In this paper, I foreground the concept of economic sovereignty in order to clarify strategies that undergird the practices of, and hindrances to, political sovereignty. I argue that current critical discourses on sovereignty can be significantly furthered with careful examination of the framework of economic strategies that support, and are often driving forces of, these political actions. To illustrate the importance of these complex strategies, I focus on the Eastern Band of Cherokee Indians’ (EBCI) casino and small-business markets during the volatile years of the Great Recession. This discussion begins by investigating continued Native Nation economic precarity in the context of economic actions taken by US governments specifically with regard to gaming regulation. I then explain the strategic methods by which Native Nations have addressed and mitigated some of these incursions, thereby highlighting how such strategies disrupt the settler—colonial narrative of the agency-less indigenous state. These strategies are enacted at both government and individual levels through (1) the economic development experiences of Native Nations in relation to their distinctive hybrid political–economic governmental structures, such as the EBCI’s charter of incorporation that also serves as its national constitution, and (2) the strength of the EBCI
small-business market in supporting these efforts. In arguing for this framework of economic strategies, this study contributes to understandings of global indigenous communities’ current strengths and vulnerabilities by thoroughly disentangling models of economic sovereignty from economic power, demonstrating how discussions of political economy must engage with issues of economic sovereignty.

**Keywords:** Economic sovereignty; indigenous economic development; entrepreneurship; gaming; American Indians; Cherokee

**INTRODUCTION**

In 1997, the Eastern Band of Cherokee Indians (EBCI, Eastern Band) officially opened its first Harrah’s Cherokee Casino Resort (“Cherokee Casino” hereafter) on its homeland, the Qualla Boundary, in Cherokee, North Carolina. The Cherokee Casino, managed by Caesars Entertainment Corporation, became successful almost immediately, going on to earn US$513 million in 2013 alone. This increase in economic power (i.e., the flow of profits and earnings, plus influence on regional economies) has had many beneficial impacts, both for individuals and for the state as a whole. These benefits include economic growth and development of regional infrastructure, cultural reclamation resurgence and increased employment. Eastern Band citizens now have access to new schools (including a Cherokee language immersion school), a new hospital and a new justice center, and they receive twice-yearly dividend payments (also called “per caps”) as corporate casino shareholders. These dividends, in turn, support the foundational Qualla Boundary small-business market by, for example, providing financial support to business owners and employees during the slow winter off-season. Unemployment in regional counties that the central Qualla Boundary straddles, once the highest in North Carolina, now regularly falls under statewide levels, decreasing to 10.7% in 2010 and 5.7% in 2015 (Lewis, 2017). The EBCI also cooperatively launched a fiber-optic network, laying over 300 miles of fiber in 10 counties throughout North Carolina, Georgia and Tennessee after established companies refused to expand their infrastructure into the region due to the rugged conditions and low population density. This network now provides vital internet access to facilities such as hospitals and schools (Lewis, 2019). The gaming industry has consequently transformed not only the Qualla Boundary but also Western North Carolina and the state as a whole. It has also instigated massive shifts in the economic and political power dynamics that continue to transform EBCI economic sovereignty practices.

In examining these most recent EBCI economic development efforts, I argue for a more thoughtful construction of “economic sovereignty,” the concept of securing authority over economic choices that support a sustainably stable and resilient economy while protecting economic bases (Lewis, 2019). Such economic sovereignty is located at the nexus of comprehensive state-level sovereignty practices and economic self-determination (the capacity of an individual
or state for autonomous economic decision-making); economic sovereignty thus focuses specifically on the autonomy of state actions in economic choice. The exercise of this economic sovereignty is not only reliant upon political sovereignty, but also rests on a fulcrum of economic power that balances Native Nations’ needs with settler—colonial entanglements. This balance necessitates that Native Nations enact a framework of strategies to retain and promote economic sovereignty practices. Therefore, this framework must take into account that while too little economic power compromises Native Nation sovereignty practices (such as the ability to financially support governmental management), too much economic power may instigate settler—colonial attacks against Native Nations’ sovereignty (Cattelino, 2010).

I illustrate the necessity and complexities of economic sovereignty through ethnographic exploration of the EBCI economy during the Great Recession. During this time, existing economic precarity was compounded by both the recession as well as EBCI reliance on the new and lucrative governmentally owned casino. At the local level, the establishment of the casino triggered uncertainty and instability for the EBCI’s long-standing private small businesses; at the governmental level, instability was caused by increasing state intrusions. For the EBCI and its citizens, the ability to practice economic sovereignty was imperative for the sustainability of its economy, which faced increasing state demands for profit sharing, a decline in tourism to the EBCI homeland, precipitously diminishing investments, and threats from competing markets. The choices made by the EBCI and its citizens in addressing these challenges laid the foundation for the next decade of economic recovery, one that was based on a search for economic diversity that reached beyond EBCI-owned enterprises into the small-business market.3 Examining these challenges and responses allows us to understand not only the crucial differences between economic power and economic sovereignty, but also how increases in economic power can potentially exacerbate precarity.

One goal of this paper then is to bring certain tacit assumptions about the intersections of economic and political structures to the forefront: for instance, the interplay of the EBCI government’s distinctive political—economic hybrid structures (including its ownership of casinos, the current primary driver of the EBCI economy) with privately owned businesses that guided the aforementioned recovery choices. Explicating these underlying structures sheds light on economic sovereignty practices and, thus, on these structures’ relations to political sovereignty and the institutions that manipulate and are manipulated by it. These structures and their intersections that support political sovereignty practices will be analyzed at three scales: (1) external EBCI political relationships (e.g., the state’s desire for access to Native Nation resources), (2) internal EBCI governmental decisions, as a political—economic hybrid structure, regarding its resources, and (3) Eastern Band individuals’ impacts in supporting these structures and, ultimately, economic sovereignty through small business activities.
ECONOMIC SOVEREIGNTY

Much contemporary anthropological scholarship by Native North American researchers on the topic of sovereignty has, importantly, placed primacy on the political and legal strategies of the nations under consideration. For this paper, I draw from their autonomy-based constructions of sovereignty, although others have critically argued for alternative meanings (Cattelino, 2008; Lambert, 2007). For federally recognized Native Nations in particular, research on political sovereignty has included discussions of the most effective methods for bolstering governmental structures and practices so that these nations can effectively exercise this inherent form of authority. This vital research has delved into debates ranging from the politics of recognition on the individual (Simpson, 2007) and federal levels (Kauanui, 2008) to entanglements with US national policies (Dennison, 2012) that vacillate between advocating for termination of sovereignty (Cattelino, 2010) and supporting Native Nation sovereignty (Manuelito, 2005). Although the political and legal circumstances vary widely for indigenous peoples internationally, the recent and markedly diverse scholarship on global indigenous autonomy movements has taken up many of these same concerns and actions. This is especially apparent in Latin American scholarship, which has addressed constitutional reform (Van Cott, 2001), the coalescing of diverse streams of political activism (Colloredo-Mansfeld, 2009), formations of modern indigenous political identities (Yashar, 2005), and global implications of indigenous political activism (Brysk, 2000; Nash, 2001).

