

*CABAZON, THE INDIAN GAMING REGULATORY
ACT, AND THE SOCIOECONOMIC CONSEQUENCES
OF AMERICAN INDIAN GOVERNMENTAL GAMING
A CASE STUDY*

HARNESSING RESOURCES,
CREATING PARTNERSHIPS:
INDIAN GAMING & DIVERSIFICATION
BY THE TULALIP TRIBES OF WASHINGTON

LEIGH GARDNER
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**THE HARVARD PROJECT ON
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MALCOLM WIENER CENTER FOR SOCIAL POLICY
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On January 22, 1855, the “chiefs, headmen and delegates” of the “Dwámish, Suquámish, Sk-táhlmish, Sam-áhmish, Smalh-kamish, Skope-áhmish, St-káh-mish, Snoquálmoo, Skai-wha-mish, N' Quentl-má-mish, Sk-táh-le-jum, Stoluck-whá-mish, Sha-ho-mish, Skágit, Kik-i-állus, Swin-á-mish, Squin-áh-mish, Sah-ku-méhu, Noo-whá-ha, Nook-wa-cháh-mish, Mee-sée-qua-quilch, Cho-bah-áh-bish and other allied and subordinate tribes and bands of Indians” occupying certain lands situated in the Territory of Washington signed the Treaty of Point Elliott establishing what is today the Tulalip Indian Reservation north of Seattle, Washington. Under the treaty, the above tribes and bands ceded their title to particular lands in the Territory and, in exchange, they retained their title to other designated lands as well as fishing, hunting and gathering rights on that reduced land base.

The Treaty was one of six treaties, negotiated by Isaac Stevens, the Governor of the Territory of Washington, known as the “Stevens treaties.” Isaac Stevens was perhaps one of the most influential figures in the history of Indian affairs in Washington State. In his first year alone as Governor of the Territory,

Stevens had made treaties with more than seventeen thousand Indians and in doing so had extinguished the Indian title to more than one hundred thousand square miles [64 million acres] of land now making up much of the territory of Washington, Idaho and Montana.”¹

Stevens’ immediate goal was to clear land titles in the Northwest to make way for settlers and a possible railroad. In this, he achieved rapid success.²

¹ Hunt, Herbert and Floyd Kaylor, *Washington, West of the Cascades*. Chicago: S.J. Clarke, 1917, Vol. I, 143. Quoted in Isely, M. B., *Uncommon Controversy: Fishing Rights of the Muckleshoot, Puyallup and Nisqually Indians*, a report for the American Friends Service Committee. Seattle: University of Washington Press, 1970, 19.

² Isely, pp. 18-19.

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Consistent with the prevailing policies of the mid-nineteenth century concerning Indians across the United States, Stevens' ultimate aim was the complete assimilation of the Territory's indigenous populations into non-Indian society. Towards that end the Stevens treaties typically involved groups of disparate bands or tribes, in an effort to weaken group identities among Indian communities and often, as in the case of the Treaty of Point Elliott, they set aside land that Stevens intended to become the homelands of all Indians in Washington. Through this plan, he estimated that he could efficiently "prepare the Indians for citizenship." To accomplish this task, he believed

they [the Indians] should have... good land, enough to allow each family head a homestead; they should be supplied with farmers to instruct them in agriculture; many bands should be concentrated on one reservation in order that control over them might be more effective; and the authority of the chiefs should be strengthened so they could be held responsible to the government for the conduct of their people.³

By grouping tribes and bands together on land sufficient to establish homesteads and supplying them with agricultural training, Stevens and his colleagues in Washington's Territorial government hoped that Indians would "disappear into the American melting pot within the course of a generation of federal assistance (the twenty years specified in the treaties for payments on the purchase price of the land)."⁴ Article III of the Treaty of Point Elliott reserved

one township of land...for the purpose of establishing thereon an agriculture and industrial school...with a

³ Ibid., p. 20.

⁴ Ibid., p. 20.

*view of ultimately drawing thereto and settling thereon all the Indians living west of the Cascade Mountains...*⁵

*Uprisings from various unwilling bands across the Territory upset the Governor's plans for integration, however, and the collective reservation was never established.*⁶

Through the various provisions of the Stevens treaties, the Tulalip Reservation—which was expanded by Executive Order in 1873—is now home to members of the Snohomish, Snoqualmie, Skagit, Suiattle, Samish and Stillaguamish tribes and allied bands.⁷ The current tribal government at Tulalip is organized under Section 16 of the Indian Reorganization Act of 1934.⁸ Today, the Tulalip Reservation covers roughly 23,000 acres, over half of which is held in trust by the federal government on behalf of the Tribes. The Tulalip Reservation possesses considerable natural resources, including marine waters, tidelands, fresh water creeks and lakes, wetlands, forests, and developable land.⁹ The location of the Reservation—close to a major transportation artery (Interstate 5), a short distance north of Seattle and adjacent to Marysville, Washington—also has proven to be a major benefit, as is now evident in the available market for the Tribes' gaming and retail enterprises.

TRADITIONAL ECONOMIC ACTIVITIES

Until recently, the economy of the Tulalip Tribes was dependent exclusively on reservation lands and natural resources. The Treaty of Point Elliott reserved to the Tulalip Tribes fishing rights at their “usual and accustomed grounds and stations.” The

⁵ Articles of agreement and convention made and concluded at Múcklte-óh, or Point Elliott, in the Territory of Washington, Jan. 22, 1855, 12 Stat. 927, hereinafter “the Treaty of Point Elliott.”

⁶ For a more detailed treatment of this issue and the history of Indians in Washington in general, see Isely *op cit.*

⁷ Internal Tribal Memorandum, on file with the authors, p. 2.

⁸ 25 U.S.C. Section 461.

⁹ Internal Tribal Memorandum, *op cit.*, p. 1.

treaty also guaranteed hunting and gathering rights, including the right

of erecting temporary houses for the purposes of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands.¹⁰

For decades, the main source of revenue for the Tulalip tribal government came from commercial fishing under the Treaty and from leasing reservation land to non-Indians. According to Mike Taylor, Attorney for the Tulalip Tribes, the Tulalip economy was typical of a statewide pattern where a number of tribal governments relied on revenue from the leasing land and natural resources to outside individuals and corporations.¹¹ That pattern, however, has shifted in recent years, as has Tulalip's reliance on commercial fishing. According to Terry Williams, Fisheries and Natural Resources Commissioner for the Tulalip Tribes, the level of salmon fishing has fallen dramatically in recent years. In the mid-1980s, 130 tribal members were licensed to fish, in contrast with the 30 members licensed today. "We've been slowly getting people dropping out of the fishing into other businesses."¹²

Despite the economic and environmental changes in the region that have led to a decrease in the amount of commercial fishing by tribal members on the Tulalip Reservation, fishing remains a central component of culture and life at Tulalip, just as it traditionally has been for tribes residing in Washington and elsewhere along the Northwest Coast. According to a 1997 report created with the support of the Tribes

fishing and hunting and gathering of natural resources have been central activities for thousands of years. They

¹⁰ Treaty of Point Elliott, Article 5.

