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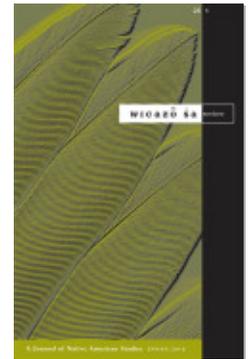
## The Sharing Tradition: Indian Gaming in Stories and Modern Life

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## **The Sharing Tradition**

### **Indian Gaming in Stories and Modern Life**

*Eileen M. Luna-Firebaugh and  
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Yesterday, horses, blankets, rifles, today, hard cash.

—Kathryn Gabriel, *Gambler Way*

**I**n the twenty-first century, American Indian gaming is big business, but it has always been around. American Indian nations have always played games, and this gaming was and is an important custom. Traditionally, it served to preserve culture and ceremonies, redistribute wealth, and teach traditional values to community members and children. Skill and luck came together to level the playing field upon which all lived their lives. Today games of skill and luck, such as the hand games at Northwest Coast Tribal Stommash, are huge attractions and can go on, around the clock, for days at a time.

While traditional forms of games continue throughout Indian Country, casino-type gambling has turned into a major modern industry for Indian nations. In 2005, the rate of growth in the Indian gaming industry was explosive, with an increase of 24 percent in California, 39 percent in Oklahoma, and 14 percent in Arizona alone.<sup>1</sup> This article examines this growth and the impact of casino gaming on Indian

Country and surrounding non-Indian communities. Furthermore, traditional gaming practices, attitudes, and customs are explored through documents and works of Native writers. A particular emphasis is on the values of sharing and redistribution and their application to contemporary casino gambling. The appropriateness of the casino industry is an important issue as tribal nations weigh economic benefits, social factors, and cultural values and practice self-determination. Gambling may not be culturally compatible for every tribe but, for those where it is, the traditional value of sharing of the wealth through compacting is a traditional value that enriches all.

### **THE TRADITIONAL ROOTS OF AMERICAN INDIAN GAMING**

Gaming has ancient indigenous roots in the Americas; it is associated with rituals of play and storytelling that connect the peoples to their communal origins and destiny. Traditional games played by American Indians had cultural or religious significance, and gaming was often a sacred act connected to myth, legend, and ritual.<sup>2</sup> Games were also used as entertainment or as a teaching tool.

Often, gambling served to redistribute wealth among tribal members. This factor was widely misunderstood by most non-Indians during the early years of this country, and it led to the misrepresentation of American Indians, especially males who gambled, as lazy and wasteful. This stereotype was reinforced by scholars such as Francis Parkman and Henry Morgan, who viewed Native gambling only in European-American terms and never attempted to understand the tribal perspective.<sup>3</sup> The disparate accumulation of wealth was not encouraged by traditional Indian societies, which stressed the notions of balance and strong interrelationships. Many traditional mechanisms exist to help redistribute wealth, including the Potlatch and Give-away. Gambling was yet another device to even things out and to illustrate the factors of luck and fate.

There are documented cases in which scholars observed ceremonies (beliefs and practices) associated with gaming. In 1639, Father Lalemant observed an elaborate Huron dice game to heal the sick.<sup>4</sup> Lewis Henry Morgan reported in 1851 that some religious leaders encouraged betting during festivals and celebrations. It was noted in these reports that some Iroquois gambled away all their possessions. Another example documented by Morgan is the Iroquois game Gus-ka-eh (sacred bowl game), consisting of a bowl with peach stones (as dice) played on the last day of the green corn and harvest festival during the New Year's celebrations. Players took turns shaking the bowl and betting on the outcome.<sup>5</sup> Gus-ka-eh played in the ceremonial context symbolizes the divine struggle of the Twin Boys Teharonhiawako (skyholder) and Sawiskera (Troublemaker) to control the universe. As grandsons of Sky-Woman (the earth mother who reconstructs

the world in the image of Sky-world), the twins have conflicting personalities and their continuing rivalry represents the creative and destructive dualism of nature. Gus-ka-eh is played to end this feuding.<sup>6</sup>

In 1897, the anthropologist James Mooney witnessed games in which American Indians, men and women, were wagering, and Luther Standing Bear writes about the moccasin or hand games, among the Lakota, as communal celebrations and wholesome entertainment.<sup>7</sup> Historically, dice games are present in most cultures and duality (good versus evil) is inherent in the games, with winning then of great importance.<sup>8</sup>

