

Running head: THE IMPACT OF TRIBAL GAMING

The Impact of Tribal Gaming in Rural Communities:
A Case Study of the Mashantucket Pequot in New London County
and the Prospect of Tribal Gaming in Robeson County

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TABLE OF CONTENTS

ABSTRACT.....	3
INTRODUCTION.....	4
THE INDIAN GAMING REGULATORY ACT.....	8
LAND INTO TRUST PROCESS.....	15
POSSIBLE THREAT TO TRIBAL SOVEREIGNTY.....	20
FEDERAL ACKNOWLEDGMENT PROCESS (FAP).....	23
The Process Defined.....	23
Problems with the process.....	23
FAP: A Political process.....	25
Benefits of FAP.....	26
Tribal sovereignty: Another benefit.....	27
THE PEQUOT QUEST FOR FEDERAL ACKNOWLEDGMENT.....	29
The Mashantucket Pequots: A Dying Nation.....	29
Their Rise to Revitalization.....	31
The Controversial Pequot Story.....	31
A Question of Identity.....	36
THE LUMBEE QUEST FOR FEDERAL ACKNOWLEDGMENT.....	37
Who are the Lumbee?.....	37
The Journey with No End.....	39
THE POSITIVE ASPECTS OF TRIBAL GAMING.....	41
NIGA 2004 Impact Analysis.....	42
Traditions in Giving.....	44
Gaming Tribes: A Strong Arm in the Political Arena.....	45
Table 1. Mashantucket Pequot Contributions to Federal Candidates and Parties.....	48
Residential Property Values.....	49
THE NEGATIVE IMPACTS OF TRIBAL GAMING.....	49
Strain on New London Towns.....	50
Impact of Foxwoods on Ledyard.....	52
Table 2. Costs to Ledyard resulting from Foxwoods (2000-2001).....	53
Host Communities Cry for Relief.....	54
Gambling Addiction: A Tribal Social Evil.....	55
Pathological Gambling Among American Indian Vets.....	55
Pathological Gambling: Another Study.....	57
METHODOLOGY.....	58
Lumbee Tribal Casino Survey.....	59
Statistical Analysis of the Data.....	60
Table 3. Frequency of Respondents by Group.....	61
CONCLUSION.....	69
REFERENCES.....	74

ABSTRACT

In the quietness of a small Connecticut town, a surprise to those unaware, one can find the world's largest casino. Ledyard, Connecticut, with a population of approximately 15,600, lists the Mashantucket Pequot Tribal Nation as the top employer in the community. There are endless questions that have surfaced as to the effects of a tribal casino on a rural community. Are these small towns equipped to handle the masses of patrons that visit these casinos twenty-four hours per day, seven days each week, three hundred and sixty-five days each year? What are the social issues related to making gambling so easily accessible in a rural community? In the case of Robeson County, specifically Lumberton and the surrounding area, what temptation would gambling foster in such an economically impoverished community? The National Indian Gaming Association has just released a study on the economic impact of Indian gaming that even in the title states "Tribal Government Gaming: The Native American Success Story." Is tribal gaming a true success story or do we gauge success by disregarding the failures? This paper will explore tribal gaming and the impact on rural communities such as Ledyard and the Robeson County area.

INTRODUCTION

Out of the vast expanse of the southern Nevada desert, Mayme Stocker had a vision. Stocker, wife of a railroad man and mother of three boys, had no background in gaming but held the first legal casino license in Las Vegas. Her vision of success in gambling and luxury resort hotels began with the opening of the Northern Club in the early 1900s. Mayme's dream for success, in the parched desert town, triggered a small building boom on the highway that we today know as the legendary Las Vegas Strip (Hopkins & Evans, 1999).

The late 1940s and early 50s brought forth a modest beginning in legalized gambling in Nevada with the opening of Bugsy Siegal's Flamingo Hotel followed by others such as the Golden Nugget, Sands, Sahara, Riviera, Stardust, Dunes, and Tropicana. This was the birth of Las Vegas, as we know it today, the City of Entertainment®. May 2005 marks a celebration in Las Vegas for 100 years of gambling success (Las Vegas Convention and Visitors Authority, 2005, Vegas History Section).

In the tradition of Mayme Stocker and holding on to that dream of success with a strong fist is the entrepreneur, Steve Wynn. Wynn, the impresario of various resorts on the Las Vegas Strip, is anticipating the opening the most recent mega-resort on the Strip. The Las Vegas Wynn, costing \$2.7 billion, adds strength to the "gaming giants of the west" with other mega-resorts such as the Bellagio, Monto-Carlo, the Venetian and many more. With annual visits exceeding the 37-million mark, Las Vegas continues to hold the title of one of the world's top travel destinations.

The glory of Las Vegas is not limited to the far west of the United States. All across this country, from paddle wheelers in the Mississippi, casino day-cruise boats, and on numerous Indian reservations, the casino highlife innervates America. Three thousand miles from the Las Vegas strip and three hundred miles from Atlantic City is the gambling behemoth of the Mashantucket Pequot Tribal Nation, Foxwoods Resort and Casino in Ledyard, Connecticut.

Ledyard, Connecticut is a quaint rural community, and one would never dream that, while driving quiet picturesque roads through Ledyard, past small country churches, by the Ledyard Public Library, there rests the world's largest casino nestled in a wooded area on a once "sleepy" Route 2.

Retired senior citizens to high-stakes gamblers compose the estimated 40,000 daily visitors making the trip up Route 2 to Foxwoods Resort and Casino. The Mashantucket Pequot Tribe has evolved into tribal royalty with the establishment of their lucrative business ventures outside of gaming bankrolled by profits from Foxwoods. In a January 15, 2005 press release on the casino website, the Foxwoods Resort Casino released their latest reporting of net earnings of \$62.3 million in December 2004 (Foxwoods Resort and Casino, December 22, 2004, Press Center, ¶ 1).

However, like many success stories, the saga of the Mashantucket Pequot Tribal Nation offers tales of woe, struggles, despair and like many Indian nations, the modest beginnings of poverty-stricken individuals. One would say that to appreciate where you are, you must first explore where you began. I will tell the story of Elizabeth George, the 78-year old woman, last of her kind, so to speak, left on the reservation in Connecticut.

You should know the story of her ambitious grandson, lacking the stability to find his place in the world but yet, finding a small clan to join him, fought a fight – the fight of a lifetime that resulted in the kingdom of the southeast “gaming giants” settled in this rural New England community.

The virtual overnight success of the Mashantucket Pequot Tribe has set into place a domino effect across the nation with other Indian tribes. The quest for federal recognition, speared on by hopes of obtaining a “piece of the gaming pie” is driven by a force that almost surpasses that of Columbus in search for his idea of a “New World.” Federal recognition, for some, offers that “New World” - a New World similar to the dreams of Columbus – a place of opportunity for our youth.

Similar to the Mashantucket Pequot Tribe of Connecticut, the Lumbee Tribe of Robeson County has found this quest for federal recognition one of struggle and disappointment – all of which are driven by this same desire to obtain a firm standing as a tribe recognized, with all the rights and privileges of other federally recognized Indian tribes.

With this onset of tribes seeking federal recognition status, we must question the force behind this quest. There are so many questions that should be answered. For instance, do we envy the success of the Mashantucket Pequot Tribal Nation? Are we so greedy that we would sacrifice the future of our children to line the pockets of private investors pushing federal recognition for those tribes that may offer similar success in markets untouched by gaming? Such success may lie with the Lumbee Tribe of Robeson

County and the possible windfall that the location near the Interstate 95 in Lumberton would offer.

Should we say that Senator Elizabeth Dole has dollar signs in her eyes when she offers her support to the push for federal recognition of the Lumbee Tribe? It is common knowledge that successful gaming tribes have become political “giants” with the millions of gaming revenue contributed to the success of the political candidate of their choice each year. Senator Dole is not oblivious to these facts. If she is politically savvy, as we are sure that she is, she has her eye on the prize – the prize to be won by supporting the Lumbee Tribe, one of the largest in the nation – in their quest for federal recognition. It is essential to recognize that this journey of the Lumbee Tribe began long before the onset of tribal gaming.

A crucial question to ask is whether the Lumbee tribal members want a casino in our community. I have developed a survey consisting of ten questions to assess the attitudes of the Lumbee on tribal gaming. Testing survey research, a quasi-experimental design, is the most popular research tool in Public Administration. This instrument offers a wealth of data in determining relationships between dependent and independent variables in a survey. The statistical data derived from this survey will offer the opportunities to determine whether relationships exist between gender, age, household income and education level and the question to support a Lumbee tribal casino. The research will determine what age group is more inclined to support a tribal casino. Would tribal members with a lower income level prove more inclined to support a tribal casino? What factors most influence those individuals that do not support tribal gaming -

religious beliefs? Given that Robeson County is located in the “Bible Belt,” would the Tribe entertain the possibility of gaming? The survey instrument opens the door for tremendous levels of information into the attitudes of the Lumbee people toward tribal gaming.

THE INDIAN GAMING REGULATORY ACT

To understand the issue of tribal gaming, it is necessary to explore the history of the Indian Gaming Regulatory Act and its goals to promote self-sufficiency among federally recognized Indian Tribes. It is necessary also to understand the federal recognition process. What exactly does this process entail? Is the search for federal recognition status driven by the aspiration to tap into the gaming industry or a true desire for this self-sufficiency that the Land into Trust Process was established to promote? How has this billion-dollar-a-year gaming industry resulted in what many view as outright abuse of the land into trust process of the Indian Gaming Regulatory Act of 1988? I will examine these issues, their deficiencies, and their role in this tribal gaming phenomenon. Additionally, I will explore the history of the Mashantucket Pequot Tribe, and whether or not their experiences with gaming are relevant for the future of the Lumbee.

The National Indian Gaming Commission was established pursuant to the Indian Gaming Regulatory Act of 1988. The federal regulation was enacted for the purpose of regulating tribal gaming operations. In an exploration of the establishment of the National Indian Gaming Commission (NIGC), one must begin with the Indian Gaming Regulatory

Act and the events that prompted Congress to consider tribal gaming and the establishment of a governing body to oversee the functions thereof.

W. Dale Mason (2000), author of *Indian Gaming: Tribal Sovereignty and American Politics*, begins the section entitled “Indian Gaming and the Courts” with the landmark case of *Seminole v. Butterfield*. The Seminole Tribe of Fort Lauderdale, Florida, operated bingo games six days a week with prizes in excess of the \$100 limits established by the Florida state law. Sheriff Robert Butterfield of Broward County was set to arrest individuals at the bingo halls. The author notes that the court’s decision was based upon *Bryan v. Itasca County* where the Court developed the civil/regulatory, criminal/prohibitory test for P.L. 83-280 states. Congress enacted Public Law 83-280 (PL 280) in 1953, delegating limited jurisdiction over Indian Country to several states (CA, MN, NE, OR, and WI. AK was added in 1958). If a statute regarding an activity conducted in the state was merely civil and regulatory in nature, it was not enforceable against Indian tribes within the state.

The district and circuit courts found that the Seminole Tribe could continue the operation of their “high-stakes” bingo halls. Instantaneously, other tribally-operated bingo establishments were opened that functioned above the state limits. *Bryan and Butterfield* became the benchmark case for federal court decisions (Mason, p. 47).

The most historic case involving state authority over tribal gaming was that of the State of California and the Cabazon and Morongo bands of Mission Indians. The gambling laws of California offered opportunities for tribes to engage in a number of gaming activities but card games were not legal. After court victories over tribal bingo

halls, the General Council of the Cabazon Band of Mission Indians approved the institution of “card clubs” along with the high-stakes bingo games. Two days after the opening of the Cabazon card club, the Indio City Police Department raided the establishment, making arrests and ordering the club closed. Subsequently, the tribe filed suit against the City of Indio and the Federal District Court found in favor of Indio (Mason, p. 48).

Approximately two years later the Ninth District Court of Appeals reversed the Federal District Court decision by noting that the state gaming laws did not apply to the Cabazon. Ignoring the Court of Appeals decision, the officers of Riverside County continued to enforce their state card club laws on reservation land. The Morongo Band of Mission Indians experienced similar adversity in their attempts of operating a gaming facility.

The Cabazon Tribe and Morongo Band of Mission Indians filed suit against Riverside County that resulted in success at the decision of Judge Laughlin E. Waters. Mason records California’s appeal as such, “First, State gambling policy is frustrated if Indian tribes can market an exemption from State gambling laws to non-Indians. Second, the tribal bingo games create a serious risk of organized crime infiltration...The federal interest is, at most, neutral in this case” (Mason, p. 50).

In another attempt to control tribal gaming, California sought to apply the Organized Crime Control Act. The Supreme Court ruled in favor of the tribes. Justice Bryon White writes, “The inquiry is to proceed in light of traditional notions of Indian sovereignty and the congressional goal of Indian self-government, including its

‘overriding goal’ of encouraging self-sufficiency and economic development.”

The history of Indian gaming rests upon the landmark Cabazon ruling. (Mason, p. 51).

This leads to the place in gaming history where Congress succumbs to the pressure to establish some concrete regulations for tribal gaming. Stephen L. Pevar (2002), Indian Rights teacher and attorney, explores the creation of the Indian Gaming Regulatory Act in his book, *The Rights of Indians and Tribes: the Authoritative ACLU Guide to Indian and Tribal Rights*. Pevar (2002) explains that Congress enacted the Indian Gaming Regulatory Act for the purpose of providing states with the power to regulate certain aspects of Indian gaming while providing a gateway for the preservation of tribal autonomy” (Pevar, p. 320).

The author explains that the IGRA divides Indian gaming into three classes, each governed by a different set of rules. Social games played for minimal prize amounts and those utilized in traditional tribal ceremonies are categorized as Class I gaming that is under the sole governance of the tribe.

Pevar states that the following games are under the Class II category: card games, bingo (to include electronic bingo), some forms of pull-tabs and lotto. Class II gaming is exempt from state regulation under the following regulations: (1) the type of gambling must be permitted by the state and (2) a tribal ordinance should be established to permit the gaming activity. Class III gaming is simply gambling that falls into neither the Class I nor Class II categories.

Pevar (2002) cites in his book, tribes are required to satisfy both regulations of the Class II gaming in addition to a third requirement. The additional stipulation requires the

tribe to obtain permission from the state before entering into gaming ventures. The Indian Gaming Regulatory Act allows tribes to engage in Class II and Class III games that are permitted by the state. However, the state is not required to approve each game that the tribes desire to offer as long as the category of gaming has been approved. The author notes that Congress may prohibit some tribes from engaging in Class II and Class III gaming when gambling is not permitted by the state (Pevar, p. 321).

