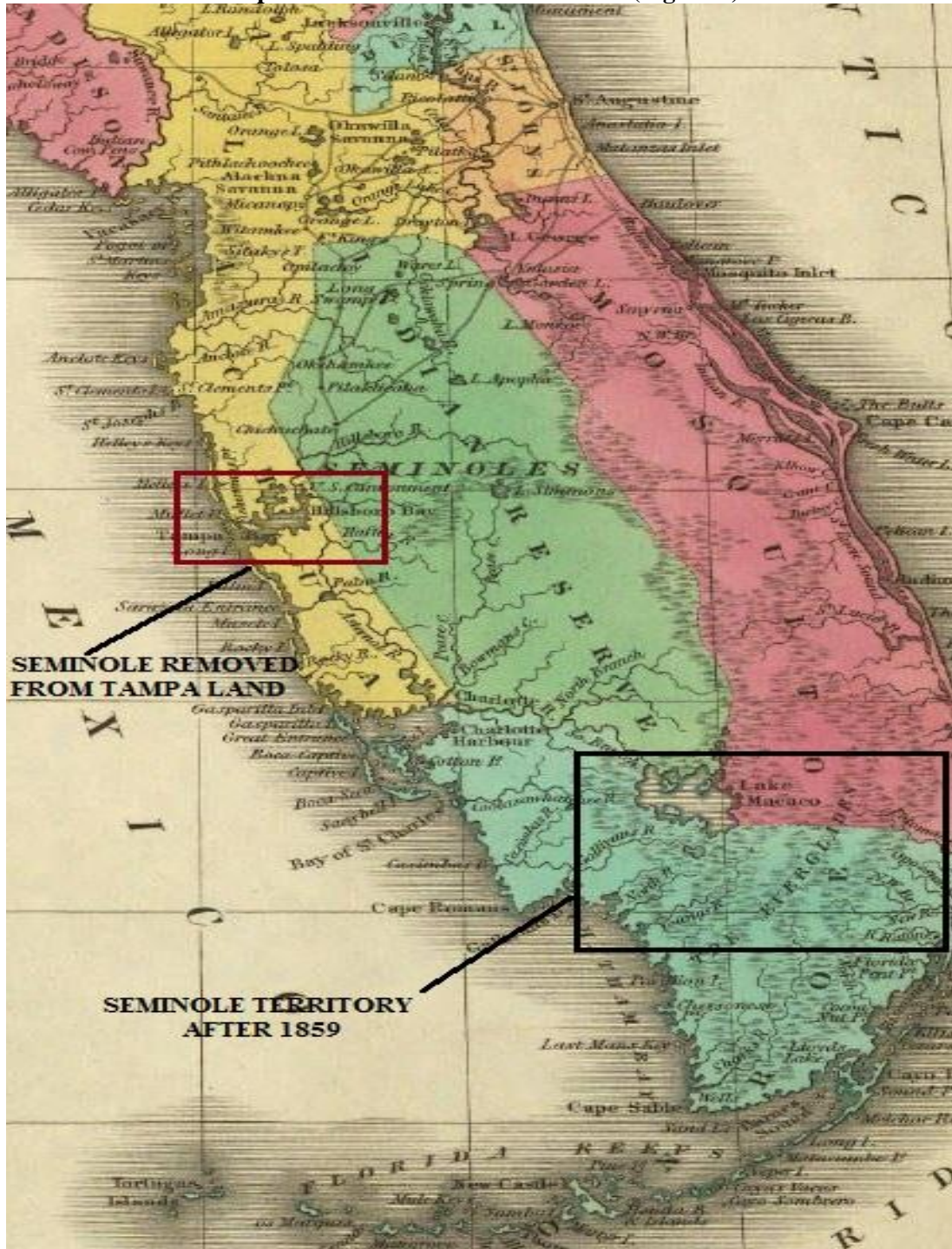
Future Site of the Mohegan Tribal Museum (Photo by Author 2009)



Aerial View of MPMRC (Photo by American Hydrotech Inc. 2009)

APPENDIX F (CHAPTER 5)

Map of Seminole Reservation in 1823 (Figure 1)



(Photo by Seminole Tribe 2009)

Map of Current Seminole Reservations (Figure 2)



