Keeping the Indian Tribal Community Together: Nation Building and Cultural Sovereignty in the Indian Casino Era

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The gut question has to do with the meaning of the tribe. Should it continue to be a quasi-political entity? [Should] it become primarily an economic structure? Or should it become, once again, a religious community? The future, perhaps the immediate future, will tell.
— Vine Deloria Jr., *For This Land: Writing on Religion in America*

INTRODUCTION

Vine Deloria Jr., the well-known Native American intellectual proposing this "gut question" in 1999, expected that a new discussion on self-rule of the tribes among the Native American communities would come soon. His expectation came to pass when the discussion among Native American intellectuals and leaders about tribal communities was developed as a social theory after the advent of the "Indian casino era," beginning in the late 1980s.[1]

The idea of Native American community development originally emerged out of the Red Power movement starting in the 1960s (weakening in the 1970s) in which Native American activists resisted federal control, which historically had ignored and destroyed Native American communities, resulting in broken families, alcoholism, and poverty. The term "Red

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Power," is attributed to Vine Deloria Jr.[2] Red Power increased the sense of Indian pride and ushered in a new age for Native Americans to positively self-represent based on "Indian" identity. Led by some pan-Indian activist organizations such as the American Indian Movement, community development in the context of the Red Power movement had a goal of political and economic self-determination for Native American people, regardless of their tribe or whether or not they live on reservations.[3]

Instead of being frightened off by American government violence both in their reservations and urban communities, participants in the movement— Indian intellectuals, political leaders, students, and others who were emotionally and theoretically invested—started pursuing ways that Native Americans could develop their communities by enhancing their political, economic, and social self-determination.[4]

Since then, community development pursuits have evolved alongside changes in what "community" means for Native Americans. Since the 1970s, the Red Power movement has resulted in pan-tribal approaches to community development that criticized the federally controlled tribal system that was created during the 1980s. Having achieved stronger economic and political sovereignty in the 1990s, an increasing number of tribes started identifying themselves as "nations."

Nation building then became a radical political trend in community development. As Simone Poliandri writes, "nationhood and nationalism" have emerged as "some of the leading expressions of tribe belonging and community self-determination among Native North American peoples."[5] Those notions have become "connected with issues of political and economic sovereignty, sense of peoplehood, identity, territoriality, citizenship, and the development and maintenance of cultural capital."[6] Shifts in "community" occurred with the change in the rule of the tribe itself, from the tribe as a federally controlled political system to the tribe as a "nation."[7]

Twenty-first-century research has described the historical and theoretical development of current tribal nation building from a critical perspective as well as its role in radical activism opposing federal Indian policy in the twentieth century.[8] Although tribal nation building and economic development have been closely tied since the 1990s, the contribution of the latter to the former has rarely been analyzed, and few works on tribal nation building have taken into account the rich accumulation of studies on the Indian gambling industry.[9]

How has nation building been practiced on Indian reservations since the

1990s? What kind of community development are Native Americans pursuing in an era of political and economic sovereignty? In an attempt to answer these questions, in this article, I analyze how some of the so-called gaming tribes of Central and Southern California, the Tule River, Tachi-Yokut, Cabazon, and Pechanga, have engaged in tribal nation building. Since the Supreme Court decision in *California v. Cabazon Band of Mission Indians* in 1987, the gaming industry has become one of the most significant ways in which tribes earn money. Tribes have started to build financial resources through tribal businesses, including the tribal gaming industry, to invest in the welfare of their peoples and to support other Indian and non-Indian communities, as well as for their cultural development as tribes. Native American tribes acquired this economic sovereignty based on western capitalism for the first time in their history, thus strengthening tribal self-determination culturally as well as economically.[10]

First, I explore the historical and theoretical background of the theory of Native American community development from the 1960s, which eventually created the idea of nation building. Second, I analyze how the gaming tribes have embarked on nation building. In this article I challenge the post-1960s stereotypes of Native American societies as pan-tribal racial groups, impoverished peripheral societies, dependents on federal welfare programs, or rich gaming Indians enjoying western capitalism. None of these explain the essence of the Native American communities in the post–Red Power era. Whether a tribe engages in gaming or nongaming industries, tribal economic development has changed not only the tribal community but also the meaning of "tribe" itself into more autonomous and self-governing entities such as "nation."