Implicit in these political works and debates is the importance of economic self-determination, which has always been a critical element of political sovereignty. For example, in the United States, political policies regarding American Indian blood quantum were created and utilized to seize Native land, thus stripping economic bases (Stremlau, 2011; Sturm, 2002). Once these federal policies impoverished Native Nations, poverty (blamed on indigenous financial “incompetence”) was used to justify further political intervention via the embedding of US government appointees as leaders of Native Nations and managers of Native Nation resources under the Bureau of Indian Affairs (Conley, 2008). In some cases, those Native Nations that had access to — and were able to retain some control over — valuable resources were more able to defend themselves legally against a variety of such federal and state intrusions. Historically, some Native Nations accomplished this by mobilizing wealth generated by oil and mineral extraction. One example is the Osage Nation which, like the EBCI, bought its own land; later, the land was found to contain significant oil reserves. As a result, the Osage not only have mineral rights but also held the only reservation (as federally defined) in Oklahoma until 2010, when the Oklahoma Tax Commission challenged the reservation status in order to assess personal income taxes from Osage citizens employed on Osage land (Dennison, 2012, p. 153). Since the late twentieth century, the economic power gained from gaming operations has similarly bolstered the governance capacities of several Native Nations (Cattelino, 2008). The Harvard Project on Native American Economic Development and the Native Nations Institute focus much of their substantial...
research on these types of top-down economic dimensions of Native Nation sovereignty (Malcolm Wiener Center for Social Policy, 2008). Because these processes of economic self-determination and political sovereignty are so interdependent, economic strategies must be carefully examined to create a more nuanced understanding of the overarching concept of sovereignty.

Isolating economic sovereignty as a heuristic device enables this nuanced discussion of sovereignty because it allows us to specifically address the ability of Native Nations to exercise their inherent state-level authority through economic strategies. These strategies further two goals of economic sovereignty for Native Nations, which I define as (1) establishing and maintaining a sustainably stable economy (i.e., an economy that is robust and resilient enough to consistently and reliably serve the needs of the citizenry) and (2) protecting economic bases. Economic sovereignty thus includes the ability to choose and administer the following through one’s own institutions: an economic system (freely expressing the practices therein); degrees of interrelation with and reliance on outside economic systems and institutions; types of economic-base utilization (such as land); types and extents of development priorities, strategies, and projects, if desired (United Nations, 2007; Article 23); and establishment and regulation of internal economic structures (businesses, government entities, banks, etc.) and labor practices. As with political sovereignty, this autonomy is constrained in practice by many factors. For Native Nations, such constraints include federal regulations on currency creation, land ownership, and even distribution of Native Nation revenues, as shown by the Indian Gaming and Regulatory Act (IGRA) and its associated state compacting (a type of contractual agreement that is required in many circumstances by IGRA between a state and a Native Nation).

For many Native Nations such as the EBCI, economic sovereignty also depends on hybrid structures of political—economic institutions. All governing bodies are, of course, economic structures with instrumental effects on economies (e.g., regulation), but the forms of hybridity found in Native Nation political—economic structures are distinctive compared to US governance institutions. Indeed, the EBCI governmental entity is itself a hybrid structure, beginning with its national constitutional coalescence under the protective shelter of incorporation. When economic sovereignty is enacted through hybrid structures, such as for-profit Native Nation government-owned enterprises, it may become further bounded by various US governmental entities through laws and regulations, as seen in land use regulations as well as the financial management of various monies (for instance, funds owed to Native Nations by the federal government or revenue owed to states by Native Nations via compacts). By recognizing that political sovereignty is intimately related to — but not identical to — economic sovereignty, I maintain that Native Nations today can exercise their political authority even while their capacity for autonomous economic decision-making is increasingly suppressed.

Part of this conflict is rooted in the difference between holding economic power and exercising economic sovereignty — a distinction that must be clarified as Native Nations continue to grow in economic power. Due to the development
of the Cherokee Casino, the EBCI transitioned from wielding modest economic power to becoming the single largest employer in Western North Carolina. This transition upended the previous binary, common to many Native Nations, in which the US government held economic power while attempting (many times successfully) to prevent Native Nations from accessing that power. However, this economic power cannot do the work of economic sovereignty, despite their common conflation.

Newly achieved economic power is crucial for reducing poverty and enabling the creation of many citizen services; however, acquiring such power does not ensure that a nation can retain it, exercise authority over its economic choices, or even maintain a stable economy. This means that increased economic power can provide benefits while simultaneously leaving intact — and possibly intensifying — vulnerabilities. This is exactly the point made by Cattelino throughout her work with the Seminole. Cattelino (2010) maintains that Native Nations “must achieve economic power in order to leverage political power” (p. 123) and that “fundamentally, casinos emerged directly from the conviction that economic power both symbolizes and produces political sovereignty” (p. 138). However, “casino money calls attention to the political processes whereby tribal economic power both undergirds and threatens tribal sovereignty” (p. 95). Cattelino described this paradox as a resurgence of “the double bind of needs-based sovereignty.” That is, states require economic resources to exercise sovereignty, but in the case of Native Nations, when these resources grow into economic power, the legitimacy of their sovereignty is challenged in order to access these resources (Cattelino, 2010, p. 100). Therefore, although economic power is an important strength, it can be illusory, especially for economies dependent on a single enterprise.8

This use of economic strategies in colonialist dissociations of indigenous lands and resources has long been discussed. For example, various theories, such as world systems theory, dependency theory (Frank, 1967; Wallerstein, 1976), and the “shatter zone” (Ethridge & Shuck-Hall, 2009) have been used to closely examine these strategies in the logics of global trade and production (extraction of indigenous resources and growth of global capitalism), but they fail to account for indigenous agency, leaving their processual understandings incomplete. Broader anthropological discussions regarding economic elements of colonialism have also focused on European-enacted colonialism (Mintz, 1985; Wolf, 1982) or specifically on economic development issues and their associated political strategies (Edelman & Haugerud, 2004; Escobar, 1995). These development issues have been notably foregrounded in current economic anthropology studies of Latin American indigenous populations (Chibnik, 2003; Colloredo-Mansfeld, 1999; Little, 2004). My work is informed by much of this scholarship as it highlights differing tactics by and toward indigenous populations vis-à-vis settler—colonial state attempts at resource acquisition. Federally recognized Native Nations in the United States may possess a more rigorous, treaty-sanctioned form of political sovereignty than models of indigenous autonomy in Latin America, but the fight to exercise indigenous autonomy is central to both populations. This commonality is reflected in parallel indigenous political
movements that seek to acquire and maintain autonomous control of resources such as land and water while restricting settler-colonial government control. Through these movements, we see that the assertion of diverse livelihoods is a critical element in demands for autonomy.