The publication of Steward Culin's study, *Games of the North American Indians*, changed academic attitudes about the role of gaming in the social and spiritual lives of American Indians.<sup>9</sup> This comprehensive account of gaming was a collaborative effort between Frank Cushing, an ethnologist, and Steward Culin, curator of the Columbian Exposition in Chicago. The study, which took fourteen years to complete, was published in 1907.<sup>10</sup>

Culin's investigation showed widespread gaming among 229 tribes in North America and Mexico. More than thirty-six different kinds of games were used throughout the Western Hemisphere and predated Europeans. The games were classified as those of chance or dexterity; games of chance used dicelike pieces, with players guessing on the outcome of a throw, while games of dexterity included archery, sliding, javelins or darts, shooting a netted or stone wheel or ring, ball games, and racing. Some tribes combined activities; for example, the Iroquois played a combination of six principal games divided into athletic contests and games of chance. The study showed nearly every tribe played several versions of games, but not all games were played or could be gambled upon.<sup>11</sup>

Games were played by adults, most restricted to one gender and occurring at fixed times or during certain festivals and religious rites frequently associated with spiritual beliefs and practices. During the games, wagering possessions was not uncommon for American Indians. Culin found no evidence that any of the games were imported and describes them as outgrowths of the indigenous peoples in America; the games originated with the tribal nations.<sup>12</sup>

Eventually, American Indians borrowed dice and cards from Europeans, while non-Indians adopted and played American Indian games. A prime example of this cross-cultural adaptation is lacrosse, a very popular Iroquois game played today in the United States, especially at the college level.

### **Gambling Mythology**

American Indian traditions include many myths and legends that reveal the sacred significance of gambling, its divine origin, its power, and the symbolism of games. Culin refers to games as common

occurrences in the origin myths and says, "In general, games appear to be played ceremonially, as pleasing to the gods, with the object of securing fertility, causing rain, giving and prolonging life, expelling demons, or curing sickness."<sup>13</sup> In traditional gambling stories, myths, and legends, good is pitted against bad (duality), and many have moral instruction and guidance that ensure survival of the people. The evil opponent usually represents an enemy or something bad that upsets harmony and balance and provides an opportunity to distinguish between appropriate and inappropriate behavior and attitudes. To bring the world back into balance, the evil gambler figure is challenged. Some well-known gambler figures are the coyote, raven, crow, and caterpillar. Gambling may not be the central theme of all stories and not all stories are about games. Many stories transmit a sacred history, or they may simply be the vehicle for the teaching of a moral message.<sup>14</sup>

### THE PAST IN THE PRESENT

Indian gaming (casino-style) has spurred an interest in traditional gambling practices and stories among writers. This interest can be traced back to some early American Indian writers, including Luther Standing Bear of the Lakota (*My People the Sioux*, 1928), Mourning Dove (Salishan) in *Cogewea, the Half-Blood* (1927), and John Ridge (Yellow Bird) in the 1854 novel *The Life and Adventures of Joaquin Murieta* (1955).<sup>15</sup>

Contemporary American Indian writers continue to examine or include Indian gaming practices in their works. Leslie Marmon Silko's *Ceremony* (1977), Paula Gunn Allen's (Sioux/Laguna) *The Sacred Hoop: Recovering the Feminine in American Indian Traditions* (1986), Gerald Vizenor's (Chippewa/Anishinabe) *Heirs of Columbus* (1991), Louis Owens' *Other Destines: Understanding the American Indian Novel* (1992), and Louise Erdrich's (Ojibwa) *Love Medicine* (1984), *Tracks* (1988), and *Bingo Palace* (1993) use gaming metaphors, stories, and practices to illustrate a variety of contemporary issues, including politics, social issues, and economic concerns, as well as controversies of all kinds. These indigenous authors are helping to preserve traditions and customs by writing about them.<sup>16</sup>

In addition, American Indian writers have tried to counter negative stereotypes of Indian gambling, evident as early as 1630, by writing about its ceremonial, spiritual, and entertainment value. They make distinctions between appropriate and inappropriate gambling practices and forms, thus continuing the educational and cultural components of traditional gaming.<sup>17</sup>

