

United Auburn Indian Community: Culture, Law and Economics

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Summary: The United Auburn Indian Community has gone through many struggles and successes throughout its existence. This document uses many different research methods for collecting data about the UAIC. The main topics discussed are the culture, law and economics that make up today's United Auburn Indian Community and the success of their Thunder Valley Resort Casino.

Background

In 1953, Congress enacted the Rancheria act, which took away all funds that were coming in from the federal government from the Indians in the Auburn band of which were both the Miwok and Maidu Indians, as well as many other tribes in California. Then in 1967, the government took away all recognition of the Auburn band all together. This devastated the tribe and took away many of its benefits.

In 1970, things shifted in a different direction for the group of Indians who just recently had their recognition taken away. President Nixon ended the termination policy that was placed upon the native Indians in California. Not much later, in 1978, congress created a new federal policy for Indians. This policy was based on Native American self-determination also known as sovereignty.

Then, in 1991 the Indians that were left in the Auburn band reorganized themselves. The Auburn band reorganized their tribal government and created a Constitution of the United Auburn Indian Community. The tribe then presented this constitution to BIA and asked for federal recognition again. In 1994, Congress passed the Auburn Indian Restoration Act, which finally gave the tribe the federal recognition it longed for. With the activation of the act, the tribe was then allowed to purchase land in the Placer County and let them create a new reservation.

The tribe now has a very large casino resort on its reservation called the Thunder Valley Casino Resort. The casino is the first 4-diamond award-winning casino in northern California. The resort also has a brand new 17-story luxury hotel that has 297 rooms, 40 of which are suites, and has many bars and restaurants for the guests inside the hotel.

The tribe is booming with success from their revenue that is brought in by their casino resort, Thunder Valley. With these revenues, the tribe has been able to increase the life of the tribal members while diversifying their assets and building a sustainable community. They are also able to help out many members of the communities around them. While they are a very successful casino, they are still obligated to follow many state and federal laws.

Cultural Findings

Using a content analysis of tribal and casino websites and social media to study online messages, this study focuses on cultural ties back to the owners of the Thunder Valley Casino Resort, the United Auburn Indian Community. Specifically, how is the casino benefiting or hurting the culture of the United Auburn Indian Community?

The United Auburn Indian Community historically has been invested in agriculture. The tribe had year round, seasonal harvests. They based their harvests off of the Nisenan calendar, which is based off the Nisenan territory, which offered a plethora of food that could be harvested. The tribe would fish, hunt, and gather crops year round to keep food on the table for all of the tribe members. The tribe did many things as a community such as deer drives and bear hunts, which were very ceremonial.

Things have changed now for the tribe. Is the change in culture at the fault of the casino, or is it due to changing economy and availability of food as well as well as just a change in time? Many would wonder what the effect of the casino is having on the tribe and if the casino is pulling away the heritage of the tribe, or if the tribe itself is pulling away from its culture so that it can keep up with the demanding economy.

The casino has a website that it uses to promote its events that happen fairly regularly. Some of the advertisements shown on the website include things like “Win up to \$500 in free slot play” and “Sacramento’s AAA 4 diamond award winning entertainment destination.” The ads are there to both flaunt its perks, and to convince customers to come into their casino to play the games. However, nowhere on the website is the United Auburn Indian Community mentioned. As the owners of the casino, you would expect maybe a little tribal recognition.

However the tribe is not represented very well in the casino’s website, there is tribal influence among the casino. Gene Whitehouse is the head tribal chairperson for the United Auburn Indian Community and also serves as a chairman on the board of directors for Thunder Valley. It is important that the tribe is at least getting a say in the actions that are taking place at the casino. It seems like the tribe may not even want to be represented on the website, and if it wanted to be it wouldn’t seem hard to be just simply because of the ties that Gene Whitehouse has to both groups.