¹¹ Taylor, Michael, Tulalip Reservation Attorney, personal communication, May 13, 2003 and May 20, 2003.

¹² Williams, Terry, Tulalip Fisheries and Natural Resources Commissioner, quoted in Heffter, Emily, "Tulalips shift from salmon to 'cash cow'," *The Seattle Times*, June 4, 2003.

remain important to tribes for subsistence, as well as economic and ceremonial purposes. The tribes have traded fish and shellfish with the non-Indian population since the first white settlers arrived in the region 150 years ago.¹³

Today, the Tulalip tribal government operates a salmon hatchery that is designed to increase declining populations of wild salmon living in local waters. The Bernie Kai-Kai Gobin hatchery releases upwards of eight million salmon of three different species each year and provides fishing opportunities for tribal members at terminal area fisheries—the defined coastal areas where hatchery salmon can be caught. The hatchery’s goal is to rejuvenate the wild salmon population so as to allow for commercial, recreational and ceremonial fishing by tribal members while at the same time protecting against the over-harvesting that occurred in the past.¹⁴

Fish and other seafood still play a central role in Tulalip Tribal culture. Recently, the Cultural Resources Department offered a class teaching traditional methods of smoking and drying of salmon, clams and deer meat. According to Cultural Resources Director, Hank Gobin, that particular class was one of the most successful classes offered to date; other classes have included weaving and basketry.¹⁵ Gobin believes that the popularity of the class is an indication of the importance of fish and shellfish to Tulalip culture. The Tulalip Tribes also are heavily involved in

¹³ Tiller, Veronica and Robert Chase, *Economic Contributions of Indian Tribes to the Economy of Washington State*, Tiller Research and Chase Economics, 1997.

¹⁴ See, e.g., Tulalip Tribes, “Natural Resources Program: Bernie Kai-Kai Gobin Hatchery” at www.tulalip.nsn.us/htmldocs/salmonhatchery.htm; McCoy, John, personal communication, May 24, 2003.

¹⁵ Gobin, Hank, Cultural Resources Director, personal communication, June 5, 2003.

developing research and protection measures for indigenous species of shellfish.¹⁶

TRIBAL-STATE RELATIONS IN WASHINGTON STATE

The rich natural resources in Washington State have long been attractive to non-Indian developers. While tribes retain land and fishing rights throughout much of the state, these rights have been continuously contested by non-Indians. Complicating matters is the fact that many tribal governments—including the government of the Tulalip Tribes—represent a number of different Indian bands. The history of consolidation leads to contention concerning the development of natural resources within tribes, between tribes, and between tribes and the state. Because of these diverging interests, the history of tribal-state relations in Washington has tended toward litigation rather than negotiation. Negotiations are rarely, if ever, simply two- or three-way discussions. Rather, they are more likely to involve the complex, sometimes overlapping interests of a number of different parties. A 1995 report on tribal-state relations by the Washington Attorney General stated that

negotiations are often difficult to achieve, even if the issues are negotiable. While an agreement between the State Liquor Control Board and an individual tribe might be feasible, an agreement between the State and all Washington tribes over shellfish may not be. Too many public and private parties have interests in the shellfish resource: numerous tribes and constituencies within tribes; various federal agencies; various interests within the State government; private landowners and other private interests. In other words, it is an oversimplification to view such negotiations as three-

¹⁶ See, e.g., Tulalip Tribes, “Natural Resources Program: Shellfish” at www.tulalip.nsn.us/htmldocs/shellfish.htm.

party negotiations among the State, the tribes, and the federal government.¹⁷

Additionally, the negotiations bring to the fore differing interpretations of tribal and state sovereignty. The tension between tribal governments and the state government intensifies when valuable resources are involved, particularly when different interpretations of history and policy complicate the negotiation process further. The Tulalip Tribes have been among those tribes willing to enter into negotiations where possible, particularly in recent years when expanded economic development opportunities have both facilitated and required the forging of partnerships with other governments.

The report on state-tribal relations also found that disputes between the State of Washington and tribes have involved the regulation of land use and natural resources. This, of course, encompasses a broad spectrum of issues, from taxation and licensing to accounting for what salmon and other marine species are caught by whom from local waters. The Attorney General's report also identified legislation as another alternative to litigation. While often a viable option in situations where negotiation is not, legislation has not been without its problems in Washington. The report asserted that the ebb and flow of federal Indian policy and its resulting legislation often has complicated rather than eased negotiations at the tribal and state levels. According to the report,

Congress, which enjoys plenary power over Indian tribes, has complicated the picture further by taking various positions throughout history regarding the nature and extent of tribal sovereignty...The uncertainties surrounding the status of Indian tribes within the federal system, together with frequent federal policy shifts, have

¹⁷ Report of the Washington State Attorney General, on file with the authors.

combined to encourage disputes between the State of Washington and Indian tribes within its borders.¹⁸

The major problem with legislation as a mechanism for dispute resolution is its impermanence; it is a solution only until it changes again, as has been demonstrated by the federal government's revolving position on tribal sovereignty.

THE BOLDT DECISION

A major milestone in tribal-state relations in Washington came in 1974, when the U.S. Supreme Court upheld the decision in *U.S. v. Washington*, a salmon rights case commonly referred to as "the Boldt decision" after the judge who decided the case initially. The Boldt decision "affirmed Indian treaty rights to fish in off-reservation locations and allocated half the Washington salmon catch to Indian fishers."¹⁹ The decision, according to anthropologist Bruce Miller, came as a surprise to both Indians and non-Indians. Tribal-state relations quickly deteriorated and acts of violence by non-Indian fishermen against Indian fishing camps erupted. Local press coverage only exacerbated the acrimony between non-Indians and Indians. According to Miller, during and after court proceedings, there "came a tremendous outpouring of articles on the fisheries issue. One hundred eighty-one articles appeared on this topic between 1971 and 1983, dwarfing all other categories reporting on Indians."²⁰ The *Skagit Valley Herald* took a decidedly negative stance on the decision, running stories with pictures of "happy Indian fishermen 'making up to \$600 a drift,'" contrasted with stories of white fisherman "forced out of fishing."²¹ The contention leading up to the Boldt litigation and the frictions that followed the decision set a lasting combative tone for relations between many Indians

¹⁸ Ibid., pp. 7-8.