Casino gambling is big business, but at the same time, traditional gaming (gambling) practices continue often with the same ceremonial,

spiritual, and entertainment value of the past. For a number of tribes, the struggle over whether gaming is acceptable within their worldview is ongoing. For example, during the 1990s, the Navajo Nation voted repeatedly to turn down gaming. The reasons cited included the belief, based on traditional stories and teachings, that gambling can corrupt and destroy. Traditional Navajo asserted that, while gambling has long been part of Navajo culture and traditional teaching stories, it is linked with trouble and poverty.<sup>18</sup> Many Hopi do not participate in casino gambling, both because it is viewed as not in keeping with traditional beliefs and because it is a temptation for tribal members to spend money in ways that do not contribute to the well-being of their families.<sup>19</sup>

Recently, the Navajo have decided to pursue tribal gambling. In anticipation of the opening of the first Navajo casino, near Gallup, New Mexico, the Navajo Nation president signed resolution CO-54-06 to create a revenue-sharing plan between the casino-home chapter and the Nation. The agreement provides that for the first five years the Hogback Chapter will receive 10 percent of the net casino revenues and the Nation will receive 90 percent. After that time period, the distribution will be 5 percent to the chapter and 95 percent to the Nation.<sup>20</sup> This casino is expected to generate needed tribal revenue and to reduce the tribe's high unemployment rate.<sup>21</sup>

## Modern Tribal Gaming

American Indians have a long history of knowing how to “play the game,” adapting to new circumstances to ensure harmony and survival of the people. While the traditional concepts of luck, fate, and redistribution of wealth remain operative, casino gaming is more an exercise in tribal sovereignty and a means of meeting the many social economic needs of American Indian communities.

Few in Indian Country believe that the tribes will be able to have a “white buffalo,” such as gaming, for very long without the majority community taking it away. Thus, Indian people tend to look at the downside of economic opportunity. The case of *Carcieri v. Salazar*, decided by the U.S. Supreme Court on February 24, 2009, underscores this concern. In this recent case, Rhode Island state officials feared that the Narragansett Tribe wanted to build a casino on the site and that the transfer into trust could remove state authority to bar construction on the parcel of land. The Court held that the Department of the Interior cannot take land into trust for tribes that were not already recognized in 1934 when the Indian Reorganization Act took effect.<sup>22</sup> While it is unknown how many tribes will be affected by this ruling, and whether there will be a legislative response, it is likely that the negative effect of this Court ruling will be significant.

## The Economic Impact of Tribal Gaming

The situation in Indian Country is dire. Indian Country is replete with massive unemployment, burgeoning crime rates, and overwhelming poverty. These economic and social challenges were spelled out in the 2006 Annual Report of the National Indian Gaming Commission (NIGC) and are addressed in meaningful ways through the implementation of tribal gaming.

This 2006 NIGC report states, "As a result of Indian gaming and economic development, Indian country and its neighbors have opportunities that previously were non-existent. However, many tribes continue to deal with huge economic and social problems that are the vestiges of years of poverty." The report emphasizes this conclusion with information and statistics drawn from a number of federal reports:<sup>23</sup>

1. Poverty and Unemployment:
  - a. The average median income for American Indian households in 2005 was \$33,627 compared with the national average median household income of \$46,037. The average household income of American Indians is 73 percent of the national average income.
  - b. The poverty rate among American Indians is 25.3 percent compared with the national poverty rate of 12.6 percent.
  - c. Unemployment among American Indians is 9.3 percent compared with 5.1 percent nationwide.
2. Violent Crime Victimization:
  - a. American Indians are victimized by violent crime at a rate almost two and one-half times higher than the rate of violent victimization among Americans nationwide.
  - b. The rate of death by homicide is 32 percent higher among American Indians than the national rate.
3. Health:
  - a. Infant mortality is 25 percent higher among American Indians than the national rate.
  - b. Life expectancy among American Indians is more than 2.4 years lower than the national average.
  - c. The rate of death from alcoholism is 510 percent greater among American Indians than the national rate.
  - d. The incidence of diabetes is 189 percent greater among American Indians than the national rate.