Thomas Barker and Marjie Britz (2000), in their book, *Jokers Wild: Legalized gambling in the Twenty-first Century*, expound upon the primary goals of the Indian Gaming Regulatory Act (IGRA) of 1988. The first objective Congress considered was a means of providing a “legal and statutory foundation” for tribes to participate in gaming (Barker & Britz, p. 62). Barker and Britz agreed that Congress acknowledged that gaming would prove beneficial in the economic development of Indian Country.

The second expectation was to ensure that tribes would maintain their “right to sole ownership” of the operations while benefiting from the profits of tribal gaming. The writers explain that the operation of tribal gaming facilities should be conducted by the entire tribe and not the individual tribal members. At the time this book was written, private companies with investments in reservation casinos were eligible to receive 40 percent of the profits for a period of seven years (Barker & Britz, p. 63).

The prevention of organized crime within tribal gaming facilities was another primary mission of the National Indian Gaming Commission. The IGRA formulates structure for compacts or treaties between the states and tribes for the purpose of designating categories of games, prize percentages, procedures for internal control and

other issues of enforcement. Many tribes criticize tribal-state compacts because often times the result is a violation of tribal sovereignty. By the same token, the states feel they have lost their rights.

The section of the Indian Gaming Regulatory Act that references gaming for any purpose by any group has caused dissatisfaction in a number of non-gaming states. Tribal interpretation of this portion has resulted in the opening of many casinos and slots in states that have mandated this sort of gambling illegal. This window of vague interpretation presented the Mashantucket Pequot Tribe of Connecticut with the opportunity to open their tribal casino simply because nonprofit entities in the state were conducting ‘Monte Carlo Nights.’

The fifth goal of the IGRA was the establishment of the three classes of Indian gaming – as discussed above in the Stephen L. Pevar book. The final goal was to ensure the fair treatment of the gaming tribes and their patrons. (Barker & Britz, p. 64).

The official website for the National Indian Gaming Commission (www.nigc.gov) holds a wealth of information important to the understanding of the agency. The National Indian Gaming Commission consists of a Chairman and two Commissioners, all of whom serve full-time for a term of three years.

The President of the United States appoints the Chairman contingent upon the Senate’s approval. The Secretary of the Interior is responsible for the appointment of both Commissioners. The Indian Gaming Regulatory Act (IRGA) requires that at least two of the three appointees be from federally recognized tribes. Also, no more than two of the three should be of the same political party. The Commission headquarters is located in

Washington, D.C., and the five regional offices are located in Portland, Oregon; Sacramento, California; Phoenix, Arizona; St. Paul, Minnesota; and Tulsa, Oklahoma.

For the purpose of ensuring that the goals of the National Indian Gaming Commission are accomplished, the Commission is authorized to conduct investigations and to carry out enforcement actions to include the distribution of violation notices, judgment of civil fines, orders of closure, the conduction of background investigations, internal audits, and assessment and endorsement of all Tribal gaming ordinances.

In the discussion of the National Indian Gaming Commission and its role in tribal gaming today, it is necessary to mention the controversial two-part cover story from *Time Magazine* on Indian gaming. “Who Gets the Money?” was the first of the stories that portray the National Indian Gaming Commission as ineffective in their efforts to regulate tribal gaming.

The article presents tribal gaming as a vehicle for wealthy investors to become increasingly richer at the expense of gaming tribes. The National Indian Gaming Commission has had little success in determining the number of private investors in tribal gaming. As noted on the NIGC website, contracts between private investors and gaming tribes, which fall under the \$1.5 billion limit, do not require authorization from the Commission. This “billion-dollar loophole” opens the door for a number of transactions to occur outside the scope of the Commission’s jurisdiction. Should we question the Commission’s ability to ensure that illegal activities, including organized crime, are not occurring within these unregulated facilities? In fact, according to the department’s Office of the Inspector General, “Almost all tribes are utilizing consulting agreements to

circumvent the regulatory and enforcement authority vested in the National Indian Gaming Commission” (Barlett & Steele, December 16, 2002, p.50).

The second part of the *Time Magazine* cover story entitled “Playing the Political Slots,” presents tribal gaming as a tool used by now wealthy American Indian gaming tribes to buy their way through all manner of political issues. The article implies that these wealthy gaming tribes use their “political clout” to sidetrack the efforts of the “watchdog agencies” such as the National Indian Gaming Commission (Barlett & Steele, December 23, 2002, p. 52).

LAND INTO TRUST PROCESS

In a February 18, 2005 article from *Indian Country Today*, Jim Adams says ‘reservation shopping’ has evolved into “one of the hottest tribal issues of the year.” The land into trust policy is the process by which the federal government establishes reservations or in Native terminology ‘Indian country’ (Adams, February 18, 2005). Jerry Reynolds, another writer for *Indian Country Today*, explains reservation shopping in terms of “the perceived practice of some casino developers and state governments of financing gaming tribes in an effort to establish lucrative, tax-free tribal casinos on lands far removed from a tribe’s recognized reservation” (Reynolds, March 25, 2005).

Land has always held the greatest significance to Indigenous peoples in the realm of spirituality and cultural values. The possession of land by American Indian tribes is certainly crucial in their quest to attain and preserve tribal self-governance and self-determination. Tribal lands are held in trust status by the federal government. For the purpose of defining this procedure, land held in trust for American Indian tribes by the

federal government are considered under the sole jurisdiction of the tribe and generally the laws of the state do not apply to Indian reservations. Tribal trust land status fashions a series of land-use limitations that require federal approval.

The land-into-trust process, also referred to as fee-to-trust, dates back to the 1934 Reorganization Act, which was created as a means to reverse the devastating impact of the 1887 Allotment Act by empowering the Secretary of Interior with the authority to acquire land in trust for tribes and individual Indians. In some instances, U.S. Congress may confer trust status by means of statute. As tribes have sought to reacquire tribal land lost, cases have developed where tribes have applied for trust lands outside the realm of their established reservation lines. This has proven necessary due to the location of some tribes in isolated regions of the United States.

Adams, in “Land into trust is this year’s hot issue,” explains that the United States Government, by way of the 1887 Allotment Act, took 90 million acres (nearly two thirds) of tribal land causing a ‘precipitous decline in the economic, cultural, governmental and social wellbeing of Indians’ (Adams, February 18, 2005). As noted on their website, the Bureau of Indian Affairs is responsible for the administration and management of the 55.7 million acres of land recovered and held in trust by the United States for American Indians, Indian tribes, and Alaskan Natives. Trust lands provide tax-free housing for tribal members and sites for economic development projects, to include gaming that would benefit the tribe. This process was underutilized to the extent that the Department of Interior failed to draft regulations until the onset of gaming in 1980.

The authority of the Secretary of the Interior to place land into trust became the center of many court battles. These were followed by another controversy that evolved from so many loopholes in Section 20 of the Indian Gaming Regulatory Act (IGRA) of 1988 allowing the Department of Interior to take land into trust for the purpose of establishing tribal casinos, even at a distance from Indian country.

As time has evolved, the loopholes in the IGRA have produced conditions that “muddied the waters” of tribal interpretation of the intent for the Act in terms of acquiring trust lands for an off-reservation casino. The IGRA states that tribes cannot build casinos on land acquired after 1988 that is not contiguous with a reservation unless one of several statutory exceptions applies. The Secretary of the Interior must determine if the construction of a tribal casino would be in the best interest of the tribe and would not result in the detriment of the local community. The tribe may move forward with the process of establishing an off-reservation casino with the approval of the governor in the host state.

With so many loopholes in the policy, it is certainly no wonder that many tribes are finding opportunities to explore off-reservation casinos in more lucrative markets. When one considers a possible solution to this problem, the answer appears to vary based on the group asked. Government has one opinion; the tribes attempting their quest through the web of confusion have their own agenda. Tribes presented with a threat to their “turf” have an interest to protect their investment.

It is obvious our forefathers never dreamed that Indian gaming would result in such a lucrative venture that would result in nearly 411 tribal casinos would make over \$18.5 billion in 2004 (NIGA Impact Analysis, p. 6).

The loopholes available through the interpretation of this policy provide windows of opportunity for the creation of off-reservation gaming facilities. Off-reservation facilities that are sought for the purpose of tapping into more lucrative gaming venues threaten to undermine the intended purposes of the Indian Gaming Regulatory Act for the promotion of economic self-sufficiency among federally recognized tribes.

The governmental antidote to this concern for “reservation shopping” lies in a draft legislation proposed by House Resources Committee Chairman Richard Pombo, R-Calif. in a March 2005 hearing. Transcripts of the testimonies from this hearing are on the website for the House Resources Committee. In an effort to address the concerns surrounding the issue of off-reservation casinos, Pombo’s committee has proposed what they call ‘Indian Economic Opportunity Zones’ where a number of tribes will be permitted to build casinos in a specified area similar to the Las Vegas strip (Oversight Hearing, 2005).

The draft bill proposes the deletion of the portion of the 1988 Indian Gaming Regulatory Act that provides the loophole for the establishment of off-reservation casinos even in other states. This draft legislation would permit tribes to build casinos away from Indian country as designated by the Interior Secretary but only in these ‘Indian Economic Opportunity Zones.’ Additionally, Associated Press writer, Erica Werner writes that the bill would permit the creation of two zones per state – one on Indian land and the other

on non-Indian land. 'Indian Economic Opportunity Zones' offer space for tribes that do not currently operate a tribal casino or are willing to close the current operation to open a new facility in the 'zone.' The draft bill does not provide for limits on the number of tribal casinos in each 'zone.'

In consideration of local government involvement in the process, the draft bill will offer a clause for the approval from state and local governments before moving forward with construction within the 'zone.' Some of the complaints surrounding the issue of off-reservation casinos have come from local communities. Land taken into trust by the federal government for Indian tribes becomes exempt to zoning and all other state and local laws. Werner refers to the creation of these 'Indian Economic Opportunity Zones' as "potentially creating mini-Las Vegases around the country" (Werner, March, 10, 2005). Do we want a policy that opens the door to the possibility of a "mini-Las Vegas" in each state? Realistically, this would produce a scenario that is worse than the idea of tribes "reservation shopping" for better gaming locations in more profitable markets since so few apply.

In late May, the House approved a \$26.2 billion Interior appropriations bill for the purpose of a Congressional review of the land-into-trust process. The bill directs the General Accountability Office (GAO) to perform a study of the process followed by the Bureau of Indian Affairs for taking land into trust. Lawmakers have held a series of hearings since the start of 109th Congress on the land into trust issue and many acknowledge this concern is fueled by the growth in the Indian gaming industry (Indianz.com, May 27, 2005).

To offer some sense of clarification to the imprecision of the original land-into-trust policy, there have been revisions to the 12-page checklist in 1997 and 2000 with the most recent this year. The new guidelines offer an expansion of the consultation with the local official to include those in a 10-mile radius of the proposed site of acquisition. The flexibility of this 10-mile rule provides for expansion of the region when deemed necessary.

In terms of other shortfalls to the standard land-into-trust process, a number of lawsuits have been filed against the Bureau of Indian Affairs regarding the inadequacies in compliance with the National Environmental Policy Act (NEPA). The current policy holds for submission of an environmental assessment report; whereas, the amendment to the checklist recommends an Environmental Impact Statement (EIS), which imparts a higher standard.

The third amendment to the checklist imposes a requirement for the regional directors to address the issues surrounding the impacts on the local communities when land is taken into trust. Some of the issues are the impact of taking land from the tax base of the local communities, problems in terms of jurisdiction, and land use issues that may arise. This revision to the policy encourages tribes to enter into agreements with local governments to address the impact on local communities when taking land into trust (Toensing, May 13, 2005).

POSSIBLE THREAT TO TRIBAL SOVEREIGNTY

We should consider that amendments to the Indian Gaming Regulatory Act may result in a multitude of issues far beyond the scope of a few off-reservation applications

that may or may not lead to the opening of a tribal casino. Tribal leaders should strongly consider any changes to law that result in a blanket policy hindering the acts of a few while restricting the actions of all. Modifications to Indian law may produce risks to the tribal sovereignty that Indian nations have fought so diligently to retain. Any modifications to the Indian Regulatory Act should consider the maximum monetary benefit to the tribe while preserving their sovereign status.

The American Indian Policy Center (AIPC) was established in 1992 to focus on research, policy development and education of issues that are critical to American Indians. In terms of assessing the trade-offs of an amendment to the 1988 Indian Gaming Regulatory Act, the American Indian Policy Center presented a report in 1998 that raises a critical issue that should be considered in any changes to policy in Indian Country. The report entitled “Threats to Tribal Sovereignty, 1998” offers a twofold purpose for examining the treats to tribal sovereignty. Only one of the two is applicable to our discussion. This purpose involves the treats to tribal sovereignty caused by policy changes and court decisions. Any threat to a tribal nation’s freedom to self-govern is certainly a matter to be assessed when considering any amendment to laws governing tribal issues (American Indian Policy Center, 2002, Research Reports).

The Executive Summary of the report by the American Indian Policy Center explains that, “tribal governments and individual tribal members can engage in policy discussions in a variety of ways in order to protect tribal sovereignty.” Tribal sovereignty is challenged when a policy change is originated outside of the governance of the tribes. The report offers a list of threats to tribal sovereignty that relate to the idea of amending

the Indian Gaming Regulatory Act. The American Indian Policy Center recognizes the following as one of the threats to tribal sovereignty: “court and policy decisions often transcending individual tribes thus impacting all of Indian Country.” Chairman Pombo’s proposed legislation could be interpreted as a threat to the sovereignty of tribal governments in terms of the wording presented in the AIPC report.

The AIPC report would consider Pombo’s proposed amendment to the IGRA a possible threat to tribal sovereignty. Despite the sovereign status of Indian nations, Congress possesses the power to formulate tribal policy with the use of plenary powers, which is the Constitutional authority of the U.S. Congress to legislate laws governing Indian tribes. However, in as much as Congress possesses this power to execute governance over Indian tribes, they are held to the responsibility of protecting the resources and the sovereignty of tribal nations.

It is imperative that tribes strongly consider any amendment to current legislation governing tribal issues. Caution should be exercised when the amendment to affect a small group will govern all of Indian Country. As represented in the oversight hearing for Pombo’s proposed bill, tribes should actively involve themselves in all attempts to amend current legislation involving tribal issues. We should entertain the thought that the hysteria over “reservation shopping” could possibly be nothing more than a “red herring” by politicians who resent the idea of tribal sovereignty and this concept could be the result of the jealousy of those gaming tribes that have not experienced the level of success as others in the more lucrative markets.

