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### CONTEXTUALIZING INDIAN GAMING FOR THE NATIONAL GAMBLING IMPACT STUDY COMMISSION

*Laurie Arnold*

**ABSTRACT:** This paper discusses the Indian Gaming Subcommittee of the National Gambling Impact Study Commission (NGISC). It illustrates the efforts tribes made to educate members of the NGISC about the positive impacts of Indian casino gaming, and it also highlights the resistance tribes faced from the NGISC.

**Keywords:** National Indian Gaming Commission, Indian Gaming Regulatory Act, Indian casino gaming, tribal sovereignty

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The Indian Gaming Regulatory Act (IGRA) was signed into law in 1988, after five years of research across Indian Country. Tribes began offering high stakes bingo in the mid-1970s, as one component of tribal economic development enterprises, and the rapid rise in Indian bingo and other forms of gambling led to creation of the IGRA. Many observers unfamiliar with the complexities of tribal sovereignty—tribes' inherent right to self-govern—believed that the IGRA gave gaming to tribes. In fact, the IGRA was developed in response to tribal gaming, and the policy reinforces the inherent nature of tribal sovereignty as expressed through tribes' inherent rights to conduct gaming. The

IGRA created three regulatory classes and also a national gaming commission, the National Indian Gaming Commission (NIGC). Class I is defined as traditional and ceremonial games, which do not require regulation. Class II includes bingo and other similar games, which are regulated by the tribe first and then the NIGC. Class III is casino-style gambling and is regulated at the tribal, state, and national levels.

Throughout the 1980s, state anxieties about Indian casino gaming increased, and corporate casino owners teamed with states and with religious groups to try to stem the growth of Indian casino gaming. These tensions resulted in a call to study gambling, which manifested

in the National Gambling Impact Study Commission (NGISC).<sup>1</sup> Congress approved the Act (S 104-169) in 1996. The Act called for a comprehensive examination of social and economic impacts of gambling, corporate and state and tribal, across the United States, to interrogate whether gambling was more positive or more negative for the communities in which it was situated.<sup>2</sup> It took Congress nearly two years to agree upon the Commission's goals, to determine who would serve on the Commission and how members would be selected. During those two years Congress consulted with experts in corporate gaming and government gaming—including tribal gaming—as well as gaming opponents as it framed the work of the Commission. A previous study had been conducted in 1976, and the NGISC was charged with expanding upon that research.<sup>3</sup> Legalized gambling had exploded in the intervening twenty years. In 1976, only two states had legalized gambling. In 1996 only four states did not have some form of gambling.<sup>4</sup>

Nine members served on the Commission, three each appointed by the President, the Speaker of the House of Representatives and the Majority Leader of the Senate.<sup>5</sup> Only one of these commissioners, Robert Loescher (Tlingit), President of the Sealaska Corporation, had any familiarity with tribal sovereignty or tribal communities, and it is evident that Loescher and Native American individuals who participated in hearings before the Commission had a great deal of education to perform in order to foster comprehension of tribal sovereignty among the commissioners.<sup>6</sup> In addition to Loescher, the Commission included: James Dobson president of the evangelical Focus on the Family ministry; Kay James, dean of the School of Government at Regent University; Paul Moore, M.D. of Mississippi, a friend of Senate Majority Leader Trent Lott; William Bible, chairman of the Nevada Gaming Control Board; Richard Leone, president of the Twentieth Century fund, a progressive think tank; Terrence Lanni, CEO and Chairman of the Board of MGM Grand, Inc.; Leo McCarthy, former lieutenant governor of California; and John Wilhelm, secretary-treasurer of the Hotel Employees and Restaurant Employees International Union, a 40,000-member organization primarily serving employees of Las Vegas hotels and casinos. Two of these commissioners, Dobson and James, were staunchly and publicly anti-gambling, and the corporate gambling interests were anti-Indian gaming, at times viciously. One appointee, Paul Moore, displayed no opinions or prior knowledge of the gambling industry, and was apparently recruited simply because of his friendship

with the Senate Majority Leader. Critics on both sides of the gambling question charged the president and the Congressional leaders with loading the commission while advocates from both sides noted that impartial conclusions would be impossible as a result.<sup>7</sup>

