

Tribal Gaming:
How it is Influenced by Culture, Policies, and Economics?

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Abstract: One of the many tribes that participate in the enormous industry of tribal gaming in the United States is the Seminole Tribe of Florida. Although the Seminole Tribe is considered one of the most successful tribes in America, they are affected by culture, policies, and economics when operating their casinos. These affects can be seen as both a positive and a negative, however the Seminoles have used every situation to their advantage, which puts them in the prosperous situation that they are in now.

Background:

The Seminole Tribe of Florida originally descends from the Creek people of Georgia. The creation of the Seminole Tribe began when the Spanish arrived in Georgia with a motive to set up a string of missions. This was quite unsuccessful for the Spanish. In order to find peace, some of the Creek people started to slowly migrate to the land of Florida. In addition to this, the growing problem of American settlers in the Georgia area, also forced a portion of the Creek people to Florida. This became the start of the Seminole Tribe, which was ultimately created in the 1700's (State of Florida Historical Resources 2013). Throughout the years, the Seminole culture has grown vastly. Starting with the traditions of basketry, beadwork and chickee architecture, the Seminole culture has now gone and embraced the idea of casino gaming. Many people seem to look at this as a controversial subject. This is due to the gambling problems that casinos can cause, and how the involvement in such a large industry, which focuses largely on profits, can start to make a tribe like the Seminoles lose culture. However this is not the case for the Seminoles. Instead, the casino industry has turned them into a resilient group.

Resilience, this is a word that can be used to describe the identity of the Seminole Tribe. It all starts from the 1st, 2nd and 3rd Seminole Wars. In these wars, Seminoles had to fight off white settlers, and also refrain from becoming slaves of the white race (State of Florida Historical Resources 2013). This started the first of the three wars. The first war only forced the Seminole farther into Southern Florida. The second war began once the Indian Removal Act of 1830 was passed, which was an effort to remove the Seminoles from Florida and relocate them in Oklahoma. This ended when the U.S captured the leader of the Seminoles at the time, Osceola. In order to get Osceola back, the U.S.

wanted a truce (State of Florida Historical Resources 2013). Finally, the third and final war occurred. The result of this war was the relocation of about 3,000 Seminoles to the west of the Mississippi River. This left a total of about 200 to 300 Seminoles in Florida. These three wars led up to the reparation for the Seminoles, where the Seminoles received a total amount of \$12,347,500 in 1970 from the Indian Claims Commission (State of Florida Historical Resources 2013). Essentially, the Seminole Tribe of Florida defined themselves as resilient, due to their actions of being able to stay in Florida, even though they were being pushed out. Additionally, the reparations that the tribe received, led into their economic ventures. However, before entering their economic ventures, the Seminole Tribe had to overcome various regulations and policies.

Indian casino gaming is an experience that is given to the public for entertainment. However, what most people don't realize is that there are various regulations and policies that tribes must undergo in order to provide this entertainment. When it comes to Indian casino gaming, one would think that since tribes are sovereign nations that they shouldn't have to follow any federal government policies. Instead it is contradictory. Most Indian tribes have to go through the whole policy debate. For example, for tribes to be able to own a casino and reap its profits, they must have a compact with the state, in which they are located. In the case of the Seminole Tribe of Florida, there were several steps that had to engage in order to become the dominating force that they currently are. The Seminoles went through everything, from Federal intervention and state intervention to having to go through the licensing and joining compact agreements with the state of Florida. Even though these seemed as somewhat of an obstacle for the Seminole Tribe of Florida, they have overcome it with great influence

and have now become the leaders of the gaming industry in the state of Florida, which in turn has led to their empire in the gaming industry.

In the 2004, the Seminole Tribe of Florida opened their first casino under the Hard Rock name (Hard Rock 2013). Prior to this, the Seminole Tribe had assets, such as bingo halls and smoke shops. With the opening of this casino, the Tribe began their venture into contributing to their own economy as a tribe, as well as the state economy of Florida and the federal economy of the United States. This task was done in various ways. From creating jobs for both tribal and non-tribal people, to paying state and federal taxes, the Seminole Tribe of Florida has always contributed to the economy. By starting these casinos and developing them into multibillion-dollar enterprises, the Seminole Tribe of Florida has improved life for tribal members, diversified assets, built a sustainable community and also helped contribute to the non-tribal community.