Given this context, US government challenges (at federal, state and local levels) of Native Nations that have gained economic power are predicated on the very nature of settler colonialism. Settler colonialism differs from “classic” colonialism in that it seeks to clear, secure and occupy a geographic area for immigration and settlement, rather than just the extraction of resources and labor. As Wolfe stated, “settler colonisers come to stay: invasion is a structure not an event” (Wolfe, 2006, p. 388). Native Nations, then, are a barrier to the structure of settler colonialism, necessitating a “logic of elimination” that “strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base” (Wolfe, 2006, p. 388). Settler colonialism consequently varies in its manifestations, its deployments, and its impacts on indigenous peoples. Taken together, these works inform the critical economic foundations of the present study of economic sovereignty in a settler-colonial context.

From the perspective of settler colonialism, Native Nations that wield increasing economic power become a direct threat to the progression of this structure as they not only gain and build, but also regain and rebuild a variety of resources (land, wealth and associated political influence) claimed by settler-colonial society. Because economic sovereignty practices are key to the creation of robustly stable economies that help indigenous communities retain economic power, I assert that economic sovereignty consequently links discussions of Native Nation economic power to those of settler-colonial anxieties sparked by Native Nation reclamations, explaining the actions undertaken by US governmental entities to prevent the exercise not just of political sovereignty but also of economic sovereignty.

However, as will be demonstrated, economic sovereignty can be supported on both an individual and governmental level. The limits of large tribal enterprises in fostering greater economic sovereignty are revealed when they are contrasted with firms, the self-employed, and family businesses. The diversity of small businesses in places such as the Qualla Boundary has become critical to changing perceptions of sovereignty. A foundation of small businesses helps relieve governmental burdens associated with managing multiple large enterprises while also providing the diversification that helps sustain stable economies. Both of these effects provide a platform for the expansion of Native Nations’ ability to exercise economic sovereignty. Understanding the support that these small-business owners provide necessitates an examination of the EBCI political-economic hybrid structures that both enable and constrain small business practices. In undertaking this examination, I use the framework of economic sovereignty to ethnographically delve into the EBCI’s political-economic hybrid structures, its one-industry economy, and impacts on political sovereignty during an unstable time.
HYBRID STRUCTURAL ENTANGLEMENTS

In 2009, I attended the first of two EBCI school openings, which took place within a span of one month; both schools were built as a result of the Cherokee Casino’s financial success. The first event celebrated the new K-12 Cherokee Central Schools (CCS), but the building of this school had been controversial. Utilizable land (flat but not swampy) in the mountainous Qualla Boundary is at a premium. When the community’s former school building became overcrowded, with no land on which to expand, a new site had to be chosen that could accommodate large buildings while remaining accessible to the heart of Cherokee. The EBCI did not possess such land; however, the adjacent Great Smoky Mountains National Park (GSMNP) did.

The 168-acre Ravensford Track was identified for a land trade between the EBCI and the GSMNP. The multipronged backlash to this proposal came swiftly. The National Parks Conservation Association argued that building on the site would destroy valuable archaeological evidence, while the Sierra Club argued against removing any land from National Park Service control. Local white descendants of settlers who had lived on the land before being ousted by eminent domain to establish the GSMNP argued that they had been promised it would stay in National Park Service’s hands in perpetuity. Ultimately, the trade was made (approved by Congress in 2003), but with little public acknowledgement of the EBCI’s own historical claim to the land.

The CCS parking lots were at capacity for the school’s ribbon cutting on a nearly perfect summer day. The crowd gathered in a semicircle of bleachers to hear speakers ranging from a former local high school quarterback star to Congressman Tom Cole (R-OK, Chickasaw), the only American Indian then in the House of Representatives. When Principal Chief Michell Hicks spoke, in between jokes and words of thanks, he told a different story about this land. This story began with the knowledge that the entire area originally belonged to the Cherokees but was later claimed by the state of North Carolina, which then agreed to a land trade with the EBCI – only to renege on that agreement. This land was instead given to white settlers (including a lumber mill), who were eventually themselves removed by the government. As Chief Hicks summarized, the EBCI, in agreeing to this land swap for Ravensford, was buying back its own land.

After the hour-long event, I toured the gleaming buildings and pristine football field (occasionally occupied by elk before students arrive in the mornings) and chatted with others who were there to support the new endeavor. We explored rooms filled with smart boards as well as the greenhouse and gardens, and were told about ecofriendly additions such as solar panels. One of the parents I spoke with worried that the school, though state-of-the-art, would still not be able to attract superior teachers (a problem in rural areas). Others debated the curriculum, specifically how EBCI history, language and cultural practices would fit in beyond the design of the building. But the majority of those I spoke with referenced with pride the EBCI’s ability to bring the campus to fruition.
The EBCI’s economic and political hybrid structure — as a government that owns the primary means of production — enabled both its financial ability to reacquire the land and its capacity to engage in political negotiations for the reclamation of sacred land that is entangled, then as now, in federal management and regulations that bind Ravensford in trust status. In addition to the distinctive logistics of this structure, its political-economic hybridity also informs an underlying economic identity for these types of indigenous corporations that is unique compared to private corporate structures or non-profit governmental entities. Gwendolyn Gordon explains how settler-colonial entanglement informs this identity in a New Zealand Māori context:

The New Zealand Māori incorporation is something separate—it is an entity with its own interests—but it is also connected to the values of this community. Its nature as an “indigenous corporation” (as opposed to just “Māori incorporation” or “indigenously owned corporation”) comes neither through its status as person nor through the values, rights, and interests of its individual shareholders transduced magically into it, à la the Contingent Corporation. The “indigeneity” of the corporation is possible as much because of the strict regulations put upon the corporation by the state as it is the traditions and priorities of the people.

