

# Tribal Gaming and Indigenous Sovereignty, with Notes from Seminole Country

Jessica R. Cattelino

The explosive expansion of tribal gaming in Native North America has been among the “big stories” about American Indians since the late 1980s. Caveats are necessary: not all tribes pursue casino gaming—223 of 341 federally-recognized tribes in the continental United States operated gaming facilities in 2004 (National Indian Gaming Association 2004, 6)—not all casinos make money, and Native people face many other important issues. Still, casino revenues have transformed reservation and surrounding economies, and the politics of indigeneity in the United States increasingly is shaped by the successes, scandals, and stereotypes of Indian casinos. At the root of Indian gaming are the legal doctrines and lived experiences of tribal sovereignty. Given their current importance, it is interesting to note that Indian casinos were absent from the journal and book versions of “The Indian Today” (tribal gaming had not yet been launched), while tribal sovereignty hardly was mentioned (Levine and Lurie 1965, 1968).

It is my goal to examine tribal gaming and sovereignty at their intersection, identifying key scholarly questions they raise and offering methodological and analytical suggestions for how we might address them. I also analyze public scrutiny leveled against tribal gaming because it shapes the political and economic terrain of indigenous action and reflects broad structural constraints thereupon. Toward these ends, I employ examples from The Seminole Tribe of Florida,

the first tribal nation to pursue high-stakes gaming and the site of my own ethnographic research.<sup>1</sup>

### From Bingo Halls to Billions

Scholars, activists, and policymakers cannot ignore the economic power of Indian gaming. According to the National Indian Gaming Commission (NIGC), a federal regulatory body, in 2004 Indian gaming grossed \$19.4 billion in revenues (National Indian Gaming Commission 2005). The National Indian Gaming Association (NIGA), a trade organization, put the figure at \$18.5 billion, reporting that 19.5 million Americans visited Indian gaming facilities across twenty-eight states. Tribal government gaming comprised 23 percent of consumer spending on legal gambling in the United States in 2003 (National Indian Gaming Association 2004). The industry has grown rapidly from its modest birth in a small bingo hall on the intersection of Stirling Road and State Road 7 in Hollywood, Florida, where in 1979 Seminoles opened the first high-stakes gaming operation in Native North America. Not surprisingly, today's largest gaming operations are located near densely-populated urban areas: they include the Mashantucket Pequot and Mohegan casinos in Connecticut, the Shakopee Mdewakanton Sioux casino outside Minneapolis, the Seminole Hollywood Hard Rock casino near Fort Lauderdale and Miami, and numerous casinos operated by California tribes near Los Angeles and San Diego. Casinos have partially realigned the geography of power in Indian Country.

Numerous scholars have examined the legal foundations and regulatory framework for tribal government gaming, outlining the complex regulatory scheme established in 1988 by the United States Congress with passage of the Indian Gaming Regulatory Act, and analyzing the string of federal court cases, beginning in 1982 with *Seminole Tribe v. Butterworth*, which affirmed tribes' sovereignty-based gaming rights.<sup>2</sup> Too often, however, the history of Indian gaming is told as if it begins with a Congressional mandate or a judicial ruling, rather than with indigenous action. It is worth remembering that Seminoles opened Hollywood Bingo before any U.S. law on tribal gaming had been passed or any judge had issued a ruling on the matter. They did so as part of a long history of failed efforts to establish a secure economic base for the tribal government, as an attempt to alleviate ongoing poverty on their urban and rural reservations, and with the hope that more money could reduce individual and tribal government reliance on the Bureau of Indian Affairs (BIA) and other federal agencies. Seminoles, like other tribes, had rarely been able to convince banks and other lenders to invest on reservation land, which could not serve as collateral because of its federal trust status. Since their 1957 reorganization into a federally-recognized tribe (under the 1934 Indian Reorganization Act), Seminoles had participated in a string of BIA and public-private economic development projects (e.g., light manufacturing, cattle ranching, land leasing, and tourism), but these either had failed entirely or had brought only marginal prof-

its.<sup>3</sup> Nor was gaming the first economic project to generate local controversy about its appropriateness for Indian people: as I discuss elsewhere, non-Indian concerns about Seminoles losing their authenticity and “selling out” swirled around earlier twentieth-century Seminole ventures in cattle, crafts, alligator wrestling, and cigarette sales (Cattelino 2004; see also West 1998). Tribal government gaming, then, was neither a “new buffalo” that mysteriously appeared to lead Indians out of poverty (Lane 1995) nor an unexpected “windfall”; instead, it was the result of sustained efforts by Indian people to fight poverty and reinforce their self-governance.<sup>4</sup>

Complicated methodological issues abound in studying gaming, and this perhaps accounts for the paucity of studies about the everyday dimensions of gaming for Native people. Research must address several difficult issues: limited public access to information about tribal gaming proceeds and operations; sensitivity on the part of many American Indians to the politics and stereotypes of Indian gaming; possible tribal restrictions on scholarly research; political divisions within some tribes; and the basic question—more difficult than it may seem—of how and where to locate gaming, ethnographically and analytically. When I began my ethnographic research on Seminole gaming and sovereignty, I assumed that I would spend hours each week in casinos. It turned out that few Seminoles worked in the casinos (many had better jobs within the rapidly growing tribal bureaucracy), and most did not frequently hang out in the casinos. Instead, the social meanings of tribal gaming took hold in the everyday experiences of increased family incomes, the subtle politics of Tribal Council debates on other topics, social service design and delivery, cultural production, and other domains of everyday life. This presented methodological dilemmas and new opportunities for me as a white outside researcher, and it underlined the inextricable links that tie economy to politics, culture, and social life. In the end, following gaming outside the casino walls and beyond the money trails suggested some of the ways that gaming simultaneously reflects and reshapes value and values for Seminoles.