Findings:

At first the tribe was forced to live off of basic needs, by only being hunters and tourists (Ah-Tah-Thi-Ki Museum). After this time period had passed, the Seminoles began to encounter greater profit, once they started acquiring casinos. The tribe currently owns several large casinos. A few of them are the Hard Rock Hollywood, Hard Rock Tampa, Coconut Creek and Immokalee Casino (Seminole Tribe of Florida 2013). Even though the Seminoles do own these casinos, and bring in large profit, they still find a way to incorporate their culture into the whole adventure. An example is, when the Seminoles first acquired the Hard Rock franchise in Florida. At the public buyout, they performed a traditional dance (USA Today 2006); therefore demonstrating that being successful financially does not mean that one must forget their culture. In addition to this, most of

the casinos host Pow-Wow's, which are festivals that celebrate the culture of the Seminole people (Seminole Paradise 2013). Additionally, some of the Seminole Casinos have a restaurant located inside entitled the Council Oak (Seminole Hard Rock Tampa). The Council Oak is also the form of the government that the Seminoles use. By doing this, the Seminoles are integrating even more culture into their casino. This is because, they are displaying to the public that the Council Oak is an award winning steak house, which suggests that it is one of the best. This action then directly shows that the Seminole Tribe highly values their government system. With actions such as these, the Seminole Tribe is able to convey across that they have not weakened their interest in keeping culture alive.

In addition to keeping the culture alive, the Seminole Tribe gives back to the community with the money that is earned from the casinos. One of the main operations that they fund is keeping the land in which their tribe was born clean. The Seminole Tribe has a deep cultural connection with their land, for they believe that without the land, they will perish (Seminole Tribe of Florida 2013). This action illustrates the Seminole's dedication to their culture, because they are funding acts that are maintaining and restoring what they believe is important. In this case it is the Everglades of Florida. Once again, the Seminole Tribe of Florida has displayed their resilient identity, for they are keeping both their prosperous lifestyle and culture alive.

After learning how to keep their culture alive, the Seminoles also had to first find a way to open a casino, without clashing with the state of Florida. When the whole gaming venture started, there was a large conflict with two landmark court cases. To some a court case can be seen as a detrimental situation, however, the Seminole's used

this to their advantage, as they do in most situations. The Seminoles essentially used these two cases to outline their structure for opening their kingdom of casinos.

The issue of gaming first started for the Seminoles when the case of the *Seminole Tribe vs. Butterworth* started. This case occurred when the Seminole Tribe sued Sheriff Butterworth of Broward County. This occurred because the Sheriff was not content, as he wanted the state to regulate the bingo games taking place on Seminole land (Harvey 2006, p. 16). After this action from the Sheriff, the Seminoles started a lawsuit. The lawsuit then reaffirmed that tribes have self-controlling power on their own lands, and that in order to play at these bingos halls, one did not have to be of Indian descent (Harvey 2006, p.16). This court case basically gave the Seminole tribe the right to any action that they wanted on their land, as well as the right to have anyone that they please on their land. This suggests sovereign power for the Seminoles, however as the years passed, another court case occurred which ended up questioning this so-called self-government.

When the Seminoles first tried to start their own casino, they were denied by the state of Florida. In 1995, the Seminoles tried to start their own gaming establishment on their own sovereign land under the Indian Gaming Regulatory Act (IGRA), however when they went to go start it, they were negated by the state of Florida (Oyez 2013). This brings up the question of sovereignty. Why were the Seminoles not able to start a gaming organization on their own land, even when the IGRA gives a tribe the right to do so? After being denied, the Seminoles sued the state of Florida for violating the good faith negotiation of the IGRA. In the court case of *The Seminole Tribe of Florida vs. Florida*, it was decided that the Seminoles did not have a right to sue Florida. According to

Congress, every state has sovereign immunity, and cannot be sued without their permission (Oyez 2013). Although this was a speed bump for the Seminoles, it did not stop them from going on to starting their own casino.