In April of 1998, Loescher recommended formation of a subcommittee on Indian gaming. The complexities of tribal law, tribal sovereignty, and Indian gaming were far beyond the experience of the commissioners, and Loescher asserted that the Commission would operate more effectively if Indian gaming was a separate aspect within the study. As a result of Loescher's efforts, Indian gaming was the only kind of gambling to have its own subcommittee.<sup>8</sup> The Subcommittee on Indian Gambling was charged with examining "the impact of gambling upon Native American governments, families and communities." Paul Moore, John Wilhelm, and Robert Loescher served on this subcommittee, Moore as Chair, and cultural anthropologist Katherine Spilde was hired as a policy analyst for the subcommittee.<sup>9</sup>

The subcommittee essentially wanted to learn what gaming had done for Indian Country and if the IGRA was working. The group held hearings where tribal leaders detailed the numerous positive impacts of Indian casino gaming. The Shoshone Bannock tribe wanted the subcommittee to know that "Gaming is the oldest form of recreation: the Shoshone and Bannock peoples have conducted traditional games since time immemorial. Hand games and traditional card games still take place on weekends at community lodges."<sup>10</sup> Harris Teo of the Yakama Indian Nation observed, "Indian gaming is governmental gaming...To paint a negative picture of Indian gaming is another attempt to undermine Indian self-determination and self-sufficiency."<sup>11</sup> Tribes consistently discussed tribal sovereignty, which manifests as political sovereignty, cultural sovereignty, and economic sovereignty.

When the NGISC began its research in 1996, Indian casino gambling was entering its second decade. That President Clinton included it as an area for research and the Commission's creation of a subcommittee to more fully explore what Indian casino gambling meant for Native American communities and the communities around them is a testament both to the already-significant economic revenues generated by Indian gaming and to American anxieties about Indian gaming. Moreover, tribes and the National Indian Gaming Association (NIGA) played a central role in making Indian gaming part of the larger study of gambling in America. Timothy Wapato (Colville), former Executive

Director of NIGA, reminded the Commission, “It was Indian Nations who first proposed examination of the relationship between gaming revenue and the [tribal actions related to] poverty and welfare...and whether other “alternative revenue systems” are available to [tribal] governments. The final version of the legislation created a Commission which was intended by Congress to fairly and equitably examine Indian gaming in proper relation to the more global issues the Commission was created to examine.”<sup>12</sup>

More than one hundred tribal members from 50 gaming tribes<sup>13</sup> testified before the subcommittee, and the subcommittee consistently heard that Indian gaming was working, and that the IGRA was working. “Don’t destroy it;<sup>14</sup> it means economic survival.”<sup>15</sup> Mark Fox, on behalf of the North Dakota Indian Gaming Association and the Three Affiliated Tribes of the Fort Berthold Nation (Mandan, Hidatsa, and Arikara Nation), discussed grave rates of poverty and unemployment on the North Dakota reservations. He noted that gaming had not wholly resolved these issues but had improved employment and somewhat reduced poverty.<sup>16</sup> During another hearing, Clifton Pattea, President of the Fort McDowell Mohave-Apache Indian Community, reminded the subcommittee, “A few short years of revenue cannot reverse years of poverty, despair, and lack of quality education... [Our community] urges the Commission to find that Indian Governmental Gaming is positive and that it should be continued.”<sup>17</sup>