FEDERAL ACKNOWLEDGMENT PROCESS (FAP)

The Process Defined

Another crucial but yet discordant issue facing American Indians today is the Federal Acknowledgment Process (FAP). Similar to the land into trust process, the federal acknowledgment or recognition process plays a fundamental role in the obtainment of self-determination and cultural survival. Many would question the diligent quest by so many tribes to obtain federal recognition status. A comprehension of this process and the associated benefits may offer an understanding of the persistence that tribes set forth in seeking federal acknowledgment.

The United States Constitution, by way of the Indian Commerce Clause and the Treaty and War Powers, empowers Congress to recognize Indian tribes (U.S. CONST. art. I, § 8; U.S. CONST. art. II, § 2.). By way of the delegation of this power, the Department of Interior (DOI) administers the determination of the groups that shall be granted government-to-government relations with the United States (25 U.S.C. §§ 2, 9). Prior to the 1978 DOI establishment of a federal acknowledgment process, these determinations were carried out by Congress or the President on an *ad hoc* basis. The Bureau of Indian Affairs (BIA) executes the federal acknowledgment procedures. The party within BIA responsible for the processing of acknowledgment petitions is the Branch of Acknowledgment and Research (BAR).

Problems with the process

Mark Edwin Miller (2004), author of *Forgotten Tribes: Unrecognized Indians and the Federal Acknowledgment Process*, describes the tribal recognition process as

“a pivotal development in postwar Native American policy and ... one of the most ambiguous, acrimonious, and controversial methods for defining and measuring Indian identity and tribalism in modern America.” Miller’s work reveals that the FAP is similar to the archaic policies prior to 1978 since the federal government continues to apply a “single model to all groups despite their differences” (Miller, p. 256).

The introduction of the book offers a policy entangled with problematical issues that places tremendous burden upon tribes seeking federal acknowledgment by way of “non-indigenous historical and anthropological evidence” (Miller, p. 3). The book notes that the debate over the federal acknowledgment process continues to intensify as the number of petitioning tribes increases with no offer of relief in light of the echelon of “indigenous rights and federal resources at stake” (Miller, p. 256). It is certainly no surprise that this process invokes intense sentiments when one considers the forthcoming benefits and special legal status that federal acknowledgment confers.

Miller’s view imparts a confidence that with “a dozen congressional hearings and a dozen or more testimonials from knowledgeable academics, the Federal Acknowledgment Process is ‘broken’ with no practical options in sight. The National Indian Gaming Association website notes that only fifteen (15) tribes have obtained federal recognition through FAP since 1978 and sixteen (16) petitioning tribes have been denied since implementation of FAP. With that said, it is axiomatic that the Bureau of Indian Affairs has failed in their attempt to provide “an expeditious, fair, and objective remedy for many groups left out of the federal fold” (National Indian Gaming Association, 2000-2005, Library Section, ¶ 5).

Forgotten Tribes concludes with Miller's pessimism for change in the Federal Acknowledgment Process. He states, "...It is extremely doubtful that federal officials will ever accept the testimony of unacknowledged peoples at face value. Because of the benefits involved, it also seems certain that groups will continue to undergo the often demeaning process to secure what they feel is their birthright as indigenous peoples on their native soil" (Miller, p. 266).

FAP: A Political process

In *American Indian Politics and the American Political System*, David E. Wilkins (2002), describes federal acknowledgment as "a formal act that establishes a political relationship between a tribe and the United States" (Wilkins, 2002, p. 13). Wilkins (2002) explains that federal acknowledgment is an affirmation of tribal sovereignty while offering a delineation of the governmental duties to the tribe. "...tribes are informed that they are now subject to federal plenary (unlimited or absolute) power and may ironically, benefit from the virtually unlimited and still largely unreviewable authority of the federal government. The book gives examples of this in terms of the exemption from most state laws, sovereign immunity and exclusion from the constitutional restrictions applied to federal and state governments (Wilkins, 2002, p. 14).

The Bureau of Indian Affairs requires that groups petitioning for federal acknowledgment must satisfy seven criteria with 25 C.F.R. § 83.7 (a) – (g). The first criterion requires that the petitioner offer proof of identity as an American Indian entity on a substantially continuous basis since 1900. The second condition is that a predominant portion of the group comprises a distinct community and has existed as a

community from historical times to the present. The third criterion states that the group must have maintained political influence or authority over its members as an autonomous entity from historical times to the present. The fourth requirement is the provision that the group's governing document include criteria for membership. If a written copy of this governing document is unavailable, the petitioning group must submit a statement describing the aforementioned information. The next criterion states that the petitioner demonstrate that the membership of the individuals descend from a historical Indian tribes or from historical Indian tribes which combined and functioned as a single autonomous political entity. Requirement (f) of the acknowledgment process states that the members of the petitioning group should not be members of any acknowledged North American Indian tribe. The last criterion is that the petitioning group may not have been the subject of congressional legislation that expressly terminated or has forbidden the Federal relationship (National Indian Gaming Association, 2000-2005, Library Section, Section 6).

Benefits of FAP

Jack Utter (2001), author of *American Indians: Answers to Today's Questions*, presents the benefits and services available to federally recognized tribes. In addition to the Bureau of Indian Affairs, the Indian Health Service (IHS) is the other main federal agency that provides benefits and services to tribes that has obtained federal acknowledgment status. The IHS is a branch of the U.S. Department of Health and Human Services (USDHHS). Utter notes the following as a list of the major benefits and services provided by these agencies: medical and dental care, educational grants and

programs, housing programs, assistance in the development of tribal governments and courts, resource management and other services contingent upon the needs and interests of the tribe. Federal acknowledgment status provides tribes the opportunity to operate gaming facilities under the guidelines of the Indian Gaming Regulatory Act.

The author adds that in conjunction with the federal government's self-determination policy, scores of federal agencies assist tribal governments in offering services and benefits. The book lists some of the "major players" as the Departments of Agriculture, Education, Housing and Urban Development, Justice, Labor, and Transportation. The author notes that the Environmental Protection Agency (EPA) has expanded to include consultation and assistance in Indian country (Utter, 2001, p. 63).

Tribal sovereignty: Another benefit

In addition to the above stated benefits and services conferred to those tribes with federal recognition status, another fundamental element of this process is the power to exercise sovereignty. In *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*, David E. Wilkins (1999) offers the following definition for tribal sovereignty:

The spiritual, moral, and dynamic cultural force within a given tribal community empowering the group toward political, economic, and most importantly, cultural integrity; as well as maturity in the group's relationships with its own members, with other peoples and their governments, and with the environment (Wilkins, 1999, p. 376).

We can explore a broader definition of tribal sovereignty in another book by David E. Wilkins and K. Tsianina Lomawaima (2001) entitled *Uneven Ground: American Indian Sovereignty and Federal Law*. They embark on an in-depth course of illustrating tribal sovereignty with terms such as "self-government, self-definition, self-

determination, and self-education” (Wilkins & Lomawaima, 2001, p. 249). The authors are grounded in a principle that each indigenous nation possesses the “inherent right... to exercise political, economic, and cultural self-determination” (Wilkins & Lomawaima, 2001, p. 250). Before the birth of the United States Constitution, tribal sovereignty existed among tribal nations. With the rise of non-Indian government, American Indian tribes continue their fight to maintain the grasp on their “inherent right” – to function as sovereign nations outside the realm of non-indigenous laws.

Nicholas C. Peroff (2001) offers delineating aspects of tribal sovereignty in an article for the *American Indian Culture and Research Journal* entitled “Indian Gaming, Tribal Sovereignty, and American Indian Tribes as Complex Adaptive Systems.” The writer explains that in generalized language, sovereignty is “freedom from external control or authority.” Peroff (2001) says that sovereign nations possess the power to self-govern in terms of defining tribal membership, the regulation of domestic relations, and cultural and spiritual issues. The article emphasizes that sovereignty is a “collective behavior that tribal members cannot experience, achieve, or maintain individually.” The tribal nation, functioning as a group, has the power to act under the umbrella of sovereignty. (Peroff, 2001)

The writings included in this discussion of the federal acknowledgment process offer evidence that the aspirations of petitioning tribes are not focused on a life of governmental aid. In fact this burdensome journey that hundreds of tribes have found themselves on for decades is but a series of never-ending roadblocks on a quest to regain

possession of their “inherent right” to self-determination while fighting to maintain their indigenous identity for the preservation of future generations.

THE PEQUOT QUEST FOR FEDERAL ACKNOWLEDGMENT

The Mashantucket Pequots: A Dying Nation

To begin the case study of these two tribes, I will discuss the Mashantucket Pequot of Connecticut and their quest for federal acknowledgment while examining the similarities that may produce a parallel relationship to the Lumbee Tribe. Is it possible that a discovery of similarities in these two tribes could result in the same astronomical success for the Lumbee as that experienced by the Mashantucket Pequot Tribe in their rural New England community?

Sioux Harvey (1996) offers a detailed history of the Mashantucket Pequot in his 1996 article entitled “Two Models to Sovereignty: A Comparative History of the Mashantucket Pequot Tribal Nation and the Navajo Nation.” He explains that upon the European arrival in the early 1600s, the Pequot population was close to thirteen thousand. Like many Indigenous tribes, the Pequots were annihilated to three thousand as a result of diseases brought by the European settlers (Harvey, 1996, p. 151).

Harvey notes that the destruction of tribal nations resulted in the loss of traditional cultures and political systems. The infamous Pequot Massacre of 1637 in Mystic, Connecticut resulted in the death of over seven hundred Pequot people. The remnants of the tribe were forced to breakup into groups – one of which was approximately 400 living in Mashantucket. The article notes that the decline in the population was such that the 1771 census recorded only 151 tribal members. In 1950, there were four or five Pequots

living on tribal lands. Sioux Harvey credits the resurgence of the Mashantucket Pequot Nation to the grandson of the last tribal member living on the reservation in the early 1970s, Elizabeth George. Elizabeth's ambitious grandson, Richard "Skip" Hayward, returned to the reservation upon the death of his grandmother and as the tribal chairman of the Mashantucket Pequot Tribe, he led the pursuit for tribal acknowledgment that resulted in today's paradigm of tribal gaming success (Harvey, 1996, p. 152).

In terms of the reduction in land base of the tribe, the Pequots offer some additional historical information on their tribal website. Prior to European contact, the Pequots occupied 250 square miles that bordered the Long Island Sound. In the period following the Pequot War, Robin Cassacinamon, the Pequot's first leader after the battle, negotiated the return of some of their tribal lands. The Pequot website notes that in 1666, the Mystic River became the site for approximately 3,000 acres of reservation land.

The tribal historical timeline notes that by 1761, colonization of Connecticut resulted in a reduction of tribal lands to approximately 989 acres. In 1790, the initial Indian Trade and Intercourse Act called for the prohibition of any tribal land purchases without approval from the federal government. Thereafter, Pequot tribal members submitted petitions against the government for the improper sale or lease of their traditional lands (The Mashantucket Pequots, n.d., Tribal Nation History).

In continued injustice against the Pequot Nation, the Connecticut General Assembly authorized an act that resulted in the sale of a major part of the reservation land with consent of the Tribe. In 1856, only two hundred thirteen acres of the Pequot reservation remain.

Their Rise to Revitalization

The tribal website continues the history where Sioux Harvey's article concluded with Richard "Skip" Hayward elected as tribal chairman in 1975 and approval of their constitution in 1976. This same year, the Pequots filed suit against landowners for the purpose of recovering tribal land that was sold illegally in 1856. With backing from the Native American Rights Fund and the Indian Rights Association, the Mashantucket Pequot Tribal Nation won a seven-year battle that resulted in settlement of the land claims and legislative federal acknowledgment. President Ronald Regan signed the Mashantucket Pequot Indian Land Claims Settlement Act with a rider of federal recognition status and \$900,000 that permitted the Tribe to repurchase tribal lands to be placed into trust.

The early 1980s was a benchmark in the revitalization of the once poverty-stricken Mashantucket Pequot Tribal Nation. Numerous economic ventures led to the opening of the Tribe's bingo facility that led to the first phase of the Foxwoods Resort Casino in 1992. More than a decade later, Foxwoods is the world's most profitable casino with yearly gross revenues exceeding \$1 billion. The twenty-four hour casinos host over 40,000 visitors each day (The Mashantucket Pequots, n.d., Tribal Nation History).

The Controversial Pequot Story

The Mashantucket Pequots have been the center of controversy inside and outside Indian Country due to their successful maneuvers in pursuit of federal recognition that resulted in their evolution to the wealthiest Indian tribe in the U.S. Jeff Benedict (2000), lawyer, consultant, lobbyist and president of the *Connecticut Alliance Against Casino*

Expansion, offers his own ideas of this story in his book *Without Reservation: The Making of America's Most Powerful Indian Tribe and Foxwoods, the World's Largest Casino*. Benedict (2000) presents the Pequots in the scanty beginnings (what many considered would be their final end) with the death of Elizabeth George, the last person living on the two-hundred-acre reservation in Ledyard, Connecticut. His story tells of how the ambitious spirits of two men brought the Mashantucket Pequots from the depths of penury to mammoth wealth.

The book begins with twenty-one year old Richard "Skip" Hayward's marriage to Aline Aurore Champoux and their story of his spousal abuse along with his inability to retain a job for any length of time. In spite of his character deficiencies, Hayward possessed a charisma that certainly proved to be his "ace-in-the-hole" in the success of the Pequot. Benedict's tale portrays the next key character as Tom Tureen, a recent graduate of George Washington University Law School, who was driven by a determination to assist impoverished Native Americans. Immediately, one would question how these two dissimilar characters could connect to play the defining role in the rebirth of a dead nation of Native Americans (Benedict, 2000, pp. 2-5).

Tom Tureen discovered from his acquaintances, John Stevens and Susan MacCulloch, that a number of tribes on the East Coast were not recognized by the federal government. This group investigated leads for potential clients that resulted in a trip to Ledyard, Connecticut where they met Skip Hayward. John Stevens, the commissioner for Indian Affairs, was suspicious of Hayward's claim to his tribal ethnicity but certainly accepted his claim and discussed the opportunities available to Indian tribes through

federal grants and other programs that many tribes were unaware of (Benedict, 2000, pp. 33-36).

After several months of no contact from Tureen and his group coupled with his failure in this ministry, Skip informed his wife they were moving back to work on the reservation. In April of 1975, Skip met with Tureen and his group to strategize their plan for revitalization of the Mashantucket Pequot Tribal Nation. With only two other family members, Tureen advised Skip that others should join the tribe and begin to identify with their indigenous lineage to strengthen the case for the Pequots. Benedict (2000) details the efforts of Hayward to establish the tribal government and guidelines for membership qualifications. Additionally, Tureen and Stevens took advantage of Hayward's ability to charm by jet-setting him all over the country to meetings and hearings on the issue of federal recognition for tribal nations. During these hearings, there were many questions internalized of Hayward's Caucasian appearance but he was gifted with the ability to enthrall his audiences with his graphic depictions of how the Pequots were butchered by the European settlers and their extreme poverty (Benedict, 2000, pp. 60-68).

