

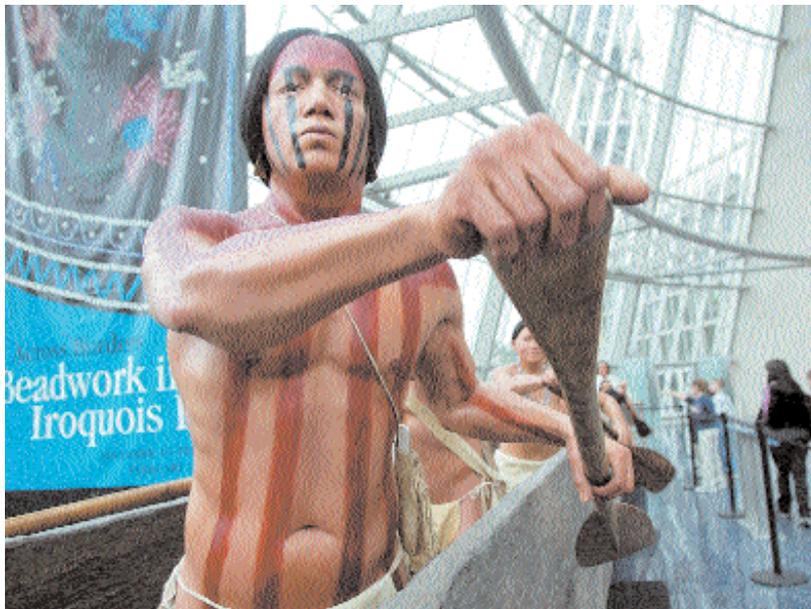
THE FESTERING PROBLEM OF INDIAN "SOVEREIGNTY"

The Supreme Court ducks.
Congress sleeps. Indians rule.

BY JAN GOLAB

Foxwoods, the King Kong of casinos, was brought to Connecticut with dreams of untold riches. Now, locals are trying to kill the beast. Foxwoods and its sister institution, Mohegan Sun, (the world's two most profitable casinos), pay host state Connecticut a hefty \$400 million a year—one fourth of the take. Yet in 2003, Connecticut became the first state in the country to pass legislation designed to halt any future casino development. The measure passed unanimously, not exactly a ringing endorsement for Indian gambling institutions. "Another gambling palace anywhere in the state would be disastrous," the *Hartford Courant* warned in an editorial. "The state must stop this slot-machine tsunami."

Jeff Benedict is president of the Connecticut Alliance Against Casino Expansion, and the author of *Without Reservation*, a book about the Mashantucket Pequot Indians and their Foxwoods casino. "Casino money costs us a lot more than it's worth," Benedict argues. He recites a litany of woes: Casinos have a negative impact on roads, water and land consumption, fire, police, ambulance service, air pollution, and traffic. Local school systems are flooded with the children of low-income casino workers, who also create a shortage of affordable housing. And there are social costs—increased bankruptcies, foreclosures, divorces, child abuse, and crime. "The closer a community gets to a casino, the higher those numbers are," says Benedict. "Who pays for that? The local and state governments."



Awash in tribal money: a model canoe on display inside the \$193 million Mashantucket Pequot Museum and Research Center in Connecticut.

Casinos cause property devaluation and lost taxes when businesses and lands are taken over by tax-exempt tribes. While casino owners argue that they create jobs and help neighboring businesses, the casinos (which, as Indian enterprises, do not have to pay the same taxes or abide by the same laws as other establishments) actually damage competing businesses nearby—restaurants, bars, hotels, retail outlets. "When the Indian casino comes to town, nobody else does well," says Benedict.

Except for the lawyers. The Pequots have subjected their host state and local governments to a decade of legal battles over tribal land annexation, environmental and land-use regulations, and sovereign immunity from lawsuits and police jurisdiction. Local communities have spent millions litigating against further casino expansion. Twelve more would-be "tribes" are petitioning the Bureau of Indian Affairs for federal tribal status, and new land claims threaten over one third of Connecticut's real estate.