HISTORICAL BACKGROUND OF NATIVE AMERICAN COMMUNITY DEVELOPMENT

"Community development" is a generic term describing the processes by which local communities can raise their own standard of living. The process may include the organization or establishment of institutions for social welfare, health protection, education, agricultural improvement, or small and large-scale industries. The term itself began to be used in the 1930s in the context of colonial social welfare programs for disadvantaged people in Africa and Asia. In the United States, the idea of community development became pervasive in the 1960s, especially in the context of physical development projects for the working class in urban areas and for the

promotion of business and management skills to uplift low-income residents.[11]

The Pan-Indian Approach

Native American community development is a relatively new topic of research. Native American intellectuals, who established Native American Studies departments in colleges and universities in the early 1970s, encouraged a connection between academia and Native American societies. One such department started offering an introductory course titled "Native Community Development." The syllabus stated the course's "goal of understanding and evaluating the strategies adopted by Native American communities to develop and implement forms of sovereignty or autonomous self-management."[12] These methodologies were studied and shared by an increasing number of Native and non-Native college students working with Native communities.[13]

The idea of community development in Native American tribal communities had its roots in the 1960s Red Power movement in which the right to self-determination and deciding their own future became salient after Native American tribes faced the challenge of the federal Indian termination policy in the late 1940s and 1950s, which unilaterally removed federal responsibility toward Native American tribes and forced them off reservations.[14] The century-old assimilation policy had treated Native American identity as anti-American or anticivilization. As Stephen Cornell states in *The Return of the Native*, the Red Power movement strengthened pan-Indian identity.[15]

Tribal Approach

With the Red Power movement, "community" came to mainly mean "tribe," since "tribe" gained definitive status as an agency to achieve Native American political self-determination under the guardianship of the federal government.

According to David Wilkins, "tribe" is an ethnological and political-legal term. From the former perspective, a tribe may be defined as an ethnological group of indigenous people connected by biology or blood kinship, cultural and spiritual values, language, and political authority with a territorial land base. From the political-legal perspective, a tribe is generally a "federally recognized" group, which means that a tribe is a constructed political unit

based on the centuries-old federal-Indian relationship.[16]

In the eighteenth century, the newly created US government entered into treaties with Indian tribes to create a government-to-government relationship with each tribe, thus, treating a tribe as a sovereign political body. The US Constitution's Commerce Clause (Article 1, Section 8), widely seen as beneficially limiting states' jurisdiction over each other, proscribed congressional jurisdiction over tribes and provided recognition of tribes as sovereign nations, albeit only as "domestic dependent nations." As Felix S. Cohen, an Indian law specialist in the 1930s and 1940s, and his academic successors emphasize: "A tribe is a nation." This notion has been propounded in various judicial and legal cases up until the present.[17]

Conflicts regarding each tribe's status as a sovereign nation, however, emerged in the middle of the nineteenth century. Facing increased disputes between indigenous and nonindigenous peoples, Congress and federal agencies regulated the tribes' status by following certain policies, such as the Indian Removal Act of 1830, the regulation of trade and commerce, and the establishment of reservations. By the 1880s, the federal government's efforts to assimilate Indians had become quite coercive in terms of land allotment (Daws Allotment Act of 1887), boarding school education (from the 1860s to the 1920s), control of reservation life through dispute settlement (Major Claim Act of 1850), forced political change to a Euro-American style of government (Indian Reorganization Act of 1934), and termination of federal responsibility for Native American tribes by relocating them from reservations to urban areas (Public Law 280).

At the same time, the political governance of tribes was reconstructed under federal Indian policy. Specifically, under the Indian Reorganization Act of 1934, the federal government forced Indian tribes to adopt Western-style tribal government with an elected council and a constitution. The IRA offered the elected tribal government some economic support for education, government management, and further economic development. Under the IRA and related legislation and policies, until the present, more than 570 tribes have created constitutions and tribal governments and been identified as "federally recognized tribes."[18]

The Red Power movement won a series of important political and legal victories, bringing tribes the rights to political and economic self-determination in their contracts with the federal government (Indian Education and Self-Determination Act of 1975), tribal supervision of child welfare (Indian Child Welfare Act of 1978), and tribal authenticity for Indian artifacts and exhibits (Native American Graves and Repatriation Act

of 1990), as well as changing the system of the Bureau of Indian Affairs, replacing non-Indian staff with Indian staff from federally recognized tribes. The point is that these laws supported self-determination for "federally recognized tribes," not "racial self-determination" (the main difference between the Red Power movement and the African-American civil rights movement) or "local self-determination" based on some cultural, social, or biological identity. As a result of the Red Power movement and the following federal Indian policy, the sovereignty of the "federally recognized tribe" has been strengthened legally and politically.

These laws strengthened the IRA system. One reason for this is that the laws applied only to federally recognized tribes. This is the main reason why radical Native American intellectuals later accused Red Power legislation advocates, as well as the IRA system, of supporting assimilation-based tribal governments under the colonial system.[19] The Red Power movement, even if indirectly, resulted in the pursuit of tribal self-determination based on federal supervision and economic support.

THEORETICAL BACKGROUND OF TRIBAL NATION BUILDING

The idea of "tribal nation building" contains a criticism of federally supervised tribal self-determination. Nation building emerged as one of the leading expressions of Native American community development during the 1990s. As a background for understanding the creation of the idea of tribal nation building, there are several scholarly arguments about what constitutes "real" tribal development for Native people.

