47. In the words of the Pala Band commissioner, Robert Smith, according to this key provision: "Tribes get an increase in video machines allowed but a limit established for the benefit of everyone. . . . the total number of video lottery devices that will be permitted to operate on Indian lands for the first year is 19,900, an increase of 50 percent from the total number now in operation. . . [Every federally recognized tribe gets] a base allocation of 199 devices, but by leasing rights from other tribes can have up to 975 machines." Robert Smith, "Testimony before the National Gambling Impact Study Commission," June 29, 1998. Relevant points found under *Section B: What's Good About the Compact.* [www.pechanga.net/testimony_before_the_ncalg.htm]

48. *Supra* note 43.

49. John Ramos, Business Committee Member. "A letter from John Ramos," November, 1997. [www.sanmanuel.com/JRamos.html]

50. *Official Title and Summary prepared by the Attorney General, Tribal-State Gaming Compacts. Tribal Casinos. Initiative Statute.* [www.vote98.ss.ca.gov/VoterGuide/Propositions/5.htm]

51. The main umbrella group generating press releases and information in support of Proposition 5 was called: *Yes on 5: Californians for Indian Self-Reliance.*

52. Ken Ramirez, "A letter on Sovereignty," February 1998. [www.sanmanuel.com/KRamirez2.html] *Emphasis added.*

53. Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963), p. 42.

54. "Press Release: New Yes on 5 Ads Highlight Strength of Indian Support for Proposition 5," September 21, 1998. *Yes on 5: Californians for Indian Self-Reliance* campaign. [http://www.cisr.org.news0921.html]

55. Ken Ramirez, quoted in "Press Release: Yes on 5 Coalition Announces Over 220,000 Californians Stand in Support of Proposition 5," September 10, 1998. *Yes on 5: Californians for Indian Self-Reliance.* [http://www.cisr.org.news0910.html]

56. *Supra* Note 2, the *No on 5* campaign spent around $29 million. This money was mostly provided by the larger Nevada casinos. For a breakdown of all the *No on 5* contributions, see California Secretary of State Campaign Finance Summary. Table 1. Receipts & Expenditures of Committees Opposing Prop. 5 through Dec. 31, 1998. For *Coalition Against Unregulated Gambling, No On Proposition 5, Supported by California Tribes, Law Enforcement, Labor, Entertainment Companies, Gaming Companies, Religious Organizations, Hotels, and Business Leader* (ID # 981499). [www.ss.ca.gov/prd/bmprimary98_final/Prop_5.htm] The five major casinos and their respective contributions were: Sahara Hotel & Casino: $3,000,000; Caesars ITT, $1,000,000; Circus Circus Enterprises, $6,512,500; Hilton Hotels, $6,500,000; Mirage Resorts, 9,562,500.

57. "Frequently Asked Questions: Why Should I Support Yes on 5—the California Indian Self-Reliance Initiative?" *Yes on 5: Californians for Indian Self-Reliance.* [http://www.cisr.org/q18.html]

58. "Proposition 5—The Indian Self-Reliance Initiative," *Yes on 5: Californians for Indian Self-Reliance.* [www.cisr.org/Facts.html]

59. Quoted in John Taylor, "Indian youth show support for Prop. 5 at education meeting," *The Fresno Bee*, October 1998. [www.geocities.com/CapitolHill/Lobby/4621/proposition5youth.html]

60. Bhabha, (1994), p. 5.

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Indigenous Gaming: Economic Resources for Social Policy Development In First Nations Country

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Article Abstract

The unique political status of First Nations People, the evolution of Indigenous policy, and the judicial framework for the establishment of the sovereignty and rights of self-determination of Indigenous People in the United States are critical reference points for the development of social policy in First Nation communities. The availability of economic resources in communities with successful Indigenous gaming ventures creates unique opportunities for the development of social policy and programs. The author argues that given the history of systemic oppression of Indigenous People through federal policy and judicial decisions, the need for strength-based approaches which empower First Nations People are especially critical in overcoming the legacy of colonial oppression Indigenous communities have endured in the United States.

Preface

Recognition of the colonization of the Indigenous or First Nations People of the United States and the subsequent "linguistic imperialism" which replaced the way in which Indigenous People defined themselves, to being defined by their oppressor, is acknowledged by my decision to use the terms Indigenous People and First Nations People interchangeably throughout this essay. The terms American Indian, Native American and Indians of North America are in-

accurate and confusing labels, increasingly recognized as "counterfeit identities" that subjugate the rights of First Nations People to define their identity (Yellow Bird 1999) but terms which remain embedded in the psyche of academic culture, library cataloging systems and in popular press.

