

## Center for Gaming Research Occasional Paper Series

University Libraries

University of Nevada, Las Vegas

### Nation, Corporation or Family? Tribal Casino Employment and the Transformation of Tribes

*Theodor Gordon*

Since its modest beginnings in the early 1980s, tribal gaming rapidly developed into a \$25 billion industry that generates over a quarter million jobs. However, the increasing employment of non-Indians in tribal casinos prompts new cultural and political challenges. This paper analyzes tribal and commercial casino trade publications in order to demonstrate how tribal casino employee relations play a significant role in transforming public policy and perceptions of tribal government in the United States.

Keywords: Gaming, Tribal Sovereignty, Labor Relations, Cultural Relations

Preferred Citation: Theodor Gordon. "Nation, Corporation, or Family? Tribal Casino Employment and the Transformation of Tribes," Occasional Paper Series 5. Las Vegas: Center for Gaming Research, University Libraries, University of Nevada Las Vegas, 2010.

The Indian gaming industry generates over \$25 billion annually and revitalizes tribal communities across the United States. It is also the subject of heated political and cultural controversy that could undermine recent advances in tribal self-determination. This paper focuses on one aspect of tribal gaming that poses both an opportunity and a challenge for gaming tribes, employment. According to the National Indian Gaming Association, in 2009 over 75% of the quarter-million employees in the tribal gaming industry were non-Indian. These non-Indians employees play a central role in ongoing political and cultural negotiations that reveal broader patterns in political and ethnic relations in the United States. Given that federally recognized tribes are sovereign

governments within the United States, do tribes have the right to determine their own labor policies? How do cultural and political differences serve as assets or obstacles for a supportive workforce? This paper examines how industry experts address these questions, and demonstrates how strategies for the management of tribal casino employee relations politically and culturally reorient tribes in the United States.

This paper is divided into three sections. The first provides a brief history of tribal sovereignty and the emergence tribal gaming. The second section reviews tribal and commercial gaming trade journals from the Center for Gaming Research at the University of Nevada, Las Vegas. This section analyzes the strategies disseminated by trade

publications for the management of tribal casino labor relations. The final section concludes with a brief discussion of how tribal gaming labor issues are transforming long-held assumptions about the boundaries between tribal and non-tribal Americans.

### Why can tribes operate casinos?

Tribes could not operate casinos or any political or cultural practice without sovereignty. To understand why a number of tribes do operate casinos requires understanding the evolving relationship between federal Indian policy and tribal sovereignty. Sovereignty is the capacity for a society to determine the course of its future. In the United States the federal government is sovereign and its laws are supreme in every state. The Constitution of the United States recognizes that state governments have rights, often called states' rights, which reserve for states the powers not delegated to the federal government. Likewise, the federal government acknowledges that 565 American Indian tribes are sovereign polities, and recognizes the right of these tribes to establish certain laws. Unlike state sovereignty, tribal sovereignty is vulnerable. Enduring performances of tribal origin stories and community autonomy, which predate colonization, produce tribal sovereignty, yet the United States' recognition of this sovereignty is constantly changing (Wilkins 2007: 62). As shown below, federal Indian policy alternates between terminating and expanding tribal sovereignty (Deloria and Lytle, 1984). Tribal sovereignty is resilient, yet one dimension of that sovereignty, the federal recognition of tribal political authority, is subject to capricious and at times malicious federal Indian policy.