Money certainly is central to casino operations and controversies, and it is also important in social theory. Anthropologists and sociologists long have explored the social meanings of money, noting the ways that personhood, politics, and social relations are enacted and reflected in monetary exchange.<sup>5</sup> Rather than simply studying gaming’s “impact” (as if casinos simply “happened” to Native people and had easily measurable “effects”), we must also understand the culturally-grounded and diverse social meanings of money for tribal communities who operate casinos. Literary scholar Paul Pasquaretta has begun the project of analyzing the symbolic and historical dimensions of Indian gaming through Native literature (Pasquaretta 2003). Attention to the social meanings of money can help us to understand the complexity of “casino capitalism” (Strange 1986), which too often is taken as a straightforward and monolithic economic form. Moreover, as I argue elsewhere (Cattelino forthcoming), exam-

ining the social meanings of money challenges the scholarly and popular assumption that money erodes cultural distinctiveness and abstracts social relations.

A brief outline of how Seminoles allocate casino profits and understand their effects can illustrate these points. The Seminole Tribe of Florida, whose approximately 3,000 citizens live on six reservations in the swamps and suburbs of South Florida, turned a profit almost instantly after Hollywood Bingo's 1979 launch. By 2001 the Tribe's five casinos generated annual profits of over \$300 million, making Seminole gaming unusually successful when compared to most tribal casino operations.<sup>6</sup> Revenues have shot up since the 2004 opening of massive Hard Rock casino-resorts on the urban Tampa and Hollywood reservations. The democratically-elected Seminole Tribal Council distributes casino revenues, in accordance with annual budgetary and policy decisions, to a growing number of tribal programs and as per capita dividends to all tribal citizens.

The direct financial impact of casino revenues for the Seminole government and citizens is stunning. Prior to 1979, when Hollywood Bingo opened, The Seminole Tribe of Florida administered a budget of less than \$2 million, almost all from federal grants. In 2001, by contrast, the tribe's annual budget exceeded \$200 million, with over 95 percent of the funds coming from casino revenues. Seminole gaming employed nearly 2,000 people, only twenty of whom, mostly in management positions, were Seminoles; the tribe estimates that gaming contributed \$65 million to the local economy that year.<sup>7</sup> Yet gaming's "economic impact" cannot be measured by financial indicators alone, as all too many economists are trying to do.<sup>8</sup> This single-generation shift from grinding poverty to economic security has enabled—and also forced—Seminoles to consider what kind of people and government they want to be. I understand these efforts as processes of valuation.

When I asked Seminoles whether and how gaming had affected their lives, they generally responded by praising the benefits brought by investments of casino income in tribal administration, cultural programs, and economic development. First, Seminole casinos fund a vast array of tribal government programs including health clinics, law enforcement, the K-12 Ahfachkee School and other education projects, and housing. Since gaming, the tribal government has expanded radically, with more than 1,300 tribal employees occupying several gleaming new office buildings by 2001. The tribal government also directs casino revenues toward political lobbying and legal defense of sovereignty-based rights. That Seminoles have been able to mobilize casino revenues toward self-governance and decreased reliance on the BIA is not only a consequence of gaming. Instead, archival and oral historical research showed that these were key motivations for pursuing gaming in the first place.

Second, Seminoles also have devoted large sums to cultural production. In 1997 they opened the Ah-Tah-Thi-Ki Museum, and the tribe also funds craftwork, language classes, festivals, and other cultural programs. That there is a self-

proclaimed Seminole “cultural renaissance” in the wake of casinos is a testament to Seminoles’ valuation of distinct cultural practices, and many individuals expressed relief that decreased financial pressures freed up more time for cultural projects and practices. Still, the bureaucratization of culture and institutionalization of language education in the casino era have caused some Seminoles to worry that the strengthening of tribal cultural programs will undermine the matrilineal clan as the locus of cultural (re)production. The public display of Seminole cultural difference also has responded to casino critics and multicultural logics demanding that Seminoles and other indigenous groups perform culture as a condition of their recognition and legitimacy.<sup>9</sup>

Third, Seminoles invested casino revenues in economic diversification, for example sugarcane, citrus, cattle ranching, an airplane manufacturer, and ecotourism at the Billie Swamp Safari. Less often publicized, and less understood by many tribal members, have been the Tribal Council’s ventures in the financial sector: investment in other Indian casinos, a bank, casino boat, offshore reinsurance firm, and real estate. Economic diversification is not just a way for Seminoles to make money or protect assets; it is not just an “investment strategy” in the narrowest economic terms. Diversification is also a matter of pride, politics, and nationalism. Being able to list off an array of tribal enterprises, as Seminoles often do, shows them to be and do more than casinos. It is common for tribal gaming advocates around the country to promote diversification, but often this presumes a particular model of “economic development,” rather than asking what diversification *means* to people. For some Seminoles, diversification is a defense against being associated too closely with casinos or cigarette sales. For other Seminoles, it is a marker of governmental legitimacy, as Seminoles compare themselves to similar nations that “have an economy.”<sup>10</sup> Still others hope to distribute political power more evenly by supporting new projects and individual entrepreneurs, reducing reliance on gaming experts.

Fourth, Seminoles allocate monthly casino dividends to each tribal member, including minors, raising household incomes and reflecting localized processes whereby the redistribution of wealth enacts political leadership. Per capita dividends get a lot of play in press accounts of Indian gaming. Although per capita dividends sometimes are taken as evidence that Indians are getting “rich” off of casinos, they take particular meanings in relation to Seminole history and political norms. That is, cash distributions are not simply economic transfers, but are social decisions and historical markers. Many Seminoles draw a moral and civic contrast between dividends, which can modestly support most families, and the U.S. welfare benefits upon which they once relied. They are proud that dividends enable them to provide for their children, comparing the abundant food on their tables to prior reliance on U.S. government commodity foods, and they contrast their children’s FUBU and DKNY designer clothes to the missionary hand-me-downs they once wore. There is a certain irony that many Seminoles now depend on *tribal*, not federal government, checks, in an extension and perhaps deepening in everyday Seminole life of modes and economies

of governmentality (cf. Foucault 1991). But it matters *who* governs whom, and how. That these are Seminole checks, not U.S. checks, takes on historical significance against the backdrop of BIA control and prevalent anti-Indian racism that so often was couched in terms of welfare dependency. Moreover, per capita dividends reinforce longstanding norms and practices of political leadership that are grounded in the redistribution of wealth, as several Seminoles explained by comparing dividends to the redistributive rituals of the annual Green Corn Dance.