Another book on Foxwoods, *Hitting the Jackpot*, by Wall Street reporter Brett Fromson, explains how a "tribe" that disappeared 300 years ago resurrected itself and won a gambling monopoly now worth \$1.2 billion a year. Like Benedict, Fromson concludes that the re-created Pequot tribe is illegitimate, a polit-

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California reporter Jan Golab has written about Indian issues since 1983. His earlier in-depth exploration of Indian gambling appeared in the January/February 2004 issue of The American Enterprise.

ical contrivance based on sympathy and political correctness, not reality or common sense—"the greatest legal scam."

Next door in New York, the situation is even worse. The Empire State approved the Oneida Nation's Turning Stone Casino near Oneida

ten years ago, without first obtaining any agreement for the Nation to share its revenues (\$232 million in 2001) with the state, or any agreement to settle the tribe's claim to 250,000 acres of central New York land. Subsequent casino compacts with other tribes have been haphazard and subject to ongoing renegotiation, with New York collecting money from some, not from others.

The Oneidas have used their casino cash machine to buy 16,000 acres of land and businesses, including nearly all of the area's gasoline and convenience stores. Once they are Indian-owned, the land and businesses go off the tax rolls. The business impact and loss of property and sales taxes has some local communities teetering on bankruptcy. "The tribes hurt us in a number of ways," explains Scott Peterman, president of Upstate Citizens for Equality. "They buy a property and refuse to pay property tax because they say they are re-acquiring their ancient reservation. Then they open a business on that property and refuse to collect sales tax."

By undercutting all non-Indian businesses that collect taxes, tribal sales of gasoline and cigarettes alone cost New York state millions of dollars in annual taxes. The Supreme Court ruled in 1994 that states could tax tribal sales to non-native customers, but so far, New York has failed to enforce this over Indian resistance. One tribe, the Onondaga, sells an estimated 20,000 cartons of cigarettes every week, or \$26 million worth a year. Governor George Pataki tried to collect in 1997, but he backed down when Indian protestors blocked the New York State Thruway. Last year, the state legislature ordered Pataki to begin collecting the taxes, which it conservatively estimated would amount to \$165 million in 2003 and \$330 million in 2004. The *Syracuse Post-Standard* reported: "Indian Cig Sales cost NY \$436M." Another study estimated that New York tribes cost the state a total of \$895 million last year. Still, the tab remains open.

The state with the most tribal casinos—82—is Oklahoma, where tribes rake in as much as \$1.2 billion a year—and the state doesn't get a cent. Oklahoma Indians, who comprise 7 percent of the state population, have become the most powerful political force there. Meanwhile, officials estimate that Oklahoma's 39 tribes cost the state \$500 million a year—in lost property taxes, lost revenues on tax-free cigarettes, and lost excise taxes and tag fees from cars sold by reservation dealerships. That's nearly the equivalent of the state's 2003 budgetary shortfall, enough to pay for 17,000 teachers. Meanwhile, the state's billion-dollar racetrack industry, which does pay taxes, is teetering on the edge of bankruptcy, and communities are mired in litigation with cash-flush tribes over land and water rights.

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As Connecticut, New York, and Oklahoma wrestle to control their Indian casinos, California's casinos are rapidly expanding, and many other states, like Pennsylvania and Maryland, are just gearing up. Governor Arnold Schwarzenegger's legacy will largely be a matter of

whether or not he allows the Golden State to become the new Nevada. With their state monopoly on gambling, California Indians could eventually become the richest people on earth. Their 54 casinos are already raking in \$5 billion a year, which isn't far behind the entire Las Vegas area (\$7.7 billion), and they are pushing for more. With 107 federally recognized Indian reservations and rancherias—more than anywhere else in the country—California could easily surpass Nevada as the nation's gambling capital in the next few years.

Yet tribal chairmen blast the California governor for suggesting that they "pay their fair share." They insist that: "Governments cannot tax other governments!" They insist they are "sovereign."

