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## The Growth of the Native American Gaming Industry: An Update

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**The Growth of the Native American Gaming Industry:  
An Update**

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**BIOGRAPHY**

**James Ike Schaap, Ph.D.**  
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Dr. Schaap has over 40 years of university teaching experience. He was a co-founder/former board member at The Center for Logistics Management, College of Business, University of Nevada, Reno (UNR), where he taught for almost 25 years.

Professor Schaap is also passionate about providing much-needed graduate online education to working professionals, at California State University, Monterey Bay (CSUMB), where he teaches now, who cannot attend traditional, classroom educational programs.

**BIOGRAPHY**

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**Seaside, California**

Dr. González teaches restaurant and hotel operations management at the College of Business at California State University Monterey Bay (CSUMB). He has served as a certified trainer and proctor for ServSafe and ManageFirst. Previously taught at Oklahoma State University in Stillwater, Universidad del Este, and University of Puerto Rico. His primary research is in travelers' behaviors and preferences.

His career in the Hospitality Industry involves working with Hyatt Hotels, Hilton Hotels, and Walt Disney World.

## ABSTRACT

In the late 1970s, several Indian tribes established bingo operations to raise revenues to fund tribal governments. In 1987, in *California v. Cabazon Band of Mission Indians*, the U.S. Supreme Court upheld one of the most significant turning points for tribal governments: the legal right of Native American tribes to offer gaming on reservation lands, free of state interference. By 2001, gaming had become one of the fastest-growing sectors of the U.S. tourism industry. As of 2008, Indian gaming revenues topped \$26.7 billion.

The last few years have seen tremendous growth in the gaming industry, both in the number of new facilities opening and in gross revenues those facilities are earning. As of 2018, Indian gaming revenues topped \$33.7 billion, with 252 tribal governments conducting multiple gaming operations, for an average revenue growth per year of 2.4 percent. However, 2020, because of COVID 2019, has seen an overall economic downturn.

The tribal gaming industry will continue to lead the way on gaming technology and innovation. Emerging platforms will allow tribes to increase their market base. In fact, Native American gaming is considered one of the top industries in this country.

Indian gaming is no longer in its infancy. As such, Indian tribes will face new competition and additional challenges as state-sanctioned casinos continue to spread. Given that gambling is an accepted form of entertainment, it is likely that tribal gaming will continue to be an important part of the American economy.

**Key Words:** Compacts, Indian, Indian gaming, Indian tribes, Native American gaming, Native Americans, tribal gaming

## INTRODUCTION

Although this study embodies a general inquiry—a descriptive review—about the growth of the Native American gaming industry and possibilities the future may hold for America’s indigenous people, it is not an exhaustive scholarly research project.

Tribal betting is different from other forms of gaming. It is conducted by Native American (sovereign) governments to carry out their natural self-governing rights as independent nations. As such, three formal classes of gaming have been established:

Class I gaming includes social games for prizes of minimal value and traditional forms of tribal gaming as a part of or in connection with tribal ceremonies or celebrations (e.g., contests and games of skill). Because no money is exchanged here, Class I gaming is regulated solely by the tribes.

Class II betting includes bingo, other games similar to bingo (e.g., pull-tabs, lotto, punch boards, tip jars, instant bingo) if conducted at the same location, and certain non-house-banked card games allowed in a state (i.e., poker; note: “nonbanking” refers to poker and other card games in which players bet against each other rather than against the house). The use of technological aids in conducting such games is permitted. Subject to certain conditions set forth in the IGRA and some oversight by the National Indian Gaming Commission, Class II gaming is also regulated by tribes.

Class III gambling includes all other types of gaming not considered to be Class I or Class II, including slot machines, other video and electronic games of chance, craps, roulette, pari-mutuel wagering, and house-banked card games such as blackjack. Class III gaming is governed by tribal-state compacts (Meister, 2017a).

Since 1832 the U.S. Supreme Court has upheld the right of Native American tribes to self-rule, allowing them to control everything from fishing, hunting, and mineral rights to the establishment of gaming casinos.

Regarding the factors that drove Native Americans into gaming, in the 1960s no states ran lotteries, and only one, Nevada, allowed casinos. The Indian tribes had yet to discover the potential of gaming, from bingo to glitzy casinos (Marrero, 2007). Beginning in the late 1970s, however, various Indian tribes established bingo operations with the aim of raising revenues to fund tribal governments. In 1987, in *California v. Cabazon Band of Mission Indians*, the U.S. Supreme Court upheld one of the most significant turning points for tribal governments: the legal right of Native American tribes to offer gaming on reservation lands, free of state interference (National Indian Gaming Association, 2007). In essence, the band argued that its status as a sovereign government prevented state interference in its affairs.

The Cabazon Band is a small tribe with reservation lands of 1,706 acres near Palm Springs, California. In the mid-1980s, like several other tribes across the United States, this band ran a modest bingo parlor and a poker room on its reservation. When California state officials threatened to shut down its gaming facilities, the band sued the state, and the case made it all the way to the U.S. Supreme Court. The Supreme Court held that because California permitted gambling and even encouraged it through the state’s lottery, its law regulated rather than prohibited gambling. Accordingly, the state could not enforce its gambling laws so as to regulate

the tribe's gaming operations. This verdict kicked the door to Indian gaming wide open (Light, 2007).