¹⁹ Miller, Bruce G. "The Press, the Boldt Decision, and Indian-White Relations," in the *American Indian Culture and Research Journal* 17:2 (1993) 76-77.

²⁰ Ibid., p. 84.

²¹ Ibid., p. 85.

and non-Indians and between some tribal governments and neighboring communities in the state.

BUILDING PARTNERSHIPS WITH THE STATE

Despite the acrimony created by the Boldt decision, the political landscape has undergone dramatic change in the intervening decades. The emergence of the Indian gaming industry has allowed many Washington tribes, including the Tulalip Tribes, the chance to develop and diversify their economies and made increased involvement between state and tribal governments necessary, thereby creating a more prominent place for tribes within the political life of the state.

The passage of the Indian Gaming Regulatory Act (IGRA)²² in 1988 can be considered a key turning point in this process. IGRA was among the first documents in the history of federal Indian policy to force state governments into partnerships with tribal governments. IGRA requires that tribes seeking to develop Class III (or casino-style) gaming first negotiate a compact with the state. Reaction to this requirement has been mixed. Some tribes have resisted, claiming that the compacting requirement is an infringement of tribal sovereignty. Others, like Tulalip, have used partnerships with the state government and others as a way to exercise, and even expand, their tribal sovereignty.

Tulalip has adopted a collaborative approach when dealing with other governments at every level, from federal to state to local. John McCoy, director of the Tulalip Tribes' governmental affairs office and a member of the Washington House of Representatives, explained how this approach has worked for Tulalip while discussing a road improvement project on the Reservation:

[When we were in the process of starting our governmental affairs office,] I started going to meetings all over the county and state, and talking to people about

²² 25 USC § 2701 *et seq.*

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how we could get things done together. I heard about this transportation meeting for the County, and I went, and they had everyone at the meeting list the projects they thought needed to be taken care of. I said Marine Drive. Once they had everyone's ideas listed, they gave each of us five dots, and told us to place dots next to our top five priorities. I put all five of my dots next to Marine Drive. It didn't get near enough dots to make it into the top five, but at the end of the meeting, the [Snohomish] County Executive was on his way out the door and pulled me aside. 'I've been tripping over you everywhere,' he said. And we agreed to meet. Later I showed him statistics saying that all of the people who had died on that road in the past ten years had been non-Indians, and I told him 'These are your constituents dying on this road.' After that, he agreed to work with us to widen the road."²³

As a result the Tulalip Tribes partnered with Snohomish County to widen Marine Drive.

At the root of the Tulalip Tribes' relationship-building has been their increasing integration into the local and regional economies. Since the opening of the original Tulalip Bingo & Casino in 1992, the Tulalip Tribes have extended their economic reach into a number of different economic arenas with each investment, each time requiring cooperation with new outside parties on new intergovernmental issues. Current non-gaming tribal enterprises include an incorporated village and its associated mall development, a cablevision company, continued land leasing, a marine moorage, and a liquor store.²⁴ The Tribes' involvement in a broad variety of industries invites and even requires a multitude of layered partnerships within the local community, with the state and even at the national level. The interdependence of regional economic vitality and that of the

²³ McCoy, John, personal communication, May 20, 2003.

²⁴ McCoy, John, personal communication, May 20, 2003 and May 23, 2003.

reservation has created a “coalition of advocates,” for Tulalip, according to Quil Ceda Business Park Manager T. Peter Mills.²⁵ Nowhere is this better exemplified than in the venture that he helps manage: the Consolidated Borough of Quil Ceda Village.

QUIL CEDA VILLAGE

In the early 1990s, the Tulalip Board of Directors—the elected governing body of the Tribes—approached the Tulalip Economic Development Department with the challenge to create a plan for re-developing 2,000 acres of tribal land. The proposed development site sat adjacent to Interstate 5, the major north-south artery traversing eastern Puget Sound, and contained a vacant facility that had been leased to Boeing for years and some sensitive wetland. To implement the plan, the Tulalip Executive Board allocated gaming revenues from the tribal casino which had placed the Tribes in the historically unusual position of having a source of available capital.

The goals of the tribal leadership were both economic and political. In order to diversify and expand the tribe’s economic base, the Executive Board committed itself to launching business ventures in economic niches far less politically vulnerable than gaming, which is both politically contentious and heavily reliant on federal and state regulatory policies for its economic viability. Tribal leaders were adamant that the Tribe, not outside developers, manage development initiatives. The Economic Development Department decided to create a business park on the site and to use physical, legal, and political infrastructure in order to draw tenants to the site.

The Consolidated Borough of Quil Ceda Village is a tribally chartered political subdivision which has grown substantially since its establishment in 2000. The heart of the Village is a thriving business park and retail center anchored by Wal-Mart and Home Depot. Also among the Village’s twelve commercial

²⁵Mills, T. Peter, Quil Ceda Business Park Manager, personal communication, May 20, 2003.

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tenants are restaurants, a salon, and a golf store. In June 2003, the Tribe opened its new \$72 million casino on the north side of the Village and directly adjacent to the shopping center and the Tribes intend to expand the Village by adding a 180-unit shopping mall.

Originally, when the Tribes first conceptualized Quil Ceda Village, the intent was to have all of the vendors in the strip mall be tribal members. According to Mike Gobin, a manager at the casino and former struggling fisherman:

We tried very hard to get individual tribal members in there but it became quite apparent that their marketing and financial plans were not there, [and] we would have just set them up for failure.²⁶

Thus, while some shops like the Port of Subs restaurant are owned by Tulalip tribal members, and an art gallery featuring exclusively local artists is planned,²⁷ most of the businesses leasing space at Quil Ceda are non-tribal. Despite these modest beginnings in tribally owned business, the Village has created over 400 jobs for which tribal members have preference.²⁸

As tribal leaders are quick to point out, the Village also has much broader economic and political ramifications for the Tribes. The Village has established tribal ownership of a valuable and growing economic base, created and strengthened the decision-making capacity of a local Tulalip political subdivision, and fostered stronger relationships with surrounding businesses and communities. It also provides substantial lease revenue and may someday provide tribal tax revenue—a rare benefit of reservation economies due to the generally balkanized state of Indian tax jurisdiction.

²⁶ Ibid.

²⁷ Gobin, Mike, personal communication, May 22, 2003.

