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Indian Gaming and Tribal Sovereignty: The Casino Compromise. By Steven Andrew Light and Kathryn R. L. Rand.

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the 1790s. Different speculators clashed over the issue of who had title to sell: the state of Georgia or the United States. The Supreme Court ruled that US sovereignty over Georgia also involved US ownership in fee simple title of all Indian lands and that tribes had only the right to occupy lands until voluntarily agreeing to leave through a negotiated treaty. The Court's doctrine about a limited American Indian right of occupancy in *Fletcher v. Peck* was repeated and expanded in the Marshall trilogy of cases in the 1820s and 1830s, especially the first case, *Johnson v. M'Intosh* (1823).

After his splendid discussion of the *Fletcher* and *Johnson* cases, there are perfunctory chapters on Indian Removal, the establishment of reservations, and the allotment policy, but none break any new ground or offer new insights. The original wrong turn in Anglo-American law was King George's 1763 Proclamation of Settlement that was compounded in a corrupt way by the 1810 *Fletcher v. Peck* and the 1823 *Johnson v. M'Intosh* decisions. All the other subsequent horrors and crimes of federal Indian policy such as Indian Removal and allotment were inevitable by-products of a legal regime that stripped American Indians of their full property rights in land.

Banner wrote that he intended to include maps in the book but decided against it because he feared that he would be seen as taking sides in ongoing land disputes. This reviewer is not convinced. Banner would have done his readers a great service by mapping Indian land loss through deeded sales, ratified treaties, acts of Congress, and executive orders. Similarly, the book contains no charts or tables to help the reader understand the magnitude of American Indian land loss by historical period. The handful of illustrations are concentrated in two chapters and do not do much to advance the narrative.

This is a book about Anglo-American attitudes toward American Indian property in land. There is relatively little about different tribes' thoughts about property in land at different times and places. That would be a different book and one that bears writing, but in this book Stuart Banner gives us a fine survey of three long and different centuries of Anglo-American law about the conveyance of American Indian property in land.

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Indian Gaming and Tribal Sovereignty: The Casino Compromise. By Steven Andrew Light and Kathryn R. L. Rand. Lawrence: University of Kansas Press, 2005. 240 pages. \$29.95 cloth.

In their first book on American Indian issues, authors Light and Rand offer a bewildering assortment of concepts and frameworks that purport to explain "how and why Indian gaming . . . is what it is today" (4). At first glance, the book promises to offer a useful overview of American Indian policy and research related to Indian gaming. While most of the information they present is compiled from law review articles, impact studies, and media accounts that have been published elsewhere, the book's six chapters provide

a detailed glimpse into the range of issues that are affected by Indian gaming policy. The book fails to deliver on its promise, however, because the authors oversimplify the political context of Indian gaming by reducing it to two models and also fall into the common public-policy trap whereby they recommend the production of more information as a policy solution for the steady erosion of tribal sovereignty by state and local governments.

The book's subtitle, *The Casino Compromise*, references one of the authors' main arguments: Indian gaming represents a political and legal arrangement among tribal, state, and federal governments, wherein tribal sovereignty has been "flagrantly compromised." While acknowledging that Indian gaming has strengthened self-determination and economic development for many tribal governments, they recognize that this development has been uneven across Indian Country. In spite of these inequalities, the authors contend that it is inappropriate to evaluate Indian gaming's success solely along economic lines. Instead, they propose to evaluate Indian gaming according to how it is providing an opportunity for tribal governments to exercise their tribal sovereignty meaningfully. In particular, they argue that Indian gaming in the Plains is a success if it is evaluated along the lines of tribal sovereignty because tribal governments in that region are revitalizing their governmental functions and creating employment in their communities.

Unfortunately, the authors make the case that Indian gaming is a success in the Plains by contrasting the experiences of tribes in that region to a single tribal government in Connecticut, the Mashantucket Pequot Tribal Nation (MPTN). The authors describe their analysis as a case study model whereby the Pequot model exemplifies "the dozen or so highly successful gaming tribes in the United States," and the Plains model illustrates "the experiences of the majority of tribes with modestly profitable casinos" (106). However, these models reinscribe the very stereotypes they criticize by raising (but not addressing) the volatile issues of tribal authenticity and wealth. Regrettably, the authors introduce and categorically define the MPTN as *rich* without ever defining the term economically or in any other way, in spite of their argument that an economic analysis is inappropriate for articulating Indian gaming's myriad impacts. While the book claims to investigate the political milieu of Indian gaming, here it fails to consider the negative political implications of its own descriptive framework.

It would have been more useful for the authors to explore how these two models are employed by the media and political opponents to undermine tribal sovereignty for all tribes by naturalizing the categories of "real" and "rich" Indians. For example, the authors could have asked, "Why does a model of *economic* success (that is, rich Indians) resonate with opponents of Indian gaming and better serve an antisovereignty agenda?" Or "How does portraying Indian gaming in the Plains as 'a failure' serve to undermine Indian gaming's widespread success in the minds of the American public and policy makers alike?"