The next phase of the book reveals the shock of the citizens in Ledyard to the civil action against them to reclaim tribal land that was illegally sold during the 1800s. The emotions of dismay were certainly the result of the possibility of losing their homes but some of the defendants knew Skip Hayward as a teenage boy. With limited ability to pay, the citizens banded together to hire Jackson King and Wayne Tillinghast to defend their case (Benedict, 2000, pp. 70-78).

Limited financial resources certainly restricted the level of defense that the citizens received because Tillinghast chose to argue the case based on weak legal principles instead of hiring expensive genealogists and historians to disprove the legitimacy of the tribe. On March 4, 1977, Judge Blumenfeld rejected Tillinghast's arguments. Tillinghast's next action was to plead the case of the landowners to a political body but was soon dismissed by Connecticut governor Ella Grasso. Benedict (2000) states that "Grasso's response was indicative of a growing sympathy for the Pequots" (Benedict, 2000, pp. 92-92).

Benedict (2000) notes that with the support of Governor Grasso, the Pequots had received more money per capita by 1975 than any other Native tribe in the United States. It was during this time that the federal government refused the request of the Ledyard landowners to intervene in the civil suit filed by the Pequots (Benedict, 2000, p.95). Jackson King, the remaining lawyer for the defendants, considered an out-of-court settlement as the only means to collect some monetary compensation for his work (Benedict, 2000, p. 104). During an informal meeting of King, Hayward and Tureen, a map was sketched depicting additional land along Route 2 that would prove crucial in the operation of a gaming facility. Upon mutual agreement of the three, an open-ended provision was included in the settlement document to allow the tribe to obtain land outside the eight-hundred acre plot that was illegally taken from them.

Benedict's depiction of this meeting was offered in Chapter 14 of the book entitled "Beneath the Radar Screen." Tureen's idea of keeping this settlement act "low profile" was crucial to eliminate questions concerning the fine print interjected. The

following excerpt from this chapter offers Benedict's version of a scheme that resulted in opening the door for a big time gaming operation in this rural Ledyard community.

The settlement's passage through the Connecticut legislature was far smoother than the one Tureen proposed in Maine. 'Connecticut thinks it is getting this claim to go away and that the individual landowners will get something for their land,' he thought. 'And the state thinks it is getting a jurisdictional arrangement that won't create a lot of problems – one that is safe, where law and order will prevail. But nobody is looking at this closely.'

This chapter ends with the approval of the act on June 9, 1982 with no questions asked – just what Tureen wanted (Benedict, 2000, pp. 114-117).

Chapter 16 of the book discusses the July 15 Senate hearing where the issue was raised that the Pequots had failed to supply historical data during the BIA application process in 1979. The author adds that the question becomes that of negligence on the part of BIA rather than why the tribe had not supplied the information. With fingers crossed and holding their breath, Tureen was able to maneuver through this hearing and obtain approval from the Senate (Benedict, 2000, pp. 133-137).

The next chapter reveals a temporary roadblock for the Pequots. On April 5, 1983, Ronald Reagan vetoed the Mashantucket Pequot Indian Claims Settlement Act (S.366). The President considered this process "premature" to allow the tribe tribal acknowledgment status without offering historical proof required by the process under the direction of the Department of Interior. However, with the assistance of Connecticut senator Lowell Weicker, the group lobbied enough votes to override the President's veto. To avoid the scandal of a veto override, the Reagan administration agreed to reverse the veto contingent on a \$200,000 contribution from the state of Connecticut to offset

the \$900,000 that the Tribe was requesting to purchase land in the agreement. On October 18, 1983, President Reagan signed the Mashantucket Pequot Indian Claims Settlement Act (S. 366) into law (Benedict, 2000, pp. 140-144).

Benedict's version of the battle to regain Pequot tribal land ended in the violation of criteria designated by federal law (Section 83 of the United States Code entitled 'Procedures for Establishing That an American Indian Group Exists as an Indian Tribe'). The first of these criteria states 'the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.' Benedict (2000) adds that before his connection with Tureen, Skip Hayward, all seven of his siblings, his mother and her sister and their children all identified themselves as 'White' or 'Caucasian' on vital government documents and under oath (Benedict, 2000, pp. 144-145).

The story continues with the same sort of maneuver that gained the tribe gaming rights through a loophole in Connecticut law, which permitted charitable organizations to arrange gambling events for fundraising purposes. Benedict (2000) offers an intriguing story of a Malaysian family that bankrolled the Mashantucket Pequot gaming facility. Benedict's version of the Mashantucket Pequots is worthy of a motion picture contract mentioned on his personal website. That is what moviegoers want today – struggles for power, tension among families, foreign business investors, and jetsetters spending loads of cash. The level of credibility in Benedict's story is certainly questioned by many.

A Question of Identity

In 1994, CBS News aired a broadcast entitled "Are Pequots Really Pequots?" This story presented questions of the legitimacy of the Mashantucket Pequot Tribe, the

wealthiest Indian tribe in the country. CBS News says “According to most history books, the original tribe has been extinct for more than 300 years.” The story stated that eligible members must only prove that one of their great-great-grandparents was listed on the 1910 tribal census to become eligible for reservation housing, free college tuition and a job with the tribe with a starting salary of \$60,000 plus bonuses.

In 2000, CBS News revisited this issue with the publishing of Benedict’s book. The news report said that Benedict spent two years conducting research. CBS News offers a response to Benedict’s book from Skip Hayward. “He is an Indian hater, who can’t stand what we’ve been able to accomplish here.” Another response from Kenny Reels, Hayward’s successor, states “We are tired of people trying to label us or paint what they want an Indian to look like.” (Kroft, S., June 6, 2000).

If Benedict’s story is true, the Mashantucket Pequot Tribe has certainly made a mockery of the government’s so-called process for federal acknowledgment.

THE LUMBEE QUEST FOR FEDERAL ACKNOWLEDGMENT

Who are the Lumbee?

In *This Land Was Theirs: A Study of Native North Americans*, Wendell H. Oswalt (2006), writes that there are some 130 tribes with a total population of approximately 130,000 unrecognized by the United States federal government (Oswalt, 2006, p. 482). Oswalt identifies the longest quest for full federal recognition status that remains unresolved to date as that of the Lumbee Tribe, primarily located in Robeson County in North Carolina (Oswalt, p. 483).

The Only Land I Know, written by the late Adolph L. Dial and David K. Eliades, is recognized as the standard Lumbee history. The book begins the history in a time period of the early 1730's. Scottish immigrants settled in the upper regions of North Carolina's Cape Fear Valley only to discover a group of English-speaking Indians that possessed many general practices of a European life. How this group of Indians came to live in this area with these established civilized practices remains a mystery that many seek to solve to this day. One strong theory centers on the Lumbee descending from John White's colony of settlers that became known as "The Lost Colony" (Dial & Eliades, 1975, pp. 1-5).

To continue with this history of the Lumbee, Gerald Sider (2003) wrote *Living Indian Histories: Lumbee and Tuscarora People in North Carolina*. Sider (2003) records that in 1885, after decades of upheaval, the North Carolina state legislature approved an act giving this group of Indians in Robeson County the name "Croatan" and other entitlements to include funding for their own school. The book notes that this name drew "strong disfavor" as the Whites in the community shortened the name to "Cro" to imply a derogatory reference to Jim Crow. During the period of 1911 to 1913, the name was designated by state legislation "Indians of Robeson County" which proved indistinguishable among other Indians in the area. In 1913, state legislation offered another name change to "Cherokee Indians of Robeson County" that resulted in protest from the Eastern Cherokee.

The Journey with No End

With the support of John Collier, head of the Bureau of Indian Affairs, the tribe petitioned U.S. Congress for the name of Cheraw. In 1953 the Indians of Robeson County were recognized by state legislature with the name “Lumbee,” and in 1956 the U.S. Congress recognized these Indians as a tribe without the full benefits of federal recognition status. The restriction of benefits imposed by Harold Ickes, Secretary of the Interior, in the 1956 Lumbee Act has “haunted” the Lumbees to date (Sider, 2003, pp. 3-4).

The website of the Lumbee, just as that of the Mashantucket Pequot, presents a historical depiction of their quest for federal recognition. Unlike the variations in the Mashantucket Pequot portrayal of the events compared to Jeff Benedict’s representation of the same history, the Lumbee story is the same in all materials reviewed for this case study. The Lumbee Tribe website presents a paper entitled “Federal Recognition: The Lumbee Tribe’s Hundred Year Quest,” that delineates the historical journey the Tribe has trod in hopes of full federal recognition status.

The writer explains that since the enactment of the 1956 Lumbee Act, various conclusions have been reached by federal agencies and courts regarding the effects of the “termination language” included in this act that has been detrimental to the Tribe’s appeal for federal recognition. How ironic in this case study that the language overlooked in the Mashantucket Pequot Indian Claims Settlement Act (S. 366) proved to open the door to wondrous financial opportunity for one tribe and the insertion of a fragment of a sentence has proven to be damaging to the Lumbee Tribe for almost half a century. The writer of this document states, “Congress simultaneously recognized and terminated the Tribe.”

The paper notes that the Congressional Research Service (CRS) conducted a comprehensive review of the 1956 Lumbee Act in 1988 and the findings were as follows:

The 1956 Lumbee legislation clearly did not establish entitlement of the Lumbee Indians for federal services. It also clearly named the group and denominated them as Indians. Without a court decision squarely confronting the issue of whether the 1956 statute confers federal recognition on the Lumbee, there is insufficient documentation to determine if the statute effects federal recognition of the Lumbees. It is, however, a step toward recognition and would be a factor that either the Department of the Interior or a court would have to weigh along with others to determine whether the Lumbees are entitled to federal recognition.

The writer continues with the thought that regardless of the level of ambiguity, the 1956 Lumbee Act surely eliminates the Tribe's eligibility for the administrative acknowledgment process. The criterion for the federal acknowledgment process, item #7, in paraphrased language, states that neither the petitioner nor its members should be subjects of congressional legislation that has expressly terminated or forbidden the Federal relationship. Harold Ickes' "termination language" precludes the Department of Interior from considering any application from the Lumbee Tribe for federal acknowledgment (Locklear, n.d.).

The paper notes that only one other tribe has experienced the same "legal limbo" of the Lumbee Tribe and that is the Tiwas of Texas. However, in 1987, Congress removed the restrictions that were imposed by the 1968 Tiwa Act. Is it true that justice is available to all? The irony of this case study presents the concept of tribal gaming but the federal recognition process is obviously, the federal government's "roll of the dice" in the lives of tribes seeking to regain their tribal identity. The uncanny charisma of Skip Hayward and his lawyer's clever knack to "fly under the radar" resulted in "justice" for the Mashantucket Pequot Tribal Nation. One phase crept into the Mashantucket Pequot

Indian Claims Settlement Act (S. 366) to offer a deserving tribe endless opportunity that continues to pay off today. On the backside of justice, one seemingly insignificant phrase resulted in the Lumbee Tribe's continued quest to rectify a governmental injustice that should have ended more than half a century ago.

The Lumbee Tribe continued fervently in their efforts to attain federal recognition status with the introduction of companion bills to 100th, 101st, 102nd and 103rd sessions of Congress. Hearings were held on bills that reiterated the Tribe's historical background but success to no avail. Many times, these bills were passed by the House only to find rejection in the Senate.

The election of Elizabeth Dole to the U.S. Senate in 2002 fashioned a strong commitment to join the Lumbee Tribe in this fight for federal recognition status. On March 17, 2005 during the 109th session of Congress, Senators Dole and Burr introduced a bill (S. 660) for the purpose of eradicating the 1956 Lumbee Act and offering the Tribe full acknowledgment status with all the rights and privileges thereof. To date, the Lumbee Tribe holds fast, in legislative limbo, at the mercy of the same political system that offered "the world" to the Mashantucket Pequot Tribe.

THE POSITIVE ASPECTS OF TRIBAL GAMING

Tribal gaming and its components have become the most discussed issue in Indian Country today. Additionally, tribal law and legislation continues to be the subject of numerous hearings and meetings in the political arena. The introduction of high stakes gaming operations into tribal nations is successful when we consider the financial wealth gained by some of the successful gaming tribes. With more than two decades of tribal

gaming, studies have failed to offer the definitive overall impact of tribal gaming on Indian Nations and more specifically on rural communities. This section of the case study will present research on the methodologies associated with tribal gaming.

NIGA 2004 Impact Analysis

In March 2005, the National Indian Gaming Association (NIGA) unveiled their tribal gaming economic impact analysis that reported total revenue for 2004 of \$18.5 billion among the 405 Indian gaming facilities. The title “Tribal Government Gaming: The Native American Success Story” represents the attitude of NIGA toward the impact of gaming on Indigenous nations. Their mission statement emphasizes the idea of “self-sufficiency through gaming enterprises in Indian Country.” The report notes that tribal gaming provides the tools for Indian nations to build “strong and diversified economies.” Opportunities for Tribal leaders to acquire knowledge, skills and self-confidence to foster strong Tribal governments have resulted with the development of gaming operations.

The report states that “For generations this Nation’s First Americans have lived in poverty and despair, many on small, predominantly rural Indian lands, victims of a tortured, genocidal history and a failed system of Federal paternalism.” The study notes that tribal gaming has produced a sense of pride and self-respect among American Indians. For the first time in history; they are able to begin the journey to rise above the impact of past policies that left their people at the mercy of the federal government. This promotion of self-sufficiency that tribal gaming provides has open doors of opportunity for Indigenous Nations to provide health, education and welfare services for their own. The study emphasizes tribal gaming as an “integral part of tribal economic” – the means

for the promotion of tribal self-sufficiency for Tribal Nations today and tomorrow (NIGA Impact Analysis, p. 4).

Mark Van Norman, executive director of the NIGA, said that “perhaps gaming’s most important achievement is that it’s developing a business network in Indian country as the ripple effect of gaming revenue provides a financial foothold for Indian entrepreneurs, who can eventually offer encouragement and assistance to those who come after” (Reynolds, March 1, 2005).

The National Indian Gaming Association reports that the \$18.5 billion generated in 2004 gaming revenues is certainly not profit. The analysis notes that tribal gaming facilities operate under strict regulation. The 2004 expenditure for tribal gaming regulation was \$228 million. Tribal governments contributed \$58 million to host states and \$11 million to the National Indian Gaming Commission for the purpose of Federal oversight in tribal gaming operations (NIGA Impact Analysis, p. 7).