In an effort to provide a regulatory framework for Indian gaming, Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988. The IGRA provides a statutory basis for the regulation of Native American gaming, specifying several mechanisms and procedures and requiring that all the revenues from gaming activities be used to promote the economic development and welfare of these tribes. For casino gaming, which IGRA terms Class III gaming, the legislation requires tribes negotiate a compact with their respective states, a provision that has been a continuing source of controversy between the tribes and state and local governments (National Indian Gaming Association, 2019).

Indian gaming is an economic development strategy that has provided tribal governments with the necessary funds to run their own administrative programs (Spilde, 2000). Because of this, at least in part, from a total revenue standpoint, tribal gaming is a Native American success story. The Indian Gaming Regulatory Act of 1988 states that Indian tribes shall use revenues from gaming for five general purposes: 1. To fund tribal government operations and programs; 2. To promote the general welfare of tribes; 3. To promote tribal economic development; 4. To make charitable donations; 5. To help fund local government agencies (National Indian Gaming Commission, 2009).

Since the passage of IGRA, tribal gambling revenues consistently have grown at a faster rate than commercial gambling revenues, in large part because a relatively small number of the Indian gambling facilities opened in densely populated markets that previously had little, if any, legalized gambling. This trend has continued. For example, from 1996 to 1997, tribal gambling revenues increased by 16.5 percent, whereas commercial gambling revenues increased by 4.8 percent. The growth rates for both, however, have shown signs of slowing over the same period. There is a degree of economic concentration in a relatively small number of gaming tribes. The 20 largest revenue generators in Indian gaming account for 50.5 percent of the total revenue; the next 85 account for 41.2 percent. As was IGRA's intention, gambling revenues have proven to be an important source of funding for many tribal governments, providing much-needed improvements in the health, education, and welfare of Native Americans on reservations across the United States. Nevertheless, Indian gambling has not been a panacea for the many economic and social problems that Native Americans continue to face (Native American Tribal Gaming, 2019).

## **PAST GROWTH: 1988 – 2008**

What can we say about the evolution of the Native American gaming industry? To evaluate the factors of the industry's growth, we must first review what happened between 1988 and 2008.

First, the Indian Gaming Regulatory Act (IGRA) was enacted by the United States Congress on October 17, 1988, to regulate the conduct of gaming on Indian Lands. IGRA establishes the National Indian Gaming Commission and the regulatory structure for Indian gaming in the United States.

Second, IGRA provided a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments. It also provided a statutory basis for the regulation of gaming by an Indian tribe adequate to shield it from organized crime and other corrupting influences, to ensure that the Indian tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by both the operator and players. And, it provided the establishment of independent Federal regulatory authority for gaming on Indian lands, the establishment of Federal standards for gaming on Indian lands, and the establishment of a National Indian Gaming Commission are necessary to meet congressional concerns regarding gaming and to protect such gaming as a means of generating tribal revenue.

In 1995, prior to the explosive development of Native American gaming, some tribal leaders were cautious or even skeptical about the impact such development would have on the Indian community. Most leaders had expressed both professional and personal concerns about the impact that gaming expansion would have on the quality of life for tribal members. In 1988, 70 Indian reservations, or about 12 percent of the total number of Indian reservations, in 16 states were generating more than \$100 million from nonbanking card games such as poker to satellite bingo parlors and such highly visible gaming ventures as full-service casinos, just as states had done with lotteries decades earlier (Pace, 2005). By 2000, fears of the negative effects on the Indian way of life were no longer as apparent. Tribal leaders became more positive about the addition of gaming to the community (Janes & Collison, 2004). By 2001, gaming had become one of the fastest-growing sectors of the U.S. tourism industry, with \$63.3 billion wagered in casinos, lotteries, racetracks, and bingo halls. Some \$12.8 billion of that amount was spent within Native American casinos, nearly doubling the \$7.4 billion generated in 1997 (Piner & Paradis, 2004). Between 2002 and 2005 tribal gaming achieved what no other antipoverty program had been able to accomplish in reversing the cycle of displacement and impoverishment of Native Americans: tribal gaming has been hailed as the “new buffalo” for Indians and has been credited with wresting once-destitute reservations from the grip of poverty, unemployment, and welfare dependency (Gonzales, 2003). In 2004, tribal gaming operators in six states were generating the following gross revenues: California, \$4.7 billion; Connecticut, \$2 billion; Minnesota, \$1.4 billion; Arizona, \$1.2 billion; Wisconsin, \$1 billion; and Michigan, \$870 million. This comprised about 57 percent of the gross tribal gaming revenues for that year (Zelio, 2005).

By 2005, the growth of Indian gaming was even more impressive compared to other segments of the casino gambling industry. In fact, tribal gaming grew at more than three times the rate of the non-Native American gaming casino segment, with revenues topping \$22.6 billion (Meister, 2017a).

Casino growth on a national level has occurred most significantly in Native American communities (Wisconsin Policy Research Institute, 1995). One of the main reasons for this is that tribal communities self-govern—because of their sovereignty—without the influence of state governments. As of 2006, because of their ability to self-govern, gaming tribes operated in 28 states: Alaska, Arizona, California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington, Wisconsin, and Wyoming. Four of these states, California, Connecticut, Florida,

and New York, experienced major growth in tribal gaming (Froelich, Schaller, & Klaczek, 2007).

As a side note, sovereignty, the exclusive right to exercise supreme authority over a geographic region, is the source of much controversy when applied to Native American tribes, despite their centuries-old legal status as independent nations. Further, mention casinos as an outgrowth or privilege of Indian sovereignty and the hostility certainly heats up (Light & Rand, 2005, p. 79).