Gordon (2015, p. 393, emphasis added)

Contrary to appearances, the success of the EBCI casino industry did not emerge overnight, but rather was part of a lengthy business lineage intimately tied to the EBCI government. Although small businesses have long existed in this area, with many serving the tourist market, the chartering of the GSMNP and construction of the Blue Ridge Parkway and Highway 441 during the 1930s guaranteed that the EBCI’s primary governmental town of Cherokee would become a mountain-tourism hub (Beard-Moose, 2009; Finger, 1991; Starnes, 2010). Today, approximately 8,000 of the nearly 15,000 enrolled Eastern Band citizens live on the Qualla Boundary. The Cherokee Nation’s previous territory extended across much of the Southeast United States before treaties began to whittle away this land base in 1721. With the looming threat of Removal in the early 1800s, the Cherokees living in North Carolina took action to remain by calling upon claims to North Carolina citizenship and land treaties already in place (Finger, 1984; Perdue, 2007). One year before the Trail Where They Cried (commonly known as the Trail of Tears), the state of North Carolina officially agreed that these North Carolina Cherokees were legally entitled to stay (Perdue, 2007). After the federal government officially recognized the EBCI in 1868 as distinct from the Cherokee Nation, now in Oklahoma, the EBCI began reconstructing their citizenship.

In 1889, the EBCI drew up a charter of incorporation as a nation, including two critical economic protections. First, this incorporation helped protect EBCI land (purchased with Eastern Band monies) and its resources from US governmental attacks, as corporations’ rights were already more stringently protected than those of Native Nations. Incorporation was thus a calculated strategy as corporate constitutional protections (specifically, private charters) had been reified in 1819 by the Trustees of Dartmouth College v. Woodward decision, discussed in depth by Joanne Barker (2015). This seminal article by Barker outlines the use of corporate personhood by non-Natives in collusion with US
governments in acts of economic colonialism (the use of economic means to access resources; e.g., the creation of debt (Lewis, 2019)), including the forced incorporation of Native Nations. In doing so, Barker directly centers the formative values of the US Constitution (which she characterizes as “always-already” existing) as “establishing and protecting government and corporate power of a government invested” (Barker, 2015, p. 265). The choice of the EBCI to incorporate is one example of a Native Nation deliberately usurping this power and the protections it affords. Second, the inclusion of a 1/16th blood quantum minimum specifically addressed who had rights to access EBCI assets and resources. Today, this minimum still delineates citizenship inclusion and associated access to resources. As of this writing, the 1889 charter continues to act as the EBCI constitution.

Since the establishment of the Cherokee Casino and subsequent increase in EBCI economic power, the EBCI has gained the financial and political means to tackle many issues, ranging from negotiating federal land border conflicts (Lewis, 2012) to ensuring the ability of citizens to access goods and services on the Qualla Boundary. Its wielding of economic sovereignty also continues to grow, as seen through contemporary diverse choices of EBCI-owned businesses (i.e., trophy fish hatcheries, bottled water, bike trails, etc.) as well as the EBCI’s takeover and management of federally owed funds.

These EBCI economic sovereignty practices, as with many Native Nations, depend on hybrid structures of political-economic institutions. Beyond institutions, however, this hybrid distinctiveness can also take the form of a variety of economic systems, including spectrums of market socialism (or what has been termed democratic socialism — although few Eastern Band citizens would espouse this ideology) wherein citizens vote political leaders into office, the governmental institution owns for-profit enterprises, and the citizens are inherent shareholders of these enterprises who have a measure of control (vote) over some corporate practices. This is the case with the EBCI, whose citizens vote on actions such as whether to start a casino enterprise and whether to add alcohol sales at the casino.

Observing these structures and their interactions reveals the differing degrees of economic sovereignty in practice. These structures are especially easy to identify in the Native Nation gaming industry. On the national level, a complex interplay underlying political-economic hybrid structures begins with the emergence of the Native Nation gaming industry (itself a business owned by a government) in the US courtrooms and ends with county-level structural relationships. The industry’s nationwide growth since the 1980s demonstrates several aspects of US economic colonialism and Native Nations’ agency. Initially, US state governments fought court battles with Native Nation governments over the legality of reservation gaming. Taking one step toward economic sovereignty, the courts ruled, with restrictions, in favor of Native Nations, supporting their right to choose their economic development path without state government interference. Then followed a two-steps-back reduction of economic sovereignty implemented by Congress in the federal Indian Gaming Regulatory Act (Pub.L. 100–497, 25 U.S.C. § 2701 et seq.), a law specifically created to
enact various regulations applicable only to the Native Nation gaming industry, such as mandatory negotiation of state-to-Native Nation compacts before most gaming operations may be pursued. The EBCI attempted to negotiate for three years with the governor of North Carolina (who illegally delayed negotiations) before being allowed to begin its own enterprise (Oakley, 2001). Finally, the EBCI also negotiated with the surrounding counties’ governmental bodies, especially when the second casino was built in 2015, regarding who was responsible for which support systems (e.g., emergency management) (Lambert, 2015). All of these structural interplays have enormous impacts, both bolstering and hindering the exercise of EBCI sovereignty.

SOVEREIGNTY’S RISKS AND RECLAIMATIONS: ONE-ENTERPRISE DOMINANCE

The enormous profitability of the Cherokee Casino led to much higher stakes in the latest compact negotiations (as required by IGRA) between the EBCI and North Carolina, which took place in 2010. These negotiations demonstrate the complexity of the political—economic structures of a one-industry gaming economy, how corporate and political logics intermingle, and how economic agency is concentrated in and co-opted by governing boards. Overall, this moment best evinces how economic sovereignty can be restricted even as a Native Nation generates revenue and establishes economic power. The establishment of IGRA represented a step backwards for Native Nations’ economic sovereignty on a federal policy level (playing a key role in Corntassel’s indigenous policy era of “forced federalism” from 1988 to the present) (Corntassel & Wittmer, 2011, p. 10). For the EBCI, some inclusions of this most recent compact with North Carolina represented additional steps backward for its economic sovereignty at the state level.

With hundreds of millions of dollars on the line, the state and the EBCI had to strike a fine balance of power in 2010. North Carolina was facing an economic crisis during the Great Recession and needed new income sources, but the EBCI also had new requests of the state to secure its gaming industry’s position. If the EBCI did not agree to the state’s terms, the state could, in theory, change its gaming laws and halt all EBCI operations—or legalize gaming entirely, thus increasing competition. Conversely, if the state refused to approve the EBCI’s terms, the EBCI could reject the state’s most desperate request: monthly payments from gaming earnings. The compact was eventually signed in 2011, with the EBCI agreeing to the monthly payments. Specifically, annual payments, accelerating from 4% to 8% over 30 years, are made to the state’s education fund from EBCI casino gross earnings. This agreement highlights another noticeable change from previous compacts: extension of the gaming compact to 30 years. This stabilizes the EBCI economy for a longer period; however, there is now no automatic renewal clause, subjecting the EBCI once again to the whims of future state politics.