Introduction

The unique political status of First Nations Peoples, the evolution of American policy towards Indigenous Nations, and the judicial framework for the establishment of the sovereignty of Indigenous Peoples in the United States are critical reference points for the development of social policy in First Nations communities. Unlike ethnic minority groups in the United States, Indigenous People have specific legal rights stemming from their political status as First Nations People, as well as distinctly defined cultures and in most cases a federally recognized land base or territory. The moral and legal responsibility of the federal government and some state governments to First Nations People is based on this status (Deloria and Lytle 1984; Spicer 1992; Weaver 1998).

The empowerment of Indigenous People is essential in overcoming the crippling 500-year legacy of colonial oppression and genocidal attempts Indigenous People have endured. Although discussed less frequently than the Holocaust in Europe, the genocide efforts that accompanied European expansion in the Americas best describes the population, social, cultural, biological and psychological collapse that would follow (Duran and Duran 1998, Thornton 1998, Weaver 1998). The need for practice approaches which build on the strengths of and that recognize the resilience of Indigenous People, as well as the informal networks that have sustained these communities in the face of overwhelming odds is crucial in this process of empowerment.

Whether the siege on the Indigenous People of the Americas has been ended, temporarily or permanently, remains to be seen as we enter the new millennium. In 1988, Congress passed legislation which restricted pre-existing and exclusive rights regulating Indigenous gaming held by tribes pursuing economic development. This legislation regulates Indigenous gaming, thus infringing upon the sovereignty of these nations by giving states a role in the regulation of this industry (Jolly 1997, Porter 1998). The availability of financial resources in tribes with profitable Indigenous gaming enterprises creates incredible opportunities for making fundamental shifts in the ways in which the human needs of Indigenous People are met. Proceeds from Indigenous gaming activities can be used to fund the social welfare, educational and health needs of First Nations People and to generate income for the members of those tribes who distribute per capita payments (McCain 1994, Jolly 1997). The proceeds generated by Indigenous gaming are being used to build tribal infrastructures, which include homes, schools, health facilities and roads (McCain 1994). As the meager federal budget for First Nations programs decline and basic needs continue to remain unmet, the value of resources generated by gaming becomes clear (Jolly 1997).

The success of tribes who have pursued gaming as a form of economic development is significant. Perhaps more compelling is that for the first time, tribal governments have the opportunity to determine, with their constituencies, the critical unmet needs within these communities, the approaches to be used in meeting these needs and most importantly, the resources to address these needs. The opportunity to plan and develop innovative approaches for the delivery of relevant and culturally sensitive social services is a luxury tribes have not experienced but is essential to empowerment-based social work. There is also a real danger of adopting models which have historically been used in the oppression of Indigenous People, given this is the only reality known.

The "strengths perspective" maintains that the focus of the helping process in social work should be the strengths and resources of people and their environment, rather than their problems and pathologies (Chapin 1995). Deficit, disease and dysfunction metaphors are deeply rooted in social work, and the focus of assessment has "continued to be, one way or another, diagnosing pathological conditions" (Rodwell 1987). Given the history of Indigenous People in this nation, the need for social workers committed to social justice and approaches that empower First Nations People is critical.

The intent of this article is to advocate for the right and need of First Nations People to develop social policy and programs using economic resources generated by Indigenous gaming. This author argues that given the history of federal policy and judicial decisions impacting Indigenous Peoples, the need for strength-based approaches, which empower First Nations People, is especially critical in protecting First Nations' rights to sovereignty and self-determination. This author has chosen to use the descriptors Indigenous Peoples and First Nations People to advance the discussion of decolonization and the profound impact of language in subjugating peoples and perpetuating counterfeit identities (Adams 1995, Yellow Bird 1998).

History Unknown is History Repeated: A Brief Overview of Federal Policy and Judicial Decisions

> *How do we make permanent the understanding that First*
> *Nations People are political entities? We are more than just*
> *unique little cultures. We are tired of educating the*
> *Congress and the government about this basic relationship.*
> *(LaDonna Harris, 1986)*

The sheer volume of political, legal and historical precedents, as well as continued debates and attacks on the sovereignty, trust status and self-governance of tribal governments exacerbates the study of Indigenous policy. There are at least 371 ratified treaties between the United States and tribal govern-

ments recognizing the full sovereign status of Indigenous People. On the issue of self-governance alone, there are presently more than 5,000 federal statutes and 558 Nations to which these statutes are applied, both of which must be considered in exercising this element of sovereignty (Churchill 1994).