The first critique came from research skeptical of the authenticity of federally recognized tribes. Thomas Biolsi discloses the contradiction of modern tribal communities in which the IRA tribal government and the pre-IRA tribal political system coexisted. While the latter had been ignored by federal Indian policy, the IRA tribal governments controlled community development, at least politically, with federal financial support, which also led to factionalism among tribal members. Biolsi argues that "Native nationhood is a critical site of identity and political struggle for Indian peoples."[20]

Mohawk scholar Gerald (Taiaiake) Alfred also criticizes those tribal organizations that have been conceptualized along the "state formation spectrum" as a European-derived concept and a reframing of traditional indigenous nationhood and identities. Alfred insists that these nations replicate the statehood in Western countries in the categorization and

organization of people by government institutions based on rights generated by legal and judicial processes, which is an assimilative attitude toward indigenous identity.[21]

Legislation following the IRA, according to Deloria and Clifford M. Lytle, led to achieving some self-government goals, with people becoming ready to assume decision-making responsibilities. Because federally recognized tribes remained under the recognition and monitoring of a superior political power (US federal government), and their political status as sovereign nations based on treaties with the federal government were ignored, tribal self-governance is still inadequate.[22] Instead, as Diné scholar Lloyd L. Lee observes of the Diné's cultural and political self-determination, some tribes started discussing nation building by promoting "independence" from the dominant nation as well as from Euro-American ideas about how to govern. "Tribe" is understood as not something that is "recognized" or "defined" by the outside society but rather as an entity that tribal members themselves define and develop.[23] Mohawk scholar Audra Simpson states that refusing to be "recognized," in order to avoid becoming enfolded into the logic of the state and disappearing, can also be considered a position taken by tribal communities for future generations.[24]

In the 2000s, the arguments for tribal nation building covered a wide range of historical perspectives regarding indigenous experiences of US colonization. Simone Poliandri, in *Native American Nationalism and Nation Re-Building*, describes tribal nation building as "the connection of tribal nationhood with tribal identity, the resiliency of tribal nation-building efforts in the face of the centennial colonial pressure, the link between historical and contemporary nation-building efforts, and the importance of tribal cultures in the definition of tribal nationalism and shaping of nation-building paths."[25]

Nation-building discourse incorporates criticism of the IRA system, with its federally recognized tribal government systems, and tries to achieve tribal development through Native autonomous decision making. The idea of nation building was developed together with criticism of the Euro-American concept of governance and US colonization of Native American communities. It emerged as a movement for decolonizing the concept of Native autonomy and survival.

ECONOMIC DEVELOPMENT IN TRIBAL NATION BUILDING

There is another important reason why the idea of nation building

emerged in discussions in the 1990s. The 1987 Harvard Project on American Indian Economic Development conducted a comparative study of the social, economic, and political conditions on American Indian reservations. The HPAIED concluded, "The emergence of true self-governance in Indian Country has fostered increasingly successful economic ventures that make use of regulatory sovereignty, resource control, and improved incentives and accountability that have come from devolution of previously federal functions to tribal governance."[26]

This analysis seems surprising when we recall that the Kennedy Report ("Indian Education: A National Tragedy—A National Challenge") called after Senator Robert Kennedy, chair of a special subcommittee on Indian education, and published in 1969 stated:

> Fifty thousand Indian families live in unsanitary, dilapidated dwellings, many in huts, shanties, even abandoned automobiles; The average Indian income is $1,500, 75 percent below the national average; The average age of death of the American Indian is 44 years: for all other Americans it is 65. The infant mortality rate is twice the national average: and thousands of Indians have migrated into cities only to find themselves untrained for jobs and unprepared for urban life. The report mentions these cold statistics illuminate a national tragedy and a national disgrace.[27]

The Kennedy Report disclosed disastrous Indian poverty and pointed out that the federally directed tribal governments under the IRA system had failed to produce sustained economic growth in reservations.

The Red Power movement and the following federal Indian policies in the 1970s and 1980s could not improve the poverty on reservations, as Indians remained the poorest people in the United States until the 1990s. Randall Akee et al. found that federal expenditures in major programs affecting federally recognized tribes decreased dramatically in the 1980s to a "service-eligible Indian" basis.[28] The stereotyped image of Native Americans as "welfare recipients" was emphasized in the neoliberal political atmosphere.[29]