A Supreme Court decision in 1831 gave Congress exceptional powers over tribal societies and began a convoluted succession of federal Indian policies. The decision (*Cherokee Nation v. Georgia*, 30 US. 5 Pet. 1) declared that Indian peoples are "domestic dependent nations" and "in a state of pupillage and subject to the guardianship protection of the federal government." Under the pretext of

this ruling, Congress required the removal of Indian peoples in the Eastern United States to the West, leading to a forced march known as the Trail of Tears. Only within the lands reserved by Congress for tribes, could tribal societies practice a small degree of self-rule. In 1887, Congress passed the Dawes Allotment Act (P.L. 73-383), which divided tribal lands into individual parcels and assigned each to an American Indian, in an attempt to assimilate tribes into a more, so-called, "civilized" lifestyle. This failed. It impoverished tribes and marginalized Indian peoples (Wilkins 2007:116, 117). In 1934, Congress passed the Wheeler Howard Act, better known as the Indian Reorganization Act. This reversed the allotment act, and allowed tribes limited self-governance on reservations. However, it was short lived. In the 1950s and 60s Congress terminated tribal governments and relocated thousands of American Indians to cities (Fixico 1986). By forcing the assimilation of tribal members and appropriation of tribal resources, termination devastated tribes. It also spurred American Indian activism. In the early 1970s, President Nixon ended the termination era by restoring federal recognition to terminated tribes. In 1975, Congress passed the Indian Self-Determination and Education Assistance Act (PL 93-638), creating a partial revitalization of tribal sovereignty. Tribal gaming is a manifestation of this revitalization. (Anders 1998).

In the 1980s, after the Reagan administration slashed budgets for tribal governments and encouraged tribes to become self-reliant, gaming emerged as a viable avenue for economic development. With this encouragement, a number of tribes began offering gaming activities to non-Indians. When the Seminole Tribe in Florida opened a bingo hall and offered jackpots that exceeded the state level, they attracted big crowds and Florida tried to shut it down. Florida argued that its bingo laws applied on tribal lands. In 1981, a Federal Appeals court ruled in favor of the Seminoles, finding that Florida had criminal but not civil or regulatory jurisdiction on tribal lands

(*Seminole Tribe of Florida v. Butterworth*. 658 F.2d 310). In other words, if an activity is totally prohibited by the state, it is illegal on tribal lands, but if the activity is regulated by the state, tribes are free to develop their own regulations. Because Florida regulated bingo, the Seminoles could too. The Seminoles directed bingo revenue to benefit the education and health of their members. Other tribes copied this practice. When the Cabazon Band of Mission Indians opened a poker club and bingo hall on their reservation outside of Palm Springs, the Riverside County Sheriff shut it down. The resulting case made it to the Supreme Court, which ruled in favor of the tribe, arguing that the tribe was merely regulating activities that are legal in California (*California v. Cabazon Band of Indians*. 480 U.S. 202).

Shortly after the Cabazon decision, Congress acted to regulate tribal gaming. In 1988, Congress passed the Indian Gaming Regulatory Act (IGRA; P.L. 100-497, 102 Stat. 2475). IGRA created the National Indian Gaming Commission (NIGC) and defined three classes of gaming, with each requiring different levels of regulation. Class 1 consists of traditional tribal games of chance played among tribal members. Only tribes can regulate Class 1. Class 2 includes bingo and certain non-banked card games. Tribes can operate Class 2 gaming with oversight by the NIGC. Class 3 is loosely worded and contains every other type of gaming, including slot machines and table games. In order to operate Class 3 gaming, a tribe must enter into an agreement with the surrounding state, known as a compact. Tribal/state compacts include provisions that allow the state to regulate tribal casinos and often require tribes to share Class 3 revenue with the state. Today, of the 565 federally recognized tribes, 233 are engaged in Class 2 or Class 3 gaming, located across 28 states (National Indian Gaming Association 2009).

The remainder of this paper focuses on large-scale gaming enterprises with many employees; however gaming is not a panacea for the historical injustices inflicted upon American Indians. The vast majority of

American Indians and tribes continue to be socially and economically marginalized. Less than half of tribes participate in gaming, and many are too geographically isolated for gaming to mitigate endemic poverty. In 2008, tribal casinos and resorts generated just under \$30 billion in revenue, but this revenue is unevenly distributed. Approximately 20% of tribal gaming operations account for almost 70% tribal gaming revenue (National Indian Gaming Association 2009; National Indian Gaming Commission 2009). Yet, as shown below, the political advances and challenges facing gaming tribes can significantly impact all tribes.