Cedro Gopsa of the Kickapoo Tribe of Texas indicated that gaming would be the only way this small and very poor tribe would begin to emerge from poverty. The tribe had won federal recognition in 1983, a long battle despite having a Peace Medal from George Washington recognizing them as American allies, but had no land base. The land base would provide homes and community, yes, but Gopsa intentionally focused the conversation on the inextricable connection between Kickapoo spirituality and homeland. Without a designated homeland, they had been prevented from worship, blocked from practicing their ancestral spiritualities. Gaming revenue would mean improved social services and education, but more importantly it represented the opportunity for cultural continuity.<sup>18</sup> In response to Gopsa, Moore proclaimed, “I got my wish. I think we heard from some ‘po’ Indians.” Without irony and barely pausing for breath after hearing from an impoverished community, Moore then observed that the Commission’s most serious charge was to determine “how much is enough.” Throughout the day, Moore

asked each participant what they thought of the term “rich Indian,” especially when he believed he had just heard testimony from one. Then he was thrilled to at last hear from “po’ Indians,” presumably because he found them more legitimate or credible than tribes who had won some economic successes through gambling.<sup>19</sup>

In fact, Moore misstated the Commission’s charge to determine “how much is enough.” In the authorizing legislation, Congress mandated the Commission “conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on Federal, State, local, and Native American tribal governments; and communities and social institutions generally.” The Act called for a report which summarized the research collected and which included recommendations of the Commission, but it did not authorize the Commission to limit growth of gaming or to identify ways to limit growth of gaming. Individual commissioners may have wanted to do so, but that was outside their authority.<sup>20</sup>

Moore’s questions about rich Indians and poor Indians illustrates American anxiety about whether Indians who were not impoverished could still be Indian. As historian Alexandra Harmon noted, “When it seemed that Indians could also be millionaires, many people tried to sort out their thoughts on ambition and on Indians simultaneously.”<sup>21</sup> The entire subcommittee process can be viewed through this lens. Throughout the testimony and the internal Commission meetings, Indian gaming and issues of whether tribes “deserved” to have gaming became a primary question for commissioners. They were intensely interested in controlling tribes through tighter regulations and through increased state and federal control over decisions related to Indian gaming. Whether or not commissioners favored or opposed gambling, with the exception of Robert Loescher, all of the commissioners believed tribes were somehow gaining unfair advantages through gaming. Lou Jones, head of security for the Viejas Tribe of California, a native Californian but not a tribal member observed, “I noticed you asked some questions earlier about rich Indians, which I thought was rather interesting. I have never heard anybody ask any business about rich owners. It seems to me that sometimes in dealing with Indians, if they are successful, we have a double standard here, and this is what is happening in California.”<sup>22</sup>

Anthropologist Katherine Spilde noted that the rhetoric of “rich Indians” has been used by outsiders to “weaken tribal claims of sovereignty on the basis that tribes do not *need* sovereign rights now that they have

a new economic resource (emphasis in the original).<sup>23</sup> Tribes acknowledged recent economic successes at the same time they asserted tribal sovereignty and while reminding Commissioners about federal commitments to tribes. Stanley Crooks, Chairman of the Shakopee Mdewakanton Dakota community asserted, “Gaming has brought substantial progress, but it will be many years before the devastation of nearly 200 years can be remedied, particularly for larger tribes in rural areas...That is why I firmly believe that the Federal Government must continue to maintain its trust responsibility to the tribes, irrespective of whether gaming continues or not. Our Mdewakanton ancestors ceded 24 million acres of land and gave up a way of life in exchange for the promise of protection by the United States. That protection must be honored.”<sup>24</sup> All tribes noted the economic impact on the reservations and surrounding communities, where even low-revenue casinos put hundreds of thousands of dollars into localities and states through goods and services purchases and through payroll taxes and charitable contributions. For higher revenue casinos, these figures soared into the millions. Critics of Indian gaming have noted that low-revenue casinos generate little for their communities, but those conclusions overlook the importance of tribal self-determination, tribal economic development, and tribal member pride in steady employment which feeds their families and their intellect. Tribes do not view gaming as a wealth generator, but instead as a mechanism which supports the real wealth: community, culture, self-determination, and sovereignty. Put another way, viewing Indian gaming simply through the lens of economic development misses the point. And that’s why it was so important for the subcommittee to hear tribal testimony.