"Sovereign" usually means "independent." American Indians, however, are completely dependent on their host governments—for roads, power, water, fire and police protection, schools, universities, hospitals, and health care facilities. "The technical term for Indian reservations is 'domestic dependent nations,'" explains one legislative analyst. "They are not foreign governments. They have no foreign policy powers. They are not allowed to sell their land to anyone outside the U.S. and they are not allowed to maintain relations with any foreign nation. To regard them as being like foreign nations inside our nation is very problematic. How can Congress create a government within a state, with powers that Congress itself could never possess?"

The notion that American Indian tribes should be treated like Canada or France, as some tribal leaders assert, offends common sense. "A nation within the nation" is what they claim to be, but it is not even close to a reality. If they are independent nations, why have Indians been allowed to donate over \$150 million to U.S. political campaigns and become our nation's most influential political special interest group?

Californians have already shown their disgust for the "pay-to-play" politics that linked Indians to ousted governor Gray Davis and his lieutenant governor Cruz Bustamante, who did the Indians' bidding while taking \$12 million of their cash. Experts say that is only the tip of the iceberg. Senator Barbara Boxer (D-California) and Representatives George Miller (D-Richmond), Mary Bono (R-Palm Springs), Hilda Solis (D-East L.A.), and Joe Baca (D-San Bernardino) have long served as legislative activists to expand tribal sovereignty. They have pushed through legislation to recognize "tribes" so they can avoid a lengthy and complicated federal recognition process that includes oversight by the governor and secretary of the interior. This form of "reservation shopping" via sympathetic legislation

is responsible for many new gambling resorts.

Senator Boxer pushed a bill through Congress granting federal recognition to the Federated Coast Miwoks of Graton Rancheria, a small landless “tribe,” after receiving assurances they would not open a casino. But then the tribe hired a team of advisers, including Boxer’s son Doug, and announced plans for a massive \$100 million Nevada-financed casino and resort in California’s wine country. Four city council members in Rohnert Park, the proposed site of the resort, are now facing a grassroots recall for selling out to the Indians.

Another small tribe, the 70-member Ione Band of Miwok Indians, had no interest in pursuing a casino until the tribe was hijacked by officials from the U.S. Bureau of Indian Affairs. These agents, in a move not uncommon in the murky world of Indian politics, opened the tribe’s membership rolls against the wishes of the tribal leadership and added 450 new members, including the BIA officials themselves and their families. These new “tribal members” then called for an election and overthrew the existing tribal leadership. The BIA officials not only made themselves members of a tribe they were administering, they took it over—for the purpose of promoting (and profiting from) a \$100 million casino in Plymouth, California. Four members of Congress have called for an investigation into the Ione Miwok takeover.

Corruption like this seems the inevitable consequence so long as Indians are allowed to operate outside American law under a claim of tribal sovereignty. A coalition of 18 attorneys general from western states recently identified “corruption on tribal lands” as their number one concern, even over international terrorism. Many federally identified “high intensity drug trafficking areas” are located on tribal lands. Immigrant smuggling is also a serious problem on reservations that adjoin our international borders with Canada and Mexico. Authorities are also concerned that Indian casino cash makes a tempting target for international terrorists who need to launder money. With revenues of \$14 billion last year, Indian gaming is a prime target for money cleaners of all sorts.

When gambling isn’t properly regulated it attracts money laundering, loan sharking, drugs, and organized crime. Investigators with the federal Indian Gaming Commission are able to make only occasional visits to the more than 241 Indian gaming operations across the country. The Commission has only two investigators and one auditor for the entire West Coast. John Hensley, the chairman of the California Gambling Control Commission under Governor Davis, resigned in frustration due to a lack of funds (and his outrage over Davis’s promise that if he was not recalled as governor he would allow the tribes to pick two new members for the Commission).

This lack of oversight is a recipe for disaster. “We certainly would not let private casinos in Nevada self-regulate,” notes Whittier Law School professor and national gambling expert Nelson Rose. Since 1980, more than 130 state and local officials have been drawn into gambling corruption scandals, according to a paper prepared by the Library of Congress. A variety of

scandals has already touched tribes throughout the country, and law enforcement insiders predict that worse is yet to come. Concerns are heightened due to the industry’s newfound political influence. Some tribal leaders have already been indicted for engineering illegal campaign contributions.