### Unique Dilemmas in Tribal Gaming Employment

The Center for Gaming Research's collection of commercial and tribal gaming trade publications make possible a unique analysis of how gaming tribes and their business partners respond to challenges of this new industry. These publications target a specialized audience: those who own, manage, or do business with casinos. The views expressed in these publications are partial; they are slanted towards the concerns of their readership, and by no means speak for tribes, individual American Indians, the gaming industry, or any other group. This is why these publications are especially useful as primary sources. They allow insight into the perspectives of specific industry insiders. This discussion is based on a systematic review of five periodicals: *Indian Gaming Magazine*, *Native American Casino*, *Global Gaming Business*, *Casino Enterprise Management*, and the *Pequot Times*. *Indian Gaming Magazine* and *Native American Casino* are associate members of the National Indian Gaming Association, known as NIGA. NIGA is a non-profit organization that represents 184 tribes. *Global Gaming Business* is an official publication of the American Gaming Association, which represents several large commercial casino companies and suppliers. The Association of Casino Enterprise Managers and Executives publish *Casino Enterprise Management*. The *Pequot Times* is a

monthly community newsletter published by the Mashantucket Pequot tribe in Connecticut. Thus, these publications are central to the circulation of ideas among tribal and commercial gaming stakeholders.

The earliest articles that discuss tribal gaming employment focus on its positive impact on neighboring communities. Rick Hill, then-Chairman of NIGA, most directly articulated this strategy at their annual meeting in 1993. Hill urged state and local governments to “work as allies with Indian tribal leaders so all of our communities can benefit from the fruits of tribal gaming...As governments we share a common drive to create jobs for our constituents, spur economic development and provide equality of opportunity” (*Indian Gaming Magazine* 1993: 3). As Hill argued, by asserting their sovereign right to develop casinos, tribes can forge mutually beneficial partnerships with their counterparts in state and local governments. In addition to sharing in the economic benefits of tribal gaming, these partnerships may solidify state and local government recognition of tribal sovereignty.

By the late 1990s, these publications begin to address growing political and cultural challenges faced by tribes that employ large numbers of non-Indians. Many articles focused on which federal labor laws apply to tribal casino employees. Most federal laws do not specifically mention whether or not they apply to tribes. In a Supreme Court decision from 1960, the court ruled that if a federal law does not specifically stipulate whether it applies to tribes, the law will apply in cases where the court interprets the law as intended to be applied to all Americans, and the law will not apply in cases where the law is viewed as interfering with tribal self-governance (*Federal Power Commission v. Tuscarora Indian Nation*, 362 U.S. 99, 1960). Thus, when tribal governments participate in unprecedented activities, like gaming, those activities become the subject of court battles over the jurisdictional scope of tribal sovereignty. A recent interpretation of one law, the Nation

Labor Relations Act, is seen as especially troubling for tribes engaged in gaming.

Congress passed the National Labor Relations Act in 1935 (PL 49 Stat. 449). The Act, known as the NLRA, limits the actions an employer can make in response to labor organizations and establishes regulations for how employees can collectively bargain with employers. The act only applies to private sector employees, and does not apply to government workers. The NLRA created the National Labor Relations Board (hereon referred to as the NLRB, or the Board). Under the NLRA, if employees are to form a labor union, they must file a petition with the Board that shows support from at least 30% of employees. The Board, upon receiving the petition, holds a secret ballot election in which employees vote for whether or not the union will represent them. If the union receives the majority of votes, the employer must recognize that union. The NLRA does not specify whether it applies to tribal lands, only that it applies to the private sector, and not governmental employers. Until recently, the NLRB asserted its jurisdiction on tribal lands only in cases where a private corporation leases tribal land. This precedent began in 1976, when the NLRB examined whether it had jurisdiction over the Fort Apache Timber Company (226 NLRB. 503 1976). The White Mountain Apache Tribe, based in Arizona, owned the company and determined all employment policies. The Board ruled that it did not have jurisdiction because the Fort Apache Timber Company was a tribal government entity operating on tribal land. The Board held this precedent until the development of tribal gaming.