Contact between the Indigenous People of North America and the European colonial powers set into motion a 500-year cycle of destruction that would wreck havoc on the First Nations People of this continent, their cultures and homelands. Traditionally, the Indigenous Nations of this continent were entirely autonomous and self-regulating, having perfected highly complex and sophisticated government forms long before the European invasion of the hemisphere (Schuskey 1970, Sales 1990). The impact of policies of social control, which emphasized subjugation and indoctrination of First Nations People, nearly annihilated Indigenous People, their cultures and the social structures of these sovereign nations.

Most population estimates indicate that between 95 percent and 99 percent of the Indigenous population was wiped out between 1500 and 1900 (Dobyns 1984, Sales 1990, Thornton 1998, Weaver 1998) and was primarily due to the lack of Indigenous resistance to European pathogens and disease. Slavery, disease, introduction of alcohol, warfare and the federal policies of forced removal from traditional lands all contributed to the devastation of First Nations populations (Weaver 1998).

Legitimizing Oppression

The model of the colonization and genocide of Indigenous People in North America would be legitimized by religious and political institutions, codified into laws and generally upheld by the courts of the colonial powers. The Doctrine of Discovery, issued by the papacy, would declare the right of Christians to claim title to new lands, subject only to the willingness of the original inhabitants to sell their lands to the discoverer (Deloria 1984). The discovery doctrine was the internationally accepted standard by which the competing nations of Europe established and recognized spheres of influence in the New World (Kronowitz 1985) and would provide the basis for the treaty making period and for the establishment of a foundation for the recognition of tribal sovereignty. This doctrine, modified to fit the internal, domestic law of the United States, has been the primary conceptual focus for all subsequent federal Indian law (Deloria 1984).

In 1789, under the new Constitution, Congress would be delegated *exclusive power* to regulate commerce with foreign nations, among the states and with "Indian tribes." The basis for federal power over tribes is defined in the Indian Commerce Clause, the Property Clause and the Supremacy Clause within the Constitution. Federal preemption of state authority in issues related to First Nations People, Federal authority over Indigenous affairs and control of trust lands, and the establishment of the Constitution and the Laws of the United States as the supreme law of the land are contained in these clauses. Under federal "Indian Control Law," Indigenous People possess the full attributes of sovereignty, less those powers relinquished by treaty and statute (Porter 1998). The sovereignty of tribes provides Indigenous People the authority to exercise control over members, their territory and their economic enterprises (Jolly 1994).

In spite of Indigenous sovereignty, legal sanction for the colonization of Indigenous Peoples and the appropriation of their homelands has been codified judicially. Three early Supreme Court cases addressed the political relationship between Indian tribes, the federal government and the states: *Johnson v. McIntosh*, *Cherokee Nation v. Georgia* and *Worcester v. Georgia*. Indigenous Peoples seeking redress from the federal courts would find little remedy for the appropriation of their homelands or protection of their rights. Reasoning that the discovery of the New World gave the Europeans ownership of Indian lands, in *Johnson v. McIntosh* (1823), the Courts held that the federal government had an exclusive right to acquire Indian lands. Thus, the United States Government could extinguish the title and any First Nation rights to traditional homelands. The Court recognized the Indians' right to occupancy; nevertheless, it held that this right was subject to the ultimate authority of the United States.

In 1827, the Cherokee tried to resist the forced removal by adopting a written constitution modeled after the United States system and by organizing themselves as an independent nation. The Georgia legislature annulled the constitution, extended state sovereignty over the Cherokee and ordered the seizure of tribal lands in 1828. The discovery of gold within the Cherokee Nation in 1829 sealed the fate of the Cherokee, eventually leading to their forced removal during the Trail of Tears. In *Cherokee Nation v. Georgia* (1831), the Cherokee Nation attempted to bring an original action in the Supreme Court to enjoin the state of Georgia from dividing up the tribe's land among the different counties in the state and questioning the constitutionality of the application of Georgia state law to them. The Court found that it lacked original jurisdiction because the tribe was neither a state nor a foreign nation but instead a "domestic dependent nation".

In *Worcester v. Georgia* (1832), the Court held that the federal government had exclusive control over Indian affairs and that the states were powerless over tribes, thus maintaining the sovereignty of tribes. The Court maintained that the United States assumed a protectorate responsibility for the Cherokee and other tribes that gave it some authority over Indian affairs. President Andrew Jackson, who as a general led the expedition against the Seminole in Spanish Florida in 1818, had little sympathy for the Cherokee and ignored the Supreme Court ruling, determined to seize and open up Cherokee lands for settlement. President Jackson's refusal to enforce the court's decision cleared the way for the Georgia legislature to authorize the survey and sale of Cherokee lands by a state lottery (Gibson 1980).

