

They Might Bend, But Never Break

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Summary: The Seminole Indian Tribe of Florida are a people defined by their devout resilience. Their resilience has allowed them to reach ultimate sovereignty and use economic means as a tool to both maintain and produce their cultural identity.

Resilience is something that is earned through controversy and hardship. It is a term that describes something or someone that is able to bounce back from anything. Over many years of obstacles and adversity the Seminole tribe of Florida can be defined by their resilience. What is so astonishing about this group of people is how what they came from translates into what they have become. A people that was supposed to be massacred and driven from their homeland have since survived and produced a prosperous empire of cultural, economic, and political influence throughout the world. Today they are one of the richest tribes in the United States through their gaming enterprises and ventures. Their resilience has allowed them to reach ultimate sovereignty and use economic means as a tool to both maintain and produce their cultural identity.

The Seminole Tribe of Florida is comprised of a people devoted to maintaining cultural practices while modernizing into current economic policies and practices. Historically these indigenous people are defined by their toughness and resilience by facing many obstacles in preserving their cultural identity as a people. Once an extremely poor tribe in the 19th and most of the 20th century, the Seminoles discovered a way to not only move away from poverty, but to experience sovereignty through modern economic practices. Today the Seminole tribe owns numerous economic enterprises, including 7 large casinos in the state of Florida. Annually the tribe brings in revenue of \$2 billion, with 95% coming directly from gaming (Las Vegas Journal). Even though many feel that gaming exploits culture and indigenous ways, gaming actually does the opposite for the Seminole tribe. Casinos produce culture by allowing sovereignty to exist in order for the tribe to produce culture and continue historical and new practices and identities.

After surviving the Indian removal act implemented by Andrew Jackson in the mid-19th century, scattered bands of Seminole Indians were left in remote areas of Florida. Without any economic stability, these Indians were extremely poor and lived completely off of the land (Seminole Tribe). In the beginning of the 20th century the federal government began to help out and implement government programs not only get them back on their feet, but to provide the tribe and families with some sort of stability and income. One way to do this was through cattle programs. Seminole Indians had already begun raising hogs and cattle in the 19th century when they were brought over from Spain to Spanish Florida. The government thought that cattle could provide some sort of economic stability to the tribe (Seminole Tribe). This government programs helped them raise, manage, and crossbreed cattle. The program was comprised of one huge tribal herd, as well as individual herds for owners. Cows, in many ways, intertwined culture and capital intensive pursuits. Culturally, Seminoles have been involved in raising and selling cattle for many years. In addition these programs helped to form the social organization for the tribe, establishing the males as primary property owners which allowed men's' status and economic power to increase. Economically, cows were used as equity to obtain loans to allow for economic gain and political power. Cattle also produced jobs for the community. In this way the cattle programs were much more than an economic venture; they bound the Seminole community and revealed some of its internal distinctions relating to culture.

Cultural tourism was another venture that clearly was rooted in using culture to produce an economic profit. Everything that embodied Seminole culture from beadwork, basketry, food, dolls, and chickee architecture was used to produce their culture. Tourists would come to these "tourist villages" to buy these arts and crafts. These people would make

and produce important artifacts from their cultural history such as dolls and baskets and use them to make a profit (Seminole Tribe). These villages were used not only for tourists, but as educational institutions. For most of the 20th century these arts and crafts were used to generate income for families. Today they are no longer income generators, but markers of identity, tradition, and community. To the Seminole people, tourism itself is a part of their tradition because it was yet another step towards tribal sovereignty (Hard Rock).

Although most of these previous ventures clearly tied culture into economic profit, they were just precursors to a whole other industry that would really set ultimate sovereignty into motion. Many claim that gaming and casinos do not embody any tradition, but instead exploit the tribe and corrupt indigenous ways just for the almighty dollar. Instead, the tribe views gaming as a step towards modernization without abandoning much of their tradition (Chief Billie). Operating gaming and casinos is not about exploiting the tribe in any way, but more about giving the tribe the opportunity to be completely sovereign and promote cultural production and identity. In this way gaming is a realigned relationship between economic development and tradition. The revenue that the tribe generates yearly is used to give back to the tribe. So even though gaming doesn't necessarily embody Seminole culture, it promotes it by giving people opportunity to preserve their culture.

The 1950's was a really special moment in history for the Seminole Indian tribe of Florida. After many years of war, conflict, and poverty the tribe was given the opportunity to sustain and preserve its culture through federal recognition and sovereignty. Sovereignty allowed the Seminoles to be financially independent from the United States government and politically and culturally able to direct their lives according to their desires. Now it is easier said

than done, but the Seminoles have proven to be a resilient people and figured out a way to make it happen. The first successful economic ventures occurred with the opening of the first tax free tobacco shops (Seminole Tribe). When these shops began to grow in profit and popularity the tribe began opening high stake bingo halls. From that point on projects kept getting bigger and bigger and eventually turned into seven large world class tribally run Florida casinos. As their success grew from their gaming efforts, controversy began to grow on the state and federal level. As one of the first tribes to engage in tribal gaming, the Seminole Tribe of Florida served as a leader in key legal decisions between state and federal relations with Indian tribes all across the United states.