The reversal originated from a labor union campaign to organize tribal casino workers. One state, California, included in its tribal gaming compacts that tribes must enact labor laws that permit labor relations similar to those in the NLRA. Following this model, in 1998 the Viejas Band of Kumeyaay Indians, located outside of San Diego, and the Communications Workers of America (known as the CWA) signed a labor agreement. In its coverage, *Indian Casino Magazine* highlighted

how both Viejas and CWA celebrated the agreement (*Indian Casino Magazine* 1998: 12). Viejas Chairman Anthony Pico explained, "The union supported our concerns about fundamental rights of free speech and the right of our service employees to vote on whether or not to be represented by a labor union." Tony Bixler, vice president of CWA, District 9 said, "this is a proud day for labor unions...Viejas showed tremendous good faith when the tribe voluntarily agreed to hold a union election. We understand, respect, and embrace tribal sovereignty." In this case, the union and tribe reported mutually valuing tribal sovereignty and collective bargaining. However, other articles present unionization as a looming threat for tribal sovereignty.

In 1999, an article published in *Indian Casino Magazine*, titled "Fighting Off the Union: Manifest Destiny All Over Again," (Koeppen 1999: 6-7) warned that union organization on tribal lands could undercut tribal sovereignty. The article asserted that the agreement between Viejas and CWA and other campaigns to organize tribal casino workers signal a new type of Manifest Destiny. The author explained, "...the discovery of 'gold in them-thar hills' will once again bring an onslaught of opportunistic settlers." In this view, the new Manifest Destiny could involve the court's reinterpreting the applicability of federal labor laws on tribal lands, allowing unions to "settle" on tribal lands. The article predicted that the NLRB would not assert jurisdiction over tribal governments because of the precedent set in the *Fort Apache Timber Decision*. However, this prediction was wrong.

The case that reversed the Board's precedent stems from a labor relations dispute at the San Manuel Indian Bingo and Casino, owned by The San Manuel Band of Mission Indians, and located on the tribe's reservation near San Bernardino. It began in 1999 when the Hotel Employees and Restaurant Employees Union (known as HERE, and currently known as UNITE HERE) filed grievances with the NLRB, charging that

San Manuel gave preferential treatment to the Communication Workers of America (the CWA). HERE asserted that San Manuel let the CWA place a trailer in the employee parking lot to solicit employees, while denying access to HERE organizers. This would be a violation of the NLRA because the Act forbids an employer from favoring one labor organization over another. At the center of this case was whether or not a casino owned by a tribal government and located on tribal lands is government or private enterprise. In 2004, the Board ruled that it has jurisdiction over the casino, and ordered the tribe to give HERE access to employees at the casino (341 NLRB No. 138). The tribe petitioned a Federal Court of Appeals, arguing that under the *Fort Apache Timber Decision*, the NLRA did not apply to the casino. In 2007, the Federal Court of Appeals sided with the National Labor Relations Board (*San Manuel Band of Mission Indians v. NLRB* D.C. Cir. No. 05-1392).

The Court's decision reversed a 30-year precedent. The Federal Appeals Court found that the NLRA applied to tribal lands because the majority of casino employees and patrons are non-Indians. Moreover, the Court found that the casino could not be a governmental enterprise because, in the Court's view, tribes did not traditionally operate casinos and the NLRA would not interfere with tribal sovereignty. The Court ruled that tribal sovereignty exists along a continuum. According to the Court, tribal sovereignty is strongest in matters that effect only tribal members, and weakest in tribal economic activity with non-members. In other words, the more a tribe engages in business that reaches beyond tribal members, the more its sovereignty is an unfair competitive edge subject to increased federal regulation.