Stan Rice, Jr., President of the Yavapi-Prescott Tribe, shared his community’s story, “Today, I come before you to share a success story. A true story of self-sufficiency, growth, community involvement and, most importantly, a story of pride...Once the recipient of charity and governmental support, we are now giving back to our community and supporting many of those charitable groups which once helped us...In summary, I pose the question, ‘What has gaming revenue done for the Yavapi-Prescott Tribe?’ The answer is...fulfill a dream. What we once thought was impossible has now been made possible...Now we are in a position to realize our dreams, to build a community, and to preserve our heritage.”<sup>25</sup>

## Hostilities

As tribal leaders shared meaningful accounts of tribal restoration and noted some of the positive social, cultural, and economic impacts gaming had on their communities, subcommittee members seemed to remain somewhat obtuse. As a result, tribal governments and individuals testifying before the subcommittee often felt they faced a hostile environment. Two issues in particular emerged as points of contention during the hearings: John Wilhelm’s conflict of interest and the Commission’s insistent requests for casino-by-casino tribal revenue data despite the NIGC’s response that the data was legislatively deemed confidential by the IGRA.

John Wilhelm, on behalf of the HERE Union, had brought five lawsuits and National Labor Relations Board (NLRB) proceedings against tribes. Jacob Coin, Executive Director of NIGA, observed that Wilhelm was “engaged in out-and-out warfare with Indian tribes,” and that it “reflect[ed] poorly on the credibility of the entire Commission for it not to insist that Mr. Wilhelm remove himself from issues and reports involving Indian gaming.”<sup>26</sup> The day after the first Indian subcommittee hearings in San Diego, the Coalition of Northern California Tribes, via Priscilla Hunter (Chairperson, Coyote Valley Tribe) and Victor Preston (Chairman, Susanville Rancheria), wrote to Commission Chair Kay James about Wilhelm’s behavior. Hunter and Preston noted that the subcommittee told tribes seating was limited to 20, so tribes should not bring employees or tribal members. Upon arriving the first day, they discovered the hearings were actually held in a large room. On the second day, tribes arrived to find “the entire ballroom filled to over capacity with Latino people who were there in opposition to Proposition 5, [California’s] Indian Gaming Initiative. They were wearing yellow union shirts and holding yellow ‘Vote No on 5’ placards.” Hunter and Preston went on to say that tribal members who spoke Spanish asked the protestors why they were at the hearing. “The Latino people told the tribal members that they did not know why they were there. They were just told to be there and they would be paid. They were told to clap when everyone else did. And they were told NOT to speak with anyone (emphasis in the original).”

Despite these interruptions, tribes continued to testify before the subcommittee, clearly recognizing that they may have few chances to illustrate the impacts of tribal gaming. Tribes initially felt the hearing went well, until, “We were outraged when, at the conclusion of the hearing and still within the ballroom, Commissioner

John Wilhelm led an anti-Indian rally with the union supporters, encouraging them to continue their fight against Indian gaming. There is no doubt in our minds that Commissioner Wilhelm has a severe conflict of interest...Commissioner Wilhelm's display is an insult to the California Indian people. Did the Commission invite tribes to a meeting to be publicly humiliated?" Hunter and Preston concluded that tribes were willing to share information and that they expected to be treated with dignity and respect, and they also requested that any future overt bias be eliminated from the Commission.<sup>27</sup> Wilhelm's public anti-Indian bias was not enough to remove him from the Commission; he remained a member through the Commission's end.