Much has changed since the Seminole tribe in Florida opened a high-stakes bingo parlor in 1979, with other tribes following the Seminole example of opening gaming businesses on reservations. Especially after the victory in the *California v. Cabazon* case (1987), in which the Supreme Court supported the tribal right to gaming businesses on reservations

without state intervention, an increasing number of tribes started gaming businesses.[30] In October 1988, the Indian Gaming Regulatory Act allowed only *federally recognized tribes* to use gaming "as a means of promoting tribal economic development, self-sufficiency, and strong tribal government."[31] The act led to the settlement of jurisdictional conflicts between states and tribes and resulted in an Indian gaming business boom beginning in the 1990s. Despite bitter opposition by state governments, churches, and private gaming companies, 241 tribes had opened 501 casinos in twenty-nine states by 2018. According to the National Indian Gaming Commission, an independent federal regulatory agency created under the Indian Gaming Regulatory Act, the Indian gaming business created $33.7 billion in revenue in 2018 and exceeded the revenue of state-controlled commercial gaming in the United States.[32]

The gaming industry was clearly the first business opportunity from which many Indian tribes successfully made sustainable income on the reservations. The Indian gaming business, however, did not benefit all the gaming tribes. According to the National Indian Gaming Commission, 7 percent of gaming tribes made more than 50 percent of the total Indian income in the gaming business.[33] Those top gaming tribes tend to live on reservations suitable for the casino business, being close to highways or big cities.

Gaming has not been the only business manifestation of Indian tribes. Other reservation businesses also developed. The HPAIED found that various enterprises emerged in Indian Country with businesses that have regulatory advantages of tribal exempt status from state taxes within their reservation boundaries (e. g., smoke shops, and gas stations selling commodities), natural resources (timber operations and ski resorts), gems and amenity resources (crafts and tourism). The US Department of Commerce identified 102,000 Native-owned businesses on reservations and tribal lands in 1992. By 2002, this figure had more than doubled to 206,000.[34] Around 80 percent of Indian businesses were created after 1980.

Since the late 1990s, the US media has dramatically created the stereotype of rich gaming Indians, who are suddenly handed billions of dollars by ethically unacceptable businesses; however, most of the gaming and nongaming tribes produce limited revenue. While this stereotype does not necessarily reflect the reality, the Indian casino era has brought increased revenue to tribal communities via various kinds of businesses, among which, gaming industries had the largest impact on tribal communities.[35]

During the first decade of the Indian casino era, the real household

incomes of Indian gaming tribes grew by 33 percent, but the household incomes of nongaming tribe members also increased by 22 percent. This economic growth in Indian Country was not the result of a large influx of federal dollars but tribal strategies for economic development.[36] It is also true that many reservations continue to struggle with poverty and violence. Data shows, however, that reservation businesses have rapidly increased and are increasing.

The HPAIED mentions that tribal economic and political development are interrelated. Successful economic development is most likely to occur when tribes assert their political institutions effectively and support such assertions with capable and appropriate institutions for self–decision making.[37] Such strategies contribute positively to community development in ways that capture both economic and noneconomic benefits for tribal nation building.

When gaming revenues are used "as a means of promoting tribal economic development, self-sufficiency, and strong tribal government," a tribe does not need to depend only on federal financial support;[38] therefore, tribal political and cultural self-determination will be developed under stronger tribal leadership with their own concept of tribal governance in the Indian casino era. HPAIED mentions that economic development supports tribal sovereignty. So how does it affect cultural sovereignty?

Cultural Sovereignty and Nation Building

In 2001, Choctaw historian and writer Devon A. Mihesuah argued that Euro-American colonization of Native American societies had not yet ended. Native Americans remain colonized through violence against their culture, which has brought about the stereotypes of poverty, family destruction, and language disappearance.[39] Cultural sovereignty means the power of self-determination to overcome the cultural violence inherited from the political and economic subjugation of Native Americans. Mihesuah's decolonization theory corresponds to Poliandri's definition of cultural coherence and cultural self-determination as core purposes of tribal nation building in the face of "centennial colonial pressure."[40] Mohawk scholar Dean H. Smith also notes the relationship between tribal economic development and cultural sovereignty as being "to design an economic structure that allows the rest of the society to maintain its cultural integrity and develop new and improved methods of living."[41] How does this affect the nation building of gaming tribes?

While there is rich research on the Indian gaming industry and its influence on tribal political sovereignty, research on actual practices of gaming tribes in the ongoing project of tribal nation building has been severely limited because of lack of information and resources. Specifically, tribal challenges regarding cultural sovereignty have rarely been discussed except for some that focus on the big gaming tribes' achievements. For example, Mary Lawlor examined how gaming contributes to self-representation through tribal museums under tribal leadership. Patsy West also analyzed the Seminoles' gaming businesses and its contribution to tribal sovereignty.[42]

It would not make sense to write a summary of current tribal societies without considering political, economic, and cultural diversity. A closer look at more than 570 federally recognized tribes shows that their ways of pursuing cultural sovereignty are just as varied as their cultures and societies. In this article, I introduce four cases of challenges faced by some California gaming tribes. By 2008, tribes built fifty-eight casinos in California, which is a top Indian gaming state with the highest revenues from Indian gaming nationwide. I chose these four tribes because of their successes in facing challenges related to cultural sovereignty as well as the availability of written resources and oral interviews. These tribes have used their gaming revenues to protect their own ways of family life and to preserve their cultural artifacts. Using public documents, data, and statistics as well as interviews with tribal members, I show the strategies that these California tribes have used in achieving cultural sovereignty in the process of tribal nation building.