Rather than contrast the Plains tribes with a tribal government in Connecticut, it would have been more compelling to expose the reader to the politics and history of the Plains on its own merits or to explore the ways that

all tribal governments have made compromises. After all, these tribal histories share many similarities, including a significant diaspora, a history of economic and social poverty, alienation of a considerable portion of their land base, and a lack of adequate federal government support. Indian gaming has brought similar benefits to these regions (for example, job creation for tribal members, a strengthening of the tribal government, and less dependence on federal funding to support tribal programs) in spite of the difference in degree. What Luger said about the Plains is also true for the Mashantucket Pequots, “When you have nothing and now you have something,” that is success (139). While the economic impacts are a matter of degree, certainly the political circumstances within which these tribal governments operate have more in common than these models allow.

The book’s foundational chapters hint at a compelling conclusion whereby the authors provide a framework for creating a “new compromise based on mutual consent and respect” (4). However, in the conclusion, the book takes a turn from describing Indian gaming policy and reframing our methods of analysis to making sweeping policy recommendations to Congress and state governments.

The authors’ concluding proposal for addressing “the casino compromise” consists of a number of unrealistic outcomes with little advice for how to achieve these results. For example, they argue that inequality is not “an inevitable consequence of intergovernmental relations between states and tribes” and that Indian gaming carries “potential for transcending the adversarial, zero-sum struggles between states and tribes” (150–51). When explaining how equality between tribes and states can be achieved, however, the authors vaguely state that “Indian gaming must be examined objectively” and “full acknowledgment of tribes’ inherent right of self-determination” must be realized (152). What is striking about these simplistic statements is how they oppose the rest of the book’s more complicated picture of Indian gaming’s political and historical context.

Most of the recommendations proposed in the conclusion of the book assume that policy makers simply do not understand the complexities of tribal sovereignty or Indian gaming. Indeed, the authors state that “quality information is the foundation of sound public policymaking” (152). However, the first six chapters of the book outline the politics of Indian gaming wherein policy makers privilege the concerns of their non-Indian constituents even when they may have overwhelming evidence that Indian gaming is producing more benefits than costs. Additionally, their proposal for a national commission to study Indian gaming rests upon the fundamentally flawed notion that policy makers are guided by the facts that they do have.

Finally, the book’s specific recommendation for a congressional commission—they call it the National Indian Gaming Impact Commission—to investigate Indian gaming seems even more out of place than a general appeal for more information. Indeed, the commission idea has been proposed more than once by one of Indian gaming’s primary opponents, US Representative Frank Wolf (R-VA); a fact that the authors describe and then dismiss in chapter 6. In fact, tribal governments were overwhelmingly united against such a study

because their historical experience tends to reinforce the notion that more information about them leads to a more targeted attack on their resources. It would have been more useful for the authors to explore why Congress has not enacted “legislation to restore an appropriate balance of tribal and state authority over Indian gaming” than to recommend that they do so now. With state requirements for revenue-sharing payments increasing in spite of federal policies that explicitly outlaw them, why do the authors believe that Congress will suddenly “level the playing field” by strengthening the position of tribal governments vis-à-vis state or local governments?

In sum, the authors do an excellent job of summarizing the various policy debates that surround the contemporary Indian gaming industry. However, readers are left wondering what it all means. While we are exposed to a host of negative images about Indian gaming, the book does not explain how the stereotypes of Indian gaming on the *Simpsons* impede its potential to “change the calculus of the possible” (141). Rather, readers are left wondering if there really is a strong sense that Indian gaming does not work or is a failure, or is that simply a perception portrayed by the media? What counternarratives are tribal governments and organizations disseminating to contest popular misconceptions about Indian gaming? Finally, the authors do not address the bigger question of why the media would have an interest in portraying Indian gaming negatively if that is not the case and what impacts, if any, these media accounts have on public policy.

A single book cannot be expected to cover the entirety of Indian gaming. Perhaps this book simply pursued so many agendas that its main argument was concealed rather than clarified. What is clear is that this book adds significantly to the debate about Indian gaming through its core message: The success of Indian gaming should be analyzed according to whether and to what degree Native conceptions of tribal sovereignty are being realized. Unfortunately, that message was compromised here.

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Montana 1911: A Professor and His Wife among the Blackfeet. Edited by Mary Eggermont-Molenaar. Calgary: University of Calgary Press; Lincoln: University of Nebraska Press, 2005. 417 pages. \$89.95 cloth; \$35.00 paper.

From 13 June to 17 September 1911 the Dutch salvage linguist, C. C. Uhlenbeck visited the Blackfeet Reservation to conduct fieldwork among the South Piegan in Montana. His wife, Wilhelmina (Willy) Maria Uhlenbeck-Melchior, accompanied him and during the course of their stay kept a diary in Dutch. In 1990 the diary found its way to the Glenbow Archives in Calgary, Alberta. An English translation of the diary forms the core and the *raison d'être* of this book. The book also includes several chapters written by Eggermont-Molenaar, Alice Kehoe, Inge Genee, and Klaas van Berkel, and a collation of some publications by Uhlenbeck (and some by his graduate student, J. P. B