Of course, the rapid infusion of money into a relatively small community has not been entirely smooth. Internal disputes about how to use the money simmer, focused less on whether money is a good thing than upon the equity of its distribution. Gaming has exacerbated some political tensions, though Seminoles have not been burdened with the distinction between so-called “progressives” and “traditionalists” (the terms are problematic but widespread) that shape political division in some other tribes, nor have they faced the membership disputes so widely publicized among other Native groups in gaming’s wake.<sup>11</sup> Seminoles do indeed worry about how to raise their children under radically new economic conditions, how to teach them the value of work and bind them to a distinctly Seminole history and future. Like other parents, Seminoles complain about the effects of new technology and materialism. While these concerns are newly framed in terms of gaming wealth, they are not simply “about” money or gaming. Rather, discourses of “cultural loss” and concerns about children and the future operate as mechanisms for policing social reproduction and as reminders of collective obligation. Indeed, Seminole political divisions generally do not seem to be the “result” of gaming; rather, gaming has become the idiom through which pre-existing and emergent political and social differences are articulated. My observations are not intended to serve as a blanket apology for gaming-related conflict: rather, they suggest the need to analyze gaming narratives in Indian communities as complex social discourses. It also could prove fruitful to compare gaming tribes with other communities that experience single-generation transformations from poverty to economic security, and to single-commodity nation-states such as oil states.

It is beyond my capability and the available evidence to suggest patterns in how and why tribal gaming has taken diverse forms and meanings across American Indian communities. For example, why have some tribes but not others struggled against the growth of problem gaming (often called “gambling addiction”) among tribal members? But these variations should not be surprising. To assume otherwise—to suggest that a particular economic form would generate standardized sociopolitical practice across human groups so diverse as the peoples of Native North America—would homogenize indigenous difference and take a naïve approach to economic practice. Comparative analysis will advance scholarship and aid Native groups who seek to avoid social problems while benefiting from casino profits.

## Public Scrutiny

One of the most corrosive and ironic difficulties faced by American Indian governments and citizens is the intense public scrutiny now focused on Indian gaming and indigenous wealth. Numerous Seminoles complained that no one bothered them so long as they were poor, but once gaming brought money, everyone got in their business. As Max Osceola (Panther), put it, non-Indians don't mind so long as Seminoles are selling trinkets, since "Indians can do anything they want as long as they don't make any money." But once they started making money, people accused them of having "an unfair advantage" (Interview with author 1/23/01). Tribal governments accustomed to operating in relative obscurity now must draft policies for dealing with the press. Native people fighting persistent poverty, crime, and other social problems clamor to be heard amidst the gaming debates. Indian children face a new kind of racism on school playgrounds, where taunts, once focused on poverty and welfare dependency, now center on presumed (and allegedly "unearned") wealth. As Doug Foley put it in the Mesquaki context: "In precasino days, some Whites looked down on Mesquakis for their poverty. Now some seem to dislike them for their wealth" (Foley 2005, 301).

Why is a rich Indian an oxymoron and sometimes a threat in American public culture? Certainly we can point to racism, but in order to understand racism we must be more specific, examining how the "scandal" of gaming wealth illuminates the operations of settler colonialism and the anxieties about horizontal citizenship (that is, equal and undifferentiated political belonging) that shape political discourse in the United States. In her book on Chumash gaming and regional conflict, anthropologist Eve Darian-Smith documented inaccuracies in public perceptions of Indian gaming wealth and tax status, showing, for example, that non-Native respondents in the Santa Barbara, California region dramatically overestimated Chumash wealth and underestimated their tax obligations and payments (Darian-Smith 2003). Also common are accusations that wealthy gaming tribes ignore other Indians who remain poor. This uneven wealth frequently is presented as a scandal, for example in an influential two-part *Time Magazine* series on Indian gaming (Barlett and Steele 2002a; 2002b). Rarely do such analyses acknowledge the governmental, cultural, and geographical diversity that distinguishes American Indian groups. Nor, perhaps more importantly, do critics question the assumption that Indians, more than "the rest of us," are responsible for alleviating each other's poverty. The "scandal" of gaming wealth also plays out at the local level. Non-Indian communities, themselves often poor, sometimes resent the shift in their *relative* wealth vis-à-vis Indians, illustrating the ways that economy and race are mutually constitutive. Other gaming controversies are outlined in Steven Light and Kathryn Rand's recent book about Indian gaming and tribal sovereignty (2005).

Partly to address criticisms, but also out of generosity and political savvy, American Indians have undertaken unprecedented philanthropy during the ca-

sino era, with gaming tribes contributing over \$100 million to charitable causes in 2004 (National Indian Gaming Association 2004, 3). A substantial portion of these donations goes to local non-Indian causes and to Indian groups across the continent. As anthropologist Katherine Spilde has argued, tribal philanthropy has afforded Indian people new political power based on a model of generosity (Spilde 2004).

In American public culture, poverty symbolically and materially structures indigeneity. The federal government long has been concerned about managing and reforming indigenous economic action, whether with efforts to inculcate Indian agriculture as an assimilationist project in late-nineteenth-century allotment policy or through job training programs linked to mid-twentieth-century termination policy. As James Tully and others have shown (Tully 1994), Indians' alleged nomadic status and lack of property ownership justified colonial land grabs, harkening back to John Locke's theories of property ownership as referenced in British colonial law.<sup>12</sup> Notions of indigenous "dependency" and of Indians as "wards," enshrined in the famous Marshall Supreme Court cases of the 1830s, relied on *economic* dependency as an indicator of *political* subordination. Tanis Thorne has shown how the oil-based individual wealth of a Creek man, Jackson Barnett, became a matter of national interest in the 1840s (Thorne 2003), while Alexandra Harmon has outlined the double binds whereby Gilded Age policymakers expected Indians to abandon communal living for capitalism but subsequently criticized individual wealthy Indians as selfish and overly acquisitive (Harmon 2003).