By 2006, of the 562 federally recognized Indian tribes, a total of 226 tribes, or about 40 percent, in 28 states were engaged in some form of gaming (Froelich, et al., 2007). In 2007, even amidst a struggling economy, gambling revenue at Indian gaming facilities grew at a modest pace of 5 percent over 2006 (Research & Markets, 2009). Also, in 2007, in Oklahoma, the state with the most gaming facilities, tribal casino revenue jumped 22.3 percent (Meister, 2008).

What is more, in 2006, Congress introduced legislation to protect their own casino interests from those tribes that are outside reservation. Further, the Bureau of Indian Affairs (BIA) had faced increasing pressure to tighten regulatory policy and oversight of casino approvals. In particular, the BIA had been instructed by Congress to implement new procedures after two decades of IGRA's existence. These procedures would allow local communities to have more influence in the siting of casinos in their community and would make the process of casino approval more transparent. To many tribes, however, the proposed regulations would further encroach on tribal sovereignty (Oversight Hearing on the Implementation of the Indian Gaming Regulatory Act, 2001, pp. 107-166).

As of 2008, 233 Indian tribes, including two Alaska Native villages (i.e., Tlingit and Haida Tribes), operated 411 casinos, bingo halls, and pull-tab operations spread throughout 28 states, creating more than 636,000 jobs: 284,000 in direct Indian gaming, 102,000 in indirect Indian gaming, and 208,000 in Indian gaming and government projects (National Indian Gaming Commission, 2009). As shown in Figure 1.0, Indian gaming revenues topped \$26.7 billion. To say the least, this compares favorably to revenues of \$7.4 billion 12 years earlier—a phenomenal growth of 259 percent (National Indian Gaming Commission, 2009).

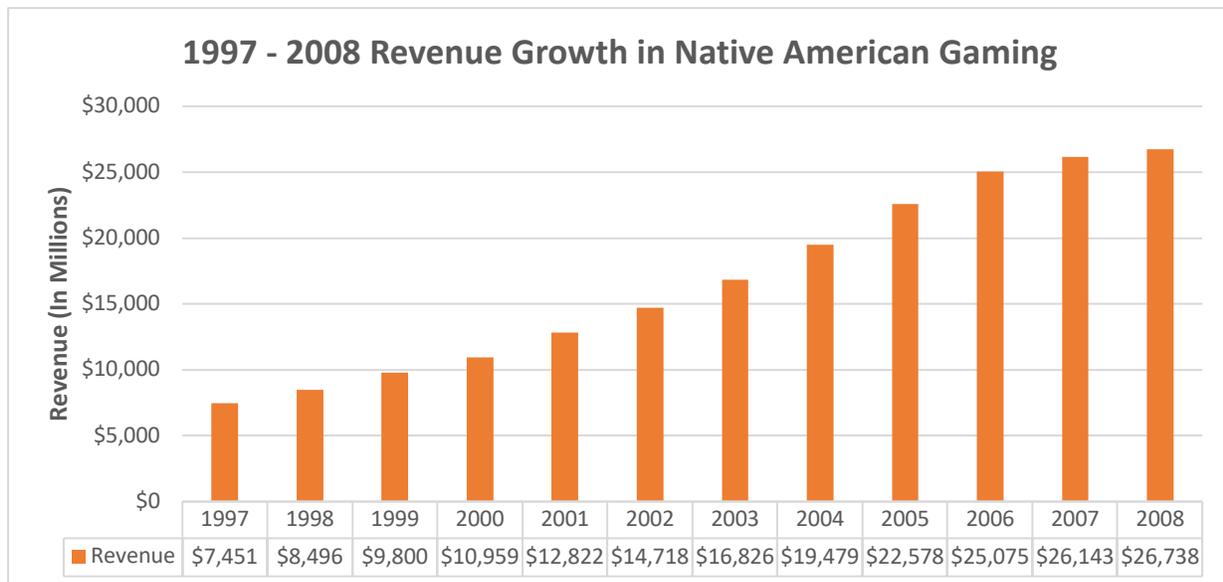


FIGURE 1.0. Revenue Growth in Native American Gaming. National Indian Gaming Commission (June 2009).

Even with the progress of tribal gaming, more than two thirds of Native American tribes do not participate in gaming at all. Some tribes, such as the Navajo Nation, with lands in Arizona, Utah, and New Mexico (i.e., over 17.5 million acres), rejected Indian gaming for a long time, including in referenda. However, in a 2006 statement Navajo Nation president Joe Shirley Jr. affirmed: If everything falls into place, we will see our first casino in short order (Helms, 2006). Finally, in 2008, after much debate, the Navajo Nation finally approved its first casino, offering slot machines, a bingo hall, and table games such as blackjack and poker. It is called Fire Rock Navajo Casino and is located just east of Gallup (i.e., in the town of Church Rock), New Mexico, along Interstate 40 (Giago, 2008). The casino has surprised everyone in terms of the actual revenue it is producing. In fact, it is doing so well that the Navajo Gaming Enterprise is hoping to build three more casinos as soon as possible (Gallop Independent, 2009).

Other tribal governments are engaged in policy debates over whether or not to permit gaming and related commercial developments on their reservations (Pully, 1999).

### **CURRENT GROWTH: 2009 – TO THE PRESENT**

What can we say about the continued evolution of the Native American gaming industry? To evaluate the factors of the industry's growth, we must now look over what happened between 2009 and the present.