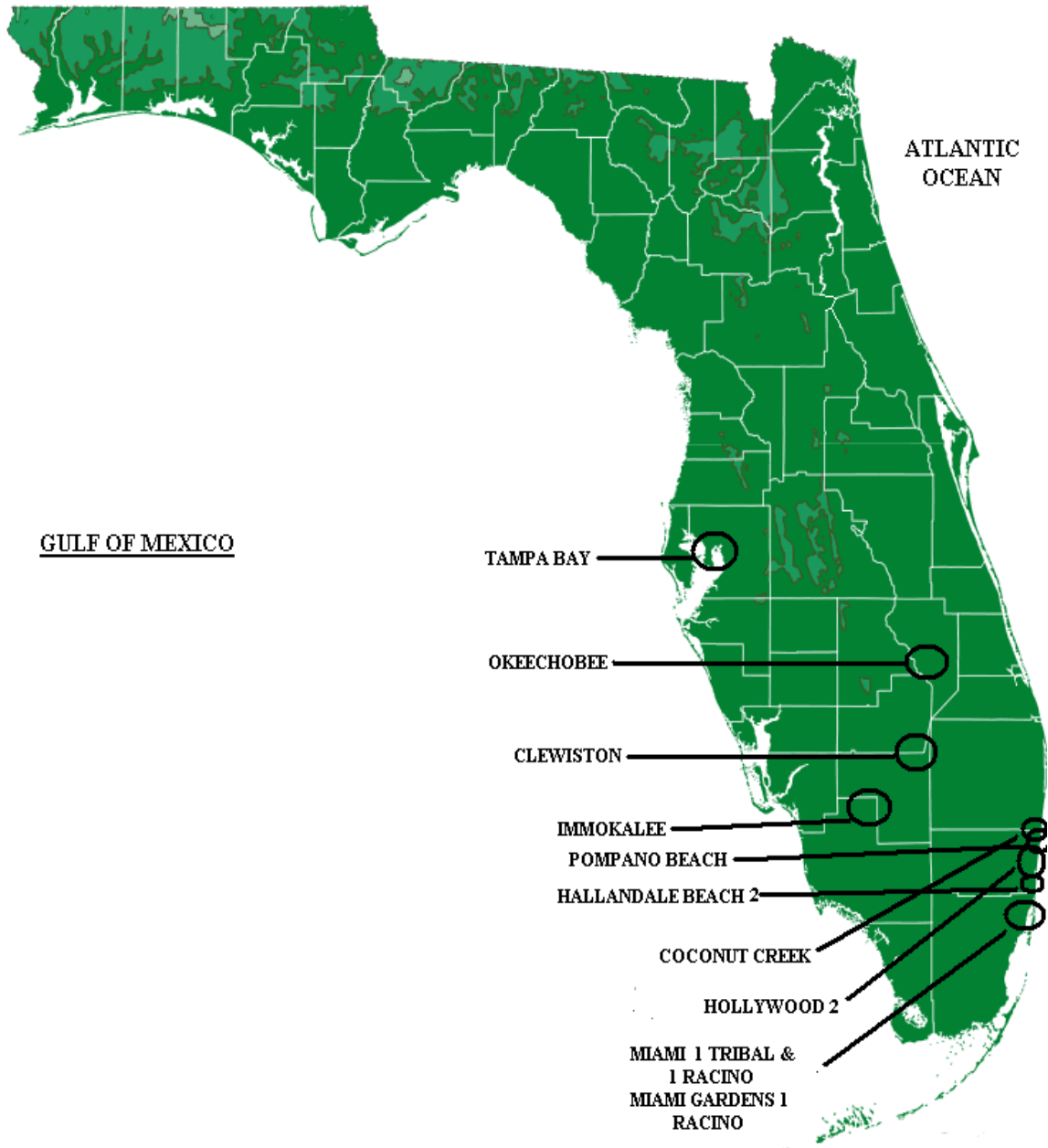
(Seminole Tribe 2008)

Seminole Population Chart through *Federal Recognition* (Figure 3)

Year	Tribal Members	Notes
1740:	1,200	Birth of Seminole Nation
1763:	3,200	British Gain Control of Florida from Spanish
1783:	4,650	Spanish Regain Control of Florida from British
1819:	9,600	Seminole merge with Other Natives & Slaves
1823:	11,000	Seminole are Moved to Central Florida Reservation
1832:	12,000	Other Indians & Slaves Continue to Join the Seminole
1835:	8,000	4,000 Seminole, Other Indians, & Slaves go to Oklahoma
1842:	300-500	End of Second Seminole War (Seminole are Refugees) *4,000 Moved to Oklahoma / 3,000+ Killed during the War
1859:	Less than 100	End of Third Seminole War (Seminole are nearly Extinct)
1953:	675	Tribe Splits into Seminoles, Miccosukee, Independents
1957:	448	<i>Federal Recognition</i>

*The Seminole consistently meshed and intermingled with other tribes and slaves up until 1842, so exact population numbers for the tribe vary from source to source.