In addition to the conflict of interest inherent in seating Wilhelm on the Commission, tribes also had to repeatedly assert why the Commission was not entitled to see confidential tribal casino revenue and income statements. The IGRA expressly restricts disclosure of tribal gaming information and it requires the NIGC to keep all tribal information confidential. Timothy Wapato (Colville), former Executive Director of the National Indian Gaming Association, reminded the Commission, "The authorizing Committees in Congress (Senate Indian Affairs Committee and the House Resources Committee) have done oversight or examination on the effects of [the IGRA]...exceeding a rate of three times a year. The idea behind this Commission was not that Congress needed additional information on Indian gaming from a national Commission with limited experience in Indian Nation matters."<sup>28</sup> Each of the one hundred people testifying from their tribes addressed regulation in their testimony, each one describing the three or four levels of auditing and regulation their casinos employed, and despite this, the Commission chose to impugn tribes and sovereignty by concluding that tribes are "unregulated," the very conclusion tribes and NIGA had feared from the beginning of the study. Keller George, President of the United South and Eastern Tribes and Chairman of the Oneida [New York] Indian Gaming Commission posed this question to the subcommittee in January 1998: "How do you reconcile this overwhelming body of evidence with the accusation that Indian gaming is unregulated? The answer is quite simple—when you focus on who is making the accusation. To the best of my knowledge, no state government official has suggested to the NGISC that the regulation of Indian gaming is inadequate or that there is rampant corruption on

Indian reservations...Further, the federal government has not appeared before this Commission to suggest that organized crime has invaded Indian gaming... The principle purveyors of the myth that Indian gaming is unregulated are the owners and operators of non-Indian casinos." George observed that these owners were simply afraid of competition and that the motive for this misinformation was "a quest for monopolistic power." George went on to say that outsiders who concluded that tribes were not capable of self-regulation expressed sentiments that were at best paternalistic, at worst racist. "In all events, these attitudes will no longer be tolerated!"<sup>29</sup>

One leader lamented, "There is, in Indian Country, a continuing fear of this Commission. There is concern that this study will fail to report the facts despite the many and historic efforts of Indian Nations to participate openly and honestly. Events have occurred during the life of this Commission which do not develop trust that this Commission is interested in the facts about Indian gaming."<sup>30</sup>

## Final Report

After a year of collecting testimony from tribes, the subcommittee presented their findings to the whole Commission. Robert Loescher reminded his fellow commissioners that, per the IGRA, revenues from Indian gaming must be used for the social and economic impact of tribal members. "In my view, gaming is just a tiny down payment on the deficit of stupendous social and economic needs facing the vast majority of Native American citizens. The Commission record strongly supports the conclusion that the economic benefits under IGRA are being realized."<sup>31</sup>

An early draft of the Indian Gambling Subcommittee report concluded, "Tribal government gaming is inherently problematic from a jurisdictional point of view since Indian affairs are primarily a Federal concern and gambling is historically a state one. Tribal government gaming has intensified tensions over Federal, state, and tribal jurisdiction that have existed for over 200 years."<sup>32</sup> After one year of tribal testimony regarding the positive social, cultural, and economic impacts of tribal gaming, and one year of extensive discussion of the IGRA, the subcommittee chose to reinforce state anxieties over tribal sovereignty rather than use its position to explain tribal gaming more clearly. At the Senate Committee on Indian Affairs oversight hearing on Commission's final report, NIGA president Rick Hill (Oneida) observed that the Commission could not understand

tribes, “it was like Frankenstein meeting Dracula.” No one on the Commission spoke the language necessary to understand Indian-government gaming.<sup>33</sup>

Ultimately, the final Subcommittee on Indian Gambling report did not include the draft language and it was generally positive for tribes. It also changed almost nothing. The Commission’s final report included fifteen recommendations—the Commission had no authority to implement recommendations or infringe on tribal, federal, or state authority—ranging from recognizing and protecting tribal sovereignty and state sovereignty to acknowledging that the NIGC is the lead federal regulator of Indian gaming and that tribes must report annual gambling financial information to the NIGC. The recommendations encouraged tribes, states, and localities to continue to work together to find mutually beneficial solutions for local infrastructure, and that tribes and states should voluntarily work together with unions to ensure workers’ rights. The Commission observed that tribes and states should work together, rather than expecting the federal law to resolve issues, but at the same time, the Commission called for Congress to specify “a constitutionally sound means of resolving disputes between states and tribes regarding Class III gaming.”<sup>34</sup> At last, states and tribes found common ground in their opposition to the recommended Congressional solution for tribal-state compacting. Tribes and states both asserted that such legislation would diminish their respective sovereignties and would eliminate the need to cooperate.<sup>35</sup>