In order for the Seminoles to start their own casino, they had to sign into a legal compact with Florida, which is a legal agreement between the state and tribe over a common concern (Legal-Dictionary 2013). The signing of the compact took place after the court case between the Seminoles and the State of Florida. The compact went onto to give the Seminoles the right, which they technically already had, to begin the creation of their own casinos on their given land. This became the start of their monopolization of the gaming industry in Florida. This compact was resigned and passed again in 2009. Additionally, this compact expands in details about how much of the Seminoles profits would go to state of Florida. One of the agreements from the compact that display how the Seminoles overcome the hassle of policy is by being able to give profits from their own casino back to the state. A part of their specific revenue sharing states that for every \$2 billion made, the state gets a 12% cut, and if between \$2-3 billion is made, the state receives 15%, and this pattern progress and caps at an amount of \$4.5 billion (Turtle Talk 2013). This ultimately demonstrates the Seminoles supremacy throughout policy, for they are turning such a large profit, that they are able to give money to the state without hesitation. In addition to revenue allocation, compacts also discuss which licenses the tribe's casino can operate under.

Additionally, with this whole compact situation, the Seminoles are one of the few tribes that don't have to give up many rights. This is due to their huge triumph. With their profits, the tribe is able to provide Florida with more than enough money to keep the both

of them satisfied and at the same time have more than enough to restore cultural integrity and build a sustainable community.

When it comes to licensing, there are three different kinds. Class I gaming is considered to be anything that has to do with traditional tribal games. Class II is considered to be bingo games, and Class III is anything other than those two types of gaming (Indian Country Today 2011). Class III is where casinos turn their largest profit, but in order to operate under Class III, tribes must include this action in their compacts, and this is something that the Seminoles have done. By operating under Class III, they are able to run slots, banking games, etc. and this is also the Class that the Seminoles operate under. The licenses that the Seminoles have received are actually not needed, but instead the possession of these licenses helps cut “red tape” for the Seminoles, thus easing the process of following regulations. The mandates can be a struggle at times, but are needed in order to keep the casino and tribe safe and from being sued. Basically all the licensing and mandates from the compacts ease the process of running a casino for the Seminoles.

All together, the Seminoles presently own six large casinos. However, to have a sustainable community, the tribe cannot solely depend on the income of casinos, even though it is a substantial amount, adding up to about \$2 billion in 2009 (Review Journal 2009). One other major asset that the tribe owns is the whole Hard Rock International Corporation, which includes over 130 hotels and cafes. In addition to this, the Seminole’s also own various restaurants. One of the many restaurants they own is called the NYY Steakhouse, in which they have opened through a collaborative business partnership with the New York Yankees, who are apart of the highly redound Major League Baseball

corporation (Review Journal 2012). By acquiring assets such as great ones like these, the Seminole Tribe is able to construct a maintainable community for their tribe members with utter ease.

With just the Florida casinos that are located on the Seminole Indian reservations, the Seminole Tribe is also able to provide employment to their tribe members. In addition to this, the Seminoles also provide a numerous amount of jobs to people who have no tribal heritage. Additionally, about 75% of people employed at all tribal casinos do not have any tribal descent (Tribal-Institute 2013). Therefore, this demonstrates how the Seminoles are giving back to the non-tribal community. Also, with the advertisements that are displayed on the Seminole Gaming Site, the Seminole Tribe is also bringing lots of foot traffic through the 270 stores and golf courses around their Hard Rock Casinos. This in turn boosts the local economy of Florida. When it comes down to giving back to the tribal community, the Seminoles take pride in doing so. The Seminoles have recently announced new construction and improvements on their Big Cypress Reservation that gave them a budget of \$558,000. Furthermore, the Seminole Tribe is also erecting a new community center for tribal residents in Fort Pierce (Seminole Tribune 2013). Correspondingly, the Seminole Tribe also provides a per capita system for its tribe members. The figure that was posted in the Florida Weekly was a staggering amount of about \$14,000 a month per person that is considered a tribal member (Florida Weekly 2007). However, to be a tribal member, one must have at least one-fourth Seminole heritage and be able to prove this through documentation (Seminole Tribe 2013). This per capita figure significantly suggests that the Seminole Tribe provides an ample amount for all of its tribe members. With contributions such as these, the Seminole Tribe has built a