Map of Florida Casinos (Figure 4)



(Illustration by Author 2010)

Florida Gaming Facilities (As of January 1st, 2010)

Greyhound Racing Tracks

Daytona Beach Kennel Club and Poker Room
 Derby Lane
 Ebro Greyhound Park
 Flagler Greyhound Racing and Poker
 H&T Gaming, Inc. (formerly Bet Miami)
 Jacksonville Kennel Club
 Jefferson County Kennel Club
 Mardi Gras RaceTrack and Gaming Center
 Melbourne Greyhound Park
 Naples-Ft. Myers Greyhound Track
 Orange Park Kennel Club
 Palm Beach Kennel Club
 Penn-Sanford (formerly CCC Racing)
 Pensacola Greyhound Track
 Sanford-Orlando Kennel Club
 Sarasota Kennel Club
 St. Johns Greyhound Park
 Tampa Greyhound Track

Harness Racing Associations

Isle Casino and Racing at Pompano Park

Micosukee Tribe of Indians of Florida

Micosukee Resort & Gaming

Jai Alai Frontons

Dania Jai Alai
 Ft. Pierce Jai Alai and Poker
 Hamilton Jai Alai and Poker
 Miami Jai Alai
 Ocala Poker and Jai Alai
 Orlando Jai Alai
 Summer Jai Alai at Miami
 Summersport Enterprises at Dania Jai Alai

Thoroughbred Racing Associations

Calder Race Course
 Gulfstream Park Racing and Casino
 Tampa Bay Downs
 Tropical Park

Quarter Horse Racing Associations

Hialeah Park

Florida Tribe of Seminole Indians

Seminole Casino Big Cypress
 Seminole Casino Brighton
 Seminole Casino Coconut Creek
 Seminole Casino Hollywood
 Seminole Casino Immokalee
 Seminole Hard Rock Hollywood
 Seminole Hard Rock Tampa

Seminole Casino Management Chart (Figure 5)

Casino	Reservation	Contract Start & Termination Date	
Hollywood Casino	Hollywood	Contract Length 1979 – June	1997
Immokalee Casino	Immokalee	Contract Length 1994 – August	1999
Coconut Creek	Fort Pierce	Contract Length 2000 – February	2000*
Tampa Casino	Tampa	Contract Length 1982 – June	2000
Brighton Casino	Brighton	Contract Length 1980 – September	2000
Hard Rock	Hollywood	Seminole Gaming	2004
Hard Rock	Tampa	Seminole Gaming	

*Hollywood & Brighton Casinos were managed by Seminole Management Associates.

*Tampa & Immokalee Casinos were managed by Pan American Associates.

*Coconut Casino was not officially opened when the tribe canceled its contract with its outside gaming partner to manage the casino and ended up settling with the group in 2001 over the canceled contract.

*Big Cypress Bingo Hall / Casino was managed by the tribe from its opening in 1994.

Seminole Casino Gaming Cost by Facility (Figure 6)

Gaming Facility Investment	Initial Cost	Renovated Cost	Total
Hollywood Seminole Gaming	\$900,000	\$15,000,000 (2008)	\$15,900,000
Brighton Seminole Casino	\$200,000	\$13,500,000 (2008)	\$13,700,000
Tampa Bingo Hall (Businesses & Land)	\$2,285,000	-----	\$2,285,000
Immokalee Seminole Casino	\$4,500,000	\$20,000,000 (2008)	\$24,500,000
Big Cypress Seminole Casino	\$5,000,000	\$20,000,000 (2011)*	\$25,000,000
Coconut Creek Seminole Casino	\$6,000,000	\$26,500,000 (2008)	\$32,500,000
Seminole Hard Rock Casino Hollywood	\$250,000,000	\$50,000,000 (2009)	\$300,000,000
Seminole Hard Rock Casino Tampa	\$205,000,000	\$45,000,000 (2009)	\$250,000,000
8 Gaming Facilities: Total Startup Cost:	\$463,885,000	\$190,000,000	\$663,885,000

*Tribal Representatives said the estimated cost to renovate the B8g Cypress Casino and build a permanent structure would be estimated at \$20 million dollars as it will be a limited casino structure in size (2010).