A series of court decisions, reinterpreting the discovery doctrine and defining the federal responsibilities for tribes would find the Court retreating from

earlier recognition of the sovereign status and rights of self-determination of Indigenous People. In *Lone Wolf v. Hitchcock*, the Courts would maintain that Indigenous sovereignty was destroyed by European discovery and therefore, subject to federal authority (Brewer 1995). Decisions such as these would lay the foundation for the assertion of the plenary power of Congress over tribes, a power which critics argue is wholly unconstitutional (Kronowitz 1987).

The precedent of these cases in justifying the appropriation of Indigenous homelands and natural resources are continually cited as the legal basis for contemporary court cases challenging the sovereignty and rights of First Nations People, but perhaps more importantly, provide evidence of the extent to which federal policy and the judiciary have been willing to go in usurping Indigenous rights, homelands, resources and sovereignty.

Federal policies emphasizing the isolation and removal of Indigenous People were driven by the greed for Indigenous lands and often upheld by the Courts. Progressive diminution of tribal lands and the exile of First Nations People to remote western wilderness regions had very well accommodated national goals and citizen land needs for the first half of the nineteenth century (Gibson 1980). However, this was not enough, as the unfulfilled land desires of white settlers forced the federal government to open reservations up for settlement as well. White reformers, known as "Friends of the Indian," conceived a plan for the allotment of lands, terminating tribal ownership of land by partitioning reservations, and assigning each tribal member a 160-acre allotment, known as the General Allotment or Dawes Act of 1887 (Gibson 1980).

In 1500, First Nations People held three billion acres of land and resources, which were successively reduced by conquest, seizure, treaty, and statute under the General Allotment Act. These "Friends" succeeded in reducing Indigenous land holdings from 138 million acres in 1887 to 48 million in 1934, opening up an additional 90 million acres to white homesteaders. American policy toward First Nations People has consistently revolved around the same theme of power and privilege; how can we (the superior, enlightened, Christian people) help destroy them (the inferior, uncivilized, pagan people) in such a way as to eliminate our problem? (Porter 1998). Land holdings were slashed by almost one-third and the total value of Indigenous land holdings was reduced by over 80 percent (Getches 1993). Hoping to "civilize the Indians," whites imposed private ownership of property and encouraged farming and therefore undermined the social structure and cultural identity of tribes and reduced current Indigenous land holdings to less than 4 percent of the continental United States (Kronowitz 1987). Stripped of their aboriginal lands and deprived of their traditional governmental, social and cultural institutions, First Nations People were thrown into cultural and economic poverty (Porter 1998).

The Wheeler-Howard Bill (Indian Reorganization Act—IRA) of 1934 replaced the policy and failures of forced assimilation reflected in the Allotment Act. This legislation guaranteed Indigenous People the right to practice their traditional religions, which had been banned by federal administrative rules and laws of Congress when tribes were ordered onto reservations beginning in 1867. It re-established a new form of acceptable tribal government, *permitted* tribes to develop "tribal constitutions," conduct elections, create courts with jurisdiction over local offenses, and perform other local governmental functions. The impact of this legislation further undermined existing traditional governments, as well as the social structures and societies responsible for these functions prior to passage. The surplus lands were to be restored to tribal ownership and the sale to non-tribal members was drastically curtailed (Gibson 1980). In addition, improved education and access to health services was promised. The IRA, while represented as a reversal in the policy of allotment with the intent of preserving land holdings, and an encouragement of tribal self-government (Brewer 1995), cannot be divorced from the foundation of colonialism common to all previous Indian control policies (Porter 1998).

Although Indigenous People did benefit from educational improvements, the availability of capital funds for tribal enterprises and the legalizing of tribal culture, including religion, as a result of the Indian Reorganization Act (Gibson 1980), all is not well. The sovereignty of tribes adopting the IRA was compromised by the foundation of non-tribal law that formed the basis for these acceptable governments. The need for the "approval" of these foreign governments to take official action solidifies the dependent status and diminishes the inherent sovereignty of First Nations governments (Porter 1997).

In describing the central themes of policy towards Indigenous People, Prucha (1981) and Porter (1998) describe the cycle of colonialism pervading the treatment of Indigenous People as a revolving door of sorts, continually drawing upon the same reform rhetoric of previous policies in creating new initiatives. In 1948, the Hoover Task Force Commission Report announced that Indigenous People should be integrated into the larger society as a way for the national government to remove waste, duplication, and inefficiency, and to reduce public expenditures. By 1953, Congress had again reversed its policy on Indigenous People and sought to terminate the dependent status of tribes by subjecting them to the same laws applicable to all United States citizens (Brewer 1995).