In the gaming context, Katherine Spilde has identified an emergent stereotype of the "rich Indian" among gaming critics. She argues that it relies on the specter of Indians having "too much," and she likens this to ideas of surplus and Western land grabs during the Dawes Act period (Spilde 1998). Eve Darian-Smith notes widespread opposition to Indians as "new capitalists," arguing that indigenous wealth contradicts images of Indian poverty and purity (Darian-Smith 2002, 2003). Philip Deloria's study of "playing Indian" and the role of the Indian in the American public imagination (Deloria 1998), along with his more recent examination of "Indians in unexpected places" (e.g., using technology, playing sports, consuming) (Deloria 2004), suggests that the image of the non-acquisitive, non-capitalist Indian long has been a foil for non-Indian America's anxieties about materialism, consumption, and speculative capitalism.

The most frequent question people ask about my research is whether gaming has caused Indians to "lose their culture."<sup>13</sup> The 1999 final report of the National Gambling Impact Study Commission (NGISC), a body established by Congress to conduct a study of gambling, noted: "a common theme among many opposed to Indian gambling is a concern that gambling may undermine the 'cultural integrity' of Indian communities" (The National Gambling Impact Study Commission 1999, 6-3). These concerns rest on the assumption that money, more than poverty, erodes culture and difference. Such complex intersections

of poverty, economic form, cultural purity, and colonialism warrant further study. If indigenous non-ownership of property was the founding myth of settler colonialism, then indigenous poverty and its imaginings may be one of neocolonialism's most potent contemporary forms. The "economics" of Indian gaming, then, demand a multidisciplinary investigation not only of "impacts," "models," and "best practices," but also of the social meanings of money for indigenous communities; the intersections of economy, politics, and culture on Indian reservations; and the ways that neocolonial logics structure the relationship between indigeneity and poverty.

### Gaming and Tribal Sovereignty

As we saw in Arnold Schwarzenegger's 2003 campaign pledge to make California tribes pay their "fair share" of casino revenues to the state (see Joanne Barker's article in this issue), tribal gaming raises fundamental questions of citizenship, "special rights," and cultural difference that go to the core not only of the conditions and theories of indigeneity but also of Americanness. At the center of these controversies is the question of tribal sovereignty, the status of American Indian tribes as politically distinct entities with rights of governance that predate colonization (in a general sense, even for those tribal entities that reorganized after colonization) and that have been recognized by the United States and other governments. Tribal sovereignty has not always been the primary politico-legal discourse through which American Indians articulated their governmental status, as evidenced by the contrast between its growing prominence in the late twentieth century and its mention in only one chapter of *The American Indian Today* (Witt 1968: 69, 72).

Tribal sovereignty calls attention to the multiple governments that make up the U.S. federalist system. Most American children learn in civics class that our distinct levels of government are not simply nested within each other, but instead share and divide power. Most attention, however, focuses on the federal government and the states, with the third major governmental entity—American Indian tribes—unmentioned or, at best, relegated to a footnote. Tribal gaming raises fundamental questions of political differentiation and rights that go to the heart of democracy and federalism, and that force non-Native Americans to face the historical legacy and present operations of settler colonialism. Indeed, as political scientist W. Dale Mason and legal scholar Vicki Jackson each have suggested, Indian gaming litigation is redrawing the lines of federalism in this country (Jackson 1997, 542; Mason 2000, 243-44).

Tribal sovereignty is most often understood to mean the political authority of American Indian tribes over their citizens and territories. Indian gaming is grounded in tribal sovereignty, in the freedom of tribes, as governments, from state regulation or taxation of most on-reservation activities. Sovereignty is what prevents states from taxing tribal government gaming revenues, imposing state-based employment regulations on casinos, or regulating jackpots or hours of

operation. Sovereign immunity, unless waived, prevents tribes from being sued under state laws on matters such as personal injury in casinos. This does not mean that tribal gaming is unregulated: there is federal and tribal government oversight, and, indeed, compromises under the Indian Gaming Regulatory Act (IGRA) *undermined* sovereignty by giving the states powerful say in the conduct of certain types of games. This is part of what Light and Rand termed “the casino compromise” (Light and Rand 2005).

Legal scholar T. Alexander Aleinikoff has suggested that the mid-twentieth-century civil rights movement enshrined an ideal of equal, horizontal citizenship in American jurisprudence and public consciousness, and that this created particular dilemmas for American Indians seeking to assert and protect their sovereignty (Aleinikoff 2002). Just as Benedict Anderson described state sovereignty and citizenship as “fully, flatly, and evenly operative” (Anderson 1991, 19), horizontal citizenship has become an important part of our national story. This is true despite the long history whereby Americans (whether Native, black, women, non-property owners, or children) have had differential relations to the state (Novak 2003; Smith 1997). As Will Kymlicka and others have discussed, insofar as Native communities understand tribal sovereignty to be the basis for indigenous rights, settler states face the “problem” of incorporating Native peoples into the liberal logics of civic equality and multiculturalism (Kymlicka 1995), of managing what I have termed interdependent sovereignty and overlapping citizenship (Cattelino forthcoming).<sup>14</sup> Aleinikoff argued that the civil rights-based model of undifferentiated citizenship has made it more difficult for American Indians to discursively and legally articulate their sovereignty-based rights, which are not based on a model of equal citizenship but rather on one of political differentiation as governmental entities.<sup>15</sup>

Casinos bring into relief the double binds that characterize tribal sovereignty and, more broadly, the politics of indigeneity in the United States and other settler states. For example, casino rights are based in tribal sovereignty, but once Indians exercise their *political* autonomy in order to gain *economic* self-reliance, they immediately must fend off attacks on their political sovereignty. That is, so long as Indians are economically dependent their political independence is less challenged, but any economic independence in turn threatens their political autonomy. As David Kamper put it: “Herein lies the paradox: federal- and state-sanctioned Indian gaming creates situations in which Indian communities must compromise some of their legal sovereignty in order to maintain economic independence” (Kamper 2000).<sup>16</sup> Similar double binds arise in the cultural context. Indigenous peoples must perform their cultural difference in order to maintain political rights, as anthropologist Elizabeth Povinelli and others have shown, but often by exercising political rights and powers indigenous peoples face new accusations that they are not culturally different enough (Povinelli 2002).