In the views expressed in trade publications, the most troubling aspect of the *San Manuel Decision* is that the tribal casino was declared a for-profit private corporation. This decision signals a shift from a government-to-government relationship to government-to-private business regulation. In a 2007 article in *Indian Casino Magazine*,

Kevin Allis (2007: 28-31), a tribal member of the Forest County Potawatomi Community and a labor attorney, explained that the goal of commercial casinos is to generate profit for shareholders, while the goal of tribal casinos is generate revenue for community needs, such as health care, education, housing and public safety. Allis argued, "Our governmental interest must be afforded the same protection to carry out our civic duty to our citizens as any other government. The United States government must stop treating tribal governments as 'second-class' governments..." For Allis, the threat posed by *San Manuel Decision* is more related to its implications for tribal sovereignty than collective bargaining. While federal, state, and local governments retain their sovereignty when engaging in business, the *San Manuel Decision* ruled that tribal governments have an evanescent sovereignty, unlike any other government in the United States.

In 2007, an article published in *Casino Management Enterprise*, Nelson Rose, a Law Professor and Gaming expert, warned that the *San Manuel Decision* establishes a slippery slope that could virtually end tribal sovereignty. He explained,

"The most important federal Court of Appeals below the U.S. Supreme Court has declared, at least for labor law, tribal casinos are to be treated exactly the same as casinos that are owned by private citizens... Tribes had near absolute sovereignty as long as they were living in poverty, isolated from the rest of American society. No one cared until they gained economic and political power. Now it might all be taken away" (Rose 2007: 60)

In another article from the same year, Rose explained that the *San Manuel Decision*,

"...turned [the law] on its head. It used to be that tribes were safe in assuming a law...did not apply to them [if the law had] no express statement [that it applied to tribes]. Now the assumption has to be the opposite: All federal and state laws...apply to tribal casinos unless there

is an explicit statement in the law itself that tribes are exempt" (Rose 2007)

For Rose, the *San Manuel Decision* threatens tribes because it could represent a swing in court interpretations of the applicability of all federal laws. From Rose's perspective, the *San Manuel Decision* starts a new era, in which all federal laws that do not expressly mention tribes are automatically assumed to apply to tribes.

In perhaps the most strongly worded reaction to the *San Manuel Decision*, Michael Lombardi, who has served as casino General Manager and Gaming Commissioner for several tribes, said in an interview with *Casino Enterprise Management* that,

"Our governments have been freed up to succeed, but we're in a phase now where the states are saying, 'Whoa, wait a minute. We've gotta get control over this. They're making too much money. They're getting too powerful. They're participating in the political process. Oh, my God, they're buying land! Their languages are coming back! Now there's a whole bunch of these Indians who are college educated, and they're bringing lawsuits in the courts because they have money, and they have better lawyers!...Today it's all about getting control of the Indians by over-regulating them. That is what's happening. This march toward getting the Indians under control, I believe, in the end will be the death of us" (Conner 2007: 56).

For Lombardi, the *San Manuel Decision* represents a tipping point where regulation becomes a new instrument for terminating tribes. The opinions expressed in these publications are unanimous; the *San Manuel Decision* marks no less than a return to dissolution of tribal sovereignty and assimilation of American Indians (or, at minimum, assimilating tribal government enterprises into the private sector). From this perspective, the *San Manuel Decision* is a harbinger of the return of colonialism and manifest destiny.

One impact of the *San Manuel Decision* was an intensifying of labor campaigns to

unionize tribal casino employees. The Mashantucket Pequot, a tribe based in Connecticut that operates the Foxwoods Resort and Casino (the largest casino in the United States), is now the site of an ongoing contest between a tribal government and a labor union over labor law jurisdiction. In 2007, the NLRB held a secret ballot election for the dealers at Foxwoods. The dealers elected to be represented by the United Auto Workers, known as the UAW. Foxwoods President John O'Brien maintained that the tribe would not recognize the election until all jurisdictional disputes are resolved (Pequot times 2007: 1).