IGRA dictates how Native Nations can spend gaming earnings; thus, the 2011 compact specifies the Cherokee Preservation Foundation as the point
agency for much of the casino’s funds, including the monthly state distributions. Management of and decisions regarding the funds are exercised by the foundation’s board of directors, which also oversees the dispersal of between 5 and 7 million dollars in grants, with more funding allowed in from other sources. These funds can be used for, but are not limited to, “projects promoting family and outdoor entertainment and sporting activities, projects promoting non-gaming economic development and projects enhancing, protecting, and preserving the culture of the Tribe,” with the stipulation following IGRA guidelines that “such projects may supplement and enhance but not replace existing tribal government budgeted projects.” These funds are designed to have benefits beyond the Qualla Boundary and include projects located in surrounding counties. As stipulated by the compact, these critical board positions include the principal chief, the EBCI council chair, four EBCI citizens chosen by the governor, one county commissioner, and five at-large individuals also chosen by the governor. The EBCI chief can nominate six individuals for two of the EBCI citizen positions, but the power of choice lies with the state. Consequently, the EBCI has little control in filling these powerful positions controlling dispersal of EBCI gaming earnings.

The EBCI gaming industry did gain some protections in this compact. In addition to the 30-year extension, the EBCI now has exclusive access to live table gaming “in a geographical zone encompassing all areas within the State of North Carolina west of Interstate Highway I-26” (Section 4.1.B). This area is strategically located west of Asheville (the other major tourist destination in the mountains), approximately 60 miles from the town of Cherokee. Significantly, Section 4.1.C states that if state gaming law changes or if the state grants any person or entity other than the EBCI the right to live table gaming within their exclusive area, all revenue sharing ceases immediately. This constitutes a significant but small safety net for EBCI operations, covering only the westernmost area of the state (Fig. 1).

Finally, although this compact now allows the EBCI to internally licence employees in operation and management positions, many troubling state-control provisions remain, including exclusion of former felons from employment, state

Fig. 1. The I-26 EBCI Gaming Border in North Carolina. Illustrator: Christopher Kaminski.
oversight and approval of gaming accounting, and application of various state laws to the Qualla Boundary. Particularly noticeable in this regard is Section 8.A, which requires that “State civil and criminal laws shall be applicable to and enforceable by the State against any person for activities relating to Class III gaming which occur outside of Eastern Cherokee Lands,” further specifying “concurrent jurisdiction” in prosecution of offenders.

In addition to these new issues of political and economic subservience to the state, the dominance of the gaming industry may create additional precarious economic conditions. There are numerous ways for the enterprise to fail, even beyond the usual pitfalls of business ownership (inability to attract customers, poor management, etc.), including increasing pressure from competition due to its own success. Nearby Native Nations may start their own gaming enterprises, or the state may legalize statewide gaming in an attempt to bring in even more casino revenue. Statewide legalization exerts particular pressure on Native casinos because the reservation lands on which they are built tend to be remote. This is a direct consequence of economic colonialism: Reservations were created with then-current land values as well as remoteness from population (and urban market) centers in mind. Thus, many reservations are not easily accessible. Because gaming is reliant on easy visitor access, legalizing statewide gaming could be devastating even for successful Native Nation gaming enterprises. 15

Gaming is most precarious when it becomes the foundation of a one-industry economy, leaving the economy of Native Nations vulnerable to collapse from adverse shocks. Although other one-industry economies are precarious by nature (e.g., natural resource extraction), gaming is the only industry that is regulated by a federal act for Native Nations alone; its authorization of state intervention into Native Nation economic development creates an additional precarity to which other industries are not subject. As Native Nations that own gaming enterprises attempt to stabilize their economies, this type of economic colonialism remains a hindrance. This can be seen with North Carolina’s increasing demands for revenue accompanying the continued success of the Cherokee Casino — demands that continue to siphon money from EBCI citizen services and infrastructure.

Given the precarious nature of gaming as a revenue generator for Native Nations and the concurrent reduction in ability to practice their sovereignty at both the federal (IGRA) and state (gaming compacts) levels, why would a Native Nation gamble millions of dollars of debt on such an enterprise? One answer lies in the expansion of overall sovereignty practices that may accompany growing economic power. The 1975 Indian Self-Determination Act allowed Native Nations to administer many of their own funds, but this change has real impact only if the Native Nation has (1) funds to train and educate citizens in this type of bureaucratic account management and (2) funds to administer.

The ability to administer funds directly impacts the Native Nation’s capacity to protect and provide services for its citizens. For example, in 2013, the Violence Against Women Act (VAWA) was amended to allow Native Nations to arrest and prosecute non-Natives for domestic violence. This was in response
to the appalling statistic that over one in three Native women will be sexually assaulted. Over 86% will be assaulted by non-Natives, putting these cases under federal jurisdiction. In 2001 alone, the federal government refused to pursue charges in 65% of domestic violence cases on reservations (Tjaden & Thoennes, 2000). Although VAWA was a clear victory for Native Nations against domestic abuse, in order to exercise this power, a Native Nation would need funds for police officers, jails, and a tribal court, along with qualified lawyers and judges. This presents an enormous expense and task for these communities, which have the least-funded educational systems and poorest economies in the United States. Even with the EBCI’s historically successful tourist industry, such resources had been out of its grasp. Today, the EBCI operates its own 6,000-square-foot justice center, complete with a new court, Federal Probation Office and Cherokee Police Department. This facility represents EBCI control over how justice is administered for its citizens and how its citizens are treated in the justice system. In the Cherokee One Feather, Chief Hicks explained the center’s larger implications:

This is not just a beautiful building. This is not just a jail. This is not just a courtroom or a place where the police can do their work. This is part of an overall concept that we, as a Tribe, have for rehabilitation [...] We control the mental health aspect. We control the alcohol abuse aspect—all of those other things that are harming the children of this community and creating havoc for the future of who we are as a people and who we are as a region. (McKie, 2011b)

Establishing this facility also freed the EBCI from reliance on neighboring county, state and federal governments in the realm of justice. Without gaming industry funds, this US$26 million justice center would not have been possible. These political impacts are also felt beyond the local level. Eighteen years after the Cherokee Casino opened, North Carolina passed the 2015 House Bill 850, which authorized “the Eastern Band of Cherokee Indians to establish the following: first, a police department; second, a tribal alcohol law enforcement division; third, a natural resources law enforcement agency; and fourth, a probation and parole agency through the Cherokee Marshal’s Office” (McKie, 2015). Along with the Anthony Edward Lossiah Justice Center, the EBCI built and took management over the CSS and New Kituwah Academy, a new hospital, and a new homeless shelter (funded in 2016). This ability to exercise inherent sovereignties stems directly from the EBCI’s newfound economic power; it is a vital step toward countering the settler-colonial strategies that attempt to constrain such sovereignty. However, to preserve this growth, economic power is not enough; Native Nations must attend to the long-term strategy of strengthening their economic sovereignty.