That gaming both is based in sovereignty and raises fundamental questions about the scope and meanings of sovereignty illustrates the materiality of sover-

eignty itself. Many valuable studies have outlined the legal and political dimensions of tribal sovereignty, with a focus on indigenous sovereignty's recognition by American law (Deloria and Lytle 1984; Harring 2002; Wilkins 1997; Wilkins and Lomawaima 2001; Wilkinson 1987). In the gaming context, we now need more analysis of the economic dimensions of sovereignty. By pointing to the materiality of sovereignty I do not simply mean that tribes need money to exercise their sovereignty, though Barsh and Henderson, Deloria and Lytle, and others have rightly observed that the fair distribution of wealth is a condition of equal participation in civil and state society, and that tribal sovereignty therefore depends partly on indigenous economic power (Barsh and Henderson 1980; Deloria and Lytle 1984). Nor do I suggest that either tribal nations or nation-states can or should "have" autonomous "economies." Nor, finally, is this simply a critique of economic and political "dependency," since too often scholars reflexively criticize dependency by holding up an ideal of autonomy that itself is historically specific and problematic.

By emphasizing the materiality of sovereignty, I suggest that we need to better understand the ways in which processes of governance and political recognition are inextricably tied to the materiality of everyday life, to economic form, and to norms of reciprocity and "accounting" that are not reducible to economic logics but instead point to the ways that "economy" is always already profoundly political and, indeed, moral. The controversies and double binds surrounding tribal gaming and sovereignty call attention to these questions, but their theorization and historicization beg for further scholarly attention.

Such work must rest largely on indigenous practices and conceptions of sovereignty. Whereas much scholarly attention has focused on settler colonial recognition and misrecognition of tribal sovereignty, especially in legal arenas, it is crucial to attend to the everyday, lived experiences of sovereignty by Native peoples.<sup>17</sup> For example, my work with Florida Seminoles suggests that we might gain from understanding tribal sovereignty and recognition as processes of (sometimes failed) reciprocity. Some Seminoles, at least, consider their sovereignty to be realized in reciprocal relations, including their ongoing obligations to foster the well-being of the world, their contact-era gifts to colonizers, and the moral and legal obligations of colonial powers to recognize Native peoples.

Sovereignty is not only a backdrop to gaming: sovereignty also is *enacted* through gaming operations, *challenged* by outside attacks upon casinos, and, most of all, *realized* in governmental activities enabled by gaming. For Seminoles to litigate their gaming rights in U.S. courts has been an important chapter in the story of gaming and sovereignty, to be sure. Many Seminoles are justly proud of their leadership in legal battles, often comparing it to their legacy as successful warriors against the United States military in the nineteenth-century Seminole Wars. But perhaps more important than externally-focused defenses of sovereignty are the ways that gaming has enabled the tribal government to administer housing policy, healthcare, and other social services in accordance

with Seminoles' political and cultural visions (Cattelino 2006). That is, sovereignty comes into focus at moments of contestation or articulation, but the day-to-day enactments of sovereignty are at its heart and beneath its power.

Taiiaki Alfred has called for a more rigorous philosophical examination of indigenous autonomy, even suggesting that "sovereignty" is a colonial construct best abandoned by those seeking self-determination (Alfred 2004). While I am not ready to jettison sovereignty as a concept or strategy, Alfred's call to ground indigenous political strategy in Native political theory is well worth heeding, not only for anthropologists but also for activists, attorneys, political scientists, philosophers, and others. Vine Deloria, Jr. has suggested one avenue for re-theorizing sovereignty by emphasizing its cultural dimensions. He argued that a political-legal focus overlooks the foundations upon which indigenous sovereignty rests: "Sovereignty, in the final instance, can be said to consist more of continued cultural integrity than of political powers and to the degree that a nation loses its sense of cultural integrity, to that degree it suffers a loss of sovereignty" (Deloria 1979, 27).

A richer account of tribal sovereignty in the casino era also can shed light on theories of sovereignty more generally. As Alfred has argued, "Mythic narratives and legal understandings of state sovereignty in North America have consciously obscured justice in the service of the colonial project" (Alfred 2004, 460). Historians and political philosophers can help analysts of present-day tribal sovereignty understand the historical processes whereby European natural law theories of sovereignty structured both the emergence of the American settler colony and the possibilities and limits of indigenous political recognition. We might, for example, consider how sovereignty doctrine's monarchic and theological emphasis on singular state autonomy continues to color legal, scholarly, and popular understandings of tribal sovereignty as "partial" or "dependent." As Kirke Kickingbird et al. noted in their early paper on tribal sovereignty, "no nation in the world today is completely independent" (Kickingbird, et al. 1977, 3). At this historical juncture the sovereignty of nation-states is being reshaped by international governmental regimes, multinational corporations, and mass migrations. Social theorists are attempting to understand the significance of overlapping and interdependent sovereignties that have taken unfamiliar forms.<sup>18</sup> In this context, American Indian sovereignty, as a unique system of overlapping nations, can aid in imagining new national alignments not only for indigenous peoples but for a broader public.

## Conclusion

The appendix to *The American Indian Today* is anthropologist Nancy Oestreich Lurie's argument that American Indians were experiencing a "renaissance" in the 1960s (Lurie 1968). "Pan-Indian" nationalism and tribalism both were active (and not necessarily in conflict), new political strategies were in play, and Indians were committed to advancing education on their own terms

and promoting “Indian identity in terms of reactivating or encouraging perpetuation of tribal languages, customs, and tribal residential communities” (195). Lurie and the other authors in that volume could not have anticipated the explosion of tribal gaming, its deep and wide-ranging effects on many Indian reservations, or its reshaping of public policy and debates concerning Indians. Similarly, I can neither predict how casino controversies will play out nor guess which new phenomenon might upstage gaming as the locus of economic and political struggle. As Florida Seminoles continue to debate the benefits and dangers of casino money, the best ways to structure their own governance, and the meanings and mechanisms of culture, gaming poses new challenges but also affords long-overdue opportunities for indigenous people to call more of the shots. For now, I will wager that Indian people will continue to beat the odds in their struggles against the historical legacy and ongoing logics of settler colonialism.