Cultural Sovereignty over Child and Family Care

Political destruction and poverty have been identified as the two main results of the federal assimilation policy in the twentieth century. These policies led to a secondary effect on the tribal community—a decrease in tribal membership. In 2010, US Census data on the Native American population showed that 5.4 million Americans identify themselves as Native American or Alaska Natives, either alone or in combination with one or more other races, and this number has dramatically increased since the 1950s.[43] The number of enrolled members of federally recognized tribes, however, has continually decreased since the 1950s. Of self-identified American Indians in the United States, Bureau of Indian Affairs data shows only 1.97 million enrolled tribe members.[44]

One of the reasons for the continued decrease in tribal enrollees, as Matthew L. M. Fletcher et al. found, was the forced removal of Indian children from reservations as part of federal assimilation policy.[45] After the failure of boarding school education became apparent in the 1920s, federal and state child welfare programs began arranging Indian child adoption to non-Indian families in order to raise them following the Euro-American way of life and philosophy. Beginning in the middle of the twentieth century, thousands of Indian children were moved from reservations to non-Indian homes via adoption or foster care. In 1969, surveys conducted by the nonprofit Association on American Indian Affairs indicated that approximately 25 to 35 percent of all Indian children were separated from their families and placed in foster homes or institutions or adopted by non-Indian families.[46]

With this shocking number of child-removal cases, the federal and state adoption policy for Native American children became one of the issues that was criticized during the Red Power movement. For example, the Women of All Red Nations was organized by Indian female activists to resist Indian adoptions as well as the forced sterilization of Indian women. They discovered that, behind this adoption policy, there was an ignorance of tribal family and community systems, which were under attack by the century-long assimilation policy.[47] For example, the Association on American Indian Affairs investigation discovered that many Indian children were sent to non-Indian foster families because their biological parents did not provide them with their own room and bed. Also, when children were raised by their extended family, which was considered normal in many reservations, they were marked as being in inadequate environments and taken away to foster families as well.[48] For parents on the reservations, the adoption policy was the same as the kidnapping of their children. The children themselves became victims of the conflict between Native American and Euro-American ways of childcare and family building.

The Indians' protests against forced removal of children resulted in epochal legislation in 1978. The 1978 Indian Child Welfare Act states that no Indian child may be removed from his or her family without proper notification to the concerned tribe or extended family members. It also says that every effort must be made to place the child with the extended family, other tribal members, or other Indian families, in that order, before allowing non-Native placement. Tribal courts must have ultimate jurisdiction in all matters pertaining to child welfare services whenever possible.[49] The ICWA is one of the symbolic pieces of legislation from the Red Power era that

supports the right of federally recognized tribes to control family welfare.

In the next decades, however, many tribes discovered it was difficult to implement the act with only a limited amount of federal financial support. Because of the lack of financial resources, they could not hire or train enough specialists to support the ICWA process, such as Indian social workers or foster families, as well as grant writers and tribal administrators for the complicated administration and paperwork.[50] This is one example of the fragility of tribal sovereignty premised on federal financial support.

A case involving the Tule River tribe shows how a gaming tribe used its gaming revenue to implement the ICWA. Located in the foothills of the Sierra Nevada mountains in Central California, with about two thousand enrolled members, the Tule River is one of California's gaming tribes. The tribe uses profits from gaming for tribal welfare such as scholarships; transportation; higher education; building convenience stores, gas stations, and elders' centers; renovation of tribal buildings; buying back lands; investments in new businesses such as the aero industry and restaurants; and their own child and family welfare program.

Charmaine McDarment, a lawyer and a member of the Tule River tribe, was hired by the tribal government to take charge of the child and family welfare program. As a pioneering law school graduate from this tribe, she came back to the reservation in the early 2000s to work for the tribal government. Under her leadership, the Tule River tribe also hired three more tribal members as program staff to work exclusively on ICWA cases.

McDarment realized that enforcement of the ICWA required a lot of financial support for the project team, which included hiring lawyers, social workers and social worker trainees, staff, and other administrative costs. Because all tribes welcomed the ICWA, it made a demand on the federal budget. Even though tribes have political sovereignty, they could not enforce the act without federal support. Since the 2000s the Tule River tribe, therefore, started using its gaming revenues to complement limited federal funding. In answering my interview question, McDarment said, "Having gaming has allowed the tribe to expand its Family and Social Services Department."[51] The tribe has more employees working with children than it had before gaming. This led to more representation on behalf of the Tule River tribe in the California state court system, which has jurisdiction over child welfare cases. In 2017, the Tule River tribe opened its own tribal courts; now, technically, all ICWA cases can be transferred from the California state court to the Tule River tribal court.