Termination was to be accomplished by ending official recognition of tribes, limiting the authority of tribal governments, withdrawing federal services and transferring control over Indigenous affairs to the states (Brewer 1995). Senator Arthur Watkins of Utah, the key proponent of termination and the Secretary of the Interior, authorized the sale of 2,500,000 acres of tribal lands to the public, generally prime tracts containing minerals, timber, oil, coal, and water sites to private interests. He also removed restrictions on 1,600,000 acres of allotted land, which was subsequently sold to non-Natives (Gibson 1980).

One phase of termination was relocation, the process by which federal agents transferred Indian families from rural allotments and reservations to urban centers, with the promise of providing the emigres with vocational training and assistance in finding housing and employment (Gibson 1980). Between 1955 and 1966, Congress ended its trust protection in 109 tribes in eight states, affect-

ing an additional 1.4 million acres and 11,400 individuals. Studies conducted during the 1960s to determine the effect of termination on the tribes affected indicate that it led to extreme social disorganization and poisoned every aspect of Indigenous affairs. Indigenous People were stripped of 90 million acres or two-thirds of their original homelands in 25 years of the passage of the act (McNickle 1973).

The federal policy of termination gradually lost its momentum in the 1960s, beginning with Senator Watkins' unsuccessful bid for re-election. The ability of Indigenous People to mount organized responses denouncing termination, individually and through the National Congress of the American Indian, was also very successful. Termination also came to be criticized by governors, some congressmen and state officials as an ill-advised policy, prematurely and precipitously applied without regard for the human cost (Gibson 1980).

In 1966, President Lyndon Johnson renounced termination policy and promised Indigenous People that a new period in which First Nations rights would be honored was at hand (Clinton, Nell and Monroe 1991). In the 1970s the federal government, recognizing in practice the sovereignty tribes already enjoyed in law, began granting to Indigenous nations enhanced decision-making power over reservation affairs, more complete control over their governments, and more secure property rights to reservation assets (Cornell, Kalt, Krepps and Taylor 1998). The three iron chains of Indigenous People—paternalism, exploitation and dependency (Stein 1998)—were being lengthened. In 1970, President Richard Nixon announced the policy of the United States government to promote self-determination, tribal self-government, economic development and self-sufficiency (Deloria 1984). Although the Indian Self-Determination and Education Assistance Act of 1975 was promoted as an avenue for advancing the policies of self-determination, the federal legislation provided no hint that First Nations People would be allowed to freely determine their political status or to freely pursue their economic, social and cultural development (Robbins 1992). Analysis of these policies reveal the extent to which full self-determination and the resources necessary to stabilize Indigenous communities have been inextricably tied to a federal version of what is best for First Nations People.

Indigenous Gaming

By 1983, the Federal Government's response to the self-determination of Indigenous Peoples was equated with a need for the reduction of federal resources for tribal governments. The Ronald Reagan and George Bush administrations brought with them an ideology of individualism and privatization, challenging the concept of entitlement and advocating a reduction of the government's role in interfering with the marketplace and corporate profits (NASW 1997). President Reagan's policy statement on Indigenous People encouraged tribes to reduce reliance on federal funds by generating their own revenues, telling tribes to "pull themselves up by their bootstraps."

Indeed, government itself had become the only reliable source of employment opportunity for many Indigenous People. In 1990, nearly 50 percent of all reservation-based, employed First Nations People age 16 and over worked in the public sector, for either the tribal, state or federal government (Census Bureau 1990). Such overwhelming dependence on public service jobs was neither economically healthy nor politically wise (Jorgensen 1997) and did little to alleviate pressing social conditions faced by First Nations communities.

During the 1970s, exercising their rights as sovereigns, tribal governments committed to economic self-sufficiency increasingly recognized the importance of economic independence in achieving full autonomy. Before turning to gaming as an enterprise, many of these tribes sought to generate revenue through the sale of tobacco products (Henderson 1997). The Supreme Court sharply curtailed the potential of this source of revenue, however, when it ruled that First Nations People had no right to the "artificial" advantage of jurisdictional tax differentials (Pevar 1992).

Tribal governments continued to seek ways of making their retained sovereignty economically meaningful (Henderson 1997). Gambling provided an alternative industry, which, because it was not resource dependent, would maintain tribal control over the land while still creating jobs and bringing in outside revenue (McCulloch 1999). Although traditional Indigenous gaming and the gambling associated with these games have long been played on reservations, it was not until the Seminole tribe opened the first high-stakes bingo parlor in 1979 that gambling became a major industry in Indigenous country (Gibson 1980, McCulloch 1990, Henderson 1997, Jolly 1997).