successful sustainable community for its members and has helped provide a sufficient service to both its tribe members and the non-tribal members in their community.

Furthermore, the Seminole tribe also pays taxes to the federal government just like every other tribe, which then demonstrates their contributions to the whole United States economy (Native American Rights Fund). With these tax contributions, the Seminoles are helping pay for entities around the country. Moreover, the Seminoles also have a revenue sharing process with the state of Florida. Over the course of five years, the Seminoles will pay a total of at least \$1 billion to Florida (Turtle Talk Files 2013). This would then help infrastructure in the state of Florida. In addition to paying taxes, the Seminole Tribe also has a huge influence over the state of Florida. This is because both the state of Florida and the National Government tend to give the Seminole Tribe a little more leeway. This is demonstrated in an article from the Sun-Sentinel, which states, “ In 2007 and 2008, eight Native American gambling casinos in Florida generated \$3.5 billion in revenue. The Seminole Tribe owns seven of these casinos, three of which are in Broward,” (Sun Sentinel 2011). This statement then goes onto explain how with income like this from small casinos, that the government has no choice other than to let the Seminoles run the gaming industry in Florida. This displays that with great revenue, the Seminoles have quite a bit of influence over major “players” such as the Florida State Government and also the Federal Government.

Conclusions:

After doing vivid research on the Seminole Tribe of Florida, I have observed that they are a well bounded tribe, who has found their happy medium between maintaining culture and gaining profit from their flourishing casinos. Although, some seem to think

that owning and monopolizing the casino industry in the state of Florida would break apart a tribe, I see that it has done the opposite. Basically, from the research I have completed, I have realized that the owning of these casinos for the Seminole Tribe has helped them hold their culture together.

With the culture aspect being a success for the Seminoles, the policies and regulations can be a headache, just like it can be for any other American Indian Casino. However, the Seminole tribe has gone through these obstructions and come out on top. Starting from the case of *The Seminole Tribe vs. Florida*, to having to go through the signing of a compact, the Seminoles did whatever it took in order to become leaders. With the amount of income that the Seminole Tribe produces along with their profit sharing program with the state of Florida, the Seminoles don't necessarily have to worry too much about policies and regulations. Consequentially, all of this hard work and determination to get through and follow policies and regulations worked, for the Seminoles are the only tribe operating casinos in the state of Florida.

From the start of this whole casino adventure, the Seminole Tribe of Florida has always provided for the economy. By providing a per capita system for its tribal members, the Seminoles can ensure financial safety for their members. Also, by offering jobs to non-tribal people, as well as advertising for shops around their casinos, the Seminoles show that they are willing to provide for the non-tribal community as well. Furthermore, with the taxes and revenue sharing that the Seminoles pay, they are able to help the economy of Florida flourish. Ultimately, with the great amount of success that the Seminole Tribe possesses financially, they can be seen as one of the biggest players when it comes to developing the economy of their community and the state of Florida.

Ultimately, the Seminoles are one of the few tribes that can say that they are positively affected in the three aspects of culture, policy, and economics when it comes to involvement with tribal gaming.