Investors in a Rincon tribe operation in San Diego County were accused of plotting to launder more than \$2 million for a Pittsburgh crime family. Seventeen people were indicted, including a member of the Rincon tribal council. Ten people associated with Chicago crime boss John DiFonzo and a San Diego mobster were convicted of racketeering and extortion in another attempt to take over a tribal gambling hall. Members of the New York Seneca Nation are facing a RICO indictment for smuggling untaxed cigarettes. The Bureau of Indian Affairs says illegal drugs have deeply infiltrated Indian communities. In southern Arizona, \$1.8 million in marijuana was seized in a single incident on the Tohono O’odham reservation. An estimated 1,500 illegal Mexican immigrants a day also cross the border into that 2.8 million-acre reservation. The Akwesasne Reservation on the U.S.-Canadian border, according to the Royal Canadian Mounted Police, is “a major smuggling hub for goods illegally transported in and out of Canada from the U.S., or vice-versa—including narcotics, firearms, alcohol, tobacco, and illegal aliens.” The movement of aliens there and in Arizona is considered a threat to homeland security. New York’s Mohawk tribe was charged in 1999 with smuggling drugs, guns, and illegal aliens—including associates of Osama bin Laden—for as much as \$47,000 a head. These sorts of problems will recur with increasing frequency in the future unless their true root—the non-applicability of standing U.S. laws on Indian lands due to claims of Native American sovereignty—is challenged.

“**T**he debate over Indian sovereignty may seem abstract,” explains one analyst, “but it gets very concrete when a state suddenly loses authority over a major portion of its land. Reservation shopping basically gives wealthy gambling tribes the ability to shrink counties and states”—and to place important personal actions and economic transactions beyond the reach of American law. Throughout the nation, whenever U.S. citizens battle tribes over problems with land, water, zoning disputes, personal injuries, firings, broken contracts, or other issues, the claim of tribal sovereignty often intervenes. As tribal governments expand, local governments lose their political power to protect their citizens, some of whom find themselves ruined by tribal sovereignty claims—like the rancher who lost all his water to a new tribal golf course and resort.

The Citizens Equal Rights Alliance and United Property Owners, umbrella organizations encompassing hundreds of grassroots groups affected by Indian sovereignty claims, represent some 3.5 million citizens and business and property owners affected by America’s 550-plus Indian reservations. There are also independent organizations in 22 states, like One Nation in Oklahoma, Upstate Citizens for Equality in New York, and Stand Up for California.

Activists in this rapidly growing anti-sovereignty movement feel betrayed by their elected leaders. Indian sovereignty, they say, is a profoundly flawed special body of federal law—some say an outright scam—that creates bogus tribes, legalizes race-based monopolies, creates a special class of super-citizens immune to the laws that govern others, and Balkanizes America. “Sovereign rights based on race



The Mashantucket Pequot Indians' Foxwoods Casino in Connecticut is the largest casino in the world, with 315,000 square feet of gaming space in a 4.7 million square foot complex.

for a few American citizens is not, and will never be, reconcilable with the equality and civil rights guaranteed by the United States Constitution to all citizens,” says Scott Peterman, of Upstate Citizens for Equality. “The concepts of equal rights, equal opportunities, equality under the law, and equal responsibilities for all citizens should not be bargained away by our politicians.”

Many say that sovereignty is a concept from another age that no longer works today. “It goes back a century to when native populations had been dispossessed,” explains former California senator Pete Wilson, “to when the U.S. was largely an agricultural nation and we did not have the kind of economy we have today.” Wilson says that when the Indian Gaming Regulatory Act (IGRA) was enacted in 1988, it didn’t get nearly the attention it deserved. “A lot of people [in Congress] voted for it thinking that it amounted to little more than Bingo on reservations.... They didn’t see it as a commercial enterprise that would transform reservations and their surrounding communities.”