The passage of the Indian Gaming Regulatory Act (IGRA), Public Law 100-497 in 1988, recognized the inherent sovereign right of the tribes to conduct and regulate gaming on their reservations. The act explicitly views gaming as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments (Henderson 1997). In the IGRA, Congress states that Indian tribes have the exclusive right to regulate gaming activity on Indian lands (Jolly 1997). Congress enacted the IGRA to resolve disputes (Weissman 1993) between tribes and states concerning the regulation of extensive gaming on First Nations land in response to *California v. Cabazon Band of Mission Indians* in which tribes retained exclusive jurisdiction over gaming in Indigenous country. Congress found that while many tribes were operating gambling facilities on their reservations, existing Federal law did not provide clear standards or regulations for the conduct of gaming on Indigenous lands (Brewer 1995).

It is argued that the passage of the Indian Gaming Regulatory Act was a major blow to First Nations governments because the Act allows state governments a say in what should essentially be a tribal decision, that is, what kind of gambling is allowed (McFadden 1996, Jolly 1997, Stein 1998). By forcing tribes to negotiate gaming compacts with state governments, as outlined in the IGRA, Congress actively violated the promise implicit in the Constitution and treaty laws which states that the United States would maintain a *national* gov-

ernment-to-government relationship with Indigenous nations within its borders. The requirement forcing tribes to negotiate with states has also placed Indigenous People in a precarious position in those states in which tribal-state relationships are not constructive. The Supreme Court, 100 years ago, characterized states as being the deadliest enemies of tribal interests. Contemporary events would appear to indicate that little has changed in many regions, as Indigenous gaming resources have increasingly become new targets for appropriation.

Currently, between 210 and 260 Indigenous Nations in twenty states actively operate some type of gaming establishment, ranging from small bingo halls to multimillion-dollar casinos. Generating $2.6 billion annually (Cox 1995, McFadden 1996, Jolly 1997), these enterprises are the "Davids" in an industry where they compete with the $330 billion economic phenomenon of the non-Indigenous gaming "Goliaths" in the United States (Stein 1998). One hundred and fifteen Indigenous nations have compacts approved by the Secretary of the Interior authorizing casino style games such as slot machines, blackjack and off-track betting (Cox 1995, Jolly 1997).

Although these figures may imply that Indigenous People are becoming rich from tribal gaming enterprises, the fact is that not every tribe participates in gaming and that not every gaming enterprise realizes success or profit (Jolly 1997). As a recent study by the Government Accounting Office (GAO) found, 13 percent of Class III Indigenous casinos accounted for 59 percent of the total revenue generated by casinos in the study, and revenue from Class II and III Indigenous gaming accounted for only 10 percent of total gaming industry revenues in 1995 (Cornell, Kalt, Krepps and Taylor 1998). Data from the GAO's analysis of Indigenous casinos indicates that those tribes participating in gaming are generating only modest income from gaming with some gaming enterprises closing because of insufficient revenues for paying state regulatory fees (Sower, 1996, Cornell, Kalt, Krepps and Taylor 1998).

With Indigenous gaming expanding throughout the states and generating billions of dollars in tribal, national and state revenue, states and non-Indigenous gaming owners have joined forces to seek tighter regulation of Indigenous gaming (Bileserian 1995, McFadden 1996). This political maneuver comes in spite of the fact that revenues from Indigenous gaming must be invested in the development of First Nations communities, the *only gaming industry* in the United States *required* to meet such restrictions. Indigenous gaming has also been targeted in recent Congressional sessions by special interest groups for a 35 percent federal tax on revenues, again the *only* gaming industry targeted for such penalties.

Support for the sovereignty and self-determination of Indigenous Peoples has been nebulous with contemporary federal policy vacillating between terminating tribes as sovereign nations, to protecting and strengthening tribal governments, to terminating funds for tribes to act in the capacity of sovereign nations, vis-a-vis termination by appropriation. The survival of First Nations People in spite of the schizophrenic federal policies they have been subjected to is testament to the strengths which should be considered in working with these communities to repair social structures devastated by the practice of colonization. The historical proclivity of the United States in protecting those seeking to usurp Indigenous resources should also not be underestimated.

The political status of Indigenous tribes within the United States has undergone substantial change since the Supreme Court first addressed the issue in 1810 (Brewer 1995). Historically, this unique political status has provided limited protection to Indigenous Peoples as they have faced the devastating tactical strategies inherent to the practice of colonization and cultural oppression. Boarding schools, assimilation and termination policies, relocation programs, the suppression of traditional governments and religious practices are hallmarks of the oppression of First Nations People in the United States. The use of judicial, political, and economic institutions in supporting practices of colonization and the oppression of Indigenous People of the Americas is an anathema to the principle of democracy and justice on which this nation purports itself to stand.

First Nations governance within the United States has been converted into something very different from that which traditionally prevailed, or anything remotely resembling the exercise of national self-determination (Robbins 1992). Self-determination without the resources needed to carry out the function of a government is a mockery. In spite of this history, in spite of the odds, First Nations People have survived. The resiliency and tenacity of these communities should not be overlooked.