In a 2008 article in *Pequot Times*, Betsy Conway, an attorney who has represented the tribe for over 15 years, argued,

“the Board and the union said that they ‘respect’ tribal sovereignty. What their actions said was that while they respect [it] in concept, they cannot tolerate the exercise of that sovereignty...The imposition of the NLRA is unlike that of any other statute that is silent as to Indian tribes, because it inserts a third party into tribal employment without any acknowledgement of the profound impact that it has on tribal laws, institutions and structures. Does it mean that the Tribe’s Labor Relations Law is void? How about... the Tribal Civil Rights Law, or the Tribal Gaming Law?...[Their actions ensure] the prospect of continued destruction of tribal sovereignty is certain.... History continues to repeat itself when it comes to tribal sovereignty” (Conway 2008: 5)

For Conway, the concern is not whether or not the employees should be unionized; rather, the problem is the union’s failure to recognize tribal sovereignty. Her statement that “history continues to repeat itself” links the assertion of NLRB jurisdiction to the General Allotment Act, and the Termination era of the 1950s and 60s. After almost three years of negotiation, the UAW agreed to hold elections under tribal, and not federal law. Although the NLRB’s jurisdiction still applies, the UAW agreed to acknowledge the Pequot’s

sovereignty by negotiating through the tribe’s labor laws (Toensing 2010).

These articles present a single narrative. They tell the story of a new era of assimilation and caution that tribal gaming may contain the seeds of its own destruction, undoing decades of revitalized tribal sovereignty. If the development of tribal gaming opened up a new political frontier, a space where tribes can assert new legislative powers over labor and other domains, the federal government may be seen as colonizing this space. Yet, the contest over labor law jurisdiction is not only arena where tribal casino employees find themselves in contested terrain.

In 2006, a *Native American Casino* article asserted that non-Indian employees and companies could not successfully work with tribes without adequate cultural sensitivity training (Curtis 2006: 46-49). For illustration, the article cited examples where employees could not trust each other because of cultural differences in how much, or how loud, an individual should speak. Through cultural sensitivity training, employees learned that these perceptions stem from cultural differences and not personal flaws. Additionally, the article explained that cultural sensitivity training should teach non-Indian casino managers that the purpose of the tribal casino is generate revenue for the tribe to provide services for the tribal community. Otherwise, non-Indian casino managers might argue with the tribe to reinvest more casino revenue back into the casino and not into the community.

Another dimension of cross-cultural anxiety involves the interaction of tribal casino employees and casino patrons. In an article in *Native American Casino*, casino marketing consultant David Kranes (2007: 32, 33) asked gaming tribes if they view employees as “active and vital spokespeople for [the] tribe”. He explained, “Tribal casino/resorts...have made an invisible people visible again and have given a silenced people a compelling voice.” He asked,

“Are your employees actively aware of this? Do your employees know [the]

tribe's history in compelling detail? Can they dramatically and informatively draw others into the stories and histories of [the tribe]? Can they speak about the tribe's future—dreams, plans and outreach into the wider American communities?"

Kranes positioned casino employees as valuable spokespeople for their tribal employers. When members of the general public travel to tribal casinos many bring with them inaccurate stereotypes and perceptions. Does the tribal casino serve as a site where guests are educated about the tribe, or does it reinforce negative stereotypes? The article suggested that the tribal casino employee is at the center of this challenge, and should serve as an interlocutor between a tribe and a largely misinformed public.

Another anxiety is the balance casino managers must find between the goal of hiring and retaining the most talented employees, and the goal of improving the tribal community. Tribal casino consultant Joseph Pluchinota wrote in an article published in *Indian Gaming Magazine* that most potential and newly hired non-Indian employees worry that working for a tribe means having no job security or advancement opportunity. Pluchinota (2001: 28) suggested that HR personnel should

"attempt to honestly and candidly 'educate' the prospective employee...Employees should understand that tribal gaming IS very much like a family-owned business. And, yes, preference between a 'family member' and one who is not will inevitably be exercised. After all, members of a family must be able to enjoy some measure of preference and perks when working for his or her...business. They are shareholders and stockholders in the business and [have an] extra vested interest they have in the business' survival.... Those non-Indian casino employees who simply accept the fact that they are working within a family-owned business will ultimately find that

there are many substantial pleasures when working within an environment that supports an individual's honest efforts".

