



The White Man and The American Indian: Can They Get Along?  
*The Effects of Having a Non-Tribally Managed Entity on Tamaya Tribal Lands*

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Summary: The New Mexico Santa Ana Pueblo tribe partners with the Hyatt Regency Tamaya Resort and Spa to offer opportunities for guests and businesses to help keep the tribal land environment and interests alive. These efforts help the tribe and its members to stay self-sufficient. The Santa Ana Pueblo are able to act mainly as a sovereign nation but state and federal law intervene on the occasion. Under the rights of treaties, Santa Ana Pueblo adhere to their own tribal law but involuntarily submit to state and federal intervention.

**Background:**

Despite having a non-tribally managed organization located on reservation lands, the Pueblo of Santa Ana tribe in New Mexico is still able to keep its culture and traditions but also faces a loss of tribal secrecy and sovereignty through the corporation and federal and state government. Through its partnerships with the state and non-tribal corporations, the Santa Ana Pueblo face issues affecting their sovereignty, economics, and policy and procedures.

The Santa Ana Pueblo have occupied their current lands since the late 1500s. The lands cover 73,000 acres of land for 500 residents. By looking at the seal of the Santa Ana Pueblo tribe, the viewer can see the word Tamaya on the bottom of the seal.

Tamaya is the original name of the tribe but was later renamed Santa Ana after submitting to the Spanish; Santa Ana was the tribe's assigned patron saint. Since the early 1980s, the "Pueblo of Santa Ana has actively pursued a strategy of developing tribal enterprises, seeing economic independence as crucial to maintaining and safeguarding our traditional concepts and values" (Pueblo of Santa Ana About Us). Along with that statement, the Native community seeks to provide jobs for their members and also create economic activity for non-members and counties nearby. The tribe accomplishes this through many enterprises, one in particular being the Hyatt Regency Tamaya Resort and Spa.

The Hyatt Regency Tamaya Resort and Spa website claims offers of luxury with a combination of the culture and history of the Pueblo Santa Ana tribe. The Hyatt previously offered gambling amenities but does not currently. It now offers spa services, golfing, meeting centers, swimming, hot air ballooning, horse stables, museum visits, and

promotional local events such as cultural activities happening at the cultural center nearby (Tamaya Resort and Spa). A few of the cultural activities that the resort highlights are bread baking demonstrations, dancing and flute performances, and the Tamaya Cultural Museum and Learning Center located on the resort's property. The resort main page overview includes a small mention of the tribal lands of Santa Ana Pueblo and emphasizes its unique experience through tribal influences and offerings at the resort.

Despite the factor that the resort and spa do not originate from the tribe, from an outsider's view on the Hyatt's website, there is a clear identification of the Santa Ana Pueblo tribal influence that makes this particular Hyatt different from the others.

The Hyatt Tamaya Resort and Spa had previously hosted a casino categorized under Indian Gaming Regulatory Act (IRGA) class III gambling. Another casino, the Santa Ana Star Casino, was raised. For the purposes of the economics portion of this essay and due to lack of information on the casino website, I will be focusing on the policies and political issues that the Santa Ana Pueblo face and the issues, if any, that involve the resort.

The tribe's government has two external relationships: state-tribal and federal-tribal relations. State-tribal relationship allows states to intervene into what happens on tribal property if it is granted authority through Congress. Through the federal Indian trust responsibility, a legal obligation placed on the United States to conduct itself with moral obligations and with high responsibility and trust as described in *Cherokee Nation v. Georgia*. This trust allows the United States the right to legally enforce protection of tribal treaty rights, lands, assets, and resources (US Department of the Interior Indian

Affairs). The trust ultimately takes away tribal government power if the federal government deems a matter worthy of stepping into and becoming involved.

Sovereignty is also a concept worth mentioning when discussing the policies and politics of American Indian governments. American Indian sovereignty was acquired through treaties with the United States, being “the recognition of Indian Nations as governments with internal self-governing powers” (Padilla). The tribe of Santa Ana Pueblo has had challenges and cases with non-tribal members which have illustrated the relationships between state-tribal and federal-tribal interaction.

The sovereignty of the Santa Ana Pueblo tribe lies between three relationships: federal government, tribal government, and state government. New Mexico has 22 tribes, nations, or pueblos that are sovereign. Including the Santa Ana Pueblo, the sovereign governments are concerned with the preservation of language, culture, land and sacred place, health, welfare, education, housing and safety of their people (Padilla). These concerns are alleviated with help from casinos and other business enterprises that bring in economic development.

Regarding monetary distribution, I will be focusing on the economic development and economic factors in the surrounding community that the Santa Ana Pueblo face and if any issues involve the resort. This will include factors of tribal use of revenues and non-tribal factors.