For many Navajos, the leap into gaming promises solutions to decades-old challenges of poverty and neglect on the reservation, yet the speed at which casinos were built was a source of anxiety for others. In fact, between 2008 and 2013, four casinos opened with a total investment of nearly \$300 million from the Navajo Nation Land Acquisition Fund (Carder, 2016, p. 319).

Ackerman (2009, p. 276) stated that the United States had a problem with the reasonable management of Native American gaming, a problem that is not being solved by the Indian

Gaming Regulatory Act (IGRA). Unfortunately, IGRA is a prescription for litigation between the tribes and the states. That said, if Native Americans have the exclusive right to regulate gaming on their lands, as clearly stated in *California v. Cabazon* and echoed in IGRA section 2701(5), then section 2710(3)(A) is at best contradictory and at worst unconstitutional.

In keeping with Ackerman (2009, p. 277), this researcher goes on to state that the only gaming that has been limited in South Dakota is that of the Native Americans. The treatment of the tribe in this context is clearly unfair and a violation of equal protection under the law.

Conner and Taggart (2009, p. 68), from the findings of their own study, state that, although the future of Indian gaming across the country remains uncertain, the Indian Nations, at least in New Mexico, engaged in gaming have taken action to secure the continuance of their operations into the next half-century. During the 2007 state legislative session, a majority of gaming revenue sharing and grants the state more regulatory authority in exchange for gaming compacts that extend to 2037.

In 2010, in *“The Growth of the Native American Gaming Industry: What has the Past Provide, and What Does the Future Hold?”*, Schaap (2010) authored the following:

Today, Indian gaming is a visible exercise of the sovereign authority of tribes and despite tough economic conditions, the industry remains strong. In addition, casino operations appear to be more economically stable than other types of businesses in the amusement and recreation sectors (pp. 378-379).

Schaap (2010) further noted, in that same article, that:

The socioeconomic impacts of Native American gaming, as of 2008, include \$26.7 billion in gross revenues. These impacts should lead us to believe that the advent of Indian gaming, at least in the past, has created positive socioeconomic effects for tribal nations (p. 383).

As later stated by Akee, Spilde, and Taylor (2014):

Tribal government gaming has created differential outcomes across time and space in Indian Country. The opportunities enshrined in and the constraints created by the Indian Gaming Regulatory Act (IGRA) are still revealing themselves as tribal-state gaming compacts, tribal government capital investment, and federal actions that continue to evolve. As with many federal policies intended to clarify rights across Indian Country, IGRA’s compacting provision has instead created a patchwork of regimes that result in differing outcome across time and geography (p. 58).

As acknowledged by Kodish, Gittelsohn, Oddo, and Jones-Smith (2016, p. 1): American Indian-owned casinos are perceived to influence the health of tribal communities through three pathways: 1) improving the tribal economy, 2) altering the built environment, and 3) disrupting the social landscape. Specifically, improved cash flow has resulted in new wellness programs, community centers, places for recreation, and improved social services. Also, higher disposable incomes have led to better financial stability, increased access to healthy food, and more opportunities for physical activity.

According to Akee (2019) of the Brookings Institution, founded in 1916 an American research group on Think Tank Row in Washington, D.C., and UCLA, research outcomes indicate that those escaping poverty had children who achieved higher educational achievement and decreased arrests. Akee also showed that establishments on American Indian land fared better during the Great Recession than those located outside of it. Taylor, in the same piece, stressed that the gaming industry is a result of the self-determination of tribal governments and their inherent sovereignty. Taylor also described the impact on political and cultural dynamics of return migration back to the reservations because of increased economic activities on the reservation (Akee, 2019).

As stated by Meister (2017a), U.S. Indian gaming experienced strong growth on a nationwide basis in calendar year 2015 (5.5percent), more than doubling that in 2014 and surpassing its pre-recession growth rate for the first time. This was the sixth straight year of growth following the Great Recession, leading to a new all-time high of \$30.5 billion in gaming revenue in 2015. Amidst this evolution, tribal gaming has come to generate over 44 percent of all gaming revenue in the casino gaming industry (2017b).

Non-gaming amenities continued to expand at many Indian gaming facilities. In 2015, non-gaming revenue grew approximately 4.5 percent to an all-time high of \$3.9 billion. Altogether, the \$34.4 billion in gaming and non-gaming revenues were generated by 242 tribes operating nearly 357,000 gaming machines and 7,700 table games in 494 gaming facilities in 28 states.

Notably, Indian gaming's growth outpaced that of the U.S. economy in 2015 (gross domestic product grew 2.5 percent and per capita disposable personal income grew 3.1 percent). It also outperformed other casino gaming segments to become the largest industry segment (i.e., the commercial casino segment grew 1.6 percent).

While Native American gaming grew in most states in which it existed (24 of 28 or 86 percent), there was a wide disparity in performance across states, varying from approximately +16 percent in Texas to -14 percent in Wyoming. Furthermore, gaming revenue was highly concentrated among: (1) a relatively small number of large Indian gaming facilities; (2) the largest Indian gaming states; and (3) Class III gaming.

Native American gaming generated significant economic impacts in 2015. First and foremost, Indian gaming continued to help promote tribal economic development, self-sufficiency, and strong governments. Gaming profit is used by tribes to fund government operations, develop infrastructure, support social and economic programs and services, and finance other business ventures.