According to the study, “Federal treasury revenues increased almost \$6.9 billion in 2004 due to the increased economic activity generated by Indian gaming.” Of the total gaming revenue, tribal governments must pay approximately \$6 billion in wages, benefits, and employer Social Security and Medicare taxes from the over 553,000 jobs created directly and indirectly (NIGA Impact Analysis, p.8). Two hundred twenty thousand new jobs were created as a direct result of the tribal gaming industry. Indian gaming indirectly generated approximately \$12 billion. This total generates \$2.7 billion in Federal income taxes and approximately \$2.8 billion in Social Security taxes.

The report notes that 2004 tribal gaming revenues resulted in a \$5.5 billion increase in Federal tax revenues. Indian gaming revenue resulted in a \$1.4 million reduction in governmental welfare and unemployment payments. State governments experienced the benefit of additional revenue in terms of state income, payroll, sales and other monies to include revenue sharing payments. The analysis reports an additional \$100 million in local taxes and revenue through increased sales and other taxes and governmental service agreements (NIGA Impact Analysis, p. 11).

Traditions in Giving

Indigenous cultural belief bases wealth upon what an individual gives away versus the collection of personal possessions. In this tradition, the impact analysis reports that tribal governments contributed more than \$100 million to philanthropy in 2004. The Mashantucket Pequot Tribal Nation represents another example of giving. The Tribe and the New London Senior Center sponsors an annual Children's Holiday Party for nearly 200 children of struggling families (NIGA Impact Analysis, p. 19-20). Other examples of philanthropy by the Mashantucket Pequots are presented in Oswald's book, *This Land was Theirs: A Study of Native North Americans*. The Tribe donated \$10 million to the National Museum of the American Indian in Washington, D.C. Oswald writes that they contribute significant amounts to the welfare of impoverished Native tribes, particularly in the northern Plains region (Oswald, 2006, p. 472).

The Mashantucket Pequot/Mohegan Fund Grant distributes \$85 million annually to the State of Connecticut's 169 municipalities. The list of criteria includes but is not

limited to the value of state-owned property, private college and general hospitals, population, equalized net grand list, and per capita income as set forth in Sections 3-55i, j, and k of the Connecticut General Statutes. The objective of this program is to provide unrestricted grants to towns through funding from the Mashantucket Pequot and Mohegan Tribes (Connecticut OPM, 2005, ¶1).

Gaming Tribes: A Strong Arm in the Political Arena

One positive impact from tribal gaming that is not mentioned in the NIGA impact analysis is the “political voice” that has arisen from the power of gaming tribes. Richard Rainey, of the Washington Journalism Center at Boston University, discusses tribal contributions to political parties in an article entitled “Tribes give much to candidates this cycle.” Rainey states that Connecticut’s two wealthiest Indian tribes, the Mashantucket Pequots and the Mohegan Tribe contributed hundreds of thousands of campaign dollars to ensure that their voice remains to be heard on Capitol Hill (Rainey, 2004)

The article quotes John Guevremont, chief financial officer of the Mashantucket Pequot Tribe, as stating, ‘Those folks that have the greatest ability to support us and help us are the ones that we try to help. It’s keeping our friends in place.’ Rainey notes that the two Eastern Connecticut tribes tend to favor the Democrats in their political contributions (Rainey, 2004).

Rainey explains that most tribal donations are geared toward political parties more than specific individuals. The article states, “The primary reason for the tribes’ bipartisan strategies is their support for the unique federal relationship between Indian nations and the United States.” Guevremont says “Our core issue is the preservation and

complete definition of (tribal) sovereignty: to be treated as a government and to deal with the federal government on a government-to-government basis.” Needless to say, but Rainey states that members of the Native American Caucus and those legislators known for supporting tribal issues are the groups that receive the largest financial support from tribal nations (Rainey, 2004).

Rainey’s article references Federal Election Commission records compiled by the Center for Responsive Politics. The center is a nonpartisan organization that follows campaign finance. A review of the information on this website offers interesting figures for a comparative analysis of the top contributors to federal candidates and parties. To compare with a statement that Rainey presented in his article, there was an obvious trend in donations made by tribes to the Democratic parties, however, this trend has most recently shifted to the Republican parties (Opensecrets.org, 2005, Indian Gaming).

The figures represented on the Center for Responsive Politics’ website are based on the contributions from PACs, soft money donors, and individuals giving \$200 or more. Soft money, in the political realm, is defined as unlimited, loosely regulated donations to political parties. They note that in a number of cases, the organizations did not donate themselves; rather the donations came from the organization’s PAC, individual members, employees, owner or immediate family members. The total figures reflected under organizational names may include their affiliates or subsidiaries (Opensecrets.org, 2005, Indian Gaming).












Table 1 shows the contributions of the Mashantucket Pequot Tribe since 1992. The figures reflect a contribution of \$100,000 with 100% of this amount directed to

Democrats. Two years later, in 1994, the figures show a tremendous increase to \$473,050 with a split of 79% to Democrats and 21% to Republicans. The 1996 donations offered only a slight change in the dollar amount reported as \$478,600 but the distribution percentages remained unchanged.

The 1998 contribution year brought forth a significant change in the monetary donation to \$513,115, but the significance in change was apparent in the distribution of the percentages – 41% to Democrats and 59% to Republicans. The largest donation reported by the Mashantucket Pequot Tribe was in the year 2000 with \$644,998. This year, 68% was donated to Democrats with the remaining 32% given to the Republicans.

For a ten-year period, the Mashantucket Pequots ranked #1 in the list of tribal gaming contributors. This trend changed in 2002 when the Tribe dropped to fourth on the list with a donation of \$410,825. The percent distribution for this year was 54% to Democrats and 46% to Republicans. The next year offered a slight decline in the monetary figure, \$409,362, and the Democrats remain as the top recipient at 58% of the total percentage received while Republicans received 42%. The 2004 election cycle listed the Mashantucket Pequot Tribe as #2 in the top contributors. The #1 contributor last year was the Morongo Band of Mission Indians who contributed \$493,973 with their percentage distribution reflected as 62% to Democrats and 38% to Republicans. In 2004, \$7,142,190 was the total for contributions made to federal candidates and parties by Indian tribes (Opensecrets.org, 2005, Indian Gaming).

Table 1. Mashantucket Pequot Contributions to Federal Candidates and Parties

Rank	Year	Organization	Amount	 Dems	 Repubs	 Indivs  PACs Source Soft \$
1	1992	Mashantucket Pequot Tribe	\$100,000	100%	0%	
1	1994	Mashantucket Pequot Tribe/Foxwoods	\$473,050	79%	21%	
1	1996	Mashantucket Pequot Tribe	\$478,600	79%	21%	
1	1998	Mashantucket Pequot Tribe	\$513,115	41%	59%	
1	2000	Mashantucket Pequot Tribe	\$644,998	68%	32%	
4	2002	Mashantucket Pequot Tribe	\$410,825	54%	46%	
2	2004	Mashantucket Pequot Tribe	\$409,362	58%	42%	

Indian Gaming:
Background

The rise of Indian casinos has revitalized the economies of many Native American tribes from coast to coast. As with the traditional casino industry, many of their concerns—and a good portion of their campaign contributions—are made at the state and local, rather than the federal, level. But national policies affecting the gaming industry in general, and federal policy toward Indian tribes and their sovereignty in particular, will still be among their chief concerns this session. Though Indian gaming interests give to both parties, for many years their money tended to lean Democratic more strongly than the rest of the casino industry. But lately, they have shifted their giving more to the Republicans.

METHODOLOGY: The numbers on this page are based on contributions from PACs, soft money donors, and individuals giving \$200 or more. (Only those groups giving \$5,000 or more are listed here.) *In many cases, the organizations themselves did not donate, rather the money came from the organization's PAC, its individual members or employees or owners, and those individuals' immediate families. Organization totals include subsidiaries and affiliates.* All donations took place during the 2001-2002 election cycle and were released by the Federal Election Commission on Monday, June 09, 2003. **Feel free to distribute or cite this material, but please credit the Center for Responsive Politics.**

NOTE: This chart was compiled from data available by this organization for the contributions given by the Mashantucket Pequots for each year available at the time the data was collected.

(Opensecrets.org, 2005, Indian Gaming)

Residential Property Values

The University of Connecticut Center for Economic Analysis conducted a property value analysis in 2000 to show the impact of the Foxwoods casino and other operations on the surrounding residential property values. More specifically, the group analyzed the annual growth rate of residential property values gauged by the property sale price in Ledyard, North Stonington, and Preston and compared these figures with those in Hartford LMA. This study concluded that the Foxwoods Resort and Casino with their subsidiaries were actually “positive” compared to the rates in Hartford LMA. The study proved that over time, the properties in these adjacent three towns gradually increased in value. The median annual growth rate of residential home prices was significantly higher in the three host towns when compared to the rate in Hartford LMA. The report sites that this information is consistent with another study performed by Arthur Wright and Associates conducted in 1993 (CCEA, 2000, p. 23).

THE NEGATIVE IMPACTS OF TRIBAL GAMING

The positive economic impacts of tribal gaming are apparent, but few will offer the negative impacts that have resulted with the onset of this trend in tribal gaming facilities. For the purpose of this case study, I will consider the negative impact that the Mashantucket Pequot Foxwoods Resort and Casino has had on its host town, Ledyard and the surrounding municipalities. However, some generalizations will be offered as they relate to the full scope of tribal gaming.

Strain on New London Towns

In an effort to determining the impact of the Mashantucket Pequot Foxwoods Casino and Resort on the Town of Ledyard, Connecticut, I contacted the current mayor, Susan B. Mendenhall. I will discuss the two impact studies that I received from her for 1998 and 2001. The impact studies list Ledyard, Preston and North Stonington as the three major host communities that are directly affected by Foxwoods.

The abstract for the 1998 impact study notes an average of 55,000 patrons visit Foxwoods each day. With a combined population of 25,300 in 1998, the three host communities are hard pressed to cope with the level of growth in this rural area. This tremendous level of traffic on the country roads and the state highways has resulted in deterioration of the roadway infrastructure. Ultimately, the increased traffic has resulted in the need for increased policing and emergency services personnel costs (Hasse, p. 2).

The report lists three key problems associated with the opening of the Foxwoods Resort: (1) The host communities were not involved in the 1990 Gaming Compact negotiated between the Mashantucket Pequots and former Governor Weicker; (2) the majority of Foxwoods is located on federal trust land, making it exempt from the property tax base necessary to cover the towns' expense of supporting the casino; (3) 25% of the yearly gross slot revenues payments to the State of Connecticut offer very little "trickling" down to the host towns.

Under the Indian Gaming Regulatory Act (IGRA), states were required to make a "good faith" effort to negotiate a tribal-state compact with tribes who wanted to operate Class III gaming facilities. The greater majority of these tribal-state compacts offered no

level of provision for the host communities. Such holds true in the negotiations between the State of Connecticut and the Mashantucket Pequot Tribal Nation.

Local property taxes are the major source of funding for roadway infrastructure improvements and policing costs. The acreage taken into trust status by the Department of Interior is “annexed” from the tax rolls. The report cites that the Tribe continues to add land to trust status under the hand of the Department of Interior for future economic development. A continued reduction in tax base limits the host towns’ ability to provide essential services for the residents (Hasse, pp. 1-2).

It is important to note that the towns acknowledge the positive impacts as a result of the Foxwoods Casino. To date, the Foxwoods and the Mohegan Sun Resort have become the largest employers in southeastern Connecticut. Tribal gaming facilities to the area proved to play the key role in the revitalization of the host communities after the 1992 recession.

The impact study attributes the reduction in the quality of life to the horrific increase in the traffic on the local roads and state highways leading to Foxwoods. The 1990 tribal-state compact required that the Tribe pay for road construction as a result of casino-generated traffic on the state highways, but there are no provisions for repairs to the local roadways. However, the contributions made by the tribes are not equivalent to the funds necessary to maintain the roadways to a satisfactory level. The congestion is such on the roads leading to Foxwoods, ‘overflow’ has shifted to the rural country roads leading to the casino.

The increase in traffic on the local roads results in an increase in the level of public safety concerns, motor vehicle violations and criminal activity. The 1990 tribal-state compact requires that the Tribe make financial contributions for the increase in state police personnel. However, the increase in local police coverage remains the responsibility of the host towns.

Another concern addressed by the impact study is the increase demands on the Ledyard zoning and wetlands staff. More than half of their time is devoted to Tribal-related issues since the opening of Foxwoods. This has resulted in the hiring of additional zoning enforcement and support staff to accommodate the increased workload.

The impact report suggests an amendment to the Indian Gaming Regulatory Act that requires the involvement of the host towns in the negotiation of tribal-state compacts. The towns advise the implementation of a local capital improvement fund in the gaming compact to provide for the costs as a result of the opening of tribal gaming facilities. One factor that many would not consider is the increase in population as a result of the 12,000 casino employees, some 55,000 Foxwoods patrons added to the 25,300 combined populations of the three host towns. This total population of 92,300 offers the opportunities for these small rural communities to experience some of the same issues that urban communities face (Hasse, p. 7).

Impact of Foxwoods on Ledyard

The most recent impact study supplied by Mayor Mendenhall is specific to the Town of Ledyard, Connecticut. The 2001 study addresses many of the same issues discussed in the 1998 report. However, some variations in the concerns will be presented.

The impact analysis acknowledges the economic advantages resulting from the Foxwoods Resort and Casino. However, the economic benefits to Ledyard do not offset the costs associated with the casino traffic. The report notes the Town of Ledyard had quantifiable costs in 2000-2001 as a result of the casino that totaled \$2,221,976. The table below offers a breakdown of this total (Johnson, p.1).

Table 2. Costs to Ledyard resulting from Foxwoods (2000-2001)

Costs	Distribution of Quantifiable Costs
\$260,930	Public Safety & Traffic
\$330,000	Local Roads & Bridges – Improvements complete
\$870,000	Local Roads & Bridges – Anticipated future improvements
\$49,864	Local Zoning Enforcement & Litigation
\$5,098	General Assistance / Social Services
\$336,084	Crime
\$370,000	Legal Costs of Annexation

Similarly, the 1998 impact study for the three hosts towns addresses the concern about the deficiencies in the 1990 Tribal-State Compact and the 2001 report specifies these same concerns but with the exact figure designated to the Ledyard. In 2000-2001, the Casinos paid \$335,000,000 to the State of the Connecticut with \$135,000,000 allocated to Connecticut municipalities. The host town of Ledyard received only \$689,050 of this figure.

In terms of visitors to the Resort property, the 1998 report noted the 55,000 patrons to Foxwoods each day, but the 2001 report adds another 300,000 daily that visit the Mashantucket Pequot Museum – some of these visit the museum exclusively. Also, the Tribe holds the annual Schemitzun Festival, a feast of green corn and dance; it attracts

top drum groups and thousands of dancers who compete for more than \$400,000 in prizes. This four-day event has been known to attract some 20,000 to 60,000 people.