Because the Hyatt Regency Tamaya Resort and Spa is a corporate enterprise that is not tribally managed, there is confusion regarding revenue distribution. The entity exists on tribal grounds and hires tribal members but is not strictly influenced by tribal leaders. This makes the resort and spa different from the traditional relationship between

the tribe and its occupying businesses. This difference in relationship can also pose a difference in the break up of revenue within the Hyatt.

**Findings:**

As a sovereign nation, tribes retain their sovereign immunity; which is when “an Indian Tribe is subject to suit only where Congress has “unequivocally” authorized the suit or the Tribe has “clearly” waived its immunity” (Padilla). In 2011, a case of sovereign immunity was challenged in the case of *Burrell v. Armijo* which stated that the members of the tribe of the Santa Ana Pueblo were not protected under sovereign immunity when sued for the reasoning of property disagreements (Caselaw). This case is an example of state-tribal relations.

The Santa Ana Pueblo have a cooperative agreement with the state of New Mexico for tax revenue distribution. As shown in the “Cooperative Agreement Between New Mexico Taxation and Revenue Department and Pueblo of Santa Ana Tax Administration”, the Santa Ana Pueblo have had to give up some of its sovereignty to maintain a good relationship with the state for the purpose of “provid[ing] for the exchange of information and the reciprocal, joint or common enforcement, administration, collection, remittance and audit of gross receipts taxes of the party’s jurisdictions” (Cooperative Agreement). The agreement allows for state tax exemptions for tribal members but also outlines the allocation of taxes of state taxes and tribal taxes that affect the relationship between the two entities.

A finding in itself is that neither the Santa Ana Pueblo nor the Hyatt Tamaya has any information on their respective websites as to how they expend their revenues. To point out, on the Pueblo of Santa Ana website, there is a tribal members intranet which

could give tribal members access to these resources that the public could not gain access to (The Pueblo of Santa Ana Homepage). Hyatt's corporate website has information for stockholders and potential investors but it does not share information on individual branches like the Tamaya Resort and Spa. Looking at the overall corporation's earnings release in 2012, there is no mention of the Tamaya branch or its use of revenues (Hyatt).

The Hyatt Regency Tamaya Resort and Spa offers promotions and deals for companies that wish to use its facilities for meetings and events. One of the offers is the Horse Rehabilitation Program, a program for horses on New Mexico land who have been abandoned and that are in need of food and shelter. The Hyatt offers the chance for a company to get involved by stating on its website, "Book your next meeting at Hyatt Regency Tamaya and also give back to the community by working side by side with the wranglers in caring for the horses and providing them with a safe and comfortable environment while restoring them to full health. We invite you to customize your level of involvement based on your company's own Mission Statement." (Hyatt *Horse Rehabilitation Program*). This effort is a non-tribal benefit because it is a contribution to the community of New Mexico.

Another offer is considered a global contribution more than a community contribution by giving a deal for companies go green and save 3% by booking with the Hyatt before a certain time and following its 10 steps to hosting a green meeting (Hyatt *Go Green and Save 3%*).

In addition to these programs, the Hyatt Tamaya partakes in environmental improvements that are highlighted in its fact sheet: "The Hyatt Regency Tamaya Resort and Spa overlooks a restored stretch of 'Bosque,' the native cottonwood

forest indigenous to the Rio Grande of New Mexico. The restoration is one of the largest to take place in the history of New Mexico, and includes the re-vegetation of native grasses and thousands of native trees including black willow, cottonwood, coyote willow and New Mexico olive.” (Hyatt Editor). Because the Santa Ana Pueblo are co-owners of the Hyatt Tamaya, there is evidence that part of its revenue is used for environmental contributions (Hyatt Editor).

Although there is no public outline of revenue distribution, there is evidence that the Hyatt tries to improve its surrounding community and tribal property.

While exploring the tribal website, there is no public information of finances, but it leaves contact information for the Santa Ana Finance Director (Tamaya). Also on the site are departments for the cultural center, education, natural resources, information technology, planning and building services, social services, and wellness that contribute to economic development and factors within the tribe. Each department has a short mission statement accompanied with goals and the contact information for the lead director within the department.

The existence of these departments shows that the tribe is making strides to improve life for its members and diversifying its efforts of improving life over different aspects of life. The tribe does not make this visible online through social media but shows its efforts exclusively on its tribal website. A calendar of Pueblo tribal events which contains celebrations, dances, and feast days that can be found on its website which cannot be found on any of its social media outlets.