²⁸ Mills, T. Peter, personal communication, May 20, 2002.

The Village's success is directly attributable to its highly innovative legal and political structure. How this structure developed and how it has benefited the Tulalip community holds important lessons for other tribal nations throughout Indian Country. Quil Ceda's structure derives from the efforts of a number of people, including, perhaps most centrally, current Village Director John McCoy and Tulalip attorney Michael Taylor. Both McCoy and Taylor were part of the original team charged with developing the legal framework of the Village in the early 1990's. From the very beginning, Taylor said, the Tribe placed its highest priority on developing a project that would allow Tulalip tribal members to benefit directly from the Tribe's exclusive ownership of that project. Taylor and McCoy wanted to leverage tribal gaming revenues to diversify the economic opportunities available to tribal members. The idea for the Village sprang from Taylor and McCoy's belief that a commercial center would allow tribal members to participate in all sectors of the economy, from owning and operating stores in the park, to serving as commercial vendors, tenants, or working as paid employees.

The initial challenge involved designing an effective legal and political blueprint for the commercial center. The ideal structure was to allow Tulalip to impose a tribal sales tax on all transactions that took place at the Village's commercial center, a goal made more difficult to achieve by the unwieldy nature of Indian tax law. According to McCoy, Taylor, who was teaching at the University of Washington's Law School at the time, made a class project out of finding the legal framework that would accomplish the Tribes' goals.

He went to the students and he said this is your class project: you're to go back to the very first case dealing with Indians and taxation...and find every lawsuit that there ever was and then build us a road map.²⁹

²⁹ McCoy, John, personal communication, May 20, 2003.

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The village concept took four years to complete, and in the summer of 2000 Taylor presented the model to the tribal government.³⁰ The research conducted by Taylor and his students found that the Tribe could levy a sales tax if the following three requirements were met:

1. The commercial center was located entirely on trust land;
2. The commercial center was managed by the Tribe or a political subdivision thereof; and
3. The Tribe provided all services and infrastructure to the commercial center and its tenants.

Although the Tribe itself met these three legal criteria, the idea of creating a separate political subdivision within the Tribe appealed to McCoy's and Taylor's instincts about the potential political hurdles of imposing taxation on retailers in the Village. McCoy described the need to analogize to something policymakers were familiar with:

When I talk to people in the legislature and I talk about tribal government, people's eyes roll back in their head and they get this glazed look over their face. They don't understand it. But when I talk about a village or municipal government, they understand.³¹

³⁰ McCoy, John, "Imposing Tribal Taxes: The Quil Ceda Village Model," presented at the "Symposium on the Economic Diversification of Gaming Revenues by American Indian Nations," Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University, Cambridge, MA, Jan. 7, 2003.

³¹ McCoy, John. "Imposing Tribal Taxes: The Quil Ceda Village Model," presented at the "Symposium on the Economic Diversification of Gaming Revenues by American Indian Nations," Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University, Cambridge, MA, Jan. 7, 2003.

It was necessary to obtain the support of legislators because under Indian tax precedents, the Tulalip Tribes share taxing authority and jurisdiction with the State of Washington on sales to non-Indians within reservation boundaries, and yet the Tribes did not want to double-tax their tenants' customers by levying yet more taxes after state, county, and municipal rates. Leaders like McCoy and Taylor believed that forming an arm of local government—the Village—would reinforce the Tribes' right to levy and collect a sales tax. Since municipalities can collect sales taxes as political subdivisions of the state, they therefore argued that the Village, as a political subdivision of the Tribe, should have the right to do the same.

This idea was unique to Indian Country. In October 2000, the Tulalip Executive Board passed legislation allowing for the creation of tribal political subdivisions. Shortly thereafter, the Tribe chartered the Consolidated Borough of Quil Ceda Village, the boundaries of which encompass not only the business park and acreage for future development, but also reserved undeveloped acreage, which has been dedicated for park land and a wetland watershed.

The Village charter gives it broad governing authority. Its powers are similar to those of any non-Indian municipality and include taxing and police powers, annexation powers, and the right of eminent domain. The Village also takes on responsibility for the safety, health and welfare of all persons within the Village. The Village may enter into political agreements or contracts with other governments including other Indian tribes, states, and agencies of the federal government.³² Article II of the Quil Ceda Village Charter states that the Village council should be composed a president and six council members elected by a vote of the tribal Board of Directors.³³ Currently, the

³² Charter of the Consolidated Borough of Quil Ceda Village, Article I, Section 4.

³³ Charter of the Consolidated Borough of Quil Ceda Village, Article II, Section 2.

Village president and council members also serve as members of the Tulalip Executive Board.

Research on tribal governance and economic development reveals that there are potential hazards in mixing politics with business and that efficiency in both areas generally improves once they are separated.³⁴ However, maintaining close ties and overlapping membership between the Executive Board, Tulalip's main governing body, and the Village, one of Tulalip's main corporate development bodies, has served Tulalip interests well. In part, the arrangement is effective because each body is charged with carrying out specific, distinct functions and an effective avenue of communication is maintained between the two without bringing political micromanagement with it. "The Board has become very adept at wearing different hats," according to Peter Mills. "They can come over here and be businessmen, then go back there and be politicians."³⁵

From a structural perspective, the close linkage of the Board and Village governance systems is logical because Quil Ceda is much more than simply an economic development initiative. In addition to attracting and supporting business, the Quil Ceda government handles a number of complex civic governance issues, such as zoning, planning, and infrastructure, which demand the resources and attention of the Executive Board. The arrangement also allows the Village Council to serve as a liaison between leaseholders and the tribal government. "We strive to make leaseholders feel like they are a part of the community," said Bray. For example, leaseholders receive invitations to participate in community events hosted by the Tribe. Bray

³⁴ See Cornell, Stephen and Joseph P. Kalt, "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations." Joint Occasional Papers in Native Affairs, No. 2003-02. Native Nations Institute and the Harvard Project on American Indian Economic Development.

³⁵ Mills, T. Peter, personal communication, May 20, 2003.

believes that this integration creates a more cooperative working environment.³⁶

Since its formation, the Village has bolstered its *de facto* case for taxing authority by financing and implementing all of the infrastructural improvements within its boundaries—without assistance from state or local governments. Over a period of 18 months ending in early 2004, the Village spent \$65 million to lay roads, install sewer lines, lay electrical lines, provide emergency services, and post signage. Notwithstanding the substantial and inherently governmental nature of these expenditures, the Tribe's efforts to recoup its governmental investments through a Village sales tax have so far proved unsuccessful. In April 2003, for example, the State Legislature failed to pass a bill that would have allowed the Village to receive less than 1% of the sales tax collected by the State from Village customers.