The two impact studies note the similar concerns in terms public safety impacts, increased policing costs, increased traffic and highway infrastructure impacts, increase demands on local zoning enforcement, social services impact, affects on local property values and the legal costs associated with annexation. The overall consensus of the two studies is the failure of the State and the Tribe to make provisions for the costs to the host towns associated with the changes resulting from the introduction of tribal gaming facilities to rural communities (Johnson, pp. 8-9).

Host Communities Cry for Relief

To date, these host towns still fight to receive substantial financial support from the Mashantucket Pequot Tribe. Joining their efforts is Governor M. Jodi Rell with a request to the General Assembly's Planning and Development Committee to favor two bills that offer fiscal relief to the cities and towns of Connecticut. This legislation will amend the Mashantucket Pequot and Mohegan Fund to provide an additional \$250,000 in aid for the upcoming year to each of the 'five' host communities. The Governor has requested a total of \$86 million for the fund (Connecticut Governor Press Release, March 5, 2005). Unfortunately, an April 20, 2005 article from Indianz.com reported that Connecticut lawmakers rejected Governor Rell's proposal for additional aid to the host communities (Indianz.com, April 20, 2005).

Gambling Addiction: A Tribal Social Evil

David E. Wilkins (2002) discusses the negative consequences of Indian Gaming in his book, *American Indian Politics and the American Political System*. “Gambling, no matter who controls it, can cause or exacerbate problems for individuals and communities” (Wilkins, 2002, p.169). Tribal nations have no defense systems to the socioeconomic problems associated with the legalized gambling industry.

Wilkins (2002) presents the topic of gambling addiction or compulsive gambling behavior as one of the social ills associated with legalized gambling. The author reports a link between compulsive gambling behavior and various psychiatric disorders (i.e. alcohol and substance abuse and conditions relative to depression). Problems within the family such as physical violence, threats of suicide, and abuse toward children are specified as evils that are linked to gambling addiction. Evidence has shown that children of compulsive gamblers suffer from problems with substance abuse and battles with depression. Tribes have acknowledged the need to deal with the social problems associated with legalized gambling. For this reason, gaming tribes, state agencies and even the federal government have developed programs for the purpose of battling compulsive gambling addiction. Some tribes are so concerned with this issue that they have chosen to ban alcohol in the gaming facilities (Wilkins, 2002, p.169).

Pathological Gambling Among American Indian Vets

On June 14, 2005, I contacted Christine Reilly, the Executive Director of the Institute for Research on Pathological Gambling and Related Disorders at Harvard Medical School for the purpose of locating research conducted on Native Americans and

compulsive gambling behavior. Her response was just as I had suspected. There has been very little published on this topic. However, she did suggest the recent article, "Lifetime Prevalence of Pathological Gambling Among American Indian and Hispanic American Veterans," by Westermeyer J, Canive J, Garrard J, Thuras P, Thompson J. (2005) published in the *American Journal of Public Health* in May, 2005.

The group conducted a community-based survey to include 1624 American Indian and Hispanic American veterans from regions in the southwest and north central regions of the United States. The largest tribal group included in the study was the Pueblo and Navajo from the southwest region and the Ojibway and Sioux in the north central region. The article delineates the research methods utilized during the process of the study (Westermeyer et al, 2005, p. 860).

The conclusions of this study found that the rate of pathological gambling was significantly higher for the American Indian study group than those tested in the Hispanic American group. The researchers conclude that their study supports the Volberg and Steadman hypothesis that the highest rates of pathological gambling are observed in areas proximate to legalized gambling (Westermeyer et al, 2005, p. 863). It is important to note that the study acknowledged that casinos were located on a large number of the reservations, and there were some locations outside the urban areas in both American Indian regions that were studied. In contrast, some Hispanic communities were located near casinos, but there were some Hispanic communities that were located approximately 200 miles from a gaming facility (Westermeyer et al, 2005, p. 861).

The study cites that that rate of pathological gambling for American Indian veterans was 9.9% with a distribution of 9.8% in the southwest region and 10% in the north central region. They note the odd similarity in these regions given the apparent variations in tribal history and culture for the two areas. The study notes that this rate is the highest reported figure for American Indian populations to date. It is important to note this study was working from a 95% confidence interval for the sample used (Westermeyer et al, 2005, p. 864).

The study concluded that 70% of all problem gamblers have experienced issues with substance abuse, anxiety, depression and other psychiatric condition during their lifetime. In fact, 14% of the Native American veterans in the study group were affected by post-traumatic stress disorder, which was often associated with compulsive gambling (Westermeyer et al, 2005, p. 860).

Pathological Gambling: Another Study

Dr. John W. Welte and his colleagues at the Research Institute on Addictions in Buffalo, New York examined the effect of neighborhood disadvantage and gambling availability on participation and pathology. With the use of census data as a tool for neighborhood characterization and determining the respondents' distance from a gaming facility, the researchers conducted telephone surveys of 2,631 U.S. adults across the country (Welte et al., in press).

The article presents the following factors as significant in defining "neighborhood disadvantage:" (1) the percent of individuals living below poverty level; (2) the percent of homes with a female filing head-of-household; (3) the rate of unemployment; (4) the

perfect of households receiving government assistance. The paper concurs with the National Council on Problem Gambling in their idea that pathological gambling is linked to the availability of legalized gambling venues (Welte et al., in press).

In terms of findings of the study conducted by Welte and fellow researchers, the presence of ‘neighborhood disadvantage’ resulted in a ‘strong effect’ on gambling frequency and the development of gambling addictions. The article states “those who live within 10 miles of a casino have twice the rate of pathological or problem gambling as those who do not” (Welte et al., in press).

The study concludes with the idea that the traits of an individual are a much stronger factor than the geographical factors in terms of gambling addiction. In fact, they posit that an individual’s involvement with substances such as alcohol and drug have proven to be the *raison d’être* in the probability of the development of gambling addiction than any geographical factors that may be present. They conclude with this thought, “Because localities can control the location and density of gambling opportunities, such as casinos or lottery outlets, policy makers can have some influence over the rates of problem gambling in our society” (Welte et al., in press).

METHODOLOGY

With all the petitions for federal acknowledgment comes the possibility that tribal gaming will be present. There are some federally recognized tribes that have chosen not to introduce this “new buffalo” into their tribal culture. The National Indian Gaming Association website reports that of the 562 federally recognized tribes only 224 operate gaming facilities (National Indian Gaming Association, 2000-2005, Library Section, 1).

Tribal governments have determined that the members of the tribe will determine the fate of tribal gaming on their Indigenous lands. Such will hold true for the Lumbee Tribe at the conclusion of our long quest for federal acknowledgment status. For the purpose of implementing a statistical research apparatus into this thesis, I developed a ten-question survey that was conducted during the festivities of the 37th annual Lumbee Homecoming.

Lumbee Tribal Casino Survey

A survey consisting of ten questions was conducted for the purpose of assessing the attitudes among members of the Lumbee Tribe toward a tribal casino. At the conclusion of this narrative on the statistical analysis performed from the data, a copy of the survey will be included. As a matter of courtesy, I contacted Mr. Leon Jacobs, Lumbee Tribal Administrator, to inform the Tribe of my intentions and provided them a copy of the survey for their records. At all times during this process, I was clear that this survey was not affiliated with any efforts by the Lumbee Tribe. At the conclusion of conducting this survey, two samples were generated. The primary sample consisted of 753 members of the Lumbee Tribe that responded and a secondary sample was 71 non-members. This small sample of non-members may include Native Americans with other tribal affiliations and non-Indian citizens that chose to participate in the research. Of this sample, forty people support a tribal casino and thirty-one individuals do not.

The instrument included demographic questions to determine gender, age, household income and level of education. The determination of the dependent variables were based upon questions to assess support of a Lumbee tribal casino, factors that

influenced disapproval, and visits made to other casinos. Question #5 was utilized to make the distinction between Lumbee Tribal members and non-members because the views of the tribal members were the primary goal of this survey project. Question #8 of the survey proved to be deficient in the assessment of any purposeful information for this research. Responses to Question #8 will not be addressed in this analysis.

Statistical Analysis of the Data

The surveys were analyzed and coded to enter the results in the SPSS® 12.0 statistical software program for the purpose of all analyses of the research project. Given the use of nominal and ordinal data in this instrument, the most appropriate quantitative method was a contingency analysis (cross-tabs). Chi-square, the most common test used in social science surveys, was utilized to calculate the statistical significance or the precise degree of confidence that a relationship exist between the independent and dependent variables. In the social sciences, it is standard procedure to accept an alpha level (α) of (.05). When the alpha level is less than 5 % the significance level increases, and we accept that a relationship exist.

The initial analysis, as shown in Table 3, consists of a simple statistical process to determine the specific breakdown of variables in each category. With N= 753, 486 or 64.5% of the sample is female, and 267 or 35.5% of the remaining of the sample is male. Many would consider this sample size acceptable in the realm of social science research. With the reported tribal enrollment just over 56,000 members, this test group is just over 1%. To offer proof of the validity of this data, the formula was used to calculate a confidence level of 97% with the margin of error less than 4%. In layman's terms, this means that we are 97% confident that the results of this survey are valid.

Table 3. Frequency of Respondents by Group

Variable	Frequency	Percent of Sample
<i>Personal Characteristics</i>		
Age		
Under 21	39	5.2%
21-29	126	16.7%
30-39	245	32.5%
40-49	148	19.7%
50-59	124	16.5%
60+	71	9.4%
Gender		
Male	267	35.5%
Female	486	64.5%
Education		
Did not complete High School	26	3.5%
High School diploma	133	17.7%
Some College	229	30.4%
Bachelor's Degree	256	34.0%
Master's Degree	81	10.8%
Doctorate	26	3.5%
Did not respond	2	.3%
Household Income		
\$20,000 - Less	89	11.8%
\$21,000 - \$29,000	78	10.4%
\$30,000 - \$39,000	93	12.4%
\$40,000 - \$49,000	97	12.9%
\$50,000 - \$59,000	99	13.1%
\$60,000 - \$69,000	61	8.1%
\$70,000 - \$79,000	65	8.6%
\$80,000 - \$89,000	44	5.8%
\$90,000+	102	13.5%
Did not respond	25	3.3%
Do you support a Lumbee casino?		
YES	373	49.5%
NO	380	50.5%
Influences on Disapproval		
Against gambling in any form	52	6.9%
Morality	52	6.9%
Personal Gambling Addiction	16	2.1%
Religious Beliefs	260	34.5%
Total sample of Lumbee members	753	100%

The survey data was collected on a random basis in several venues. It may be that more of the sample was female because surveys were conducted at three different pageant events. Women may tend to frequent these events more than men. Since the chi-square value (.000) is certainly less than the alpha level (.05), we can certainly conclude that there is a significant relationship between gender and the dependent variable. The difference in the percentages is quite significant but in conducting random surveys in the social sciences, the ability to obtain an equal sample size is quite difficult in the uncontrolled manner that this instrument was distributed.

The next frequency table offers a breakdown of the sample group in terms of age. I will discuss this section of frequency statistics in terms of the smallest number in the sample and increasing to the largest portion of the distribution. The smallest distribution, 39 subjects, was the age group under 21 years of age. The next group, 71 elders or 9.4% of the sample, are those individuals 60 years of age and older. The subjects in the next portion of the group were age 50 to 59 and this age group was 16.5% of the entire sample. The subsequent group, 126 people, was those individuals age 21-29. The next age group, 40-49, was 19.7% of the total sample with 148 subjects. The largest portion of the total sample, 245 individuals and 32.5%, were age 30-39.

The distribution among the various income groups was spread equally. Thirteen and one half percent of the total group reported a household income of \$90,000 and above. Those people in the \$50,000 - \$59,000 range were the next highest with ninety-nine (99). Approximately thirteen percent (12.9%) of the total sample reported their income in the \$40,000 - \$49,000 range. Ninety-three (93) subjects reported a household

income level of \$30,000 - \$39,000 per year. The subsequent level was those individuals in the range of \$20,000 or less. Seventy-eight (78) subjects in the next level reported their income in the range of \$21,000 - \$29,000. The next group, sixty-five (65) people, is making \$70,000 - \$79,000 annually. Sixty-one (61) subjects have a household income of \$60,000 - \$69,000. Forty-four (44) of the sample group reports an annual income of \$80,000 - \$89,000 for their total household. Twenty-five (25) people did not mark the income question.

In terms of education, the largest portion of the sample, 256 people, noted that they possessed a Bachelor's degree. The next largest group, 229, selected to report that they have completed some college and this answer to limit the number of options available could mean working toward a bachelor's degree or completion of an associate's degree. The next group, 133 subjects, noted that they are high school graduates. 10.8% of the sample size said they possessed a Master's degree. There are 26 individuals in the sample that have not completed high schools and another 26 people have completed Doctoral programs. Two individuals failed to answer the question.

Certainly, the most crucial question in the survey concerns the assessment of the attitudes of the Lumbee in terms of a tribal casino. In general terms, 380 subjects in the sample group do not support a Lumbee tribal casino. The percentage is 50.5% of the total group. The portion of the sample group in support of a tribal casino was 373 people, which is just under half of the total surveyed. Crosstabulation of the gender variable with this question revealed that 57.2% of the tribal women were not favorable to a casino, but 61.8% of the tribal men support a Lumbee casino.

The next portion of this study will offer comparisons of the independent variables with the dependent variables to determine some relationships, if any are present in the process. It will certainly prove interesting to explore the possible correlations between age, gender and income and support of a tribal casino.

Those subjects that did not support a Lumbee tribal casino were asked to select a choice from a list of reasons that may drive the decision for disapproval. The top selection for disapproval was based upon religious beliefs. Two hundred sixty (260) people who did not support a Lumbee tribal casino based their decision on their religious background. This discovery is actually expected since the Lumbee Tribe is located in the “Bible Belt” region of the United States. Fifty-two subjects said they were against gambling in any form and fifty-two disapproved for moral reasons. Sixteen (16) respondents said they did not support a Lumbee tribal casino based upon personal gambling addiction.

The crosstabulation function was utilized to determine if those tribal members that reported they had visited other casinos would support a Lumbee tribal casino. One hundred ninety-two (192) members reported that they had never visited a casino and did not support a casino for the Lumbee Tribe. However, one hundred sixty (160) subjects responded that they had visited other casinos 1-5 times and would support a Lumbee tribal casino. A surprising group of one hundred fifty-two (152) tribal members had visited other casinos but responded that they would not support a Lumbee casino. Seventy-seven (77) Lumbees said that they had visited other casinos more than five times and would support a casino, but the twenty-five (25) in the same group of visits did not

support a tribal casino. There were twenty-six (26) subjects that reported they had not visited a casino but would. Fifteen (15) of these individuals supported a casino and eleven (11) did not.