*Both the Seminole Hard Rock Tampa and Hollywood Casinos were renovated into Class III gaming facilities.

*Coconut Creek, Hollywood, and Immokalee Casinos have also been slightly modified into Class III casinos.

Florida Casino Employment Statistics 2009 (Figure 7)

	Employment	Wages Paid	Salary	Regional Economic Output
Seminole Casinos	2,345	Unknown	\$32,036	Unknown
Hard Rock Casinos	6,050	Unknown	\$32,036	Unknown
Total Casino Jobs	8,395	\$268,942,220*	\$32,036	*\$800 Million-1 Billion*
Florida Commercial Casinos	9,000	\$288,324,000	\$32,036	\$800 Million-1 Billion*

Florida			\$39,064	

Broward County			\$41,974	
Collier County			\$62,559	
Glades County			\$23,988	
Hendry County			\$25,990	
Hillsborough County			\$37,778	
St. Lucie County			\$29,115	
Miami-Dade County			\$35,887	

*The Average Salary is based on the average that individuals get working in commercial casinos and racinos throughout the state of Florida. Tribal casino wages may be slightly higher or lower depending on location.

*The Wages Paid and Regional Economic Impact are estimated based on standard casino gaming projections.

*The state of Florida also received \$144,557,613 worth of taxes from commercial casinos and racinos.

*Statistics Provided by the Florida Department of Pari-Mutuel Wagering

Population Chart for Seminole Casinos in Florida (Figure 8)

Location	Population
Seminole Tribe	3,450
Broward County (Hollywood Reservation)	1,751,234
Hendry County (Big Cypress Reservation---Also in Broward County)	39,453
Collier County (Immokalee Reservation)	315,258
Glades County (Brighton Reservation)	11,175
St. Lucie County (Fort Pierce Reservation)	265,108
Hillsborough County (Tampa Reservation)	1,180,784
Palm Beach County	1,279,950
Orlando Metropolitan	2,103,480
Tampa Metropolitan	2,723,949
Miami Metropolitan	5,597,635
Florida	18,328,340
Miccosukee Tribe (Broward County: Alligator Alley Reservation)	650
Miami Dade County (Tamiami Trail Reservation & Krome Avenue Reservation)	2,398,245
*Information based on 2009 U.S. Census Data & Tribal Enrollment Figures	

Seminole Businesses Chart & Employment Statistics (Figure 9)

Business Employees	Reservation	Number of
Billie Swamp Safari	Big Cypress	40
Big Cypress RV Resort	Big Cypress	20
Seminole Tribe Motocross	Big Cypress	35
Ah-Tah-Thi-Ki Museum	Big Cypress	25
Big Cypress Rock Mine	Big Cypress	110
Junior Cypress Rodeo & Entertainment Complex	Big Cypress	65
Big Cypress Citrus	Big Cypress	80
Big Cypress Trading Post	Big Cypress	15
Seminole Sugar Cane	Big Cypress	45
Seminole Big Cypress Casino	Big Cypress	65
Brighton Seminole Campground	Brighton	20
Brighton Citrus	Brighton	105
Brighton Trading Post	Brighton	10
Rodeo Arena	Brighton	45
Seminole Arts & Crafts Shops	Brighton	20
Seminole Brighton Casino	Brighton	230
Tribal Smoke Shop	Fort Pierce	10
Seminole Okalee Indian Village	Hollywood	20
Native Learning Center	Hollywood	10
Seminole Mining Group Company	Hollywood / Columbia, South America	605
Seminole Tribe of Florida Headquarters	Hollywood	35
Tribal Smoke Shops (5 Locations)	4 in Hollywood / 1 in Ft Lauderdale	70
Seminole Casino Hollywood	Hollywood	850
Seminole Casino Coconut Creek	Coconut Creek	675
Seminole Hard Rock Hollywood	Hollywood	3,400
Panther Hammock	Immokalee	20
Seminole Native Arts & Crafts	Immokalee	15
Rodeo Arena	Immokalee	30
Tribal Smoke Shop	Immokalee	10
Seminole Casino Immokalee	Immokalee	525
Seminole Financial Services LLC	Tampa	20
Superior Uniform Group	Tampa	400
Tribal Smoke Shop (2 Locations)	Tampa	35
Seminole Hard Rock Tampa	Tampa	2,650
Chickee Huts		25
Veteran's Building		30
Seminole Produce Distributing	Sanford, Florida	225
Seminole Feed	Ocala, Florida	135
Hard Rock International (Headquarters)	Orlando, Florida	21,000

The Seminole may have more businesses that are not represented within this chart or data. These statistics were provided by a Seminole Economic Advisor in 2009, so there could be changes or discrepancies within the data.