## Notes

Research for this project was funded by a National Science Foundation Graduate Research Fellowship, an American Association of University Women American Dissertation Fellowship, a Woodrow Wilson Dissertation Grant in Women’s Studies, a Smithsonian Institution Predoctoral Fellowship, an American Philosophical Society Phillips Fund Grant for Native American Research, a New York University Kriser Fellowship in Urban Anthropology, the Annette B. Weiner Graduate Fellowship in Cultural Anthropology, and a New York University Alumnae Club Scholarship. Research was conducted with permission of The Seminole Tribe of Florida, and I am grateful to the many Seminole citizens and tribal employees who assisted me along the way.

1. I conducted sustained ethnographic research in 2000-01, and I have returned for shorter visits on at least an annual basis ever since. In addition, I conducted extensive archival research at multiple libraries in Florida and Washington, D.C.

2. Key sources are W. Dale Mason’s book on Indian gaming politics, which outlines federal law and policy and develops case studies in New Mexico and Oklahoma (Mason 2000); an edited volume on Indian gaming (Mullis and Kamper 2000); an edited volume on Indian gaming and law (Eadington and Cornelius 1998); and the chapters on Indian gaming history and law in Eve Darian-Smith’s book on Chumash gaming (Darian-Smith 2003). Steven Light and Kathryn Rand offer the most comprehensive primer on gaming law and policy, outlining federal Indian policy and the politics of tribal gaming while advocating an approach to casino compromises that takes seriously indigenous theories of tribal sovereignty (Light and Rand 2005). In addition, see summaries in Anders (1998) and Stein (1998). Carole Goldberg and Duane Champagne discuss the ways that gaming has led to increased political power for American Indian tribes in California (Goldberg and Champagne 2001).

3. See Harry Kersey’s historical trilogy of Seminole economy and politics since the late nineteenth century (Kersey 1975, 1989, 1996).

4. More historical research is necessary to understand gaming’s diverse roots in economic practices and political visions, and to further theorize the historically contingent intersections of indigenous economy, culture, and politics.

5. See, for example, Akin and Robbins (1999), Bloch and Parry (1989), Guyer (2004), Maurer (2005), and Zelizer (1997).

6. The National Indian Gaming Commission reported that in 2003 only 13% (43) of the 330 tribal gaming operations generated annual revenues of \$100 million and over, while 22% (73) generated less than \$3 million. The mean income for all tribal gaming operations in 2003, calculated according to NIGC figures, was \$50,697,418 (National Indian Gaming Commission 2005).

7. Figures courtesy of The Seminole Tribe of Florida Legal Department.

8. The Harvard Project on American Indian Economic Development recently published a comprehensive annotated bibliography of social and economic impact studies on Indian gaming (Gardner, et al. 2005). Light and Rand analyze several studies, commenting on the paucity of data on how gaming has affected tribal communities (Light and Rand 2005, Chapter 4).

9. John Bodinger de Uriarte and Mary Lawlor each recorded a similar dynamic in studies of the Pequot Museum and Research Center at Mashantucket (Bodinger de Uriarte 2003; Lawlor 2005).

10. That nation-states should and do “have” a discrete economic sphere, argues Timothy Mitchell, is not timeless but rather modern, forged in the crucible of colonialism and nationalism (Mitchell 1999).

11. Sociologist Angela Gonzales has outlined some membership disputes that have divided tribal citizenries, arguing that gaming has raised their stakes (Gonzales 2003), and numerous newspaper articles have chronicled membership disputes among various tribes. Gaming also has put new pressures on the federal recognition process, as political scientist Renée Cramer has demonstrated (Cramer 2005).

12. Economic practices also limited subsequent indigenous claims. For example, David Wilkins shows that in the U.S. Supreme Court case *Northwestern Bands of Shoshone Indians v. United States* (324 U.S. 335 [1945]) Shoshones’ nomadic subsistence practices undermined their land claims (Wilkins 1997, 148).

13. Because Seminoles often have been considered by anthropologists, government officials, and others to be among the most “culturally conservative” Native American groups, the fact that they launched tribal gaming has been taken as “a certain irony if not paradox” (Paredes 1995, 355). This “paradox” assumes that there is an inherent conflict between Native American “culture” and market integration.

14. By interdependent sovereignty I mean to highlight the ways that sovereigns (not only Indian nations, but also, for example, settler states like the United States) are interdependent with each other, rather than simply limiting one another’s sovereignty. Overlapping citizenship refers to American Indians’ complex political belonging across the boundaries of tribal, local/state/provincial, and settler state polities.

15. It is interesting to note that several authors in “The Indian Today” mentioned Indians’ 1960s resistance to having their political positions subsumed by civil rights discourse, and Lurie noted the possibility that Black nationalism would be more comparable to indigenous claims (Lurie 1968:192-93).

16. That said, it is somewhat inaccurate to describe casino gaming as “economic independence,” since in fact it is a form of market integration. Many Seminoles and tribal gaming advocates participate in an American ideology of economic autonomy or self-sufficiency when they praise gaming-based economic “independence.” This masks the ways in which gaming ties tribes tightly to consumer bases, regulatory agencies, and other market actors. Still, the very real benefits of economic *power* and *control* cannot be underestimated, and gaming has afforded some tribes unprecedented power and control over resources.

17. Loretta Fowler similarly has called for understanding how sovereignty plays out on the ground in tribal politics (Fowler 2002). The works of Vine Deloria Jr., David Wilkins, Craig Womack (1999), and Robert Warrior (1994), among others, complement ethnographic engagement with everyday experiences of sovereignty.