Most analysts concur that IGRA is a terrible law—vague, fuzzy, and unclear. “Congress should have spelled out much more clearly what the tribes are allowed to do,” explains one analyst. “IGRA has subsequently been interpreted by the courts to mean that a state can pass a ballot initiative granting a lucrative monopoly on gambling, based solely on race, within a state that does not otherwise allow gambling. It defies the basic principles of equal protection, and gives cause to wonder. Should we give Hispanics the liquor industry? Should blacks get cigarettes? What about the Asian boat people?”

IGRA became a mechanism for the gambling industry to enter states where gambling had been illegal for more than a century, allowing it to operate outside the legal jurisdiction of the state governments. It pitted tribes against tribes, and tribal leaders against their own members, and created impossible entanglements of governance and jurisdiction. IGRA essentially created an attractive investment opportunity for the gaming industry, much as

minority-contracting rules created an industry out of finding black and Hispanic figure-head partners with which to pursue government contracts. The potential gambling revenues made it attractive for marginal groups to seek tribal status, specifically for the purpose of opening a gaming franchise. “The groups in some cases are so marginal it’s almost laughable,” says one legislative analyst. “Often they are subdivisions of actual

tribes—the left-fork wing of the old river Indian tribe. It’s not about tribal identity. What they really want is a casino.”

Experts contend that Congress never intended sovereign status for every parcel of land granted to Indians. The small California rancherias, for example, were meant to host housing projects for landless Indians. One such group of federal housing recipients-turned-Indian-tribe, the Auburns, have used their new sovereign status to open the massive Thunder Valley casino near Sacramento. The Auburns are descendants of 40 Indians who were set up on a few dozen acres of public housing in 1910. “Do you really think Congress intended for them to be a sovereign nation over which state law would have no force?” asks one legislative analyst who specializes in Indian law.

Scott Peterman says the Indian sovereignty problem will ultimately have to be solved by Congress, a sentiment echoed by many other observers across the nation. “They are the ones who created the mess,” says Peterman. He believes Congress should terminate tribal sovereignty definitively. “The irony is, the tribes claim they need sovereignty to preserve their culture, but they use it to build casinos. They talk about ‘mother earth,’ but they are more than willing to trade land for slot machines. Many tribal governments are so corrupt they are a bigger enemy to Indian culture than anybody. The Amish, Quakers, and Mennonites preserve their culture better than any Indian tribe, and they do it while paying taxes. Indians don’t need sovereignty, or a whole federal bureau, to maintain their culture.”

For many years, the Supreme Court avoided the big questions and made up Indian law by carving off issues piecemeal. In 1998, the Court concluded that the doctrine of tribal sovereign immunity was outdated, but it also concluded that Congress, not the courts, needed to fix it.

President Bush has at least moved to halt the march toward expanded sovereignty. Several tribes pushed President Clinton

to enact more-liberal rules that would have made it even easier for tribes to reservation shop. President Bush withdrew those relaxed rules. Tom Grey, director of the National Coalition Against Gambling Expansion, advised President Bush in a 2003 letter that “if pending approval of more than 200 self-described ‘Indian Tribes’ is not denied, there will be a veritable explosion of gambling emporiums throughout America, threatening local economies, increasing addiction and concomitant criminality, and disrupting social and political stability.”

When it comes to sovereignty, everyone seems to agree that Congress will eventually have to “mend it or end it.” Congress has the power to shape and re-shape the relevant laws as it sees fit. The problem is a lack of will, due largely to ignorance or fear of the fast-growing political clout of tiny gambling-enriched tribes who have shown a great willingness to use their lucre for political donations.

Currently, nearly all Indian legislation is controlled by pro-tribal forces, particularly in the Senate. Hawaiian Daniel Inouye, the ranking minority member of the Senate Indian Affairs Committee, and Ben Nighthorse Campbell of Colorado, chairman of that committee, along with Daniel Akaka from Hawaii and Arizona’s John McCain, have virtual veto power over any Indian-related bill. “I believe we are headed for a reconsideration of tribal sovereignty,” states one public official who asked not to be identified, “but it won’t happen until Senators Inouye and Campbell are no longer in office.”