Seminole & Miccosukee Reservation Land & Population Residing on Land (Figure 11)

Location	County	Land Area	
Population			
Seminole Big Cypress Reservation		52,000 Acres	600
Seminole Brighton Reservation		35,805 Acres	500
Seminole Hollywood Reservation		500 Acres	600
Seminole Fort Pierce Reservation		60 Acres	100
Seminole Immokalee Reservation		600 Acres	200
Seminole Tampa Reservation		39 Acres	75
Total Reservation Size & Population Residing on Land:		89,004 Acres	2075
Miccosukee Tamiami Trail Reservation		33 Acres	400
Miccosukee Alligator Alley Reservation		74,812 Acres	50
Miccosukee Krome Avenue Reservation		26 Acres	30
Total Reservation Size & Population Residing on Land:		74,871 Acres	480
*Statistics provided by the Seminole Tribe & Miccosukee Tribe 2009			
*The exact amount of land that the Seminole hold outside of the reservation as commercial property is unknown because of the complexity involved with Hard Rock International and the other Seminole businesses outside of the boundaries of their reservation land.			

Florida Tribal Gaming Revenue (Figure 11)

Year:	Total State Revenue	Seminole Revenue	State %	National Ranking	National %
2009:	2.11 Billion	1.81 Billion	85.8%	4 th	8.0%
2008:	1.90 Billion	1.53 Billion	80.5%	Tied 4 th	7.1%
2007:	1.60 Billion	1.23 Billion	70.6%	6 th	6.0%
2006:	1.57 Billion	1.20 Billion	76.4%	5 th	6.2%
2005:	1.37 Billion	1.07 Billion	78.1%	6 th	6.0%
2004:	1.14 Billion	.881 Billion	77.3%	7 th	5.7%
2003:	1.01 Billion	.841 Billion	83.8%	9 th	5.8%
2002:	.910 Billion	.806 Billion	85.2%	6 th	6.0%
2001:	.900 Billion	.801 Billion	89.0%	6 th	6.8%
2000:	.858 Billion	.777 Billion	90.6%	6 th	7.8%
1999:	.761 Billion	.693 Billion	91.1%	5 th	7.8%
1998:	.633 Billion	.633 Billion	100%	5 th	7.5%
1997:	.568 Billion	.568 Billion	100%	5 th	7.6%
1996:	.497 Billion	.497 Billion	100%	4 th	7.9%
1995:	.354 Billion	.354 Billion	100%	4 th	6.5%
1994:	.313 Billion	.313 Billion	100%	4 th	9.2%
1993:	.275 Billion	.275 Billion	100%	2 nd	10.6%
1992:	.220 Billion	.220 Billion	100%	2 nd	13.5%
1991:	.188 Billion	.188 Billion	100%	2 nd	26.1%
1990:	.147 Billion	.147 Billion	100%	2 nd	30.0%
1989:	.129 Billion	.129 Billion	100%	2 nd	43.0%
1988:	.054 Billion	.054 Billion	100%	2 nd	44.6%

*Information compiled from archival data from the NIGC, Seminole Tribe, and Miccosukee Tribe (2010).

Hard Rock International Locations (Figure 12)