18. For recent work on sovereignty and globalization see Sassen (1996) and Hardt and Negri (2000).

## References Cited

- Akin, David and Joel Robbins, eds. 1999. *Money and Modernity: State and Local Currencies in Melanesia*. Pittsburgh: University of Pittsburgh Press.
- Aleinikoff, T. Alexander. 2002. *Semblances of Sovereignty: The Constitution, the State, and American Citizenship*. Cambridge: Harvard University Press.
- Anders, Gary C. 1998. “Indian Gaming: Financial and Regulatory Issues.” *Annals of the American Academy of Political and Social Science* 556 (March): 98-108.
- Anderson, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Revised ed. New York: Verso.
- Barlett, Donald L. and James B. Steele. 2002a. “Indian Casinos: Wheel of Misfortune.” *Time*, December 16:44-58.

- \_\_\_\_\_. 2002b. "Indian Casinos: Playing the Political Slots." *Time*, 160:26 (December 23): 52-63.
- Barsh, Russel Lawrence and James Youngblood Henderson. 1980. *The Road: Indian Tribes and Political Liberty*. Berkeley: University of California Press.
- Bloch, Maurice and Jonathan Parry. 1989. "Introduction: Money and the Morality of Exchange." In *Money and the Morality of Exchange*, edited by Jonathan Parry and Maurice Bloch, 1-32. Cambridge: Cambridge University Press.
- Bodinger de Uriarte, John Joseph. 2003. "The Casino and the Museum: Imagining the Mashantucket Pequot Tribal Nation in Representational Space." Unpublished PhD dissertation, University of Texas, Austin.
- Cattelino, Jessica R. 2004. "Casino Roots: The Cultural Production of Twentieth-Century Seminole Economic Development." In *Native Pathways: American Indian Culture and Economic Development in the Twentieth Century*, edited by Brian C. Hosmer and Colleen O'Neill, 66-90. Boulder: University Press of Colorado.
- \_\_\_\_\_. 2006. "Florida Seminole Housing and the Social Meanings of Sovereignty." *Comparative Studies in Society and History* 48:3, forthcoming.
- \_\_\_\_\_. Forthcoming. *High Stakes: Florida Seminole Gaming, Sovereignty, and the Social Meanings of Casino Wealth*. Durham: Duke University Press.
- Cramer, Renée Ann. 2005. *Cash, Color, and Colonialism: The Politics of Tribal Acknowledgment*. Norman: University of Oklahoma Press.
- Darian-Smith, Eve. 2002. "Savage Capitalists: Law and Politics Surrounding Indian Casino Operations in California." In *Studies in Law, Politics, and Society*, edited by Austin Sarat and Patricia Ewick, 109-140. Amsterdam: JAI.
- \_\_\_\_\_. 2003. *New Capitalists: Law, Politics, and Identity Surrounding Casino Gaming on Native American Land*. Belmont: Wadsworth/Thomson Learning.
- Deloria, Philip J. 1998. *Playing Indian*. New Haven: Yale University Press.
- \_\_\_\_\_. 2004. *Indians in Unexpected Places*. Lawrence: University Press of Kansas.
- Deloria, Vine, Jr. 1979. "Self-Determination and the Concept of Sovereignty." In *Economic Development in American Indian Reservations*, edited by Roxanne D. Ortiz, 22-28. Albuquerque: University of New Mexico Native American Studies.
- Deloria, Vine Jr. and Clifford M. Lytle. 1984. *The Nations Within: The Past and Future of American Indian Sovereignty*. New York: Pantheon.
- Eadington, William and Judy Cornelius, eds. 1998. *Indian Gaming and the Law*. 2d ed. Reno: University of Nevada Press.
- Foley, Douglas. 2005. "The Heartland Chronicles Revisited: The Casino's Impact on Settlement Life." *Qualitative Inquiry* 11:3: 296-320.

- Foucault, Michel. 1991. "Governmentality." In *The Foucault Effect: Studies in Governmentality*, edited by Graham Burchell, Colin Gordon, and Peter Miller, 87-104. Chicago: University of Chicago Press.
- Fowler, Loretta. 2002. *Tribal Sovereignty and the Historical Imagination: Cheyenne-Arapaho Politics*. Lincoln: University of Nebraska Press.
- Gardner, Leigh, Joseph P. Kalt, and Katherine A. Spilde. 2005. *Annotated Bibliography: The Social and Economic Impacts of Indian and Other Gaming*. Cambridge: The Harvard Project on American Indian Economic Development, Harvard University.
- Goldberg, Carole and Duane Champagne. 2002. "Ramona Redeemed? The Rise of Tribal Political Power in California." *Wicazo Sa Review* 17 (1):43-63.
- Gonzales, Angela A. 2003. "Gaming and Displacement: Winners and Losers in American Indian Casino Development." *International Social Science Journal* 55 (175): 123-133.
- Guyer, Jane I. 2004. *Marginal Gains: Monetary Transactions in Atlantic Africa*. Chicago: University of Chicago Press.
- Hardt, Michael and Antonio Negri. 2000. *Empire*. Cambridge: Harvard University Press.
- Harmon, Alexandra. 2003. "American Indians and Land Monopolies in the Gilded Age." *The Journal of American History* 90 (1): 106-133.
- Harring, Sidney L. 2002. "Indian Law, Sovereignty, and State Law: Native People and the Law." In *A Companion to American Indian History*, edited by Philip J. Deloria and Neal Salisbury, 441-459. Malden: Blackwell Publishers.
- Jackson, Vicki C. 1997. "Seminole Tribe, the Eleventh Amendment, and the Potential Evisceration of Ex Parte Young." *New York University Law Review* 72 (3): 495-546.
- Kamper, David. 2000. "Introduction: The Mimicry of Indian Gaming." In *Indian Gaming: Who Wins?* edited by Angela Mullis and David Kamper, vii-xiv. Los Angeles: UCLA American Indian Studies Center.
- Kersey, Harry A., Jr. 1975. *Pelts, Plumes, and Hides: White Traders among the Seminole Indians, 1870-1930*. Gainesville: University Presses of Florida.
- \_\_\_\_\_. 1989. *The Florida Seminoles and the New Deal, 1933-1942*. Boca Raton: Florida Atlantic University Press.
- \_\_\_\_\_. 1996. *An Assumption of Sovereignty: Social and Political Transformation among the Florida Seminoles, 1953-1979*. Lincoln: University of Nebraska Press.
- Kickingbird, Kirke, Lynn Kickingbird, Charles J. Chibitty, and Curtis Berkey. 1977. *Indian Sovereignty*. Washington: Institute for the Development of Indian Law.
- Kymlicka, Will. 1995. *Multicultural Citizenship*. Oxford: Oxford University Press.
- Lane, Ambrose I. 1995. *Return of the Buffalo: The Story Behind America's Indian Gaming Explosion*. Westport: Bergin & Garvey.