Theorists argue that large tribally owned enterprises (i.e., gaming) alone cannot meet the challenges of economic development (Cornell, Jorgensen, Record, & Timeche, 2007; Miller, 2012). Where, then, does this leave Native Nations that have already chosen this path? It is precisely because of the immense positive impacts of some one-industry economies that they face vulnerability to shocks and consequently the possibility of losing these advancements.
For the EBCI, drawing upon its long history of diverse small-business ownership is one answer to this economic sovereignty challenge.

**SMALL BUSINESSES SUPPORTING ECONOMIC SOVEREIGNTY**

My work with the EBCI indicates that diversification through a foundation of private small businesses may help sustain a long-term, stable economy, consequently supporting the EBCI’s ability to exercise economic sovereignty. In practice, a one-industry dominant economy, such as gaming on the Qualla Boundary, leaves Native Nations more susceptible to state and federal interventions, not only with regard to potential legal and regulatory changes (such as statewide legalization of gaming) but also via the overt extraction of Native Nation funds through compact pay-outs to states. In such one-industry economies, Native Nations are forced to choose between acquiescing to these demands or the potential failure of their industry. A diversified economy allows for more (though not completely) equitable negotiations, because the Native Nation is less motivated by fear of economic collapse if it does not agree to state terms. This strengthened ability to negotiate the terms of its economic development and the distribution of its own funds demonstrates the expanded practice of economic sovereignty that comes with a diversified economy.

My research focuses specifically on the innovative expressions of self-determination exercised by Eastern Band citizens through their small businesses, the small-business market’s interactions with the EBCI’s gaming enterprise, and the EBCI government’s encouragement of these small businesses. Examining this market further reveals that the hybrid structures supporting the casino on the Qualla Boundary extend throughout the small-business markets, as reflected, for example, in the EBCI governmental structures that are intertwined with, even embedded in, these small businesses. Investigating these strategies in the extracasino small-business market more broadly addresses how Native Nations are responding in economically astute ways to settler-colonial economic subjugations.

To diminish the impacts of both US governmental interventions and the risks of a one-industry economy, the EBCI recently began focusing on economic diversity to achieve economic sustainability and stability, one major element of which was bolstering its agencies and policies to support small businesses and entrepreneurs. This choice to focus on small businesses was not unexpected as the EBCI has historically relied heavily on small business success for levy and tourist draw. Additionally, several small-business owners also became management leaders in the new casino industry (such as the Tribal Gaming Commission). When the installation of the Cherokee Casino instigated tensions between the EBCI enterprise and small businesses (e.g., the casino resort’s direct competition with private, locally owned hotels and motels (Lewis, 2017)), these leaders helped direct the EBCI government’s focus to small business support to address some of the conflicts.
The EBCI governmental structure has several economic roles in the small-business market. The EBCI government can own small businesses, although its preference is to act as a liaison until private owners can be found. This was the case with the Tribal Grounds Coffee shop (the only standalone coffee shop in Cherokee), which suddenly lost ownership and was then temporarily owned and managed by the EBCI government. The EBCI also acts as a regulatory agent (i.e., overseeing taxes and leasing) and offers financial support through loans and various training programs. United States governmental structures also have a hand in the EBCI small-business market. Taxes collected by and from small businesses are paid to governmental structures (both Native Nation and federal); these vary based on the type of tax, tribal citizenship status, business and residential locations (on or off a reservation), and to whom the product is being sold (Native or non-Native). Even leasing property on a reservation may necessitate the federal government’s intervention because land under trust status is ultimately held by the federal government.

When I began my fieldwork in 2009, approximately 300 EBCI-licensed small-business establishments were operating on the Qualla Boundary. During that year, three critical factors converged: The Great Recession occurred, spurring a rise in small-business ventures, the EBCI increased support of small businesses, and construction began on an additional Cherokee Casino hotel tower. The result was a doubling in the number of small businesses that year. The prominent tourism industry gives the visual impression that most of these small businesses are geared toward serving visitors to the Qualla Boundary, but there is a foundational small-business market serving locals that includes produce stands, mechanic shops, hardware stores and restaurants. However, as a rural location, there is still room for growth in community-based services (such as a laundromat), a fact that has not gone unnoticed by fledgling entrepreneurs. The capital provided by casino dividends enables many people to consider starting a business; however, the long history of tourism on the Qualla Boundary also means there is a prominent group of multigenerational family-owned businesses. Consequently, the Qualla Boundary has an unusual combination of entrenched family businesses and cutting-edge start-ups.

One example is the Sound of Music Disc Jockey service, a family business owned by husband—wife team Todd and Sally Kent (Eastern Band citizens) that occupies a middle ground of experience. Although the couple also owns and manages a lawn service, a snow removal service, and a radio station serving the town of Cherokee, they are best known for their mobile DJ service. Begun in 1984, it is still the only service of its type in Cherokee. Their long history of personal business ownership means that Todd and Sally witnessed the changes brought to small-business owners by the new Cherokee Casino. Although some small businesses experienced negative impacts (e.g., motel closures due to customers staying at the casino), jobs at the casino enabled Todd and Sally (who met while working there) to save the money they needed to upgrade their DJ business. Further financing was provided by EBCI small-business services (the Sequoyah Fund, founded in 2007), which is funded by the casino’s monies via the Cherokee Preservation Foundation. While the Sound of Music occasionally
travels for engagements, it also does business at the casino, where individuals and companies host receptions and celebrations.