Indian gaming also continued to have a significant economic impact on surrounding communities and the general economy. Its total contribution to the U.S. economy, including both direct and secondary impacts, totaled approximately \$103.0 billion in output (i.e., value of sales); 770,000 jobs; \$35.5 billion in wages; and \$12.3 billion in fiscal impact [i.e., including \$1.8 billion in direct payments to federal, state, and local governments, and \$10.5 billion in federal, state, and local taxes on secondary economic activity stimulated by Indian gaming] (Meister, 2017a).

According to Schilling (2018), Indian gaming is the most heavily regulated form of gaming in the country, with up to three levels of regulatory oversight (p. 4). Still, the last few years have seen tremendous growth in the gaming industry, both in the number of new facilities opening and in the gross revenues those facilities are earning. Over the last few years, tribes have begun to refocus on Class II gaming.

More recently, specifically in the state of Oklahoma, three of the most powerful tribes have filed a federal lawsuit against the state's governor, asking the court to help resolve a dispute over gambling at tribal casinos.

The Cherokee, Chickasaw, and Choctaw nations want a federal judge to determine whether the state compacts, that allow gambling exclusively at tribal casinos, automatically renew their compacts for another 15-year terms. Further to this point, the tribes contend all the conditions have been met for the compacts to renew.

Since the compacts were approved, casino gaming has exploded in Oklahoma with more than 130 casinos now dotting the state, generating revenues in excess of \$2.3 billion from games covered under the compacts, ranging from gas station annexes to resort-style casinos (Murphy, 2019).

There appears to be many claims pending and/or completed about tribal compacts. For example, as stated by Miller (2019), eleven state-tribal gaming compacts were signed in Wisconsin in 1991 and 1992, and Indian gaming casinos featuring electronic games and blackjack tables began operation across the state. Currently, 15 Class III facilities offer both electronic and table games and nine facilities offer only electronic games. The compacts require the tribes to submit annual independent financial audits of casino operations to the Department of Administration (DOA) and to the Legislative Audit Bureau.

The National Indian Gaming Association (2019) provided the following information about the growth of Native American gaming: The total number of federally-recognized Indian tribes is 562. This is the same as in the previous 20 years (1988-2008). The total number of tribal governments engaged in gaming (Class II or Class III): 224. This is down by 9 from the previous 20 years. The total number of tribal governmental gaming operations is 354 (several tribes operate more than one facility). This is down by 57 from the previous 20 years in which there were 411 operations. The total number of states with tribal governmental gaming is 28 (i.e., Class II or Class III). This is the same as in the previous period. The total number of jobs is about 400,000. The national percentage of Indian to non-Indian employees is 75 percent non-Indian and 25 percent Indian. In areas of high unemployment such as North and South Dakota, 80 percent of Tribal governmental gaming employees are Indian.

With regards to revenues, as shown in Figure 2.0, as of 2018, Native American gaming revenues topped \$33.7 billion. This compares favorably to revenues of \$26.7 billion 10 years earlier (2009)—a growth rate of 27.1 percent, for an average revenue growth per year of 2.4 percent. Although this progression, in percentage terms, is significantly lower than in the previous 12-year period (1997-2008), it still shows that Indian gaming is exhibiting positive and sustainable growth.

By comparison, the Las Vegas Strip (i.e., a stretch of South Las Vegas Boulevard in Clark County, Nevada, that is known for its concentration of resort hotels and casinos), in 2017, had revenue of \$17.8 billion dollars for rooms, food, beverages, and gaming combined, with gaming revenue accounting for \$6 billion (Sheldon, 2018). However, 2020, because of COVID 2019, has seen an overall economic downturn.

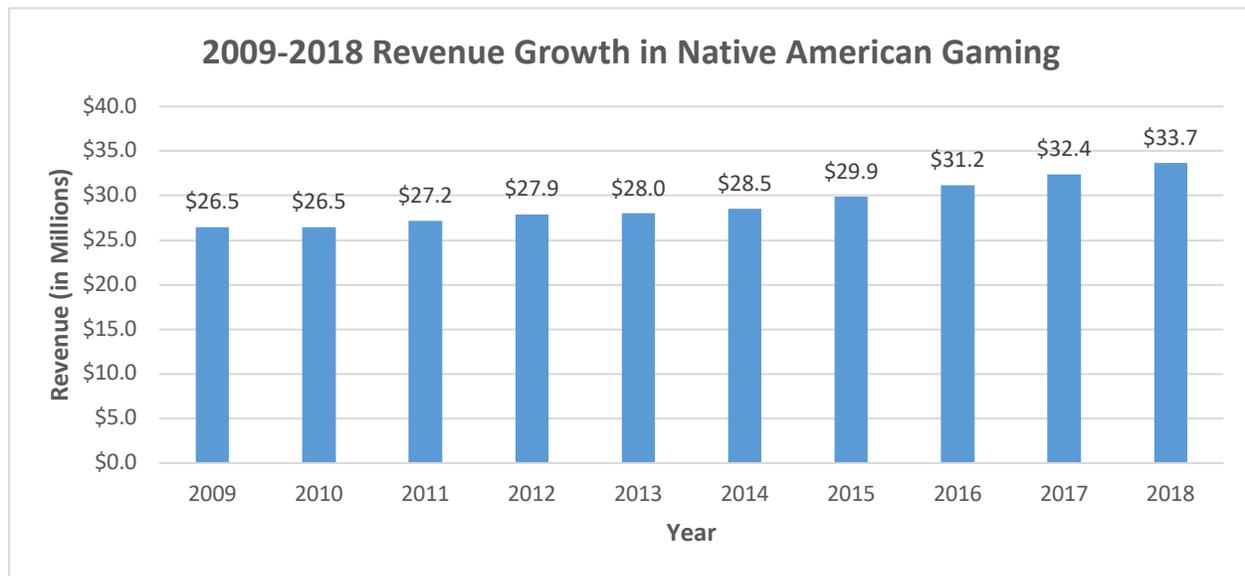


FIGURE 2.0. Revenue Growth in Native American Gaming. National Indian Gaming Commission, 2020.