> *Tribal sovereignty and jurisdiction are legal issues based on treaties and judicial decisions. Social workers in particular are being called on to act as advocates and planners as tribes implement policies to protect families* and natural resources. *Social work educators preparing students to work on reservations or in states with American Indian populations must develop material on the history of federal policies toward American Indians and on tribal sovereignty (Brooks-Johnson 1982).*

Strengths Perspective

Given the legacy of oppression and considering the odds which have historically run against the survival of First Nations People, the use of gaming resources to undergird sovereignty and to invest in the general welfare of Indigenous People may appear at first glance to be dubious. This is particularly true if opinions about Indigenous gaming are unduly influenced by special interest groups seeking to promote agendas protecting the status quo. The failure of special interest groups to either acknowledge the political, economic, social and religious oppression of First Nations People or to consider the potential benefit of these economic resources in strengthening First Nations communities is a severe disadvantage. This action shifts attention away from the conditions, the

history and the social institutions which have historically disempowered First Nations People, thereby creating an environment ripe for the syndrome noted by Ryan (1976) of victim blaming.

Evidence of the critical need for the infusion of human and financial resources in Indigenous communities can be found in virtually any index of social issues affecting First Nation communities. Clearly, historical and political acts of oppression have severely eroded the economic, social and religious foundation that undergirds Indigenous cultures and communities. The infusion of financial resources generated by Indigenous gaming provides an opportunity for tribes to address these pressing social issues as well as to generate the capital to explore investment opportunities that may be more compatible with First Nations cultures and that provide for greater long-term stability.

Too often problematic definitions underlying many current social policies and programs emphasize individual pathologies and deficits while ignoring structural barriers (Chapin 1995). This premise has been especially damaging to First Nations People whose reliance on federal and private sources of funding to provide services, requires that they submit to institutionalized pathological and deficit-based models in order to *qualify* for the help needed. The luxury of determining what the needs in a given community are and how they will be addressed is reserved in this nation for those who have the privilege of controlling financial resources. Indigenous communities who have generated profits from economic development ventures associated with gaming now have that power for the first time.

The response of tribes to the unmet human and social needs that have often been overlooked by traditional sources of funding suggests there is concern with responding to these needs. Tribes with gaming revenues are investing these resources in innovative responses to social needs that often go well beyond "typical" in many social service settings. Many tribes are critically examining the frameworks previous services and programs have been based on. These emerging best practices have not been well documented in the research and clearly deserve further attention.

The need for practice approaches which contribute to consciousness raising and that build on the strengths of those who have been historically oppressed are especially critical in developing innovative programs in First Nations communities. The strengths perspective posits the strengths and resources of people and their environments, rather than their problems and pathologies should be the central focus of the helping process in social work (Saleebey 1997). Tribes engaged in community development as a mechanism for alleviating the social conditions which have existed are posed on the edge of groundbreaking ventures that have the potential to embrace the cultural strengths, kinship systems, resiliency and resources that exist in Indigenous communities to design and develop truly Indigenous responses to these issues.

The window of opportunity created for the development of social policy and programs in Indigenous communities and the implications of such shifts are tremendous. The emphasis of social work in strengthening community capacity for solving problems through the development of groups and organizations, community education, and community systems of governance and control over systems of social care (Specht and Courtney 1994) are important in Indigenous communities who are committed to rebuilding. Literature on social policy suggests that policy is more effective if it reflects the reality of its intended recipients and when the policymakers are also the people directly affected by the policy (Chapin 1995). Whether strengthening community capacity results from responding to social needs or more fundamental structural changes in tribal governments and constitutions, it is important to involve those who are most impacted. Empowering members of communities by providing meaningful opportunities to contribute reverses earlier cycles of oppression and generates more effective and credible responses of tribal governments to issues of their constituencies by tapping into reserves of human potential often overlooked.

Empowerment-oriented social work practice maintains that the knowledge and skills provided must help increase the "personal," "interpersonal," and "political" power of Indigenous People so they can take action to improve their situation (Gutierrez 1994). These approaches are becoming important empowering approaches that focus on what people, communities and cultures have and know, versus what they do not have (Yellow Bird and Chenault 1998). First Nations People who have survived an incredible history of oppression clearly have the answers and should be asked how conditions can be improved.