Tribes had spent two years educating Commissioners about tribal government gaming. Tribal leaders clearly expressed how gaming had changed the lives of their tribal members and how the economic impact of gaming provided tribes with avenues to enhance their political sovereignty and cultural sovereignty. Joseph Kalt, from the Harvard Project on American Indian Economic Development, told the Commission, “Tribal gaming operations are the epitome of self-determination and self-government...They represent acts of political will, expressed through tribal members’ own governments.” Viewed through the continuum of federal Indian policy from separation to assimilation to self-determination, tribal gaming unquestionably illustrates how tribes implement their own solutions how little tribes need a benevolent “Great Father.” It is also important to reinforce that the NGISC report did not change anything for Indian gaming because tribal leaders participated in those conversations. Unlike removal and allotment and termination, tribal

leaders defended tribal rights directly to the federal officials trying to diminish those rights. Social activist LaDonna Harris (Comanche) observed that tribes need to institutionalize self-determination. “We know that success depends on tribal leaders and Native activists being at the table before—not after—major decisions are made.”<sup>36</sup> The success of Indian gaming was never assured, a reality which is easy to forget forty years into tribal gaming.<sup>37</sup> The testimony of these tribal leaders not only protected tribal government gaming for one more day, it also advanced self-determination and reinforced sovereignty.

## Endnotes

- 1 An Act to Create the National Gambling Impact and Policy Commission, Public Law 104-169 (hereafter P.L. 104-169), 104<sup>th</sup> Congress (August 3, 1996).
- 2 Taylor Branch, *The Clinton Tapes: Wrestling History with the President*, (Simon and Schuster, 2009), 359-360. Corporate gaming interests lobbied hard against Clinton, calling his assessment of the gaming industry an act of “treating legitimate corporations like gangsters.” Note that these corporate interests sought only to protect only their industry; they were not also defending Indian casino gaming.
- 3 For a short overview of the Commission’s report, see Jackie Barone, “Report of the National Gambling Impact Study Commission,” in *American Indian Law Review* 24, no. 2 (1999-2000); 493-501.
- 4 Former Senator Paul Simon, Charge to the Commission, June 20, 1997, 36, National Gambling Impact Study Commission, <http://govinfo.library.unt.edu/ngisc/meetings/june2097/june20p3.html#p3-2> retrieved June 20, 2015.
- 5 P.L. 104-169
- 6 State and corporate gaming interests were represented by commissioners, as were Christian Conservatives and union interests. The National Coalition Against Legalized Gambling asserted that Clinton’s appointment of three pro-gambling commissioners (Bible, Lanni, and Wilhelm) completed “a trio of mouthpieces for the Las Vegas casinos” in Tom Strode, “Clinton Completes Gambling Panel,” The Ethics and Religious Liberty Commission of the Southern Baptist Convention, 5/1/1997, Katherine Spilde Tribal Gaming Research Files, University of Nevada Las Vegas Special Collections (hereafter Spilde Papers), box 39, folder “Commissioners.”
- 7 Steven Andrew Light and Kathryn R.L. Rand, *Indian*