The recent growth of Native American gaming has, in some instances, changed the face of tribal economies, but it has also proven to be very ineffective in other situations. Although tribal victories over the governmental and cultural oppression in the 1950s yielded a dynamic transformation, economic success fell short in comparison. Unemployment is down and personal income has increased, but only a handful of tribes has made economic changes. Their strides have been spotty and fluctuated greatly from each Native reservation. This was happening because, for most tribes, their lands were not economically productive, infrastructure was poor, and they were far away from prospering markets of large populations. In order to address the issue of poverty, Native American tribes were required to fuel some type of economic development. Native Americans sold some of their tribal land to prospecting non-Natives so as to stimulate economic growth, but tribal gaming has proved to be the single largest source of income in the Native community. However, the United States government intervened in tribal affairs throughout the rise of Native gaming.

Many tribal governments have seen substantial improvements in their ability to provide public services to their members, such as building schools, improving infrastructure, and shoring up the loss of native traditions. Tribal gaming operations have not been without controversy, however. A small number of tribes have been able to distribute large per-capita payments, generating considerable public attention. Additionally, the national expansion of Native American gaming has led to a practice that critics called *reservation shopping*. This term describes tribes that, with the backing of casino investors, attempt to locate a casino off their reservation, usually near a large urban center. However, although authorized by the Indian

Gaming Regulatory Act, only three "off-reservation" casinos have been built to date (Wikipedia, 2019).

## **WHAT DOES THE FUTURE HOLD?**

Sadly enough, Native American families still live below the poverty line at rates nearly three times the national average. Nearly one out of every three Native Americans lives below the poverty line. One half of all Native American children under the age of 6 years on reservations is living in poverty. On average, Native American families earn less than two thirds the incomes of non-Native American families. As these statistics indicate, poverty in Native American reservations is an everyday reality that pervades every aspect of Native American life.

Approximately 90,000 Native American families in Native American reservations are homeless or under-housed. One third of Native American homes are overcrowded; nearly one in five Native American homes on the reservation is classified as severely overcrowded. One out of every five Native American homes lacks adequate plumbing facilities. Simple conveniences that the rest of us take for granted remain out of the grasp of many Native American families.

Additionally, Native Americans still suffer from diabetes at two-and-a-half times the national rate. Native American children suffer the wrenching effects of fetal alcohol syndrome at rates far exceeding the national average. Perhaps most shocking of all, Native American youth between 5 and 14 years of age commit suicide at twice the national rate. Overall, the suicide rate for Native Americans between the ages of 15 and 24 is nearly three times the national rate (National Indian Gaming Association, 2013). That said, and according to Conner and Taggart (2013, p. 27), for many (tribal) nations, Indian gaming would appear to be a stepping-stone, and not a cure-all, for addressing the deplorable conditions found in Indian Country.

Having said this, tribal gaming continues to be a for-profit business clearly designed to relieve tribal poverty (Anderson, 2013). Tribes continue to use commercial casinos for tribal efforts at job creation (Humphreys & Merchand, 2013). In addition, tribal leaders have encouraged economic development, which has, unequivocally, improved health, education, and housing, and provided aided additional funding for necessary programs (Debenport, 2012). Wolfe, Jakubowski, Haveman, and Courey (2012) found that the increase in economic development (i.e., tribal gaming) has improved the health and welfare of the tribal community.

In a study performed by Ackerman and Bunch (2012, p. 60), these researchers found that their analysis on gaming compacts resulted in important differences between states in the degree of control exercised over Native American gaming operations. More importantly, the term of the compact in years is critical, since short-term compacts limit the potential for tribes to secure long-term financing to build up-scale, high-quality facilities that will likely attract more business.

Furthermore, according to Ackerman and Bunch (2012, p. 64), the notable variation in tribal-state compacts revealed the important issue of the fair and equitable treatment of all tribes across the United States with regards to tribal gaming activities.

Note: Tribal-state compacts are the area where balance is sought between the interest of the tribe and the interest of the respective state (i.e., when it comes to Native American casinos)

(Webb, 2019). That said, The Indian Gaming Regulatory Act of 1988 requires that tribes sign negotiated compacts, or agreements, in good faith, with their state governments to clarify a range of jurisdictional issues surrounding regulation and scope of gaming. Each compact must be negotiated with the Governor, ratified by the State Legislature, and finally, approved by the Department of the Interior (cniga.com, 2020).

Despite all the good or not-so-good news coming from Indian country, since the passage of the Indian Gaming Regulatory Act of 1988, the accumulated economic and social deficits on reservations are still so large that even if Indian income growth keeps its current pace, it will take decades for American Indians to close the gap with the average American (Akee, Spilde, & Taylor, 2015).