The political structure of the Village has nevertheless provided a host of other benefits not envisioned at the time of its formation. First, as an independent political subdivision of the Tulalip Tribes, the Village Council—unburdened by the tribal government's relatively protracted bureaucratic process—has been able to respond quickly to business opportunities as they arise. It has “the space to act on business imperatives away from political pressures,” according to Village Manager Peter Mills.³⁷ At the same time, the seven Quil Ceda Village Council members who also sit on the Executive Board help to ensure that the commercial and employment benefits of the Village find their way back into the larger tribal community.

Second, the Village has expanded the Tribes' governing capabilities. When the Village was initially established, the Village Council and staff were charged with the task of providing police security, fire protection, zoning, road construction and maintenance, sewer and water, phone service, EMS, and signage. Uncertain that they could apply other Indian

³⁶ Bray, Debra, personal communication, May 22, 2003.

³⁷ Mills, T. Peter, personal communication, May 20, 2003.

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Country models for such services to their unique situation, they instead developed village ordinances ranging from zoning to telecommunications from scratch.³⁸ Today, other tribes, seeing the Village's success, have requested assistance from Village staff members to develop similar codes and ordinances.³⁹

Third, the close proximity of Village Council members and staff to its commercial tenants has allowed for close communication between the two parties, facilitating dispute resolution. For example, some Tulalip members had voiced concerns about letting non-Indians start business in their community. In response, Village management took potential tenants to the tribal community to hear concerns early in the process. Through this process, one member's concerns about the proposed development of a particular area that was formerly undisturbed grassland resulted in the construction of a nature trail and walking path in the preserved watershed area behind the business park.

Quil Ceda Village has become one of the top shopping destinations in the Puget Sound area and little of it would have been possible without gaming revenue. Pointing again to the indirect and intangible benefits of economic development at Tulalip, Taylor credits gaming with providing the Village with a financial cushion to learn from its mistakes, the confidence to take bold yet calculated risks, the freedom to create innovative governance and business models, and valuable experience in forming mutually beneficial partnerships. Most importantly, it raised the Tribes' expectations of what was possible and equipped tribal members with the confidence and resources to realize them. Ultimately, according to Taylor,

³⁸ Bray, Debra personal communication, May 22, 2003.

³⁹ In 2003, the Quil Ceda Village was awarded "High Honors" by Harvard's Honoring Nations Program, which recognizes excellence and innovation in tribal governance. For more information, see www.ksg.harvard.edu/hpaied.

The [Quil Ceda] model is a philosophical one. It's a commitment to seek out, to train, [and] to make it clear to your people that you want to put them in positions of responsibility. Quil Ceda Village creates the place to do this.⁴⁰

TULALIP BINGO AND CASINO

Within Quil Ceda, the Tribes completed a new, larger casino facility in June 2003. The casino operates 2,000 video slot machines, 49 gaming tables, 10 poker tables in a specially-designated poker room,⁴¹ and a 10-table “high roller room” for blackjack players on the 2.2-acre gaming floor.⁴² The current tribal-state gaming compact between the tribes and the State of Washington allows a maximum of 1,500 machines per tribe; however, tribes may lease machines from other tribes who do not utilize their total allotment because they either have small-scale gaming operations or none at all. Tulalip has leased an additional 500 machines from other tribes for the new casino.⁴³ The facility employs around 1,400 people, roughly half of whom are Tulalip tribal members.

The casino also has indirectly employed people in a wide variety of sectors, from construction to traditional crafts. Tribal member Mike Gobin noted that construction of the new casino, along with construction of the new health center, has allowed Tulalip to commission reservation artisans—including Gobin’s niece and sister-in-law—to produce artwork and examples of tribal material culture for display at the casino and health center. “It provides opportunities for artists who don’t want to work at the casino.” Gobin, himself an artist, has worked in tribal gaming since Tulalip’s first casino opened in 1992. He started as a craps

⁴⁰ Taylor, Michael, personal communication, May 19, 2003.

⁴¹ McCoy, John, personal communication, May 23, 2003.

⁴² Tulalip Bingo and Casino promotional materials, obtained from Chuck James, May 22, 2003.

⁴³ Parker, Allen, personal communication, May 23, 2003, and McCoy, John, personal communication, May 24, 2003.

dealer and has worked his way up to his current position of Table Games Shift Manager.⁴⁴ “The casino’s opening was perfect timing for me,” said Gobin, who served in the US Navy and then worked in construction until a back injury made future construction work impossible. Gobin’s three children also work in casino management. The casino, he said, has pulled people out of poverty and brought pride and improved morale to the community.

THE TULALIP GAMING AUTHORITY

The influx of new employees has provided a test of sorts for the Tulalip Gaming Authority (TGA), which is charged—along with regulating gaming on the Reservation—with performing background checks on all Tulalip Bingo and Casino employees. The TGA works under the authority of the Tulalip Gaming Commission, a seven-member elected body. Commissioners are elected by the tribal membership and serve staggered three-year terms. Commissioners must be enrolled members of the Tulalip Tribes, must be at least 21 years of age, and must never have been convicted of a felony or misdemeanor involving dishonesty. Before taking office, every Commissioner must enter into a surety bond or obtain employee dishonesty insurance and/or public official error and omission insurance. Commissioners also must take an oath of office pursuant to tribal bylaws. Each year, the Commission appoints three Commissioners to serve as its Chairman, Vice-Chairman, and Secretary.⁴⁵

The Gaming Ordinance authorizes the Commission to hire a TGA Director, “who shall be the chief administrator and lead enforcement official for the Commission in carrying out its powers and duties.”⁴⁶ The Ordinance also authorizes the director to hire staff as approved by the Commission. The current TGA

⁴⁴ Gobin, Mike, personal communication, May 22, 2003.

⁴⁵ Tulalip Tribal Gaming Ordinance No. 55A, Sections 1B and 2a-c.