The crosstab process was utilized to determine the relationship between the independent variable, age, and the dependent variable relating to support of the Lumbee casino. In terms of results, the age group of members less than 21 years of age totaled 39 of the full sample. Sixteen (16) of these subjects reported that they would not support a tribal casino while twenty-three (23) acknowledged their support. The next group, ages 21 – 29 years, seventy-five (75) support a Lumbee casino and fifty-one (51) said “No.” The largest age group in the sample was those members 30 –39 years old. Within this age group, 52.2% of the 245 said that they would support a Lumbee tribal casino while 47.8% of the group does not support it. Tribal members age 39 years and below support a Lumbee tribal casino, while the groups age 40 years and older show a trend in disapproval within their specified age categories.

Crosstabulation with the age variable offered a chi-square value of .007 which is well below the acceptable alpha level of .05. Therefore, we can determine that age plays a significant role in the relationship in this analysis. The younger generation under 39 years of age may value monetary achievement. While the older generation focuses less on the collection of monetary wealth. Whatever the speculation, we should emphasize the level of confidence in this analysis.

When income categories were crosstabulated with support for gaming, revealed that, in five of the nine various income levels, the subjects did not support a Lumbee

tribal casino. Those tribal members in the combined income levels that range from \$30,000 to \$79,000 reported they would not support a Lumbee tribal casino. In terms of income distinction, 61.8% of the individuals in the income range of \$21,000 and less said they would support a tribal casino.

The next range of support was those members in the income level \$80,000 to \$89,000 with 59.1%. The income range, \$90,000 and above, offered 57.8% of the Lumbees support a tribal casino. I should cite that this income category had the greatest number of tribal members above all the other ranges listed. There were twenty-five (25) tribal members who did not report a particular income range. The results of this analysis are considered acceptable since the alpha level (.043) is less than that .05. To summarize the results, the top two income levels (\$80,000 and above) and the lower two ranges (\$29,000 and below) support a tribal casino. Therefore, the subjects in the middle income brackets (\$30,000 - \$79,000) do not favor a Lumbee tribal casino.

Of the 256 Lumbees with a Bachelor's degree, One hundred thirty-eight (138) do not support a tribal casino, and 118 are in favor. Two hundred twenty-nine tribal members reported that they have completed some college. I defined "some college" as those individuals who possess an associates degree or attended college but have not completed a program at a four-year institution. One hundred seventeen (117) Lumbees in this category reported that they support a tribal casino while one hundred twelve (112) did not support a casino. One hundred thirty-three Lumbees in this research project were high school graduates. Seventy-three (73) in this group said they support a tribal casino and sixty (60) do not support one. Of those Lumbees who possess a Masters degree,

forty-six (46) Lumbees in this group do not support a tribal casino, and thirty-five (35) do support one. The final portion of the sample is those who did not possess a high school diploma and those who had completed Doctoral programs. In both categories, the larger portion of the sample cited that they support a Lumbee tribal casino. I should note that two subjects failed to cite a response for this question. The chi-square figure of .526 was such that we will determine that there is no relationship between the educational level of the tribal member and their view of support for a Lumbee casino.

Figure 1. Tribal Casino Survey Summary

1. GENDER
 - Male (267)
 - Female (486)
2. AGE RANGE
 - Under 21 (39)
 - 21 – 29 (126)
 - 30 – 39 (245)
 - 40 – 49 (148)
 - 50 – 59 (124)
 - 60 – Older (71)
3. HOUSEHOLD INCOME LEVEL
 - \$20,000 - Less (89)
 - \$21,000 - \$29,000 (78)
 - \$30,000 - \$39,000 (93)
 - \$40,000 - \$49,000 (97)
 - \$50,000 - \$59,000 (99)
 - \$60,000 - \$69,000 (61)
 - \$70,000 - \$79,000 (65)
 - \$80,000 - \$89,000 (44)
 - \$90,000 – Above (102)
 - Did not respond (25)
4. EDUCATION LEVEL
 - Less than high school (26)
 - High School graduate (133)
 - Some College (229)
 - Bachelors Degree (256)
 - Masters Degree (81)
 - Doctorate (26)
5. Affiliation with Lumbee Tribe.
 - Member (753)
 - Non-member (71) *
6. Do you support a Lumbee tribal casino?
 - YES (373)
 - NO (380)
7. If you answered NO to #6, what most influences your disapproval?
 - Religious Beliefs (260)
 - Morality (52)
 - Personal gambling addiction (16)
 - Against gambling in any form (52)
8. A casino would impact our community in the following manner:
 - All positive (133)
 - Some positive (252)
 - All negative (160)
 - Some negative (158)
 - No impact on the community (29)
 - Did not respond (21)
9. Have you visited other casinos?
 - Never (312)
 - 1-5 visits (312)
 - More than 5 visits (102)
 - Have not, but would consider (26)
10. Do you support federal recognition of the Lumbee Tribe?
 - YES (719)
 - NO (16)
 - No Opinion (18)

*not include in statistical analysis

CONCLUSION

This paper has explored tribal gaming from its beginning to where we are today – still questioning its validity in Indian Country. In view of the enormous wealth to some gaming tribes, such as that of the Mashantucket Pequot in Connecticut, tribal gaming continues in the light of controversy. It is imperative to offer a clear understanding of the crucial factors that offer opportunity for tribal gaming in Indian Country. Tribal nations are governed under a series of U.S. policies that are flawed with inconsistency, controversial methods of definition, and series of loopholes that provide opportunity outside of the scope of the intended purpose. Tribal governance under the direction of the U.S. government with such unsound policies offers threats to the sovereignty of tribal nations. Wealthy gaming tribes, with their newfound political clout, should lobby to protect the tribal sovereignty of all Indigenous nations by fighting for solid policies to govern tribal issues.

For more than one hundred years, the Lumbee Tribe has found themselves at the mercy of one such policy – the Federal Acknowledgment Process (FAP). Unlike the Mashantucket Pequot’s seven-year quest for federal recognition, the Lumbee have experienced a tangled web of bureaucratic roadblocks that continue to deny them their “birthright.” To quote the biblical character Esau from the Bible, “What profit shall this birthright be to me?” Gaming tribes have been accused of the commercialization of their heritage to promote economic development through gaming. The Lumbee Tribe must question if this is what they want for the rural community.

One of the most exact definitions of this process is by Mark Edwin Miller (2004), author of *Forgotten Tribes: Unrecognized Indians and the Federal Acknowledgment Process*. Miller (2004) describes FAP as "...one of the most ambiguous, acrimonious, and controversial methods for defining and measuring Indian identity...a single model to all groups despite their differences" (Miller, 2004, p. 256).

The case study presents the history of the Lumbee. Tribal histories offer no other stories of the endurance of the Lumbee on their quest of federal recognition status. While other tribal governments may look to the Mashantucket Pequot as the epitome of true success as a tribe, is this the level of success that the Lumbee strive to achieve. The Lumbee Tribe should explore the path of the Mashantucket Pequot who have developed a "Las Vegas" in the northeast to determine if indeed tribal gaming is the path for rural Robeson County. The Lumbee people must question their driving force on this quest for federal recognition. As a people, we began this journey for the hopes of grounding our ancestral roots for future generations. Economic prosperity is crucial to revitalization of Indian tribes in rural communities. However, the economic success in tribal gaming comes at the price of the losses of those taking the risks.

The purpose of this paper is not to ascertain that tribal gaming is positive or negative, it serves as a presentation of the facts for a determination of whether the positive is worth exposing rural communities to the negative. In many cases, gaming has resulted in the commercialization of the tribal culture for the purpose of economic survival. Realistically, no other tribe may ever compare to the success of the Mashantucket Pequot Tribal Nation. Ideally, the location of Robeson County on the main

artery connecting New York to Florida may offer substantial traffic to a gaming facility.

The true success of the Mashantucket Pequot's rests in their unique location.

Approximately eleven million people live within a 100-mile radius of Foxwoods. This means that the large majority of their patrons are there on day excursions. How many people live within a 100-mile radius of Pembroke, NC?

In terms of positive impacts of tribal gaming, the National Indian Gaming Association (NIGA) revealed in the 2004 Impact Analysis that tribal gaming has provided opportunity for self-sufficiency for Indigenous nations to provide health, education, and welfare services for their own. Gaming provides the tools for building "strong and diversified economies." The NIGA reports that tribal gaming facilities generated \$18.5 billion in 2004. This equates over 553,000 jobs created indirectly and directly as a result of tribal gaming. Tribal gaming provided opportunity for tribes to give \$100 million in philanthropy in 2004. Gaming revenues have provided tribes with a "political voice."

Inasmuch as tribal gaming offers positive aspects to the community as a whole, so are there negative aspects associated therein. In terms of the Foxwoods Resort and Casino in Connecticut, this metropolitan development in this rural New London County has placed a tremendous strain on the host towns. The host communities are prompt to acknowledge that Foxwoods has provided strong economic advantages to the area. However, the loss of tax base with the annexation of reservation land into trust and simply the traffic increase is such that the host towns are hard pressed to find financial stability to provide essential services to residents. A crucial factor in this issue is that the

1990 tribal-state compact does not offer provisions to the local municipalities. This topic remains to be the center of an ongoing debate in Connecticut.

In addition to the financial strain on local government, tribal gaming provides opportunity for gambling addiction. Authors provide evidence that accessibility of gambling venues creates a wide range of socioeconomic problems for communities. One study offers evidence that individuals within 10 miles of a casino have twice the rate of problem gambling as those who do not. One group of researcher posit that policymaker have the power to control the introduction of gambling addiction into their communities.

Finally, this paper examines the data collected from a survey of the attitudes of the Lumbee toward tribal casinos. The overall evidence was surprising with 49.5% of the sample group, supports a tribal casino. With 50.5% against a Lumbee casino, the factor that influences most is based upon their religious beliefs. I expected the figure to prove significantly higher than this with the location of Pembroke, NC in the “Bible Belt” region of the U.S. The statistical analysis provided some additional relationships between dependent and independent variables in the instrument. Overall, the data offered some interesting findings in terms of these relationships.

By and large, the tribal members certainly support federal recognition for the Tribe but we appear to be a nation divided on the issue of gaming. Federal acknowledgment will provide tremendous opportunity to the Lumbee Tribe. We should continue our quest on this path – because we are a people that will not quit. We must consider one cold, hard fact; will the federal government acknowledge a tribal nation with some 56,000 enrolled members? We will recall that Senator Jesse Helms raised this

question in 1992 that resulted in there again, another obstacle to the Lumbee's pursuit of federal recognition. With our national debt growing to an astronomical rate, federal benefits for some 56,000 tribal members will incur substantial expense to the U.S. government. Will the issue of costs continue to deter the Lumbee Tribe from achieving full federal recognition? This is certainly a question that lawmakers only dare discuss behind closed session.

However, the tribal gaming issue is such that members of the Tribe should ponder the ramifications of opening a "big-time" casino in our "small-time" town. There are tribes that have achieved federal recognition that chose not to pursue gaming. Maybe instead of trying to model our Tribe after the "once-in-a-lifetime" Mashantucket Pequot Nation, we should follow those tribes and maintain the purity of our cultural view. Our community has grown by leaps and bounds in the past twenty years without the onset of gaming. Maybe as a tribal nation we should ponder our traditions in giving back to the community instead of striving for economic gain at the cost of the misfortune of our neighbor. The profits incurred through tribal gaming ventures may prove great to some tribes but not without costs.