Hard Rock International Locations (Country) Venue	Café	Hotel	Casino	Live
UNITED STATES				
Albuquerque (Isleta Pueblo), NM	2010	2010	2010	-----
Atlanta, GA	Yes	2013	-----	-----
Atlantic City, NJ	Yes	2011	2011	-----
Baltimore, MD	Yes	-----	-----	-----
Biloxi, MS	Yes	Yes	Yes	Yes
Boston, MA	Yes	-----	-----	-----
Chicago, IL	Yes	Yes	-----	-----
Cleveland, OH	Yes	-----	-----	-----
Dallas, TX	Yes	-----	-----	-----
Denver, CO	Yes	-----	-----	-----
Destin, FL	Yes	-----	-----	-----
Detroit, MI	Yes	-----	-----	-----
Foxwoods (Mashantucket Pequot Reservation), CT	Yes	-----	-----	-----
Gatlinburg, TN	Yes	-----	-----	-----
Hollywood, CA	Yes	-----	-----	-----
Hollywood, FL	Yes	Yes	Yes	Yes
Honolulu, HA	Yes	-----	-----	-----
Houston, TX	Yes	-----	-----	-----
Indianapolis, IN	Yes	-----	-----	-----
Key West, FL	Yes	-----	-----	-----
Lake Tahoe, NV	Yes	-----	-----	-----
Las Vegas, NV	Yes	-----	-----	-----
Las Vegas (Hard Rock Hotel), NV	Yes	Yes	Yes	Yes
Los Angeles, CA	2010	-----	-----	-----
Louisville, KY	Yes	-----	-----	-----
Maui, HA	Yes	-----	-----	-----
Memphis, TN	Yes	-----	-----	-----
Miami, FL	Yes	-----	-----	-----
Minneapolis, MN	Yes	-----	-----	-----
Myrtle Beach, SC	Yes	-----	-----	-----
Nashville, TN	Yes	-----	-----	-----
New Orleans, LA	Yes	-----	-----	-----
New York, NY	Yes	-----	-----	-----
New York (Yankee Stadium), NY	Yes	-----	-----	-----
Niagra Falls, NY	Yes	-----	-----	-----
Orlando, FL	Yes	Yes	-----	Yes
Philadelphia, PA	Yes	-----	-----	-----
Phoenix, AZ	Yes	-----	-----	-----
Pittsburgh, PA	Yes	-----	-----	-----
Sacramento, CA	Yes	-----	-----	-----
St Louis, MO	Yes	-----	-----	-----
San Antonio, TX	Yes	-----	-----	-----
San Diego, CA	Yes	Yes	-----	-----
San Francisco, CA	Yes	-----	-----	-----
Seattle, WA	Yes	-----	-----	-----
Tampa, FL	Yes	Yes	Yes	-----
Tulsa (Catoosa Reservation, Cherokee Tribe), OK	Yes	Yes	Yes	-----
Washington DC	Yes	-----	-----	-----
CANADA				
Niagara Falls, Ontario	Canada	Yes	-----	-----
Ottawa, Ontario	Canada	Yes	-----	-----
Toronto, Ontario	Canada	Yes	-----	-----
MEXICO / CENTRAL AMERICA				
Acapulco	Mexico	Yes	-----	-----
Cabo San Lucas	Mexico	Yes	-----	-----

Cancun	Mexico	Yes	-----	-----	-----
Costa Maya	Mexico	Yes	-----	-----	-----
Cozmel	Mexico	Yes	-----	-----	-----
Mexico City	Mexico	Yes	-----	-----	Yes
Puerto Vallarta	Mexico	Yes	-----	-----	-----
Panama City	Panama	Yes	2012	-----	-----
CARRIBEAN					
Noord,	Aruba	Yes	-----	-----	-----
George Town, Grand Cayman	Cayman Islands	Yes	-----	-----	-----
Nassau	Bahamas	Yes	-----	-----	-----
Ocho Rios	Jamaica	Yes	-----	-----	-----
Puerta Cana (Higüey, La Altagracia)	Dominican Republic	Yes	2010	2010	-----
San Juan	Puerto Rico	Yes	-----	-----	-----
Santo Domingo	Dominican Republic	Yes	-----	-----	-----
SOUTH AMERICA					
Belo Horizonte	Brazil	Yes	-----	-----	-----
Bogota	Columbia	Yes	-----	-----	-----
Buenos Aires	Argentina	Yes	-----	-----	-----
Caracas	Venezuela	Yes	-----	-----	-----
Cartagena	Columbia	Yes	-----	-----	-----
Margarita Island	Venezuela	Yes	-----	-----	-----
Medellin	Columbia	2010	-----	-----	-----
Rio de Janeiro	Brazil	Yes	-----	-----	-----
PACIFIC RIM					
Denarau Island, Nadi	Fiji	Yes	-----	-----	-----
Tamuning	Guam	Yes	-----	-----	-----
Garapan	Saipan	Yes	-----	-----	-----
Surfers Paradise (Queensland)	Australia	Yes	-----	-----	-----
EUROPE					
Amsterdam	Netherlands	Yes	-----	-----	-----
Athens	Greece	Yes	-----	-----	-----
Barcelona	Spain	Yes	-----	-----	-----
Berlin	Germany	Yes	-----	-----	-----
Bucharest	Hungary	Yes	2013	2013	-----
Cologne	Germany	Yes	-----	-----	-----
Copenhagen	Denmark	Yes	-----	-----	-----
Dublin	Ireland	Yes	-----	-----	-----
Gothenburg	Sweden	Yes	-----	-----	-----
Krakow	Poland	Yes	-----	-----	-----
Lisbon	Portugal	Yes	-----	-----	-----
Madrid	Spain	Yes	-----	-----	-----
Mallorca (Islas Baleares)	Spain	Yes	-----	-----	-----
St George's Bay, St Julian's	Malta	Yes	-----	-----	-----
Marbella (Malaga)	Spain	Yes	-----	-----	-----
Moscow	Russia	Yes	-----	-----	-----
Munich	Germany	Yes	-----	-----	-----
Oslo	Norway	Yes	-----	-----	-----
Paris	France	Yes	-----	-----	-----
Prague	Czech Republic	Yes	-----	-----	-----
Rome	Italy	Yes	-----	-----	-----
Stockholm	Sweden	Yes	-----	-----	-----
Venice	Italy	Yes	-----	-----	-----
Warsaw	Poland	Yes	-----	-----	-----
UNITED KINGDOM					
Cardiff	England	Yes	-----	-----	-----
Edinburgh	England	Yes	-----	-----	-----
London	England	Yes	-----	-----	-----
Manchester	England	Yes	-----	-----	-----
MIDDLE EAST / AFRICA					
Abu Dhabi	United Arab Emirates	2013	2013	-----	-----