Sovereignty was very special for Indian tribes because it granted them freedom to control their own lives and destiny. The relationship between recognized tribes and the federal government was important because they both had mutual interests in one another: the tribes used the federal government as a legal means to obtain their sovereignty, and the federal government backed them up with the ultimate supreme ruling power. The Seminoles were one of the first tribes to use this mutual relationship to their advantage by creating an economic support system that would help to get them out of poverty and allow them to create many opportunities for themselves in order to adapt and function in mainstream society (House Majority Office). Even though the federal government provided them with sovereignty and means to assist them, they failed to actually implement effective programs that would provide them with sufficient economic means (Seminole Tribe). This is when tribal gaming exploded. As demonstrated by the Seminole tribe and many tribes in California, gaming generated substantial revenue to fund essential tribal services such as education, law enforcement, tribal

courts, economic development, and improvements in infrastructure. Gaming also provided money to fund social service programs, scholarships, health care clinics, new roads, new sewer and water systems, and housing. With all of these benefits no wonder many tribes followed suit and took up gaming to strengthen their own sovereignty and incorporate their tribes into US political culture (Seminole Tribe).

The key to many tribes success was federal support. As history shows there was much opposition to these economic successes by the very states these tribes were a part of. States were concerned about all the things that were happening within their borders. They were concerned that large amounts of cash would attract organized crime on the reservation and the tribes would not be able to control such criminal activity. They were also concerned with the lack of experience demonstrated in tribal gaming. Most of all, they were concerned about the unfair competitive advantage over state gambling regulations (House Majority Office). Tribal casinos had no limits on hours of operation, size of jackpot, size of jackpots, licensing fees, and no state imposed taxes. In opposition Indian tribes argued that gaming was a means to their sovereignty granted to them by the federal government. Because of this they preferred federal intervention as opposed to state intervention. They alone were entitled to their gaming revenue, and they never had any law and order difficulties with organized crime. So the state's real motives were to protect their own games from competition.

One of the first conflicts occurred in 1979 with *Seminole v Butterfield*. *Broward County*. Sheriff Robert Butterfield was threatening to arrest people for unlawful practices on tribal casinos in Broward County. The federal judge granted preliminary injunction for southern

district of Florida in 1979 and the case went to court. Butterfield argued that the state laws had criminal jurisdiction over Seminole tribal gaming. In the courts decision, Florida's gambling laws were proven civil/regulatory as opposed to criminal/prohibitory. The state limits did not apply to the tribe because the overall gaming policy was regulatory. This case served as a landmark decision for many other similar issues across the United States.

In response to many of the state concern with tribal gaming, The Indian Gaming and Regulatory Act was enacted by the Federal government in 1988. The purpose of the act was to help protect tribes form organizing crime as well as establish federal authority for gaming (Las Vegas). The IGRA also divided gambling into three classes. Class I included social and traditional games. These games were allowed in any state without regulation. Class II included bingo, pull tabs and poker. These games received oversight regulation from the state and federal governments. Class III gaming included slot machines, lotteries, and percentage games. This class was seen as the most dangerous to the welfare of the state. Money and competition were the key components for establishing tribal state compacts (Seminole Tribe). As long as class III gaming was legal in specific states, tribes and the state could negotiate a contract in order to carry out this type of gaming.

Then came *Seminole Tribe of Florida v. Florida* in 1996 which came about with the disagreement between states and tribes over the negotiation of gambling rights. The IGRA required that states must negotiate with Indian tribes to create compacts governing Indian gaming. When Florida disagreed by arguing state sovereign immunity, the Seminoles sued them in federal court and won. This forced the state of Florida to comply with the tribe and negotiate

a compact.

There are many reasons why a compact is essential. The main reason is that the Seminole Tribe of Florida is a leader in tribal gaming throughout the country and the world. Florida is the 4th highest gambling rich state and has ruled the gaming enterprise in Florida since the 1970's. Currently they own and operate 7 facilities: Seminole Indian Casino Brighton, Seminole Indian Casino Coconut Creek, Seminole Indian Casino Immokalee, Seminole Indian Casino Big Cypress, Seminole Hard Rock Tampa, and Seminole Hard Rock Hollywood. With their 7 tribally run casinos in the state of Florida they dominate the gaming enterprise, bringing in yearly revenue of around \$2 billion. This substantial revenue is generated mostly through class III (high stakes) gaming described above as being the class that generates the most income. These are all world class resorts that most other Florida resorts and casinos just cannot compete with. The Seminole Tribe of Florida even owns the whole Hard Rock Enterprise with over 130 Hard Rock Cafes worldwide (Hard Rock). Fortunately for the Seminole tribe high stakes gaming is legal in the state of Florida. However, the states have put heavy restrictions on class III gaming in tribally run casinos to regulate this huge yearly revenue in a responsible and fair way.

Since the tribe runs a monopoly over the state's gaming enterprises, some form of agreement had to be compromised between the tribe and the state. The tribal state compact outlines some of the rules and guidelines that benefit both the state economy and the tribal economy. The compact allows both parties to work together in a healthy way in order to maintain a positive relationship that will benefit both of them in the future. The most recent compact was enacted in 2010. This five year compact outlined the revenue sharing cycle

between the state and the tribe. Most of the focus is one class III, which includes slot machines, black jack, raffles, drawings, and basically any machine that accepts payments to play. Over 5 year period the guaranteed minimum compact payment is to be \$1 billion (House Majority Office). A monthly payment of 8.3% of revenue will be paid to the state, as well as a yearly 12% of the estimated \$2 billion earnings. As the revenue increases above \$2 billion so does the revenue sharing percentage.

The Seminole Tribe of Florida are a people that have demonstrated resilience to adversity. Through all of the unfortunate wars and actions forced by the United States federal government, they have persevered. With all of the harm the United States have done to the Seminole Tribe as well as Indian tribes across the nation, the federal government has also given back by providing sovereignty. The Seminoles are leaders of Indian communities everywhere because of the substantial accomplishments they have made through self-efficiency. Through gaming they have able to set an example of what sovereignty could do for the preservation and production of a tribal identity. Not only are they maintaining their own tribal values, but are using gaming as a resource to give back to the tribe, to the state, and future generations of both tribal and non tribal members.

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