Using its gaming revenue, Tule River helped to enforce its political and

cultural sovereignty by preventing their children from being taken away from them by federal and state adoption programs. The Tule River tribe used its cultural self-determination to decide on the best way to care for needy families and children. When asked about "the best way" to raise tribal children, McDarment responded, "It is the communities that raise our children. We tribal members all belong to the community. For example, we know who can take care of whose children. That's the sense of community. It doesn't matter who is the biological mother or father, we all know who belongs to which community, or let's say, extended family. We raise our kids all together."[52]

There are still many obstacles to implementing the ICWA at Tule River. There remains a lack of tribal social workers and specialists. McDarment mentioned that educating tribal members to use the funds for family welfare is another challenge for the tribe in its use of gaming revenues. Hence, the gaming revenue will be used for scholarships for higher education.[53]

Tachi-Yokut tribe uses its gaming revenues to hire staff from outside the community to organize a child-welfare department. Located close to the city of Fresno, the Tachi casino resort has served numerous customers since 1999. Tachi started to use their revenues for childcare to implement the ICWA and other family-welfare projects, including combatting parental alcoholism and domestic violence.[54]

Headquartered in their tribal government building, the Tribal Social Service Department was organized by three nontribal experts under the supervision of a tribal administrator. One social worker said, "Gaming contributed to our child and family care program, not only having the budget to hire childcare specialists, but also Tachi can afford to organize all kinds of services for child and family welfare by themselves, including housing, medical supports, consultants for alcohol and drug users, as well as for victims of domestic violence."[55]

One of the Tachi social workers said that "the most important thing for us is to be accepted among Tachi tribal members." Therefore, the staff participate in tribal ceremonies such as annual powwow and other gatherings and festivals held on the reservation so they can get to know tribal members as much as possible. "We need to provide the Tachi children with at least a safe environment for their daily life, such as safe places to sleep, eat, and learn, and it must be consistent, and for children to preserve their Tachi culture," said one staff member.[56]

The Tachi-Yokut and Tule River cases show how gaming money complemented the lack of legislated federal support for tribal child welfare.

Rather than applying for limited and competitive federal money, these tribes chose to use the revenues from their tribal gaming business and strengthened the decision-making power of the tribe's leadership to support Indian families and children. These two cases show that in the process of this support, the tribal employees laid strong emphasis on the self-governance of the tribal community and culture. The program contributes to stopping the forced removal of Indian children following the Euro-American philosophy of childcare and replace it with the tribal way of child and family care. It is also a way to maintain their population and their authority on family and community. Through their economic self-sufficiency, these gaming tribes have had an opportunity to archive their goals for cultural self-determination in the arena of child and family welfare.

Cultural Sovereignty for Research, Collection, and Exhibition

During the federal assimilation policy from the 1890s to the 1930s, the government outlawed the exercise of Indian traditions and religions. Since the early twentieth century, federal law also defined dead Indians buried on federal land as "archaeological resources" and converted these dead persons into federal property. Over the years, thousands of Indian dead were taken by anthropologists, research institutes, and universities for research purposes.[57]

During the 1970s, Congress enacted the American Indian Religious Freedom Act, which protects and preserves the right of Native Americans to express their traditional religions, access their sacred and burial sites, and use and possess sacred objects. Since then, Indian tribes have tried to protect their sacred and burial sites and to repatriate human remains as well as funerary and sacred objects. They also pushed Congress to enact legislation supporting their efforts, which resulted in the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990.[58]

The act requires federal agencies and institutions that receive federal funding to return Native American "cultural items" to lineal descendants and culturally affiliated Indian tribes. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony possessing cultural and historical importance to the heritage of tribes. It also requires that federal grants be used to assist in the repatriation process. The Secretary of the Interior may assess civil penalties on museums that fail to comply.[59]

Cabazon is one of four California Indian tribes with a tribal museum—a

museum owned and managed by the tribe on its reservation. Located in the middle of the small reservation in Indio County, the Cabazon Cultural Museum has an adobe building, which is a reminder of Spanish colonization. The old house, which was used by a tribal chairman in the middle of the twentieth century, was renovated as a two-story building in the 1990s. It is not a large public-style museum filled with clear glass showcases and a fancy entrance counter with a receptionist sitting there every day. The museum can be opened any day from 10 a.m. to 4 p.m., but only by appointment, and one tribal member is available as a curator, also by appointment.[60]