Pluchinota's advice is for Human Resource personnel to frame the tribal casino as a family business in which the benefits of working for a community-centered enterprise clearly outweigh the drawbacks of employment preferences. In other words, a tribe is not just a government it is a family.

The status difference between tribal members and non-members can also create anxieties in workplace politics. In an article published in *Tribal Gaming Magazine*, Joanna Mounce Stancil, a member of the Shawnee Tribe of Oklahoma and tribal casino consultant, explained many non-Indian employees confide in her that they do not feel welcomed. According to Stancil, these employees report to her that some tribal members "tell [them] that this is their casino, and if you don't what they say, they will go to their council and get you fired" (2001: 23). Stancil's advice is for management to explain to tribal members that non-Indian employees "are guests in our land, and in our homes as such we must set the example of hospitality.... Before someone on your team is tempted to use their 'tribal status' as a weapon, remember that like Lady Liberty on Liberty Island, each of us stands as a tribal beacon welcoming those who would come to join us in Tribal America."

By framing tribal-member employees as beacons, like the Statute of Liberty, non-Indian employees are positioned as immigrants, flocking to the tribal nation for better opportunity. The tribal-member employees should not only be welcoming to non-Indian employees, they should act as ambassadors for their tribe.

### Conclusion

This review of trade publications shows how in tribal gaming the stakes are much higher than the success or failure of any particular casino. The sovereignty of every tribe is at stake. A court ruling on a dispute



from one tribe may impact all tribes. Moreover, the development of tribal gaming upended long held assumptions about the boundaries between tribal and non-tribal Americans. Until the *San Manuel Decision*, the NLRB assumed no jurisdiction over tribal enterprises operating on tribal lands, but it does now. Tribes may have assumed that laws that do not specifically mention tribes do not apply. This assumption is no longer tenable. Before tribal gaming, few Americans had direct experience with tribal communities; now tribes train thousands of non-Indians to serve as informal spokespeople in order to directly counter common misperceptions. Now that tribal gaming is transforming public regulations and perceptions of tribes, will new legal and cultural precedents strengthen or diminish tribal sovereignty? According to the articles discussed above, tribes face new perceptions that tribes are for-profit corporations and new federal policies that may reiterate passed attempts to terminate tribes. While these publications illustrate the high stakes of tribal gaming, they also offer strategies for tribes to address these anxieties and these strategies reveal how the anomalous status of tribal gaming positions tribal gaming employees as key players in the reorientation of tribes in United States politics and culture.

The tribal casino is a politically and culturally ambiguous workplace and the future of tribal sovereignty may be shaped through the choices made by tribal casino employees and management. The ambiguity of this workplace prompts trade publications to disseminate seemingly paradoxical advice for managing tribal casino labor. On the one hand, non-Indian employees may be trained as informal tribal spokespeople to the general public. In this role, non-Indian employees act as outsiders turned ambassadors, who are authorized by their tribal employers to represent the tribe to the public. On the other hand, these publications advise tribal casino management to inform non-Indian employees that they are guests in a tribal nation and must respect tribal culture and law. While non-Indians may act as tribal insiders and

representatives when interacting with the public, their status as non-Indians is brought to the foreground in interactions with tribal members, tribal governments, and the federal government. The federal government may increasingly view tribal casinos as for-profit corporations, but one strategy disseminated in these publications is for tribes to educate their employees about tribal culture and law. Thus, trade publications suggest that tribes can advance their sovereignty through a delicate balance of non-Indian employees statuses as relative insider and outsider.