References

- American Casino Guide. (n.d.). *Florida Casinos*. Retrieved October 23, 2013, from <http://www.americancasinoguide.com/casinos-by-state/florida-casinos.html>
- CHIEF BILLIE'S QUIET COMEBACK | palmbeachgardens.floridaweekly.com | Florida Weekly. (n.d.). *CHIEF BILLIE'S QUIET COMEBACK* / *palmbeachgardens.floridaweekly.com* / *Florida Weekly*. Retrieved November 4, 2013, from http://palmbeachgardens.floridaweekly.com/news/2011-04-28/Top_News/CHIEF_BILLIES_QUIET_COME
- compact legal definition of compact. compact synonyms by the Free Online Law Dictionary*. (n.d.). Retrieved from <http://legal-dictionary.thefreedictionary.com/compact>
- House Majority Office*. (n.d.). Retrieved from <http://turtletalk.files.wordpress.com/2010/04/seminole-gaming-compact-majority-memo.pdf>
- Hard Rock Corporate. (n.d.). *Hard Rock Corporate*. Retrieved November 4, 2013, from <http://www.hardrock.com/corporate/owner>
- House Majority Office. (n.d.). *turtletalk* . Retrieved November 3, 2013, from <http://turtletalk.files.wordpress.com/2010/04/seminole-gaming-compact-majority-memo.pdf>
- Florida casino restaurants / seminole hard rock tampa / best steakhouse*. (n.d.). Retrieved October 14, 2013, from <http://www.seminolehardrocktampa.com/tampa-restaurants>
- Florida Department of State. (December 1, 2013). *Historical Report: Seminole Leaders*. flheritage.com. Retrieved December 1, 2013 from

<http://www.flheritage.com/facts/history/seminole/leaders.cfm>

Florida gives Seminoles unjustifiable advantage over pari-mutuel casinos. (2011, June 21). *Sun Sentinel*. Retrieved November 4, 2013, from http://articles.sun-sentinel.com/2011-06-21/news/fl-jscol-seminoles-racinos-smith-061520110619_1_multitude-of-government-grants-seminoles-casinos

Krantz, Matt. (December 7, 2006). *Seminole Tribe of Florida buys Hard Rock cafes, hotels, casinos*. usatoday30.usatoday.com. Retrieved from October 14, 2013, from http://usatoday30.usatoday.com/money/industries/food/2006-12-07-seminoles-hardrock_x.htm

Las Vegas Review-Journal. (n.d.). *Seminoles have become a force in Indian gaming*. Retrieved November 4, 2013, from <http://www.reviewjournal.com/business/casinos-gaming/seminoles-have-become-force-indian-gaming>

Legal Distinction Between Class II and III Gaming Causes Innovation, Anguish - ICTMN.com. (n.d.). Retrieved October 22, 2013, from <http://indiancountrytodaymedianetwork.com/article/legal-distinction-between-class-ii-and-iii-gaming-causes-innovation,-anguish-55045>

Mullis, A., Kamper, D., & University of California, L. (2000). *Indian gaming: Who wins?*. Los Angeles: UCLA American Indian Studies Center.

Oyez. (n.d.). Retrieved from http://www.oyez.org/cases/1990-1999/1995/1995_94_12

Native American Rights Fund, Answers to Frequently Asked Questions about Native Peoples. (n.d.). *Native American Rights Fund, Answers to Frequently Asked Questions about Native Peoples*. Retrieved November 4, 2013, from <http://www.narf.org/pubs/misc/faqs.html>

Seminole Hard Rock. (n.d). *Releases*. Seminoleparadse.com. Retrieved October 14, 2013, from <http://www.seminoleparadise.com/release-220.html>

Seminole Tribe of Florida - History. (n.d.). *Seminole Tribe of Florida - The Official Home of the Florida - Seminole Indians*. Retrieved October 14, 2013, from <http://www.semtribe.com/History/>

Seminole Tribune. (n.d.). *semtribe*. Retrieved November 4, 2013, from <http://www.semtribe.com/SeminoleTribune>

Steele, W. (n.d.). Education: Seminole Indian History Ah-Tah-Thi-Ki Museum | Clewiston, FL. *Ah-Tah-Thi-Ki Seminole Indian Museum - Big Cypress Seminole Indian Reservation | Clewiston, FL*. Retrieved October 14, 2013, from <http://www.ahtahthiki.com/History-Seminole-Tribe-FL-Ah-Tah-Thi-Ki-Museum.html>