Without the representation of the tribe in the casinos website or casino, what benefits is the UAIC receiving from owning the casino? As it turns out, The United Auburn Indian Community brought in 200 million dollars in 2003 in profit from owning the casino and these profit margins are only going to continue to rise. With these funds the tribe is able to fund many different programs. According to the United Auburn Indian Community’s website, the “Giving Program” supports organizations that impact overall well being of the Placer and Nevada County residents who are disadvantaged. The tribe’s program has provided over 9 million dollars to non-profit organizations that support education, health, arts and humanities, environment, community development and social services. Non-profit organizations and schools of these counties also may request grants from the tribe that can range between 500 and 50,000 dollars (UAIC 2013).

The tribes willingness to help others is culturally significant because the tribe has always been a giving community and has had to work with others around them in an attempt to make everyone happy. The profits from the casino have let them help others in the way that the tribe had for years before the casino existed.

Another program that the UAIC has is the community development program. The tribe is planning on building a residential community in Placer County. This will consist of 110 homes. The tribe also shows its concern for the environment by keeping the homes away from wetlands and other things of that nature. With the addition of this land, maybe more traditional events could begin to arise, helping to bring back some of the tribes cultural past. Again, this expansion was only possible because of the casino.

Legal Findings

Using a content analysis of tribal, casino, and government websites, the legal side of this study focuses on the tribe's obligation to the government, both state and federal, regarding laws and other ties; more specifically, policy and political issues that the tribe has faced over the years.

Gambling is something that the government regulates and can determine almost all of what kind of gambling happens, as well as where and how. This basically allows governments to grant monopolies to themselves through state lotteries, and regulates all other gambling styles including casinos.

The revenue created in California Indian gaming facilities over a four-year span was estimated to be around \$17 billion (Simmons, 2006). This is a very large amount of money that

California could take interest in. The government required a Compact to be formed and agreed upon in order for the tribe to have its casino and start to rebuild. The compact was re-negotiated in 2004 and then allowed the casino to have an unlimited amount of slot machines as well as close to 100 table games. This new compact also allowed the tribe to invest 100 million dollars into its facilities (Simmons, 2006) which is a way the tribe started to diversify its assets and expand to a larger population of customers.

There are many policies that require the tribe's casinos to give back to the state. A few of these funds that the tribes contribute to are the Revenue Sharing Trust Fund, the Special Distribution Fund and the state's General Fund. Between 2000 and 2005, the payments made to these funds came to a total of \$543.4 million dollars (Simmons, 2006).

The United Auburn Indian Community signed a memorandum with local governments to provide fire and police protection. With this memorandum, the tribe built a fire station near the casino. Also the county receives close to a million dollars per year for staffing and maintenance costs from the tribe. The tribe is also taxed in many ways. Indian gaming tribes do not pay taxes on their gaming revenues to the state or federal government, but they are legally required to deduct and withhold state and federal income tax from non-Indian and nonresident tribal member employees, pay federal employment taxes, report payments to independent contractors, and report and withhold federal incomes taxes from gaming winnings and per capita payments to tribal members (Simmons, 2006). On top of that, Tribal members living on the reservation are subject to federal income tax but not state income tax. If they live outside of Indian lands and within California, they are taxed by California on all income, including income from Indian-country sources such as per capita casino distributions. Tribal members are also taxed by the

state on all income earned outside of Indian lands regardless of where they live (Simmons, 2006).

The Casino is also forced by the IGRA to provide help for gamblers who may be addicted to both gambling and alcohol. The Thunder Valley Resort has a helpline that customers can call and is forced to put warning signs on the ATM's inside the casino. This move by the IGRA is beneficial for the casino, tribe, and all members of the community.

Even though the tribe is taxed so heavily and is required to make so many payments to the state and federal government, the tribe still gives out charities. One example of their charities is that of the "Giving Program" that was previously mentioned.

One question that always gets brought up is that of membership. Many different tribes have different ways of determining membership. The United Auburn Indian Community membership is determined by a blood quantum. The tribe requires that you are of 1/8th Blood quantum or more, and the individual is a lineal descendant of an individual, living or dead, of a person who's name was listed on the Auburn Indian Rancheria distribution roll compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671.