- Gaming and Tribal Sovereignty: The Casino Compromise*, (University Press of Kansas, 2005), 54.
- 8 Letter from Robert Loescher to Kay James, “National Gambling Impact Study Commission,” April 14, 1998, Spilde Papers, box 40, folder “Indian Subcommittee Witness Lists.”
  - 9 Spilde Papers, box 40, folder “NGISC agendas.”
  - 10 Testimony of the Shoshone-Bannock Tribes to the National Gambling Impact Study Commission Subcommittee on Indian Gaming, Seattle, Washington, January 7, 1999, presented by Mr. Keith Tinno, Chairman, Fort Hall Business Council, 1, Spilde Papers, box 39, folder “Keith Tinno, Shoshone Bannock.”
  - 11 Yakama Indian Nation and Yakama Nation Gaming Commission testimony before the National Gambling Impact Study Commission, Seattle, WA, January 7, 1999, 3, Spilde Papers, box 39, folder “Harris Teo, Yakama Indian Nation.”
  - 12 Testimony of S. Timothy Wapato, Consultant and Former Executive Director, National Indian Gaming Association, before the National Gambling Impact Study Commission Subcommittee on Indian Gaming, Seattle, Washington, January 7, 1999, 3-4, Spilde Papers, box 39, folder “S. Timothy Wapato NIGA.”
  - 13 In 1998, 146 tribes had Class III gaming facilities, out of a total of 554 tribes. The 50 tribes who participated in the NGISC hearings represented more than one-third of tribes with Class III gaming. National Gambling Impact Study Commission Report, National Gambling Impact Study Commission, June 18, 1999, 6-2.
  - 14 Testimony of President Audrey Kohlen, Prairie Island Community, National Gambling Impact Study Commission, Seattle, WA, January 7, 1999, 3, Spilde Papers, box 39, folder “Audrey Kohlen, Prairie Island Comm.”
  - 15 Statement on behalf of the Confederated Tribes of the Warm Springs Reservation of Oregon, NGISC Subcommittee on Indian Gaming, Seattle, WA, January 7, 1999, 3, Spilde Papers, box 39, folder “Warren Clements, Warm Springs Rez, OR.”
  - 16 Testimony of Mark Fox on behalf of the North Dakota Indian Gaming Association and the Affiliated Tribes of the Fort Berthold Nation, Tempe, AZ, August 1, 1998, “National Gambling Impact and Study,” transcript prepared from recordings, 164, Spilde Papers, box 39, folder “Frank Chavez, Sandia Pueblo.”
  - 17 Written testimony of Clifton M. Pattea, President, Fort McDowell Mohave-Apache Indian Community, on Behalf of the Fort McDowell Mohave-Apache Indian Community Regarding the Benefits of Tribal Governmental Gaming (Indian Gaming) Submitted to the National Gambling Impact Study Commission, May 25, 1998, 6, Spilde Papers, box 39, folder “Clifton Pattea Fort McDowell Indian Community.”
  - 18 At the time of this testimony, the Kickapoo Tribe of Texas was at the beginning of a good-faith negotiation of a gaming compact with Governor George W. Bush. As of this writing, the Kickapoo have unsuccessfully pursued a gaming compact with Texas to operate Class III gaming, but their Lucky Eagle Casino had been open as a Class II site since 1996.
  - 19 Testimony of Cedro Gopsa on behalf of the Kickapoo Indians of Texas, Tempe, AZ, August 1, 1998, “National Gambling Impact and Study,” transcript prepared from recordings, 188-189, Spilde Papers, box 39, folder “Cedro Gopsa, Texas Kickapoo.”
  - 20 PL 104-169, 104<sup>th</sup> Cong., sec. 4. Duties of the Commission.
  - 21 Alexandra Harmon, *Rich Indians: Native People and the Problem of Wealth in American History*, (Chapel Hill: The University of North Carolina Press, 2010), 3.
  - 22 Testimony of Lou Jones, Head of Security, Viejas Band of California Indians, Tempe, AZ, August 1, 1998, “National Gambling Impact and Study,” transcript prepared from recordings, 169-170, Spilde Papers, box 39, folder “Lou Jones, Viejas.”
  - 23 Katherine Spilde, “Acts of Sovereignty, Acts of Identity: Negotiating Interdependence Through Tribal Government Gaming on the White Earth Indian Reservation,” (Ph.D. dissertation, University of California, Santa Cruz, 1998), 13.
  - 24 Testimony Stanley Crooks, Chairman of Shakopee Mdewakanton Dakota Community, Tempe, AZ, August 1, 1998, “National Gambling Impact and Study,” transcript prepared from recordings, 22-23, Spilde Papers, box 39 “Stanley Crooks, Shakopee.”
  - 25 President Stan Rice, Jr., Remarks, National Gambling Impact Study Commission, Tempe, Arizona, July 31, 1998, 2, 3, 10, Spilde Papers, box 39, folder “Stan Rice, Yavapi Prescott Indian Tribe.”
  - 26 “Letter from Jacob Coin, Executive Director of the National Indian Gaming Association to Timothy Kelly, Ph.D., Executive Director, National Gambling Impact Study Commission, March 3, 1999,” 2, Spilde Papers, box 30, folder “NGISC—NIGA.”
  - 27 “Commission hearing July 29, 1998, “ letter from Priscilla Hunter, Chairperson, Coyote Valley Tribe and Victor