- e. The rate of death by suicide is 62 percent greater among American Indians than the national rate.
4. Housing:
  - a. In tribal areas, 6.9 percent of homes are overcrowded compared with a national rate of 3.1 percent.
  - b. In tribal areas, 2.6 percent of homes lack complete plumbing facilities compared with .42 percent nationwide.
5. Education:
  - a. The high school dropout rate is 50.6 percent higher among American Indians than the national rate.
  - b. Only 13.6 percent of American Indians have attained a bachelor's degree or higher compared with 27.2 percent of the general public.

The opportunity to establish successful gaming enterprises, based for many Indian peoples on traditional games of chance, has had a positive effect on Indian Country.<sup>24</sup> Economists have calculated that Indian gaming generated more than \$16 billion in revenue in 2003 and \$1.5 billion in non-gaming revenue. Indian gaming has been found to generate \$43 billion overall, with \$16.3 billion paid in wages, more than 460,000 jobs created, and more than \$5 billion paid to federal, state, and local governments in tax revenues.<sup>25</sup> The National Indian Gaming Association Annual Report for 2006 cites the economic impact for the 225 Indian gaming tribes in twenty-eight states. These tribes have used Indian gaming to create new jobs, fund essential government services, and rebuild communities.

This report cites that tribal governments in 2006 generated

- \$25.7 billion in gross revenue from Indian gaming before wages, operating expenses, cost of goods and services, capital costs, and so on are paid (Note: NIGC reported that this amount increased by 5 percent to \$26 billion in 2007)<sup>26</sup>
- \$3.2 billion in gross revenue from related hospitality and entertainment services (resorts, hotels, restaurants, golf, entertainment complexes, travel centers, etc.)
- 670,000 jobs nationwide for American Indians and surrounding communities (direct and indirect jobs created by Indian gaming's economic multiplier effect)
- \$8.6 billion in federal taxes and revenue savings (including employer and employee Social Security taxes, income taxes, excise taxes, and savings on unemployment and welfare payments)

- \$2.4 billion in state taxes, revenue sharing, and regulatory payments (including state income, sales, and excise taxes; regulatory payments; and revenue sharing pursuant to tribal–state compacts)
- More than \$100 million in payments to local governments

However, gaming is not an industry that is either available or lucrative for all Indian Nations, as success is affected by both location and culture. The Indian Gaming Regulatory Act of 1988 (25 U.S.C.A. Sect. 2701-2721) and the Bureau of Indian Affairs regulate the uses to which Indian gaming revenues may be put. While most tribes use gaming revenues only for tribal infrastructure and education, others have received approval to disperse some of the funds to tribal members on a per capita basis.

## Legal History

When Indian Nations first began to deal with the federal government, they were sovereign. They exercised independent authority to govern themselves, and no other nation was depended upon to legitimate their acts of government. Over time and through legal decisions, Indian Nations accepted certain limitations on such sovereignty, as well as significant losses of land and resources in exchange for treaty agreements. These treaty agreements and subsequent legal decisions interpreting them protected the Indian Nations' rights of self-government, and the understanding that the powers exercised by tribal governments were inherent to sovereigns, not something that had been granted to them by the Constitution.<sup>27</sup>

The use of Indian lands for casino-type gaming as an expression of tribal sovereignty and as a form of economic development was established in 1987 in the U.S. Supreme Court ruling in *California v. Cabazon Band of Mission Indians* (480 U.S. 202). Here, the Court affirmed that, contrary to the assertion of authority by the state of California, a state could only interfere in Indian gaming if the state law held that gambling was criminal and prohibitory, rather than civil or regulatory. If some form of legal gaming occurred within the state, then any attempted regulation was unenforceable on tribal lands.

This decision greatly inflamed the states, which motivated Congress to act. In 1988, the 100th Congress enacted the Indian Gaming Regulatory Act (IGRA), which established the National Indian Gaming Commission. The act defined three classes of gaming and established the purposes to which revenue from Indian gaming could be put. It also established the requirement of tribal–state

compact negotiations, which resulted in the 1996 case *Seminole Tribe of Florida v. State of Florida* (517 U.S. 44).