The indirect impacts of the casino, namely dividend payments, have been beneficial for the Sound of Music: Eastern Band citizens can now afford to utilize its services for graduation and holiday celebrations. One source of frustration for Todd and Sally, however, is the hindrance to providing DJ services for the casino itself. Eastern Band small businesses must register with the Tribal Employment Rights Ordinance (TERO, discussed in more detail below) in order to contract with the casino. This, theoretically, gives them a slight preference in hiring in exchange for paying a fee and meeting various requirements, such as employing American Indians. The Sound of Music has met these requirements but continues to be denied access to this particular market (although it does receive other TERO-related work), ostensibly because they are outbid by a non-Native (and non-TERO) company from Asheville.22

As echoed by Todd in our discussion, the Cherokee Casino’s weathering of the Great Recession has eased concerns about its long-term stability; however, its success relies heavily on small businesses, both directly (e.g., utilizing Eastern Band artists in construction projects such as stonework) and indirectly through the variety of privately owned offsite restaurants, stores, and attractions that extend visitor stays in the town of Cherokee. Because many of these businesses (both tourism- and local-centric) were successfully established before the casino opened, they ease the EBCI’s burden of needing to add more government-owned enterprises or bring in non-Native contractors to support the casino industry, which other Native Nations have found necessary.

The EBCI recognizes the importance of small businesses not only to the health of its overall economy but also to the success of its casino, and it has recently put measures into place to encourage and safeguard these small businesses that contribute in meaningful ways to the workings of EBCI’s economic sovereignty. For American Indians, the problems of land, citizenship, finances, and sovereignty are uniquely intertwined. Restrictive regulations, such as with land and citizenship, were designed to protect the integrity of Native Nation resources, but also serve as obstacles to small business growth. To protect Native Nation lands from being sold away from Native Nations, much of this land is legally held in trust by the US government. Consequently, trust land cannot be used as an asset for collateral. This means that start-up monies and investment capital are very difficult for individual citizens — or Native Nations as a whole — to raise, even in the best of economies. Additionally, access to land for small-business owners is often delayed due to lengthy federal government approval processes for changes in the status of land holdings, such as ownership transfers.

Native Nations can exercise their economic sovereignty to help combat these potentially crippling economic constraints. In the case of collateral, the EBCI has implemented its own series of loans, available to citizens through economic development programs, ranging from microloans up to loans of US$250,000 (Sequoyah Fund, 2011). These are available for start-up businesses as well as for established businesses undergoing expansion. Although collateral may not be
required, these loans can require the recipient to graduate from training programs. The EBCI can also use items such as vehicles, personal property, and dividend distribution pledges as collateral.23

Native Nation citizenship plays a crucial and controversial role in combating the effects of economic colonialism and supporting economic-sovereignty efforts. TERO is a national program that is complicated and sometimes provocative despite its simple mission to give American Indian citizens hiring preference with Native Nations. It is important to note that TERO guidelines are based on Native Nation political citizenship, not race, and are therefore allowable under federal law. The EBCI TERO ordinances give Eastern Band citizen-owned businesses a slight advantage over non-Eastern Band-owned businesses when they apply for EBCI governmental contracts, thus somewhat combating the effects of access to capital. The program acknowledges the disadvantaged position of American Indian small-business owners and slightly relevels that competitive playing field.24 TERO itself is a general guideline meant to be customised and administered by individual Native Nations, so the EBCI Tribal Employment Rights Commission appoints its own officer to regulate and enforce its guidelines. Although the TERO program can have flaws, when implemented with care and forethought, it is nonetheless a vital step for Native Nations in their acknowledgment of the issues faced by American Indian business owners and their support for a diverse local economy.

CONCLUSION

Using the heuristic of economic sovereignty, this paper addresses how Native Nations craft and implement national economic strategies in order to bolster economic sustainability. These strategies must move beyond reliance on Native Nation-owned enterprises, toward also supporting private small businesses to increase economic stability. This framework of economic strategies must also, however, consider external threats, such as from US federal and state governments, which have used economic actions to suppress Native Nations’ sovereignties, seen here in IGRA’s control of the Native Nation gaming industry. These actions allow US governments to gain access to Native Nation resources, such as extractive payments from casino revenues, further contributing to Native Nation economic precarity. Economic power is one vehicle for supporting the political sovereignty needed to counter these actions, but, as many Native Nations have found, this economic power can counterintuitively also instigate an increase in precarity. Furthermore, as the EBCI has learned through structures such as gaming industry regulation and events such as the Great Recession, economic power does not equal economic sovereignty. Economic sovereignty seeks independent choice in sources of wealth accumulation and self-determination in the uses and redistribution of said wealth as part of a broader picture that maintains and supports political sovereignty. To help remedy current challenges, Native Nations are building stable economies (e.g., carefully crafting economic power structures by focusing on economic diversity), thereby strengthening their ability to exercise both economic and political
sovereignty. This exercise of economic sovereignty can then be used to create measures to protect citizens. For example, the EBCI’s payment of dividends acts as a type of unconditional guaranteed annual income, offering a level of proven social support.  

The EBCI has attempted to circumvent many issues faced by other Native Nations in the gaming industry by focusing on economic diversity, with the goal of strengthening its economy through sustainability and stability efforts. The subsequent reduction in vulnerabilities allows the EBCI to use this platform of resilience to further exercise its sovereignties, an effort aided by its status as the largest employer in the Western North Carolina region (McKie, 2011a). These strategies bolster its ability to enact protections against further exogenous economic shocks, such as the EBCI’s establishment of a buffer zone for its gaming industry against competitive encroachment in Western North Carolina during the 2011 compact negotiations with North Carolina. These acts of economic sovereignty then support the EBCI’s efforts to build and manage its own hospitals, schools, and other citizen services. This, combined with the ability and means to hire and retain experienced staff, contributes to the EBCI’s position of strength in terms of political sovereignty. From this position of strength, the EBCI opened a second casino resort (Harrah’s Cherokee Valley River Casino and Hotel) in October 2015. It will also launch new complementary, non-casino tourism enterprises in the coming years. Although the scale of these ventures is yet unconfirmed, they are expected to have tangible political, economic and social impacts for the EBCI, its citizens, and the region as a whole.  

This construct of economic sovereignty has been illustrated through the case of an economically successful Native Nation. However, because economic power does not equal economic sovereignty, frameworks promoting economic sovereignty may be applied globally to indigenous peoples that are not yet financially stable. In fact, before the launch of its gaming industry, the EBCI’s economy was in decline. Although indigenous communities worldwide are often encouraged to pursue one-dominant industry as a panacea to economic and political challenges, a one-sector economy may instead place their economic sovereignty at risk. Such economies are precarious because declines in the industry can devastate a — potentially now indebted — community’s entire economy. Gaming in particular is subject to wide fluctuations in law, policy and consumer preference. If successful, the economic power gained from gaming enterprises can also intensify vulnerabilities, not only due to market instability but also from outside governmental interventions, thereby potentially reducing the community’s ability to practice its economic sovereignty both legislatively (in the form of outside governmental regulations) and financially (e.g., payments to states). It is therefore equally necessary to address the matter of individuals’ ability to assert their autonomy in shaping their economy.  