Only in time will we know the full extent of how gaming transforms tribal sovereignty. In the meantime, the anomalous political and cultural boundaries between tribal and non-tribal Americans prompt strategies for tribes to advance their sovereignty through the careful management of employee relations. Moreover, these strategies both reveal and play on fault lines in the anomalous relationship between tribal communities, the federal government, and the general public. Political uncertainties, regarding which labor laws apply for example, derive from the federal government's capricious recognition of tribal sovereignty. The cultural uncertainties of how the public perceives tribes in an era of tribal gaming, and how tribal casino employees relate with one another, stem from marginalization of American Indian in the United States. In this manner, tribal casino employee relations is both a microcosm of broader patterns in cultural relations, and a dynamic that may shape the future of tribal societies in the United States.

*Theodor Gordon is a doctoral candidate in anthropology at the University of California Riverside.*

*This paper was published July 2010 as the fifth in the UNLV Center for Gaming Research's Occasional Paper Series, accessible online at <http://gaming.unlv.edu>. For more information about the series, visit the website or contact series editor David G. Schwartz.*

## References

Allis, Kevin

2007 The NLRB San Manuel Indian Bingo and Casino Ruling Fallout: Dealing with Union Organization Efforts. *Indian Casino Magazine*. May: 28-31

Anders, Gary C.

1998 Indian Gaming: Financial and Regulatory Issues. *Annals of the American Academy of Political and Social Sciences*. Vol 556:98-108

Conner, Matt

2007 What Gaming Tribes Can Learn from California. *Casino Enterprise Management*. August: 56, 57

Conway, Betsy

2008 Sovereignty should be respected in practice, not just in concept. *Pequot Times*. March: 5

Curtis, Katie

2006 Cultural Sensitivity Training: The Most Important Thing Your Company Can Do For Its Tribal Clients. *Native American Casino*. November: 46-49

Deloria, Vine and Clifford Lytle

1984 *The Nations Within: the Past and Future of American Indian Sovereignty*. New York: Pantheon Books.

Fixico, Donald

1986 *Termination and Relocation: Federal Indian Policy, 1945-1960*. Albuquerque: University of New Mexico Press.

Koeppen, Todd Carter

1999 Fighting Off the Union: Manifest Destiny All Over Again. *Indian Gaming Magazine*, April: 6-8

Kranes, David

2007 Ten questions any tribe building a casino needs to ask. *Native American Casino*, February 2007: 32-33

National Indian Gaming Association

2009 Economic Impact Report for 2008. Retrieved April 20, 2010 from <http://www.indiangaming.org/info/pr/press-releases-2009>

National Indian Gaming Commission

2009 Tribal Gaming Revenue Report. Retrieved April 20, 2010 from <http://www.nigc.gov/LinkClick.aspx?fileticket=ORG3hN0JN0Q%3d&tabid=67>

*Pequot Times*

2007 Dealers vote "Yes" at Foxwoods Resort Casino. December: 1

Rose, Nelson I

2007 "Gambling and the Law: Court Rules Tribal Casino is Merely a Casino." *Casino Enterprise Management*, April p60,61

Toensing, Gale Courey

2010 Mashantucket and Union Seal First Labor Contract under Tribal Law. Indian Country Today. February 2, 2010. Retrieved from <http://www.indiancountrytoday.com/archive/83351132.html>

Wilkins, David

2007 *American Indian Politics and the American Political System*. New York: Rowman & Littlefield Publishers, Inc.

#### About the Center for Gaming Research

Located within Special Collections at UNLV's state-of-the-art Lied Library, the Center for Gaming Research is committed to providing support for scholarly inquiry into all aspects of gaming. Through its website, <http://gaming.unlv.edu>, the Center offers several unique research tools and information sources.

#### About the University of Nevada, Las Vegas

UNLV is a doctoral-degree-granting institution of 28,000 students and 3,300 faculty and staff. Founded in 1957, the university offers more than 220 undergraduate, masters and doctoral degree programs. UNLV is located on a 332-acre campus in dynamic Southern Nevada and is classified in the category of Research Universities (high research activity) by the Carnegie Foundation for the Advancement of Teaching.

# UNLV