*Seminole* significantly altered the effect of the IGRA. In this case, the Seminole Tribe sued the state of Florida for refusing to enter into compact negotiations. The state responded with a suit to dismiss the tribe's action as a violation of the state's sovereign immunity. The U.S. Supreme Court ruled in favor of the state's sovereign immunity and against the section of IGRA that allowed the tribe to attempt to force the state to have compacts. Thus, the ability to force the states to the bargaining table was eliminated from the act.

Tribal–state compacts are now the norm, but the process between the states and the tribes has been difficult at best. The states have made expensive financial demands of many tribes, but the compacting process has continued.

### **The Financial Impact of Indian–State Compacts**

The financial impact of Indian gaming also extends well into the non-Indian community. Through gaming, many contribute to their states and communities, much of which is a voluntary expression of community support and the traditional notion of sharing. In addition, many state–tribe compacts also include tribal–state revenue sharing, which can be seen as a modern expression of the traditional concept of the “Sharing tradition.” With revenue sharing, tribes contribute funds to state and local programs. In some states, this contribution goes into the state general funds; in others, some or all of the tribal contribution is designated for specific programs by the tribe.

The states and their citizens are major beneficiaries of Indian gaming revenue. A close look at just three states (California, Connecticut, and Arizona) shows just how much the states and state citizens benefit from Indian gaming revenue. In 2005, California was ranked first in Indian gaming revenue. More than \$7.2 billion in Indian gaming revenue was generated, an increase of 24 percent in one year. Indian gaming in the state of Connecticut generated 2.3 billion, up 4 percent, and Arizona revenue was \$1.6 billion, up 14 percent from 2004.<sup>28</sup>

Arizona gaming tribes gave \$87 million through state–tribal compact agreements in 2005. During the first quarter of the 2006–2007 fiscal year, the total contributed by Arizona gaming tribes was \$25,524,692. Almost half of this money (\$12,887,951) was distributed to Arizona public schools. Another fourth (\$6,443,975) was used for the trauma and emergency services fund, \$2 million was contributed to the State Gaming Department for administrative and regulator expenses, \$510,493 was used to address problem gaming, and the rest (\$3.7 million) was used for wildlife conservation and tourism.<sup>29</sup>

## ANALYSIS

The future of Indian Country depends upon many things. Cultural revitalization is an essential component of a healthy Indian Nation, one that can be enhanced by an understanding of traditions and the lessons that they teach us. The traditional teachings of gaming, such as the necessity of balance, the danger of greed, and the consequences of good actions and bad, are necessary for the preservation of the traditional values of American Indian people. The emphasis on economic development, driven as it is by the amassing of capital, can be useful to Indian Country, as long as it is balanced with the understanding of how this enhances the lives and values of Indian people.

Capital can only be accumulated through investment and reinvestment, a process that can be accelerated by Indian gaming. However, there are other means to this end. For many Indian Nations, the question remains about the long-term benefits of focusing on gaming as the primary tool of economic development.

The idea of Indian gaming as a primary focus of the move to accumulate capital and to drive the economic engines of a tribe is one about which there is little consensus in Indian Country. Many tribes have voted on the issue and have declined to proceed; for them, the cultural adaptation that would have to take place is too problematic to welcome gaming. For others, the potential harm to tribal members from the proximity of gaming enterprises outweighs the potential benefits. Depression, poverty, alcoholism, and unemployment are rampant in Indian Country.<sup>30</sup> These factors, coupled with the high number of adolescents on most reservations, exceeding 50 percent in many places, create a situation that could easily result in the rise of problem gaming behaviors among tribal members.<sup>31</sup>

For many tribes, the risk exceeds any possible benefit. In many Indian communities, there is also a belief that Indian gaming, strengthened again by *Carcieri v. Salazar*, may be only a short-term approach to the resolution of long-standing economic problems.<sup>32</sup> Thus, for many tribes the move toward self-determination, while fueled by a real and deep-seated need for economic development, does not include the development of Indian gaming. For others, Indian gaming is a culturally compatible tool, one that can help break the culture of poverty and despair resident on many reservations.

The concept of sharing the proceeds of tribal gaming, most recently through state-tribal compacts, is culturally and traditionally compatible. It also elicits the support of non-Indian communities in the drive for economic health and adequate infrastructure of tribal communities. And perhaps most importantly, sharing the gaming wealth through compacting sends the money around the circle, enriching tribal, state, and municipal governments in ways that fit the sharing legends of many tribes.

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