And while many in Congress are having second thoughts about tribal sovereignty, others continue to work to expand it, sometimes with the enticement of ample campaign donations. Senator Elizabeth Dole has a bill calling for recognition of the Lumbee Nation of North Carolina, and fellow Republican, Senator George Allen, is backing a measure to recognize six new tribes in Virginia. The Native Hawaiian Bill would grant tribal status to some 400,000 Hawaiians, creating the biggest tribe in the country and virtual apartheid in the fiftieth state. “Tribal sovereignty is going to be a hard thing to beat because the politicians are ignorant,” says Scott Peterman. “They think sovereignty is good for the Indians, but it isn’t. It’s good for the tribal governments, not for individual Indians.”

In 1993, Bill Clinton’s head of the BIA, Aida Deer, decreed that



Indian tribal casinos existing as of January 2003. Many more have been launched in the year and a half since.

every one of Alaska’s 231 native villages was a tribe, thereby doubling the state’s tribes with the stroke of a pen. Sovereignty advocates now want each village to be fully recognized as a sovereign nation. “That course of action cannot succeed,” Alaska Senator Ted Stevens told the Alaska Federation of Natives at its annual convention in 2003. “If those villages are recognized as sovereign nations, the future of Alaska as a state is in jeopardy: Alaska would ultimately encompass a huge collection of independent tribal nations, unconnected by a state government and unprotected by the federal system.”

Stevens, who championed Alaskan statehood back in the 1950s and became a senator in 1968, added a rejoinder to opponents who called him a bigot for defending that line of argument. “There are reasonable differences of opinion. But to be called a racist after more than 50 years of dedicated service to Alaskans, particularly Alaskan natives, is something I will not forget. It is a stain on my soul.”

Despite Arnold Schwarzenegger’s success in standing up to the Indian tribes of California, most elected officials are afraid to address the issue of sovereignty. Like Social Security and illegal immigration, some view it as a “third rail” issue—touch it and you die. Some Indians insist that sovereignty is the essence of being an American Indian, so they respond to any questioning of sovereignty as a personal attack on Indians. Those who question sovereignty are frequently denounced as racist. Former Washington senator Slade Gorton was actually a defender of tribal sovereignty except when it trampled on non-Indian rights, and for even that mild reservation, he was branded “The Indian Fighter” and demagogued as racist, which contributed to his narrow defeat in 2000 by Maria Cantwell.

Because of the volatility of the sovereignty issue, more than a dozen senators and congressmen declined to be interviewed for this story. Many of their aides who did talk asked not to be identified. “Politicians are afraid to speak out and have their views seen in print,” explains one activist, “because then tribes will spend big money to get them un-elected.” Indeed, Indian tribes now spend more on elections than any other interest group in America.

“Tribal gaming has created a terrific inequality between tribes, and the people who have benefited are only a tiny percentage of American Indians,” says one government official who asked not to be identified. “If you’re a bogus six-member tribe with a fabulous location for a casino, all six of you get tremendously wealthy. But if you’re a genuine, historic tribe in a remote location, like the Standing Rock Sioux of North Dakota, you accrue little or no benefit.” Indeed, almost half of the nation’s Indian population lives in five states—Montana, Nevada, North Dakota, South Dakota, and Oklahoma—that account for only a small percentage of Indian gaming revenues.

The same official is skeptical that any politician will have the guts to stand up to the Indians until everyday Americans are up in arms. He even bets that Governor Schwarzenegger will go belly-up on the issue. “I’ve seen too many elected officials

challenge the tribes, then gradually work their way back to an accommodation. At the end of the day, he'll be a blood brother."

Not everyone is so cynical, or afraid. Representatives Frank Wolf (R-VA) and Christopher Shays (R-CT) have long championed legisla-

tion to halt the headlong expansion of Indian gambling. Last February, they introduced a bill that would require all new gambling casinos to be approved by state legislatures. Wolf admits that the bill's chances right now are not good. "That's because many of our leaders still don't know there is a problem," he says. "That probably won't change until there is a great public outcry from communities around the country.... The media also needs to pick this up. The Indians are being exploited by gambling interests."