Schilling (2018) asserted that the tribal gaming industry will continue to lead the way in gaming technology and innovation (p. 6). Emerging platforms will allow tribes to increase their market base. A challenge here arises as lawmakers consider regulatory approaches and structures for these emerging platforms such as internet gaming, mobile gaming, skill-based and any other new gaming innovations. It is imperative that tribes have a voice in those discussions to ensure that the longstanding federal Indian self-determination policy principles explicitly referenced in IGRA inform those discussions.

As indicated by the data presented, Indian gaming continues to increase. In fact, Indian gaming is considered one of the top industries in this country. With the historic 2018 election behind us, the National Indian Gaming Association is educating a new group of legislators about the success of Indian gaming (National Indian Gaming Association, 2019). Still, Indian gaming is a very political issue that is extremely misunderstood outside of Indian country, and not well understood within it (Robertson, 2017).

As said by WTKR-TV (2018)—covering southeastern Virginia to northeast North Carolina—the Pamunkey Indian Tribe, located in King William, Virginia, on about 1,200 acres, are in negotiations to build a resort casino and spa along the Elizabeth River. A spokesperson for the tribe added that the casino would include slot machines, table games, and typical games that you would see at a casino.

Per Abbott (2018), a new Hard Rock Hotel & Casino, which is owned by the Estom Yumeka Maidu Tribe of California and the Seminole Tribe of Florida is expected to open soon in Yuba City, California. It is believed that the hotel and casino are going to make a world of difference for the Yuba-Sutter area, employing 1,300 – 1,400 people.

As stated by Morgen (2019), a casino project proposed by the Tejon Indian Tribe for a 306-acre area south of Bakersfield, California has taken an important step forward. By constructing a casino here, the tribe said in the report that it hoped to reestablish a homeland while creating a revenue source that could fund education, health, and governmental services for tribal members.

As per Graham (2019, p. 2), because Native American gaming is doing so well, tribes want to open casinos near major urban areas to increase their profits. More so, it would allow tribes, agreeing with H.R. 375, to do reservation shopping, acquiring land that is favorable to

new gaming facilities, separate from considerations of the tribe's history of the desires of the local communities.

It should also be noted, according to Creager (2019), that the Golden Mesa Casino, under construction outside of Guymon, Oklahoma, will be the first belonging to the Shawnee Tribe. This casino is expected to have a \$34 million impact on the state and increase tourism in the area.

As the Indian gaming industry enters its third decade of formal existence, it continues to be a prominent source of revenue for Native American nations. However, labor force participation has dropped off for both per capita payment and no pay Class III gaming tribes in the most recent decade. In addition, there has been diminishing returns on investments in gaming operations for more than 20 years—as more tribes have adopted gaming in the 2000s (Conner & Franklin, 2019).

Finally, as Hopper (2019, n. p.)—a Tlingit, Kagwaantaan Native American from Juneau, Alaska—wrote about, where a diverse group of academics, regulators, and researchers came together for a historic symposium on Indian gaming at the Brookings Institution, where Chairman Ernest Stevens (i.e., an enrolled member of the Oneida Nation in Wisconsin) of the National Indian Gaming Association brought it down to a relatable level when he said:

We need the world *not* to be afraid of Indian people expanding our horizons because we got a long way to go. In the next six months, I am going to hold two more brand new grandbabies. So, I will be up around 17 grandchildren. I want these kids to have something to live for and I want America's children to have something to live for. That is what Indian gaming is all about.

## CONCLUSION

Indian gaming is no longer in its infancy. As such, Indian tribes will face new competition as state-sanctioned casinos continue to spread. Still, the effects of tribal gaming on Native American nations have been profound. The assistant secretary of Indian affairs at the U. S. Department of the Interior stated, “Indian gaming is simply the most successful economic venture ever to occur consistently across a wide range of American Indian reservations” (Akee et al., 2015, p. 196). What then is the reason(s) for the success of Native American gaming? Like all things, there is no single reason for the industry's accomplishments. Multiple factors are at play. Some likely factors include the following:

- Scale – Tribes own 488 gaming facilities in 28 states. This includes some of the biggest land casinos in the United States, such as the Mohegan Sun and the Foxwoods Resort.
- Interest – The media is interested in this phenomenon. Because of the glitz and glamour of some of these casinos (i.e., marketing programs), the media attention surrounding them has been intense. This leads to awareness, which leads to visitors.

- Determination – It is no secret that many tribes were and still are much poorer than average. The scent of success and the subsequent determination and hard work that make it happen have no doubt played a role in the story of Native American gaming.
- Laws – Although many casinos on reservations do pay state taxes and contribute greatly to their local economies, some do not have to pay state or even federal taxes. That means more monies to reinvest in new establishments and to improve existing ones (Brown, 2018).

The complexities of Native American gaming—sovereignty, constitutional law, shifting courts, state domination, historical locations, compact processes, modernity, economic development, politics, and so on— remain far beyond the scope and focus of any single journal article. Still, it is necessary to fully explore these concepts, if possible, in real situations (Fenelon, 2006).

Indian gaming can signal where Native Americans and the Native American nations are headed in the United States, which has formally stated that it wants to recognize all its citizens and their diversity (Indian Country Today, 2006). In the past Native Americans have been one of the nation's smallest and least influential minorities. For generations, many descendants of the country's oldest inhabitants have felt embittered and belittled. With little or no economy or tax base to fund essential services, Native Americans turned to gaming, through self-determination, to generate government revenue needed to fund these services and provide employment for tribal members (National Indian Gaming Association, 2009). Now, because of tribal gaming, they are emerging as an economic and political powerhouse. As such, they are pouring millions into gubernatorial races, and politicians are scrambling to get Native Americans on their side. At least two members of the U.S. Senate arguably owe their seats to Native Americans. Native Americans have also helped elect governors and U.S. House members (USA Today, 2003).