A wide variety of small businesses is one way to stabilize a community’s economy and protect it from various political and economic attacks. Small-business owners on the Qualla Boundary define their own success as rooted in a stable income, the ability to reinvent and upgrade as necessary, and access to opportunities. Success requires addressing issues such as equal access to financing
and opportunities afforded to non-Native enterprises. These issues in turn speak to larger complications and contestations of economic sovereignty, such as land ownership (capital and collateral) and citizenship delineations. By carefully considering the working needs and wishes of these small-business owners, a more durable and globally inclusive model of economic sovereignty emerges, one that focuses on the necessity of economic self-determination for the overall strength and stability of these communities. In addressing these issues and providing fertile ground upon which a diverse array of businesses can grow, Native Nations and indigenous communities can fortify their economies against shocks and thereby strengthen their ability to exercise their economic sovereignty. Inextricably linked as it is with political sovereignty, this increased agency can also enable indigenous communities to redress long-standing detrimental and contradictory policies, consequently strengthening their ability to best provide for their citizens.

NOTES

1. I abbreviate the Eastern Band of Cherokee Indians government with “EBCI” and its citizens with “Eastern Band.”

2. “Base” inclusively refers to “anything that contributes to the material and social sustenance of a people with a shared identity”, ranging from lands to a “whale species or sourdough starter” (Gudeman, 2001, pp. 27–28).

3. Businesses with 500 or fewer employees, per the Small Business Administration.

4. “Native Nations” refers to federally recognized Native Nations of the United States. Because the EBCI is a federally recognized polity, the practices of sovereignty discussed in this paper are framed in this context.

5. For this paper, “economy” and “economic” follow standard usages; for a more complex treatment of EBCI economy, see Lewis (2019).

6. In separating the economic from the sociopolitical, neoliberal policies often employ “economic reductionism”, the belief that all issues can be addressed through market forces. Neoliberalism goes beyond the government minimalism endorsed by Adam Smith to instead identify the economic as the central societal component. This is seen in claims that the free market should be the sole vehicle for achieving social good (Hanson, 2004, pp. 296, 299) as well as in the use of class inequalities to delegitimize racial inequalities. In this paper, the goal of focusing on economic sovereignty separately from political sovereignty is antithetical to this orientation, instead more deeply reading economic strategies in order to expose inherent linkages to political actions. See Hanson (2004, pp. 285, 295, 302) for more regarding neoliberalism and Native Nations. Relatedly, for an in-depth discussion of American Indians’ wealth accumulation and the associated settler–colonial rhetoric, see Harmon’s Rich Indians (2013) as well as Kamper and Spilde (2016).

7. Light and Rand (2005) present a history of gaming compacting in Indian Gaming and Tribal Sovereignty.

8. In this paper, I focus on a case in which economic power growth instigates a backlash that reduces economic sovereignty, but the relationship between economic power and economic sovereignty varies. There are also ways in which exercising economic sovereignty could reduce economic power. For example, one proposed method to increase a Native Nation’s income, and potentially its economic power (if financially impactful enough), is by developing a landfill to host off-reservation waste. Native Nations are regularly courted by corporations for waste management as some Native Nation lands are subject only to federal regulations, not state. In 1991, the Mississippi Band of Choctaw Indians rejected such a proposal, which would have added a potential US$30 million to their yearly income (Smothers, 1991). In exercising its economic sovereignty by rejecting this economic development path, the nation chose to forgo a substantial increase in economic power.
9. Although these are hybrid structures, many Native Nations separate the daily functions of government from business management to avoid conflicts of interest.
10. This includes the present states of Alabama, Georgia, Tennessee, South Carolina, North Carolina and encroaching on Kentucky and Virginia (Perdue, 2007, p. xiii).
11. The EBCI is one of three federally recognized Cherokee nations.
12. The determination of EBCI citizenship is discussed in detail in Adams (2016).
13. First Amended and Restated Tribal-State Compact Between the Eastern Band of Cherokee Indians and the State of North Carolina (2011). IGRA specifies that states cannot tax gaming monies; instead, it allows states to request payments from Native Nation gaming revenue.
14. Gaming profits can only be spent in five categories: funding governmental operations, supporting general welfare of the Native Nation and its citizens, promoting economic development, donating to charitable organizations, and operations of local government agencies.
15. Michigan’s 1996 legalization of gaming in Detroit after the success of the Saginaw Chippewa Indian Tribe’s Soaring Eagle Casino represents a “near miss” example.
17. See the Native Lives Matter Report: “Key findings of the report include: Native Americans are most likely to be killed by law enforcement. Native Americans are more likely to be victims of violent crimes perpetrated by non-Native people than any other group. Native American youth is 1% of the youth population, but represents 70% of the youth admitted to the federal bureau of prisons” (Lakota People’s Law Project, 2015).
18. A Department of Justice grant provided US$18 million, another US$8 million was provided by the EBCI (McKie, 2014).
19. For more on these choices in a Native Nation energy development context, see Landscapes of Power (Powell, 2018), which focuses on the Navajo (Diné) Nation.
20. Although I argue for the importance of small business diversity to reservation economies, the question remains: Is small business diversity alone enough to support a Native Nation? For the EBCI, it was – until the late 1980s. For an economy founded primarily on small businesses to succeed, it must generate enough levy to support the governmental structure and services or, as Cattelino argues, the government will also be strained in its economic and political sovereignty practices.
21. See Lewis (2019) for more detail regarding these businesses.
22. Because the current TERO process is not transparent, it is difficult to determine how a company is outbid and by how much. This issue is in the process of being addressed by a new TERO commission.
23. For larger loans, the EBCI may take trust land as collateral through a special agreement with the federal government. However, this much more complicated process is rare (Seagle, 2011).
24. For example, TERO businesses have 5% leeway when submitting bids. If their bid is within 5% of another contractor, they are given a ‘second chance’ bid. This does not guarantee that the TERO company will receive the contract. Being outbid is not unusual, because non-Native companies do not have to match the same minimum TERO requirements as Native companies (e.g., wages, Native employment minimums, and specific insurance types) and may therefore have lower operating costs.

REFERENCES