The Cabazon started planning to open a tribal museum right after they entered the gaming business in the early 1980s. They were not the only tribe interested in building a museum. At first, eight other Cahuilla tribes in Southern California were enthusiastic about opening their own tribal museums, and they organized a consortium to share information about the NAGPRA procedures. They soon realized that it was difficult for them to proceed with the application for NAGPRA by themselves. First, federal museums did not support tribal requests for repatriation and did not reveal enough information of items for tribes to investigate. Second, the Cahuilla tribes, except for the Cabazon, Morongo, and Agua Caliente, which had already gained substantial revenues from their gaming businesses, could not afford to travel to visit federal museums.[61] Financial support under NAGPRA was extremely competitive, requiring tribal delegates to prepare complicated applications and financial needs documents as they did in ICWA cases.[62]

Instead of depending on the federal budget, the Cabazon and the two other well-off tribes used their own budgets to hire a museum director for each tribe, cover travel costs, prepare exhibits, and construct the individual tribal museums. Why did the Cabazon need a tribal museum for themselves so badly in the 1990s? Judy Stapp, the curator of the museum, said, "Once we had money, we needed to use it for our tribal members, which was to build the place like a museum as a symbol of tribal sovereignty." Stapp joyfully mentioned that, with the museum, "here became the place where younger tribal younger members could go when they want to learn the old stories."[63] The museum now holds annual powwows for tribal members and surrounding communities.

In the 1960s, there was no electricity or water supply on the Cabazon reservation, and jobs were unavailable; thus, only two families lived there. It was after the Cabazon began their gaming business that the tribal members

came back. The population had increased to thirty-eight in 2010.[64] The Cabazon museum became a symbol of reuniting and self-identification for tribal members without federal interference or financial support. For tribes like the Cabazon, the museum has functioned as an institution to bond tribal members as a community. The Cabazon have a space to display their culture, their membership, their identity, and their memories. The museum has thus become a symbol of their cultural sovereignty.[65]

The Pechanga case provides another narrative of a gaming tribe's achievement of cultural sovereignty. Pechanga is one of the leading tribes using their gaming revenue for repatriation. Located in Temecula County near the city of Riverside, the Pechanga Casino Resort has become well known as an entertainment venue. It produces the highest gaming sales in Southern California.

Pechanga started to work with NAGPRA only to realize it would not work out because of the politics of the boundaries between neighboring tribes in claiming repatriation for items and federal inability to settle these claims. Thus, Pechanga had a unique idea, which was to buy back items directly from museums, institutions, and other places all over the country. For storage, the tribe created the Cultural Resource Center and organized a professional team to run the center.[66]

Ethnohistorian Lisa Woodward works in the Pechanga Cultural Resource Center, mainly investigating historical documents and other information to assist with the preservation of cultural sites within the traditional tribal territory. According to Woodward, the center has eight professional staff members: a director of cultural resources, a cultural coordinator, an archivist, a planning specialist, an analyst, a tribal historic preservation officer, a curator, and an archives specialist. This team works closely with the Pechanga tribe's geographic information systems department and house legal attorney, who specializes in cultural resource protection laws.[67]

Like other gaming tribes in California, the Pechanga have been planning to build a tribal museum. Myra Masiel-Zamora, a tribal member and curator working for the Resource Center, said, "Our project is not for expected visitors but for tribal members." Like the Cabazon museum, the Pechanga museum is expected to be an important tool for tribal members to learn, share, and memorize who they are and where they came from. This is also the mission of the Pechanga Press, a tribally owned publisher. The Pechanga Press has already published more than twenty books, including Pechanga language textbooks for Pechanga children and anthropological studies written by tribal members.[68]

The challenges faced by these gaming tribes display aspects of tribal cultural sovereignty in the Indian casino era. Tribal cultural institutions such as tribal museums or cultural resource centers and the tribal press have functioned as places to share tribal history and heritage among tribal members. Because of economic self-sufficiency, these tribes have gained the opportunity to define their identity, history, and origins both for themselves and for the public, which was rarely possible before the 1990s.

These cases involving funding of tribal museums and child-and-family welfare provide some idea of what cultural sovereignty means for gaming tribes in California in the process of nation building. It is the right to self-determine who they are and to use their own strategies to keep their tribal heritage, history, membership, and family systems for themselves.