- Preston, Chairman, Susanville Rancheria, to Kay James, Chair, National Gambling Impact Study Commission, Spilde Papers, box 39, folder "Priscilla Hunter Coyote Band of Pomo."
- 28 Testimony of S. Timothy Wapato, Consultant and Former Executive Director, National Indian Gaming Association, before the National Gambling Impact Study Commission Subcommittee on Indian Gaming, Seattle, Washington, January 7, 1999, 2, Spilde Papers, box 39, folder "S. Timothy Wapato NIGA."
- 29 Statement of Keller George, President of the United South and Eastern Tribes, Assistant to the Nation Representatives, Oneida Nation, Chairman of the Oneida Indian Gaming Commission, submitted to the National Gambling Impact Study Commission for inclusion in the record for the hearing held January 7, 1999 in Seattle, Washington, 1-2, Spilde Papers, box 39, folder, "Keller George in Seattle."
- 30 Testimony of S. Timothy Wapato, Consultant and Former Executive Director, National Indian Gaming Association, before the National Gambling Impact Study Commission Subcommittee on Indian Gaming, Seattle, Washington, January 7, 1999, 5-6, Spilde Papers, box 39, folder "S. Timothy Wapato NIGA."
- 31 Statement by Commissioner Robert Loescher of the National Gambling Impact Study Commission, Presented to United States Senate Committee on Indian Affairs, Washington, D.C., June 23, 1999, 30.
- 32 Indian Gambling Subcommittee Report, Draft 2/4/99, 19, Spilde Papers, box 40, untitled folder.
- 33 Senate Committee on Indian Affairs, S. Hrg. 106-117, Oversight Hearing on the Final Report of the National Gambling Impact Study Commission, June 23, 1999, 21.
- 34 National Gambling Impact Study Commission Report, 6-22—6-24.
- 35 Senate Committee on Indian Affairs, S. Hrg. 106-117, Oversight Hearing on the Final Report of the National Gambling Impact Study Commission, June 23, 1999, Testimony of Richard Hill, President, National Indian Gaming Association, 53; Testimony of Raymond Schepach, Executive Director of the National Governor's Association, 54.
- 36 <http://indiancountrytodaymedianetwork.com/2015/07/08/institutionalizing-native-american-self-determination-movement>, retrieved July 9, 2015.
- 37 Katherine Spilde, personal communication, April 1, 2015.





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#### About the Author

Laurie Arnold is an enrolled member of the Sinixt Band of the Colville Confederated Tribes and is Director of Native American Studies at Gonzaga University. She has previously held positions at the D'Arcy McNickle Center for American Indian and Indigenous Studies at the Newberry Library in Chicago and at the University of Notre Dame. Her first book, *Bartering with the Bones of Their Dead: The Colville Confederated Tribes and Termination*, was published by the University of Washington Press in 2012. She holds a PhD in History from Arizona State University and a Bachelor's degree in History from Oregon State University.

Professor Arnold's next project, *The National Indian Gaming Association and Intertribal Activism: Community Leaders, National Impacts*, is a study of Indian gaming told from the beginning, through the lens of leaders who advocated on behalf of tribes and who continue to advance tribal goals three decades later. She developed the foundation for this project during her time as an Eadington Fellow at the UNLV Libraries in 2015.

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