⁴⁶ Tulalip Tribal Gaming Ordinance No. 55A, Section 6a.

has a staff of 52.⁴⁷ The TGA works with the Washington State Gaming Commission on licensing, but as the TGA has become more sophisticated, the responsibility for licensing has shifted more and more towards the TGA. A Memorandum of Agreement (MOA) with the State allows the TGA to place Class III employees on the gaming floor under their own license, while the State processes the license application and background check materials. The TGA was the second tribal gaming authority in the country to obtain a fingerprint machine linked directly to the FBI and the National Indian Gaming Commission (NIGC). They also have begun to use internet software that allows them to process background checks more quickly. Tulalip has gained a reputation for its innovation in gaming regulation and its willingness to adapt to new technologies. “Whenever something new comes out that people are thinking about trying, we always hear ‘Let Tulalip do it,’ because we’re always the first to try things.”⁴⁸

TULALIP INNOVATIONS

“Being first” is a trait that is evident throughout not only the TGA but the new casino itself, which incorporates several new technological developments, some of them for the first time on U.S. soil. One of these innovations is the casino’s electrical system, billed as providing the first “uninterruptible” casino electricity supply in the country.⁴⁹ The ventilation system in the casino also relies on ground-breaking technology, using an air-freshening system that brings outside air through the raised floors of the casino and restaurants while pulling the old, smoke-filled air out through vents in the ceiling. The system’s designer, AE Associates of Greeley, Colorado, claims that this system will make the Tulalip Casino “smoke-free” unlike most casinos, where the new air is brought in through ceiling vents, mixing

⁴⁷ Hammons, Lena, Director, Tulalip Gaming Authority, personal communication, May 22, 2003.

⁴⁸ Ibid.

⁴⁹ “Casino is ‘high tech’ facility, says engineer,” *Snohomish County Business Journal*, May 2003 (12-13).

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with the old, smoky air and “pushing down on top of customers.”⁵⁰ The new system changes the air in the casino 30-40 times per hour, a dramatic increase from the typical ventilation system, which refreshes the air approximately six times per hour.⁵¹ And since the air comes in from outside at temperatures of 62-65 degrees, air cooling and heating systems are used less, resulting in projected energy savings of \$500,000 per year.⁵²

The Tulalip Tribes’ new Membrane Waste Water Treatment Plant also represents an innovative approach to meeting the wastewater treatment demands of the new casino. Developed by a Japanese company, the system now in place at Tulalip is only the second to be built in the United States and the first to be constructed by an Indian tribe. Planning for the new sewer plant began when the city of Marysville declined to partner with Tulalip on expanding the existing facility to accommodate the needs of the new casino and other planned development. McCoy, Mills, and others in the tribal government traveled to England to see a working version of the plant, which uses advanced membrane technology and operates more efficiently than standard plants. While some tribal members were skeptical about building a wastewater treatment facility on the Reservation, McCoy stated that “the true test of whether it really works” was reflected in the fact that he allowed it to be constructed near his own home.⁵³

The new casino is part of the first phase of a long-term plan to build a full-service destination resort and eventually create a Tulalip economy that can survive independent of gaming. A great deal of the gaming revenue not directed towards social

⁵⁰ Brad Weaver, managing principal, AE Associates, quoted in “Smoky ‘casino air’ will be gone in new Tulalip Casino,” *Snohomish County Business Journal*, May 2003 (9).

⁵¹ McCoy, John, personal communication, May 23, 2003.

⁵² Tulalip Casino promotional materials, obtained from Chuck James, May 22, 2003.

⁵³ McCoy, John, personal communication, May 20, 2003.

programs or paying down the \$130 million construction debt of the new facility is reinvested in business. Currently, the planned resort is slated to add to the existing shopping area and casino a 250-500 room hotel and an RV park.⁵⁴ The central idea behind the resort is both economic diversification and economic transformation, both for the Tulalip Reservation and the local community of Marysville.

Caldie Rogers, President and CEO of the Marysville-Tulalip Chamber of Commerce sees the local economy moving towards tourism as its central industry with Tulalip positioned as a key player. The Marysville Chamber of Commerce was the first Chamber in the country to partner with a tribal government. According to Rogers, the tourism and travel industries currently are the number one employer in the region, and she believes the Marysville/Tulalip region has the potential to become a true destination area, which means that it should offer three days' worth of activities to incoming tourists. Quil Ceda and the new Tulalip Casino have prompted many calls to Rogers from businesses looking to relocate to the area.⁵⁵

For the Tulalip Tribes, the economic transformation is yet again more pronounced in that it represents the economic improvements of owner-controlled resource management. Until relatively recently, many resource-rich Washington reservations did little more than lease their rights to forest and other natural resources to outside companies or developers. In other cases, those resources were managed by the federal government on the tribes' behalf. Tribes received few if any meaningful benefits from such externally driven economic arrangements—arrangements that tended to dissipate economic value and do little to elicit the participation of tribal members or their businesses. According to tribal attorney Michael Taylor,

⁵⁴ Mills, T. Peter, Business Park Manager, personal communication, May 20, 2003 and May 22, 2003.

⁵⁵ Rogers, Caldie, President, Marysville-Tulalip Chamber of Commerce, personal communication, May 19, 2003.

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In Indian economic development, traditionally, if there was a developable resource, a tribe would offer it to the surrounding society and the tribe would lose the resource. Whenever Indian lands were developed, Indian people lost the long-term values of the land because someone else was doing the development. Someone else was learning the lessons you need to learn as a developer to preserve the benefit of resources for your people.⁵⁶

Tribes are evolving away from such approaches, typically by chartering tribal corporations that can reap more than a lease payment or royalty tax from tribal resources. Quil Ceda Village goes a step further and establishes economic policies within a sub-jurisdiction of the Reservation, which then attract business. According to Taylor, Quil Ceda was formed not only to build a tax base for the tribal government, but more importantly to create sustainable employment for tribal members. The Quil Ceda municipality is a fertile ground for a host of different and diverse businesses and represents a substantial leap in the economic diversity of the Reservation economy. Tulalip officials hope that in 10 years there will be 12,500 jobs on the Reservation, with the potential of offering “a career for everyone.”⁵⁷

A case in point is the Tribes’ employment preference policy. Typically when the BIA was the prime decision-maker on a reservation, Indian priority hiring would apply to employees of the tribal government and enterprises. Under the Tulalip Tribes’ version, the preference also applies to tenants in Quil Ceda Village. According to Debra Bray, “We have an employee pool already there, and we ask them to look at our people first when they do their hiring.”⁵⁸ While very few tribal members actually work at Wal-Mart, Home Depot and the other Quil Ceda stores because they can find higher-paying jobs at the casino and elsewhere, requesting that vendors look at the existing

⁵⁶ Taylor, Michael personal communication, May 20, 2002.

⁵⁷ McCoy, John, personal communication, May 20, 2003.