The results above are like those of other gaming tribes in Central and Southern California. Gaming tribes have used their gambling revenues for projects such as child and family care, a resource center or museum, a tribal school, scholarships, a tribal magazine, and donations to neighboring tribal and nontribal communities (fig. 1). It is also true that these tribes have successfully run their gaming resorts because of having good locations, a well-organized tribal government, and tribal leadership. The more revenue a

	Tribe	Pechanga	Morongo	Cabazon	Soboba	Agua Caliente	Tachi Yokut	Tule River
Reservation	Fornal mane and year established	Pechanga Band of Luiseno Indians (1882)	Morongo Band of Mission Indians (1865)	Cabazon Band of Mission Indians (1876)	Soboba Band of Luiseno Indians (1883)	Agua Caliente Band of Cahuilla Indians (1876)	Tachi Yokut Tribe (1934)	Tule River Indian Tribe of California (1873)
	Reservation population*	343	777	725	417	26,028	940	1,227
Casino resort	Year of casino estabished	2001	1983	1980	1993	1995	1994	1996
	Casino employees	5,750	1,850	1,000	678	2,381	1,500	600
	Square feet	200,000	148,000	100,000	75,000	160,000	195,000	70,000
Culture projects	Child and family care department (ICWA program)	●	●+tribal court		●	●	●	●+tribal court
	Resource center, museum, library, culture center	●	●	●	●	●		●
	Tribal schools (preschool, kindegarden)	●	●		●			●
	Scholarship for higher education	●	●	●		●	●	●
	Tribal magazine	●	●			●		●
	Donation to neighboring commuunity	●	●		●		●	●

*"2014–2018 American Community Survey 5-Year Estimates," My Tribal Area, U.S. Census Bureau, https://www.census.gove/tribal/ (accessed on March 24, 2020)

Figure 1.   Four studied gaming tribes and three gaming tribes with high gaming revenues in Riverside County, California, and their cultural projects

tribe has, the more opportunities it has to build tribal services and institutions. Cultural sovereignty based on economic success has been a result of the lack of federal support.

CONCLUSION

Since community development received scholarly focus in the Red Power era, which resulted in the establishment of Native American studies programs, the Native American approach to community development has transformed from a pan-Indian approach to a tribal nation-building approach in the Indian casino era. Tribal nation building is a challenging goal in which each tribe decides how it should be governed without interference from outside interests, including political entities. Criticism of federally controlled tribal governments and tribal economic development in the Indian casino era has led to the challenge to tribes to do their own nation building.

Against the historical background, we can see how the tribal gaming industry has contributed to tribal nation building, achieving tribal cultural sovereignty. As seen in the examples of these gaming tribes, several projects have been introduced and supported by tribal gaming revenues to develop tribal cultural self-determination.

How the gaming income is used supports Smith's definition of cultural sovereignty as having an "economic structure that allows the rest of the society to maintain its cultural integrity and develop new and improved methods of living." This process has been shared by many tribes nationwide, from the Hopi tourism industry to the Apache aerospace industry to the Puyallup's fishery and the Navajo gaming industry in Arizona.

The Indian casino era is a period of tribal economic development that has politically, economically, and culturally contributed to and strengthened the self-determination of the tribe. This change has prepared the ground for a discussion on nation building and tribal challenges as the latest community development theory.

The research results prompt another question: Can the casino era be considered the era of tribal nationalism? The answer is yes, it is an aspect of life for the gaming tribes in the twenty-first century. Tribal nation building in this century must be understood in light of the fact that tribal sovereignty has aided in the building of a collective tribal identity, but it has also resulted in an attitude of excluding others (nontribal members). As an argument against the disenrollment of tribal members, through the forced deprivation of membership to tribal members by tribal governments partly

because of the distribution of the gaming revenues, tribal nationalism has led to political, economic, and cultural violence against Native American individuals by tribal governments.[69]

Further research is needed. First, the gaming era dramatically brought each tribe some opportunities as well as motivation for economic development, but the results have depended on each tribe and its political institution (tribal government or tribal leaders), location, and human and natural resources. It is also critically true that chances for tribal economic development have created economic disparities among tribes, and those in economic hardship need to depend on unstable and competitive federal funding. Because of space limitations, in this article, I have not addressed each state's interference in tribal nation building. Besides federal-tribal relations, state-tribal relations also influence tribal nation building, as can be seen in US Supreme Court cases involving tribal nation building competing with states' autonomy. Nor have I addressed the question of whether gaming is an appropriate tool for gaining sovereignty; that is, I have examined how gaming revenues contribute to tribal sovereignty without discussing social problems or ethical opinions concerning the gaming industry. In this article I have focused on the results of the tribal gaming industry, mentioning how gaming tribes use some parts of their revenues and how they compensate for the lack of federal funding for their cultural sovereignty.

NOTES

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[1]   Gelya Frank and Carole Goldberg, *Defying the Odds: The Tule River Tribe's Struggle for Sovereignty in Three Centuries* (New Haven: Yale University Press, 2010), 241. I acknowledge that the tribal name is the most accurate and respectful term when referring to specific peoples, institutions, and things. However, it would be unfeasible to spell out the individual names of each tribe when referring to the indigenous groups of the United States in a general way. For this purpose, and due to the lack of universally accepted terms, Native, Native American, and Indian are used interchangeably in this article along with specific tribal names.

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