- Lawlor, Mary. 2005. "Identity in Mashantucket." *American Quarterly* 57 (1): 153-177.
- Levine, Stuart, and Nancy O. Lurie, eds. 1965. "The Indian Today." *Midcontinent American Studies Journal* 6 (2).
- \_\_\_\_\_. 1968. *The American Indian Today*. Baltimore: Penguin Books.
- Light, Steven Andrew and Kathryn R.L. Rand. 2005. *Indian Gaming and Tribal Sovereignty: The Casino Compromise*. Lawrence: University Press of Kansas.
- Lurie, Nancy Oestreich. 1968. "An American Indian Renaissance?" In *The American Indian Today*, edited by Stuart Levine and Nancy O. Lurie, 187-208. Deland, FL: Everett Edwards, Inc.
- Mason, W. Dale. 2000. *Indian Gaming: Tribal Sovereignty and American Politics*. Norman: University of Oklahoma Press.
- Maurer, Bill. 2005. *Mutual Life, Limited: Islamic Banking, Alternative Currencies, Lateral Reason*. Princeton: Princeton University Press.
- Mitchell, Timothy. 1999. "Society, Economy, and the State Effect." In *State/Culture: State Formation after the Cultural Turn*, edited by George Steinmetz, 76-97. Ithaca: Cornell University Press.
- Mullis, Angela, and David Kamper, eds. 2000. *Indian Gaming: Who Wins?* Los Angeles: UCLA American Indian Studies Center.
- National Indian Gaming Association. 2004. "An Analysis of the Economic Impact of Indian Gaming in 2004." Washington, DC.
- \_\_\_\_\_. 2005. "Tribal Gaming Revenues." [http://www.nigc.gov/nigc/tribes/Tribal\\_Gaming\\_Rev63004.jsp](http://www.nigc.gov/nigc/tribes/Tribal_Gaming_Rev63004.jsp). Accessed July 27, 2005.
- National Indian Gaming Commission. 2005. "Tribal Gaming Revenues (in thousands) by Region, Fiscal Year 2004 and 2003." <http://www.nigc.gov/nigc/tribes/trigamrev2004to2003.jsp>. Accessed August 1, 2005.
- Novak, William J. 2003. "The Legal Transformation of Citizenship in Nineteenth-Century America." In *The Democratic Experiment: New Directions in American Political History*, edited by Meg Jacobs, William J. Novak and Julian E. Zelizer, 85-119. Princeton: Princeton University Press.
- Paredes, J. Anthony. 1995. "Paradoxes of Modernism and Indianness in the Southeast." *American Indian Quarterly* 19 (2): 341-60.
- Pasquaretta, Paul. 2003. *Gambling and Survival in Native North America*. Tucson: University of Arizona Press.
- Povinelli, Elizabeth A. 2002. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham: Duke University Press.
- Sassen, Saskia. 1996. *Losing Control? Sovereignty in an Age of Globalization*. New York: Columbia University Press.
- Smith, Rogers M. 1997. *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*. New Haven: Yale University Press.
- Spilde, Katherine Ann. 1998. *Acts of Sovereignty, Acts of Identity: Negotiating Interdependence through Tribal Government Gaming on the White Earth*

*Indian Reservation*. Unpublished Ph.D. dissertation, University of California, Santa Cruz.

- \_\_\_\_\_. 2004. "Creating a Political Space for American Indian Economic Development: Indian Gaming and American Indian Activism." In *Local Actions: Cultural Activism, Power, and Public Life in America*, edited by Melissa Checker and Maggie Fishman, 71-88. New York: Columbia University Press.
- Stein, Wayne J. 1998. "Gaming: The Apex of a Long Struggle." *Wicazo Sa Review* 13 (1):73-91.
- Strange, Susan. 1986. *Casino Capitalism*. Cambridge: Basil Blackwell.
- The National Gambling Impact Study Commission. 1999. *Final Report*. Washington, D.C.: The National Gambling Impact Study Commission.
- Thorne, Tanis C. 2003. *The World's Richest Indian: The Scandal over Jackson Barnett's Oil Fortune*. Oxford: Oxford University Press.
- Tully, James. 1994. "Aboriginal Property and Western Theory." *Social Philosophy & Policy* 11 (2): 153-180.
- Warrior, Robert Allen. 1994. *Tribal Secrets: Recovering American Indian Intellectual Traditions*. Minneapolis: University of Minnesota Press.
- West, Patsy. 1998. *The Enduring Seminoles: From Alligator Wrestling to Ecotourism*. Gainesville: University Press of Florida.
- Wilkins, David E. 1997. *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*. Austin: University of Texas Press.
- Wilkins, David E. and Tsianina K. Lomawaima. 2001. *Uneven Ground: American Indian Sovereignty and Federal Law*. Norman: University of Oklahoma Press.
- Wilkinson, Charles F. 1987. *American Indians, Time, and the Law: Indigenous Societies in a Modern Constitutional Democracy*. New Haven: Yale University Press.
- Witt, Shirley Hill. 1968. "Nationalist Trends Among American Indians." In *The American Indian Today*, edited by Stuart Levine and Nancy O. Lurie, 53-75. Deland, FL: Everett Edwards, Inc.
- Womack, Craig S. 1999. *Red on Red: Native American Literary Separatism*. Minneapolis: University of Minnesota Press.
- Zelizer, Viviana A. 1997. *The Social Meaning of Money: Pin Money, Paychecks, Poor Relief, and Other Currencies*. Princeton: Princeton University Press.