⁵⁸ Bray, Debra personal communication, May 22, 2003.

employment pool embodies the tribes' philosophy of "making it our own." Priority is also given to tribal member-owned businesses when Tulalip is vetting proposals from vendors. The construction of Tulalip's new 227,000 square-foot casino was managed by Mortenson-Gobin, a joint venture between a large national general contracting firm, Mortenson, and Gobin Hauling and Excavating, a local firm owned by a Tulalip tribal member. Almost half (36) of the 83 subcontractors that worked on the construction of the facility were Native-American owned companies, and 90 out of the 197 workers involved at the end of construction were Tulalip tribal members.⁵⁹ The effectiveness of Indian preference under tribal authority was categorically different from what typically was the case under the auspices of the BIA.

The policymaking that lies behind the economic vitality of Quil Ceda Village and which emerged from local—i.e., tribal—innovation is an example of modern Indian self-determination. "Throughout all of the development at Tulalip, there has been a sense that 'we need to have our own people making the decisions'."⁶⁰ Indeed, Tulalip tribal members and employees have consistently prioritized tribal control of and involvement in the economy. In contrast to the outsider-driven development of years past, "Quil Ceda is about figuring out a way for Indians to have their hands deeply immersed in the development of their own resources."⁶¹

Systematic research from Indian Country and economic theory more broadly confirm the superiority in efficiency of such genuine self-government: reservation resources, administrations, and economies are more effectively managed when the tribes themselves are in charge. Tribal control of development leads to more innovative, more appropriate, and more profitable

⁵⁹ "Mortenson-Gobin formed unique teamwork," *Snohomish County Business Journal*, May 2003.

⁶⁰ Taylor, Michael, Tulalip Reservation Attorney, personal communication, May 20, 2003.

⁶¹ Ibid.

management of those resources, in large measure because the stakes are higher for tribal managers than they are for federal managers.⁶² Property rights regimes have garnered a great deal of attention from economists following Nobel laureate Ronald Coase's seminal 1960 article arguing that the assignment and clarity of rights matters for economic performance.⁶³ Empirical studies subsequent to Coase's article show that, while the most efficient property rights regime for a given resource depends upon individual circumstances, "private property rights, when economically feasible, yield substantial gains relative to other regimes."⁶⁴ Private property rights and owner-management have advantages in economic efficiency because the owner has the greatest incentive, relative to a lease-holder, for investments into the long-term productivity of the resource.

Reinvestment at Tulalip is also a matter of community-building, not simply jobs and income. According to Mills, "We can build a synergistic economy and still fail to help the community."⁶⁵ For Tulalip, community building entails, in part, taking a strategic approach to reinvesting in human capital. All levels of education are a high priority, according to Dana Posey, Executive Director of Human Resources. A recent guest speaker at an annual graduation ceremony held by the Tribes was an American Indian doctor, who said he couldn't understand why anyone at Tulalip [would not] have a college degree. "If I could have a free education, I would do it."⁶⁶ In that vein, Tulalip offers a full

⁶² See, e.g., Krepps, Matthew, "Can Tribes Manage Their Own Resources? The 638 Program and American Indian Forestry," in *What Can Tribes Do? Strategies and institutions in American Indian Economic Development*, Los Angeles: American Indian Studies Center, University of California, 1995, (181-203); and Jorgensen, Miriam R. "Bringing the Background Forward: Evidence From Indian Country on the Social and Cultural Determinants of Economic Development." Harvard University, 2000.

⁶³ Coase, R.H. "The Problem of Social Cost," *Journal of Law and Economics* 3 (1960), pp. 1-44

⁶⁴ de Alessi, Louis, "Gains from Private Property: the Empirical Evidence," in Terry L. Anderson and F.S. McChesney, *Property Rights: Cooperation, Conflict and Law* (Princeton 2003), p. 90

⁶⁵ Mills, T. Peter, personal communication, May 20, 2003.

⁶⁶ Posey, Dana, personal communication, May 21, 2003.

scholarship for “any major school programs” for any tribal member wishing to enroll, be it trade school, graduate school or anything in between. The scholarship includes tuition, books, room and board and mileage expenses. According to Posey, the scholarship program has been one of the most beneficial impacts of gaming.⁶⁷

Other investments in education by the Tulalip Tribes include the Tulalip Tribes Montessori Pre-School, Kindergarten and Elementary Program. This program, according to Posey, was developed with gaming revenue,⁶⁸ and is designed to provide

a multi-age pre-school, kindergarten and early elementary education program for children ages three through age nine. The Montessori approach encourages self-discipline and self-motivation toward academic achievement.⁶⁹

Tulalip also operates the Heritage School, a school in the local Marysville School District, the state’s largest. The Heritage School is an optional school within the Marysville school system, meaning that students must opt to go there. It used to be “the alternative school,” according to John McCoy.

In other words, you had to screw up in town and you got sent back to the Reservation to be educated there. Well, we found kids were deliberately screwing up...so they could get sent back home to the Reservation.⁷⁰

In order to reverse this trend, Tulalip worked with the school district to designate it as an opt-in school. The school is in its

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Tulalip Tribes Services Directory.

⁷⁰ McCoy, John, “Imposing Tribal Taxes: The Quil Ceda Village Model,” presented at the “Symposium on the Economic Diversification of Gaming Revenues by American Indian Nations,” Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University, Cambridge, MA, Jan. 7, 2003.

third year and currently educates 115 students. In addition to the standard curriculum, the school offers *Lushootseed* language classes and courses on Tulalip history.⁷¹

Meanwhile, to the 100 or so seniors living on the Reservation, Tulalip now offers a host of services through the Tulalip Elders' Services Department. The Tulalip Senior Center, funded jointly by grants and gaming revenues, has a staff of six and is open five days per week. The Senior Center holds bingo nights twice a week, arts-and-crafts events once a week, two overnight trips per year to senior meetings on other reservations, and other events. Every Wednesday night, the seniors can play tribal bingo for free, and the center also arranges trips to local fairs. The Department also owns four vans to transport seniors to the grocery store or to doctor's appointments, and employs a carpenter for seniors needing minor home repairs. The Tulalip tribal retirement home, fully licensed by the state, is open not only to tribal members but also to the general public. In operation for twelve years, it is now subsidized by casino revenues.⁷² Among its many other social services, the Tribes' funeral program deserves specific mention. When a tribal member dies, Tulalip pays for all of that member's funeral expenses, including burial in the tribally-owned cemetery and the composition of a professional video honoring the deceased. The typical funeral costs anywhere from \$6,000 to \$10,000, and is attended by 300-500 people.⁷³

The rebuilding of Tulalip's community and economy has been characterized and strengthened by partnerships, particularly those forged in recent years. One example is Tulalip's partnership with the Boys & Girls Clubs of America. The Tulalip Boys & Girls Club opened in 1995. It was originally located at the Tulalip Elementary School, and a building constructed for the exclusive use of the Boys & Girls Club opened in 1997 across from the elementary school. The school's

⁷¹ Ibid.