Another consideration to improving tribal life is the existence of partnerships between tribally owned businesses with the Hyatt Tamaya Resort and Spa. Within these

tribally owned businesses, there are event coordinators, private museum contractors, plumbers, artists, and musicians; all of which could easily be contracted into the upkeep and improvement of the Hyatt Tamaya. With no public book-keeping records, there is very little information to establish that the Hyatt Tamaya hires within tribal grounds or brings in outside hires.

Through a content analysis researching the tribe and resort's website and social media, this part of the study focuses on the messages that both organizations want readers to know and the online relationship between the two entities. The specific focus of the study was to observe whether the tribe and resort media sites emphasized Tamaya activities and culture as well as how much of their culture the tribe wanted to share with the public.

The Santa Ana Pueblo do not have any social media sites but the Pueblo have a cultural center that manages a Facebook and Twitter for the 19 Pueblos of New Mexico. The Indian Pueblo Cultural Center Twitter mainly features surrounding festivals, Native American focus on education, cultural dance performances, and a few YouTube links to other tribal videos. The Facebook page offers information similar to its Twitter, promoting education, local events, festivals, dances, and food. The tribe's website includes a short history of the tribe but its profile on the cultural center site has a more detailed history.

The Hyatt Tamaya Resort and Spa has both Twitter and Facebook profiles. The main subjects of the resort's tweets promoted events like concerts, golf, seasonal family outings, food, spa, and hotel offerings. Its Facebook profile highlighted the same material.

The tribe and resort both are present in other social media platforms such as Google Plus, Myspace, blogs, YouTube channels, and LinkedIn. For the purposes of this analysis, these platforms were not explored for compare and contrast intentions.

Comparing followers and fans of each entity on October 1, 2013, the tribe had 1,086 Twitter followers to the resort's 2,162 followers, about double the number of the tribe's. Recorded the same day on Facebook, the tribe had 12,722 fans compared to the casino's 5,320 fans.

Culturally, there is not much that either entity shares with the public through its respective media although there is a tribal promotional event mentioned sporadically. Even so, there is not much insight or information on customs or cultural ties found on their online media.

**Conclusion:**

After conducting a content analysis, the findings in the research show that the Pueblo of Santa Ana tribe is not very open to the public regarding customs and culture in their tribe. Although the tribe shares property with the Hyatt resort, the tribal website does not share much on its website other than a brief history. The Hyatt on the other hand, seems to use the tribe as a promotional tool. By being on tribal lands, the casino offers tribal attractions and events to give its customers a unique experience through the tribe. Similar to Indian casinos around the nation, the resort takes advantage of the tribe in some of the same ways that a casino would; marketing off a unique Native American experience to its visitors because it is located on tribal land.

Taking from the information formed through both organizations' social media, the cultural center shares with the public the activities highlighted on the resort's website.

Future researchers could study more about the partnerships between the tribe and the resort; which events are open to the public and which ones should be kept within members of the tribe. Future research on this matter could gain perspective from tribal representatives as to how they operate as a sovereign nation.

The Santa Ana Pueblo are able to act mainly as a sovereign nation but state and federal law intervene on the occasion. Under the rights of treaties, Santa Ana Pueblo adhere to their own tribal law but involuntarily submit to state and federal intervention.

The relationship between the state of New Mexico and the Santa Ana Pueblo seem to interact at a minimum due to lack of cases involving the tribe in state court cases. As a note, of the limited court cases that I researched, all rulings were in favor of non-tribal members and state intervention. This is not to mean that all state rulings are skewed to favor non-tribal persons or entities.

In the case of economics between the state and tribe, although the tribe and resort show that both separate entities have plans to better further economic development, there is no clear relationship between the two entity's efforts. Without geographical knowledge, it would be difficult to connect the two together.

Aside from its restoration efforts, after conducting research on the Hyatt's website, it seems that the resort gives little, if any, of its revenue back to the tribe. Its offerings seem to be either a corporate operation (save 3%) or an additional goodwill donation from guests (horse rehabilitation program). There cannot be any complete conclusion without access to the tribe's and Hyatt's financial records.

While researching, the main issue that I faced was the lack of information available for public view of both the Hyatt's and the tribe's use of revenue. In addition, it

was difficult to find connections between tribally owned businesses and the Hyatt Tamaya.

When trying to get in touch with both parties, contact with the tribe and the Hyatt Tamaya were difficult to attain. Future interested researchers could dig deeper by contacting the resort management, tribally owned businesses and the tribal council.

If there were more visibility, there would be a more definite conclusion in regards to the relationship between the state of New Mexico and the Pueblo of Santa Ana. More research can be done but from an online researcher's perspective, no conclusion can be made at this time.

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