Another outspoken Congressman on the issue is Republican Ernest Istook of Oklahoma. "We have certainly reached a point where something needs to be done," he says. "But that's not the same as the point where people *recognize* that need, or are prepared to act on it." Istook has noticed a concerted effort by Indian interests to convince the public that the issue is beyond the reach of the democratic process. "There is often a misconception that nothing can be done. That's inaccurate. It is very clear that Congress has broad and unfettered authority to deal with these issues, and could do so if it were willing. Tribal sovereignty is subject to the jurisdiction of the Congress—which could change it, or even undo it altogether."

"The challenge is that sovereignty means different things to different people. What we need to do is follow the Constitutional standards of equal protection, for tribes and non-tribes. You will not solve the problems of Indian tribes by giving them a legal status different from everybody else. Secondly, we need to allow tribes to have control of their own assets so they have less temptation to resort to special treatment. Feelings of mistreatment often lead them to take unfair advantage with regard to sovereignty. And we need to create more economic opportunities that are not dependent on special status and treatment."

We are headed for more conflict, even disaster, says Istook, if we don't soon address this basic violation of fundamental American principles: In our recent dealings with Indians, Istook says, "we've created a system where some people have more rights than others, and that directly conflicts with American traditions and history. It not only attacks the principle of equal rights, it attacks the root of democratic governance. We need to use something stronger than guilt to resolve these issues."

Many experts believe it will take years before the inevitable day of reckoning on sovereignty finally reaches the halls of Congress. But the public mood is changing rapidly in certain places. Some observers believe this subject could mature into a bona fide political issue much sooner.

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national spokesperson for One Nation, Barb Lindsay represents more than 300,000 property owners, scores of grassroots community groups, dozens of local governments, and thousands of small businesses. Part Indian herself, Lindsay has been lobbying in Washington

for ten years. She has emerged as one of the leading voices in the growing national movement challenging tribal sovereignty.

"Five years ago, people didn't know anything about tribal sovereignty," Lindsay explains. "Indian gaming has really elevated the issue in terms of public awareness, and with elected officials and their staffs. A few years ago they were not very sympathetic to our cause, because all they knew was tribal positions. But with growing problems in states like Connecticut, California, Wisconsin, New York, Oregon, Washington, and Oklahoma, more Congressmen are having problems in their own districts. They see tribes running roughshod over local citizens, ignoring environment laws and land-use codes and water rights. Instead of the *Dances with Wolves* Hollywood mythology they've been sold, they are now facing the reality of dealing with a group of people who believe they are somehow above the law."

The true meaning of sovereignty, Lindsay says, is tax evasion. "It is no coincidence that the states now facing the biggest budget deficits are also the states with the largest number of tax-exempt Indian casinos and tax-evading tribal businesses. It is widely recognized that IGRA is being abused and Indian casino reservation shopping is undermining local, county, and state tax bases and changing community character and quality of life, while simultaneously denying local citizens a voice in how the future of their community will be shaped."

Others concur that America's tribes need to practice sovereignty in a way that is responsibly congruent with the laws of their "host nations" (state and local governments). If Indians choose the endless warpath, some observers say, they will eventually lose the war, and "sovereignty." This is difficult for some tribes to accept, because they have achieved their current success and financial bonanzas through two decades of aggressive court battles and relentless warfare with the states. But that war is over and they have won. They now need a new, cooperative strategy, or they may awaken resistance in their neighbors.

Many groups have been mistreated in history—blacks, Jews, Asians, Poles, the Irish. "Should each of these groups be given a sovereign land within the United States and allowed to govern as they choose, free from taxes that must be paid by others, and free to engage in activities denied to others?" asks Henry Lamb, chairman of Sovereignty International. "Americans are defined not by color, religion, or ethnicity, but by a belief in, and dedication to, the principles of freedom, as defined in our founding documents. As a nation, we seem to have forgotten this fundamental principle."

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