⁷² Carpenter, Virginia, personal communication, June 3, 2003.

⁷³ Posey, Dana personal communication, May 21, 2003.

students have access to the Club's facilities, such as the computer lab, during the day and after school. "The Tulalip Boys & Girls Club is the only club in the country that's 100% subsidized," said Tsoukalas. "Other clubs rely on an umbrella fund raised by the national Boys & Girls Club organization." According to Tsoukalas, the Tulalip Club is also unusual in the number of full-time, salaried staff it employs—far more than most clubs.⁷⁴

The Tulalip Tribes have also partnered extensively with nearby universities, particularly under arrangements that allow tribal students to assist with the development and implementation of the Tribes' strategic projects under guidance from educators at the University of Washington and Everett Community College. One such initiative involves the University of Washington's Law School and its Tribal Court Criminal Defense Clinic. The Clinic provides legal representation for low-income Tulalip tribal members who have been charged in tribal court with criminal offenses.⁷⁵ The Clinic is staffed by eight law school students who are assigned cases from January through June.⁷⁶

Tulalip has also partnered with Everett Community College and the University of Washington-Bothell to update technological capabilities on the Reservation. The Tulalip Data Services (TDS) project was developed in 1994 to conduct a needs assessment for the reservation, which at the time was equipped with only six desktop computers for use by the tribal government.⁷⁷ Project manager John McCoy, together with Charlie Earl of Everett Community College and William Erdly of the University of Washington-Bothell, handpicked students with "both technical and people skills" and turned the needs-assessment project into a

⁷⁴ Ibid.

⁷⁵ To be considered "low-income," a defendant must have a household income below \$32,200.

⁷⁶ University of Washington Tribal Court Criminal Defense Clinic July 2002-April 2003 Report; Robert Anderson, personal communication, May 21, 2003.

⁷⁷ McCoy, John, personal communication, May 20, 2003.

for-credit internship.⁷⁸ The team then conducted a comprehensive assessment of the Tulalip Reservation's technology needs, a process that included everything from measuring buildings on the Reservation that had been built without blueprints to conceptualizing some of the "most advanced technology out there". "It was very exciting," said Erdly, who had previously worked at a Seattle "dot com" shortly before the Tulalip Data Services project began. "I went from a high-rise in downtown Seattle to a double-wide in the middle of the Reservation, and both places had the same atmosphere, and we were using similar if not more advanced technology."⁷⁹

Once the needs assessment was completed, the Tulalip Tribes relied upon the students to implement the policies they had recommended. Each student working on the ongoing project updates a particular technological component, structuring it as a semester-long project. The students are assisted by Tulalip's Information technology staff, which consists of a number of University of Washington-Bothell graduates who worked with Tulalip Data Services prior to their graduation. At the conclusion of their projects, they give presentations to Erdly and other Tulalip representatives.

These partnerships advance two strategies. First, they provide access to innovation in specialized areas at less cost than through consultants or other private-sector sources. As Erdly observed, the academic institutions "have a workforce available that can work for credits instead of a salary."⁸⁰ In this symbiotic relationship, the students receive both academic credit and real-world work experience, while Tulalip can afford to deploy a larger team than would otherwise be the case to upgrade its systems faster. Second, the partnerships are consistent with the Tribe's dedication to education. The mentoring environment inherent in this practical approach to post-secondary education means tribal members obtain the on-the-job skills necessary to

⁷⁸ William Erdly, Ph.D., personal communication, May 23, 2003.

⁷⁹ Ibid.

⁸⁰ Ibid.

support such programs in the future. Already, a number of the full-time employees working in TDS are tribal members.⁸¹

CONCLUSION

Development and the cultural, economic, and organizational transformation that accompany it are often slow processes, yet Tulalip is already undergoing dramatic changes. A community that was once marginalized and relatively closed to the outside world now welcomes outsiders of all types into its midst. Tribal members who once suffered the effects of long-lasting poverty and unemployment now have not only job opportunities but career opportunities. Children who once barely dreamed of going to college can now make that dream a reality and come back to the tribe to work.

Of course, with economic success comes rising public scrutiny. The generally higher profile of the Tulalip government and the plainly visible and widely known success of its gaming facilities and Quil Ceda Village have made it a target of media inquiry (and even hostility) and state demands for revenue. And yet Tulalip's recent accomplishments have contributed to an increasingly positive outlook for Tulalip among tribal members and an increasingly positive image in the minds of outsiders. When Mike Taylor first arrived at the Reservation over a decade ago, he did what he had done at previous reservations and set up a reservation attorney's office.

When I first put the sign on my door, people were insulted by the name 'Reservation Attorney's Office.' At that time, being from the Reservation was considered a bad thing. The Reservation had a bad connotation.⁸²

Now, that perception is changing—the Reservation is an engine of social change and regional economic vitality.

⁸¹ Ibid.

⁸² Taylor, Michael, personal communication, May 20, 2003.

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This is not the first time the members of the Tulalip Tribes have undergone significant social and cultural change. Like most tribes across the country, the tribes composing the group now known as the Tulalip Tribes have faced difficult challenges and a great deal of social change over the course of their history. The Treaty of Point Elliott consolidated several unrelated tribes onto one reservation, forcing them to create one community out of many. Encroaching development and shifting federal policies made the maintenance of traditional ways of life extremely difficult. Habitat changes and over-harvesting caused declines in the salmon population that forced Tulalip to look to other sources of revenue and employment for tribal members.

Of the many investments and adaptations that the Tulalip Tribes have made recently, the two most prominent—partnerships and education—are cementing the foundation for Tulalip’s continued success. The multiple partnerships Tulalip has formed have created a strong bloc of support for the Tribes. Before encroachment into their territory, the Tulalip Tribes were able to freely form partnerships and interact economically with their neighbors—trade and intergovernmental coordination were key features of life then. Today, the Tulalip Tribes are once again forming alliances as a sovereign government. These alliances benefit the Tribes by enabling them to harness their unique cultural and natural resources and to take advantage of new innovations. They also create an interdependency whereby Tulalip’s neighboring communities have a vested interest in its future success. Likewise, as the Tribes invest in education, they are investing in a resource that will continue to yield dividends to the community: their members’ human capital. Both partnerships and education should go far toward ensuring that the positive changes of the past years are not reversed and that tribally-driven socioeconomic change will continue to benefit Tulalip tribal members into the future.

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