Economics Findings

The IGRA demands that money brought in by the casino must go back to the tribe to improve life. This is a very broad demand but the UAIC has done this in many different ways. According to the United Auburn Indian Community's website, the tribe is planning to build a new residential community in the foothills of Placer County. This will include 110 homes for tribal members, which are surrounded by grassland, savannas, and wetlands (UAIC 2013).

However, the houses will not be built on the wetlands themselves, just surrounded by them to ensure the safety of the land. The housing community will also have a natural drainage system running throughout the community that will not drain into the existing wildlife that is there. The tribe wants to preserve the vast open lands that their tribe has been built on. This is one way the tribe is building a sustainable community while interacting harmoniously with the environment (UAIC 2013), which seems to be culturally significant.

Tavares, the previous head chairperson for the tribe, said that the revenues would give the tribal members housing grants as well as per capita distributions. The money will also go to many programs that increase the health and wellness of the tribe, education, and ways to increase the tribal governance (Bingham 2005). During Tavares' term in 2005, she said in an interview "For generations, members of our tribe have had a difficult time getting by. Our housing has been inadequate, our healthcare has been minimal and our education a real challenge. With the revenue from the casino we have been able to create a better life for the members of our tribe and many people in Placer County" (Bingham 2005).

The tribe also has money going into different places to ensure a steady income outside of the casino alone. Doug Elmets, the tribal spokesperson, stated in an interview "The United Auburn Indian Community realizes that brick-and-mortar in Indian gaming is not necessarily a lifelong venture. The UAIC has strategically diversified its stock portfolio, real estate investments and other assets to preserve the tribe's ability to provide for its members for many generations" (MCKINEY 2012). Another one of the tribe's investments was the Hotel that turned their casino into a resort. The extra revenue brought in by the hotel separates thunder valley from some of its competitors in the area like the Shingle Springs Band of Miwok Indians who own the Red Hawk Casino (MCKINEY 2012). The hotel has also opened up many new

doors for the casino. Now that the visitors have a place to stay, many more visitors are inclined to come from farther locations. This expansion of gamblers includes those from the Bay Area and San Jose, which is populated with many people who are interested in gambling but have limited gaming options in their area (MCKINEY 2012). With the expanding gambling population for Thunder Valley, this hotel has helped out many store and business owners in the area as well due to the fact that more visitors results in more potential customers for smaller local businesses. The casino also recently included a new amphitheater, which attracts a new crowd who many not be so inclined to gamble, but just want some other form of entertainment (MCKINEY 2012). This is one way that the tribe is increasing its influence on many different people to come to their resort and gives the tribe many new options for revenue.

The tribe also gives back to the community both directly and indirectly. As stated before, the resort brings in a wide range of people that are potential customers for the surrounding businesses. This is a way to keep everyone happy that surround the casino and keeps the casino on good grounds with all of the smaller businesses in the area.

The Casino employs over 2,500 people, in which the tribe is highly invested. The employees are mostly non-tribal and live in the surrounding community. The employees are unionized and have the ability to compete for good-paying jobs (MCKINEY 2012).

Conclusion

The United Auburn Indian Community has a very successful business now that the tribe has regained Federal recognition. The tribe is now self sufficient and for the most part sovereign. In researching, I tried to contact the United Auburn Indian Community to ask them about some topics that I could not find in my research. Some of these questions included per capita

distribution amounts, different ways they are diversifying assets, how much sovereignty have they really given up for the casino, and prominent stereotypes they face and the effects they have on the tribe or casino. These are some topics that future researchers should look for. Many would say that it is not fair for the tribe to be underrepresented in the casino, but some tribes want to keep business, business and only that, which was one of my interesting findings. The tribe has to follow a very strict rule under the mandates and compacts it has created with both state and federal governments. Through all of these rules and compacts, the tribe has still found a way to be very successful and expand itself back out in the world, and in doing so still finding a way to give back to those in need. Now that the tribe is highly successful, it can start putting money back towards the culture aspect of the tribe that has been lost over time.

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