Cramer (2005) contended that since 1988, the expansion of tribal bingo and casino operations has been acknowledged in the public eye, exposing it to greater politicization and backlash; much of this reaction centers on arguments that tribes only want official acknowledgment to establish casinos. However, gaming could not have been a motivation for the earliest petitioners; it is unlikely to be the sole motivation for legitimate tribal groups seeking recognition now. Nonetheless, the media's conflation of gaming with acknowledgment makes it clear that the American public is uneasy with tribal self-assertion and Indian self-determination, at least when it comes to gaming enterprises, whether or not a connection exists between petitioning and a desire for gaming (Cramer, 2005).

Nevertheless, tribal gaming is creating some positive social and economic opportunities for Native Americans where few were available before. Gaming dollars have appreciably improved the basic health and education on reservations. Tribal gaming has also succeeded where other federal programs have failed for decades, the federal government tried with little support to spur economic growth on Indian reservations. Invariably, these federal efforts met with little success because federal funding did not follow the policy declarations. Although Indian gaming revenues have made a marked difference in the lives of many tribal families, the federal government's responsibilities cannot be ignored (National Indian Gaming Association, 2009). Phenomenal growth has been achieved, but gaming has also drawn increased attention and scrutiny from politicians, regulators, media, and the public (Meister, 2017a).

In addition to these positive socioeconomic impacts, evidence also demonstrates that Native American tribes contribute, as mentioned before, to local economies through taxes, revenue sharing, employment of non-Native Americans, contributions to local charities, and a myriad of other ways. These tribal gaming communities for the most part have made good use of their newfound wealth to the definite benefit of their tribal members (National Indian Gaming Association, 2004).

Based on the results of this inquiry and assessment, the reasons for the industry's growth can best be understood by examining the background and stimulus of the social and economic growth while taking into account the many policies and decisions that have molded the industry into what it is today. The key to understanding why the Native American gaming industry will grow in the future is not to look for one specific reason but rather to see that the industry will grow because of a multitude of reasons. Still, the success of tribal gaming has opened opportunities for Native Americans to participate for the first time in corporate America. At the same time, this success is forcing some American business and legal practices to become culture—and place—specific, grounded in the nuances of localized tribal jurisdictions.

While this paper is strictly a descriptive review of the Native American gaming industry, the impacts of Indian gaming, especially on Indian country, remains far from complete. Much of what is known about gaming on Indian country remains far from complete. Much of what is known about gaming's effects is informed by anecdotal testimonials, case studies, and comparative designs working with relatively small samples. Still, these and similar studies indicate gaming is having positive and beneficial impacts on Native American communities. More specifically, the impact of gaming varies substantially across different types of gaming situations in Indian country (Conner & Taggart, 2013).

According to Harrison (2018), this author, writing about the trends impacting Native American gaming stated the following:

- Demographics are changing, and millennials are the largest consumers – it is all about experience for the millennials. The story is to understand the complexity of those changes to increase engagement, frequency and spend by using analytics.
- Guest journey and guest service must be at the forefront of design and innovation.
- IT infrastructure and applications related to commerce, marketing, loyalty, and guest experience management are closely intertwined and must be examined thoroughly as part of business process analysis.
- It will be critical for the Native American gaming enterprises to offer new entertainment environments that will have a mix of leisure, retail, food courts, etc., that would appeal for the current target guests.
- Creating a sense of place for the guest in addition to the core gaming product.

Given that gambling is an accepted form of entertainment, it is likely that tribal gaming will continue to be an important part of the American economy. In fact, positive changes are happening, including the following:

- More young adults are moving back to reservations;
- A 11.5 percent population increase;

- An adult employment increasing by 26 percent;
- A 14 percent decline in the number of working poor;
- In counties with or near a casino, an increase in the employment-to-population ratio and a decrease in mortality rates (Gorman, 2019).

As the Native American gaming industry continues to mature, it will face the challenges of differentiating itself from the non-Native American commercial gaming industry, engaging the next generation of tribal members, and contributing to local tribal economies (Akee, 2019).

Indian gaming has, undoubtedly, improved living conditions for Indians and all persons residing on tribal lands. When comparing the experience between the first decade and the second decade since Indian gaming was introduced, Class III gaming improvements in the living conditions on Indian lands persisted, but on a flatter trajectory than in the prior decade (Conner & Franklin, 2019, p. 793).

## **LIMITATIONS AND IMPLICATIONS**

As mentioned early on in this study, this paper embodies a broad-spectrum analysis—an explanatory investigation—about the growth of the Native American gaming industry and possibilities the future may hold for America’s indigenous people. It is not, however, an exhaustive scholarly research project. That said, this study’s results must be interpreted with certain caveats in mind. First, the data presented here come from secondary sources, so it might be prone to errors. Second, the data does not necessarily constitute substantive economic research. For example, we reviewed different articles that presented diverse data for the total number of tribal casinos as well as different revenue amounts. Still, we believe that the information provided in this study has both theoretical and practical implications. In the meantime, to ascertain the current as well as future socioeconomic impacts of Indian gaming, further scholarly analysis of available social and economic data should be conducted.

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