The Indian Gaming Regulatory Act is having a major impact on intergovernmental relationships among Indigenous nations, states and the federal government. The revenues generated by gaming and the gambling industry have helped to spur economic development and economic self-sufficiency (McCulloch 1994), as well as to expand needed resources in Indigenous communities for addressing common unmet needs. They have also produced conflict in tribal communities as tribes develop long-term planning strategies and systems that are both responsive and accountable to tribal communities. These conflicts should not be construed as any indictment or failure of Indigenous gaming, but should be approached as major shifts in social policy that require new skills and knowledge as tribes move from crises-based management to planned growth and development.

Preliminary and tribally focused indicators are available on the level of socioeconomic change afforded by gaming and suggest that where gaming is successful, social conditions are improving (Cornell, Kalt, Krepps and Taylor 1998, Stein 1998). The creation of new job opportunities, increased funding for education, resources to support economic development initiatives and services for children and the elderly have been reported in surveys of tribes operating gaming enterprises (Stein 1998). While these indicators of success would typically not be considered as anything other than evidence of the strength of a robust economy or benefits of a capitalistic market, the cultural and social im-

pacts of movement toward a more capitalistic economy for Indigenous People is unknown. Ironically, gaming tribes are coming under attack for being economically successful, with a myriad of new regulations and plans for taxation being proposed that impact only Indigenous gaming.

Awareness of the political and social dynamics occurring in First Nations communities is increasingly essential for social workers involved with these communities. The importance of community, in transactions among risk, protective, and generative circumstances, has recently emerged as an important factor, which the discipline must consider (Saleebey 1994). The social empowerment dynamic recognizes that client definitions and characteristics cannot be separated from their context and that personal empowerment is related to opportunity (Cowger 1994). Empowerment occurs through *intervention methods* that include basing the helping relationship on collaboration, trust and shared power; utilizing small groups; accepting the client's definition of the problem; identifying and building upon client strengths; raising the client's consciousness of issues of class and power; actively involving the client in the change process; teaching specific skills; using mutual aid, self-help, or support groups; experiencing a sense of personal power within the helping relations; and mobilizing resources or advocating for clients (Gutierrez, DeLois and Maye 1995). Social workers involved with First Nations communities have a unique opportunity to participate in a fundamental realignment of the role of the profession and the approaches to be used in Indigenous communities.

As Indigenous communities develop programs for the general welfare of the tribal nation or its members, one important benchmark of this development should consider the extent to which First Nations People and their communities are strengthened and empowered by the approaches used. Social workers committed to social justice, community development and the empowerment of oppressed groups have critical intervention, advocacy, brokering and research responsibilities in these communities. In addition, these workers need the knowledge and skills necessary to work with tribes to protect their sovereignty, to fully exercise their rights to self-determination and a commitment to the strengths which exist in First Nations communities.

Thoughtful consideration of the assets, resources and strengths within Indigenous communities and approaches which employ the strengths and resiliency, the skills, and the talents of the community is critical. Community development unleashes the power, vision, capacities, and talents within communities, thus strengthening internal relationships and moving it closer to the important functions of solidarity, support, succor, identification, instructing and socialization (Saleebey 1997). Community development, which is reflective of the unique cultures of First Nations People and social workers committed to social justice, is essential in rebuilding Indigenous communities.

I believe that in the end those who are now excluded and exploited will get what they deserve only through their own action, by organizing together by building collective power, and by demanding change (Si Kahn 1994)

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Book Reviews

Tribes, Treaties, & Constitutional Tribulations, Vine Deloria, Jr. and David E. Wilkins. (Austin: University of Texas Press, 1999. xii, 209 p.; 23 cm.; ISBN 0292716087, $20.00 paper)

Building on his earlier works with Clifford M. Lytle, *American Indians, American Justice* (1983) and *The Nations Within: The Past and Future of American Indian Sovereignty* (1984), Vine Deloria, Jr., this time collaborating with David E. Wilkins, has produced a volume that examines the status accorded Indian tribes in relation to the three branches of the federal government. Further, the work investigates the varying ways that the protections guaranteed in the United States Constitution have been applied to and withheld from American Indians. There can be no doubt that these subjects are extremely important to Indian peoples, historians, and legal scholars, as they have vast ramifications for ongoing litigation involving Indian tribes, ongoing efforts to ensure religious freedom for Indian people, and the ongoing struggle of tribes to expand sovereignty and self-determination.

As with most of Deloria's past work, he and Wilkins present thought-provoking statements of moral reason that are backed by solid historical research and argument. The legal status of American Indians vis-à-vis the Constitution has been an area of confusion predating John Marshall's opinions in the *Cherokee Nation* cases of the 1830s. The inconsistent application of the treaties and laws approved by Congress, the enforcement of policies by the executive branch's bureaucracy, the Bureau of Indian Affairs, and the decisions of federal courts have only added to that confusion. To Deloria and Wilkins, the actions of the government are sometimes malicious, as with Jackson's forced removal of the