Hoor, Manama	Bahrain	Yes	-----	-----	-----
Beirut	Lebanon	Yes	-----	-----	-----
Cairo	Egypt	Yes	-----	-----	-----
Doha	Qatar	Yes	-----	-----	-----
Dubai	United Arab Emirates	Yes	2013	-----	-----
Hurghada(Red Sea)	Egypt	Yes	-----	-----	-----
Kuwait City	Kuwait	Yes	-----	-----	-----
Nabq	Egypt	Yes	-----	-----	-----
Sharm El Shekikh	Egypt	Yes	-----	-----	-----

ASIA

Bali	Indonesia	Yes	Yes	-----	-----
Bangkok	Thailand	Yes	-----	-----	-----
Beijing	China	Yes	-----	-----	-----
Bengaluru	India	Yes	-----	-----	-----
Fukuoka	Japan	Yes	-----	-----	-----
Ho Chi Minh City	China	Yes	-----	-----	-----
Hydreabad	India	Yes	-----	-----	-----
Jakarta	Indonesia	Yes	-----	-----	-----
Kuala Lumpur	Malaysia	Yes	-----	-----	-----
Macau	China	Yes	Yes	2010/11	-----
Makati	Philippines	Yes	-----	-----	-----
Mumbai	India	Yes	-----	-----	-----
Nagoya	Japan	Yes	-----	-----	-----
Narita	Japan	Yes	-----	-----	-----
New Delhi	India	Yes	-----	-----	-----
Osaka	Japan	Yes	-----	-----	-----
Osaka Universal	Japan	Yes	-----	-----	-----
Pattaya	Thailand	Yes	Yes	-----	-----
Penang	Malaysia	Yes	Yes	-----	-----
Phuket	Thailand	Yes	-----	-----	-----
Pune	India	Yes	-----	-----	-----
Singapore	Singapore	Yes	2010	-----	-----
Singapore Changi Airport	Singapore	Yes	-----	-----	-----
Tokyo	Japan	Yes	-----	-----	-----
Tokyo Uyeno-Eki	Japan	Yes	-----	-----	-----
Yokohama	Japan	Yes	-----	-----	-----

ALL PROPERTIES GLOBALLY 140 Cafes 21 Hotels 10 Casinos 5 Live Venues

*Information provided by Hard Rock International Spokesperson, 2010 & Hard Rock International Website 2010.

*Areas are geographically categorized as to how Hard Rock International divides its business operations.

Seminole Tribal Nation Flag (Figure 13)



(Florida Seminole Tribe 2010)

Ah-Tha-Thi-Ki Museum (Figure 14)



Seminole Tribe of Florida (2010)