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Survey Instrument



1. GENDER

Male Female

2. AGE RANGE

Under 21

40 – 49

21 – 29 50 - 59

30 - 39 60 - Older

3. HOUSEHOLD INCOME LEVEL

\$20,000 - Less

\$21,000 - \$29,000

\$30,000 - \$39,000

\$40,000 - \$49,000

\$50,000 - \$59,000

\$60,000 - \$69,000

\$70,000 - \$79,000

\$80,000 - \$89,000

\$90,000 - Above

4. EDUCATION LEVEL

Less than high school

High School graduate

Some College

Bachelors Degree

Masters Degree

Doctorate

5. Affiliation with Lumbee Tribe

Member

Non-member

6. Do you support a Lumbee tribal casino?

YES

NO



Survey Instrument



7. If you answered NO to #6, what most influences your disapproval?

Religious Beliefs

Morality

Personal gambling addiction

Against gambling in any form

9. Have you visited other casinos?

Never

1-5 visits

More than 5 visits

Have not, but would consider

8. A casino would impact our community in the following manner:

All positive

Some positive

All negative

Some negative

No impact on the community

10. Do you support federal recognition of the Lumbee Tribe?

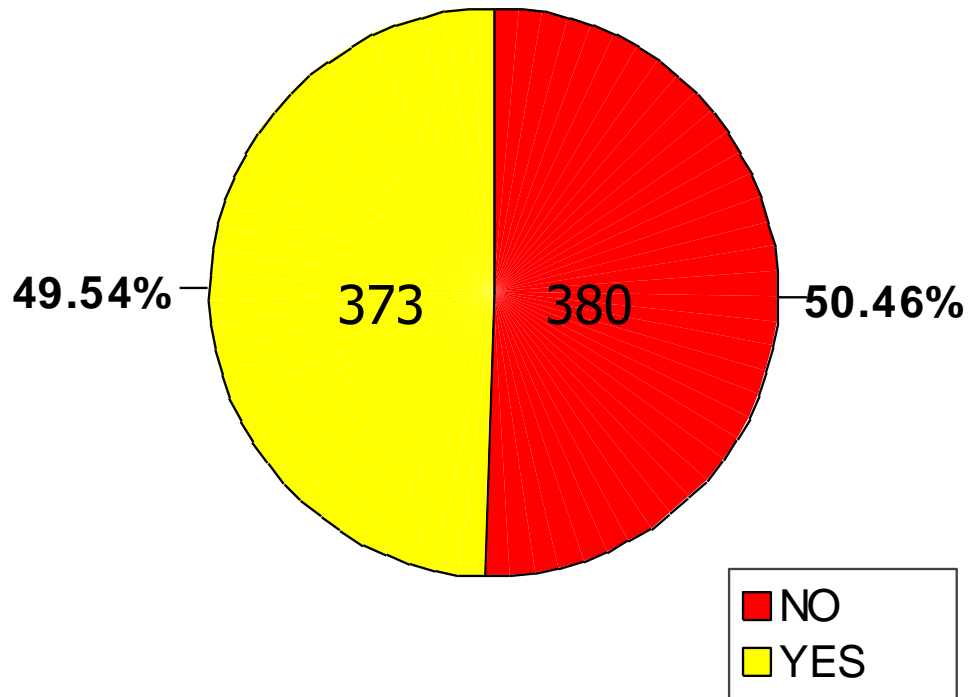
YES

NO

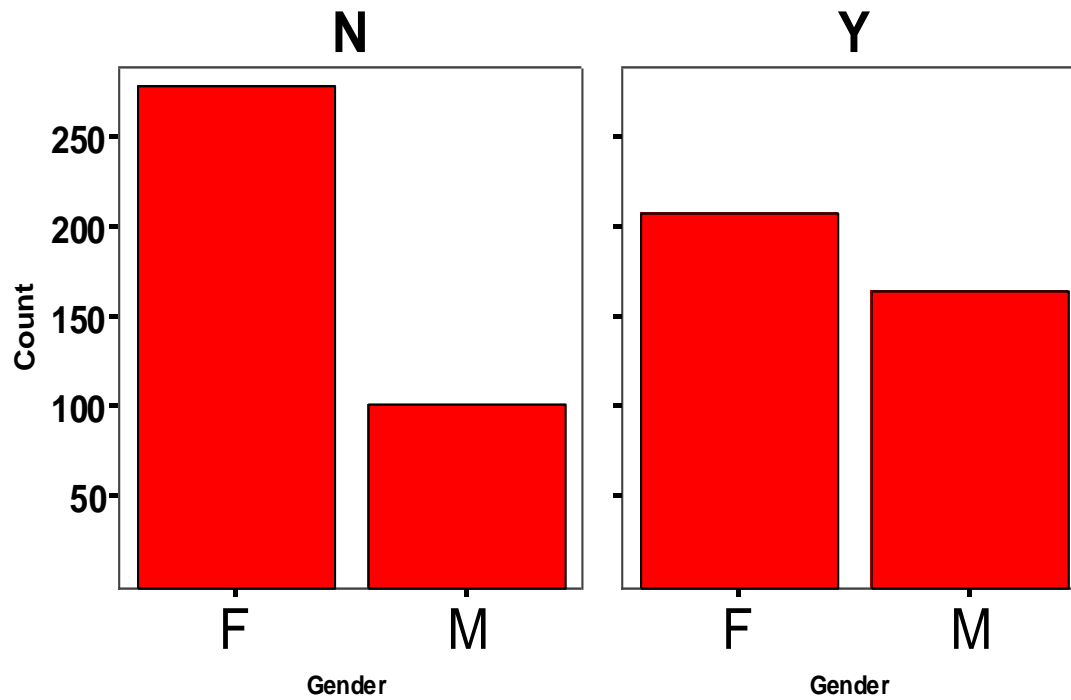
No Opinion



Do the Lumbee Support a Tribal Casino?



Gender Distribution



Gender*Age Crosstabulation



Gender * Age Crosstabulation for members supporting a tribal casino

Count

		Age						Total
		<21	21-29	30-39	40-49	50-59	60+	
Gender	F	16	41	71	33	27	20	208
	M	7	34	57	34	19	14	165
Total		23	75	128	67	46	34	373

Gender * Age Crosstabulation for members against a tribal casino

Count

		Age						Total
		<21	21-29	30-39	40-49	50-59	60+	
Gender	F	11	39	84	57	58	29	278
	M	5	12	33	24	20	8	102
Total		16	51	117	81	78	37	380



Age Distribution



Age distribution of members supporting a tribal casino

	Frequency	Percent
Valid <21	23	6.2
21-29	75	20.1
30-39	128	34.3
40-49	67	18.0
50-59	46	12.3
60+	34	9.1
Total	373	100.0

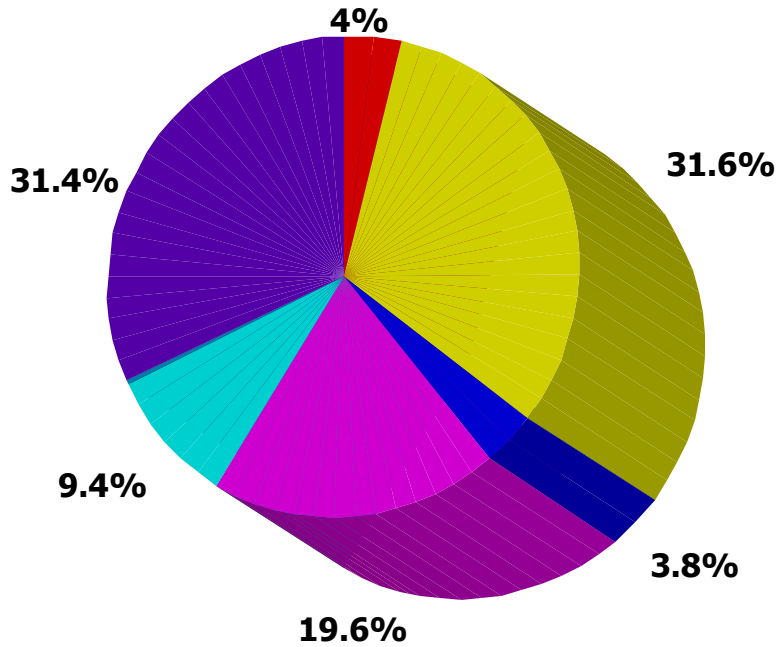
Age distribution of members against a tribal casino

	Frequency	Percent
Valid <21	16	4.2
21-29	51	13.4
30-39	117	30.8
40-49	81	21.3
50-59	78	20.5
60+	37	9.7
Total	380	100.0

Note: 60+ age group the same in both samples



Education distribution of members in favor of a tribal casino

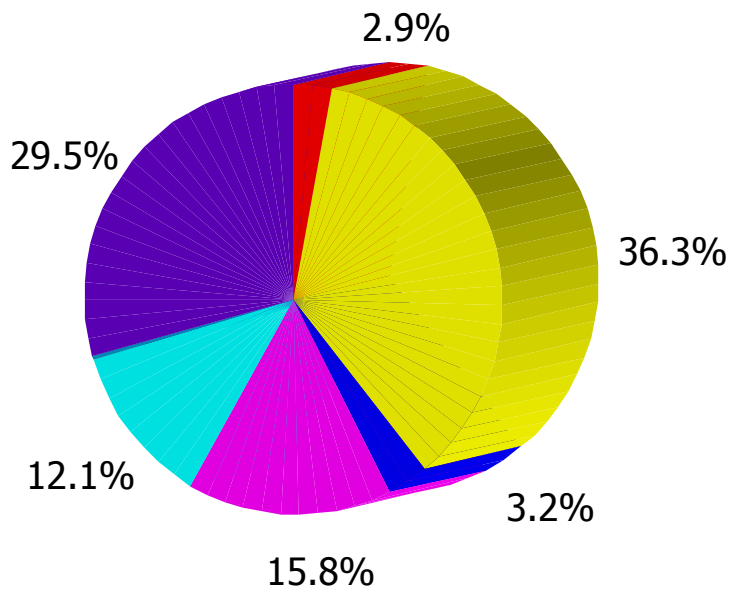


Education

	Frequency	Percent
Did not complete HS	15	4.0
Bachelors	118	31.6
Doctorate	14	3.8
High School	73	19.6
Masters	35	9.4
Some College	117	31.4
Total	373	100.0



Education distribution of members against a tribal casino

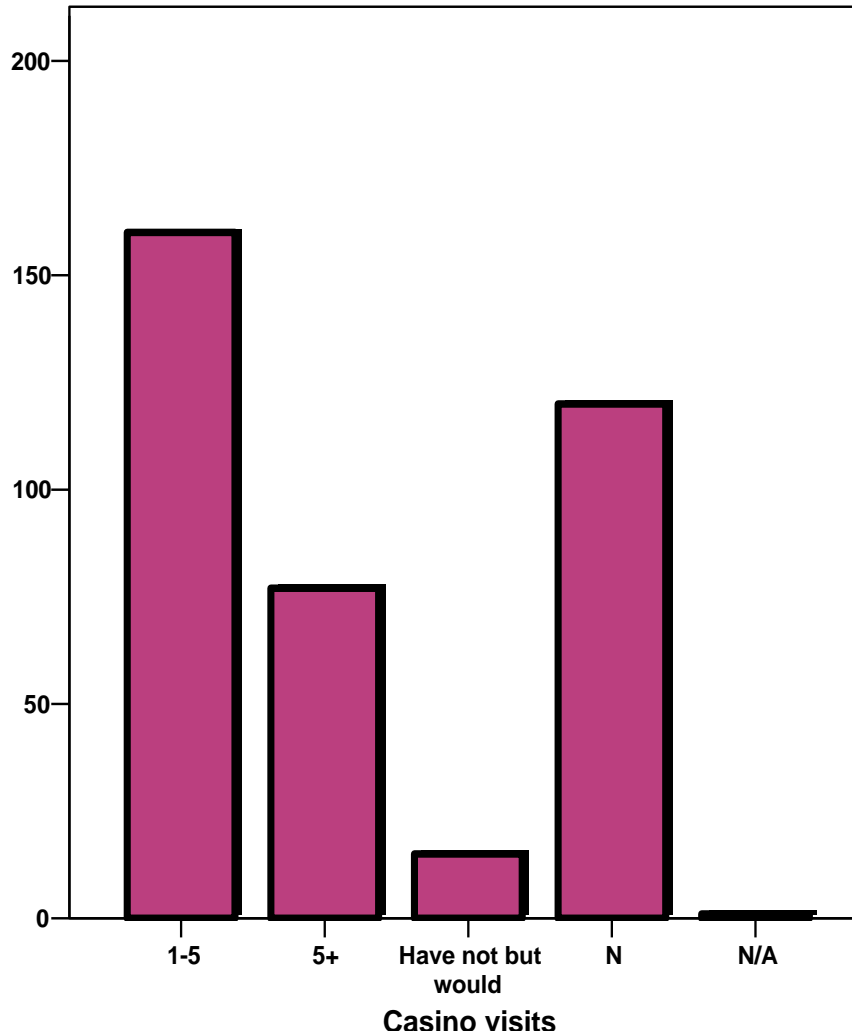


Education

	Frequency	Percent
<Did not complete HS	11	2.9
Bachelors	138	36.3
Doctorate	12	3.2
High School	60	15.8
Masters	46	12.1
Some College	112	29.5
Total	380	100.0



Lumbees frequency to other casinos



Visits to other casinos

	Frequency	Percent
1-5	160	42.9
5+	77	20.6
Have not but would	15	4.0
No	120	32.2
N/A	1	.3
Total	373	100.0



Gender * Casino Visits Crosstabulation



Gender * Casino Visits Crosstabulation

		Visits to other casinos				Total	
		1-5	5+	Have not but would	N		N/A
Gender	F	93 58.1%	38 49.4%	6 40.0%	71 59.2%	0 .0%	208 55.8%
	M	67 41.9%	39 50.6%	9 60.0%	49 40.8%	1 100%	165 44.2%
Total		160 100.0%	77 100.0%	15 100.0%	120 100.0%	1 100%	373 100.0%



Income * Casino visits Crosstabulation



Income * Visits to other casinos Crosstabulation for members supporting a tribal casino

Count

		Visits to other casinos					Total
		1-5	5+	Have not but would	No	N/A	
Income	20-L	23	2	4	26	0	55
	21-29	13	10	3	15	0	41
	30-39	23	8	1	11	0	43
	40-49	19	5	1	14	0	39
	50-59	14	8	2	20	1	45
	60-69	13	5	1	9	0	28
	70-79	15	6	1	5	0	27
	80-89	10	8	0	8	0	26
	90+	24	24	2	9	0	59
	N/A	6	1	0	3	0	10
Total		160	77	15	120	1	373

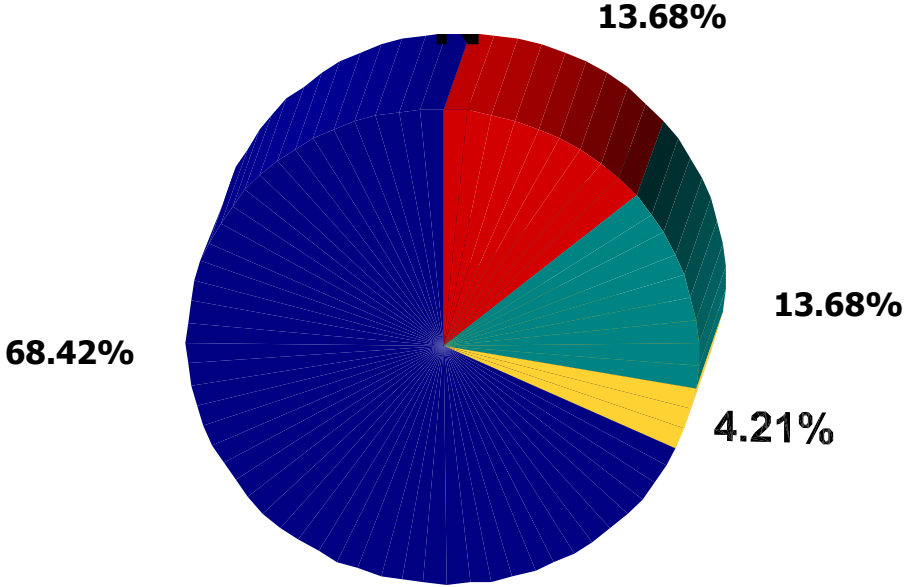
Income * Visits to other casinos Crosstabulation for members against tribal casinos

Count

		Visits to other casinos				Total
		1-5	5+	Have not but would	N	
Income	20-L	10	0	1	23	34
	21-29	7	0	15	29	37
	30-39	10	5	1	34	50
	40-49	32	4	2	20	58
	50-59	23	4	1	26	54
	60-69	16	3	1	13	33
	70-79	13	4	3	18	38
	80-89	9	2	0	7	18
	90+	26	3	1	13	43
	N/A	6	0	0	9	15
Total		152	25	11	192	380



What most influences Lumbee disapproval of a casino?



- Against Gambling in any form
- Morality
- Personal Gambling Addiction
- Religious Beliefs

What factors drive Lumbee disapproval of a tribal casino



Gender * Disapproval Crosstabulation

		...what most influences your disapproval?				Total
		AG	M	PGA	RB	
Gender	F	41 10.8%	28 7.4%	12 3.2%	197 51.8%	278 73.2%
	M	11 2.9%	24 6.3%	4 1.1%	63 16.6%	102 26.8%
Total		52 13.7%	52 13.7%	16 4.2%	260 68.4%	380 100.0%

AG – Against Gambling

M – Morality

PGA – Personal Gambling Addiction

RB – Religious Beliefs

