Factors that Promote and Hinder the Development of the Economy of Indian Reservation in the USA

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In most parts of the U.S. the urbanization process has been largely completed and the early agrarian society has given way to a society that was once based on industry, followed by one based upon an economy of services. The Indian reservations, that usually are peripherally located, were not part of this urbanization process, however, having to face nowadays virtually insurmountable economic problems. These problems and their consequences have given the reservations the not very flattering label of "slums in the wilderness" (Hagan, 1971, S. 22). Reservations are thus faced with problems similar to the difficulties encountered by many other distressed rural areas of the United States, in which economic development is often hindered by the same factors, some of which are endemic to Indian reservations alone.

There are, however, also factors that are potentially favourable to the development of the reservation economy. Such advantageous factors are the abundance of natural resources found on some reservations, for instance, minerals, oil and gas, fresh water, fish, timber and good soils for pasture as well as agricultural land (see Frantz, 1993 and 1998). However, this aspect is discussed elsewhere and will, therefore, not be dealt with here (Frantz, 1999, S. 189–272). The utilization of these natural resources can be highly profitable for primary economic activities, but this does not sufficiently compensate for all the disadvantageous aspects. Nevertheless, for some industries a location on a reservation does bring certain advantages and this can lead to a decision to locate on Indian lands, at least temporarily. The most important of these factors will be taken into discussion in this paper.

Factors that hinder the development of the reservation economy

A closer look at Indian reservations often reveals that isolated locations, poor natural resources, and limited economic potentials leads to a *high degree of marginality* (see Hofmeister, 1976 and 1978; Sorkin, 1971 and 1973; Wax, 1971). This situation has not only developed by coincidence, but is predominantly the result of two hundred years of federal Indian policy. Indian reservations are generally located far from important transportation routes and from urban agglomerations, and often hold only limited prospects for developing an independent and viable economy. Their *isolated location* undoubtedly results in a serious handicap for most branches of the economy. A business in the service sector looking for customers with real purchasing power, for example, has only a *sparsely populated reservation* available, whose many *impoverished inhabitants* often live in scattered settlements, and therefore do not form an attractive market. The same can be said of businesses which are dependent on transportation, and for which a short distance to the suppliers of raw materials and the proximity to markets are of decisive importance. Subsidies or other aid can only partly compensate for the disadvantages of location, and such compensation would be only temporary. It will thus be difficult for the majority of the peripherally located tribes to cast off dependency in the future in spite of the continuous promotion of self-determination.

When a business enterprise is located on a reservation, it may be isolated from the necessary contacts with similar businesses and thus the communication flow is hindered. This isolation can be further increased by a generally *poor infrastructure*: due to the lack of private enterprises on the reservation, small businesses for repairs and other services are lacking, bank branches remain a rarity, means of communication and sources of energy are commonly both inadequate and expensive, railway connections are rare, the road network is of poor quality and low density, and, generally, public transportation is non-existent.

On the Navajo Indian Reservation, which includes parts of Arizona, New Mexico and Utah, which is, with its almost 63.000 square kilometres, by far the largest reservation in the United States, there were, for example, only two good partly paved roads in 1950, which together measured 390 kilometres in length. The decisive initiative for the construction of roads in this area came during the following thirty years with the exploration and mining of mineral resources on the reservation. This development greatly increased the total number of kilometres of road. The total length of the road network was about 18.000 kilometres by 2000, according to the *U.S. Bureau of Indian Affairs* roads program, but less than 6.500 kilometres were paved. The remaining roads are unimproved and partly impassable after it rains.

Despite this great increase in road construction, even today the *Navajo Indian Reservation* still makes a poor showing when compared with similar rural areas of Arizona and New Mexico. If the density of the road networks in and out the reservation in Arizona and New Mexico were to be compared, on an area of 1.000 square kilometres, the road network in the reservation is just one-third of the equivalent of the one out the reservation. The population density in the Navajo Indian Reservation, however, with its less than one person per square mile, is much lower than that of rural Arizona and New Mexico.

The development of a road network in the reservations has undoubtedly made daily life easier for the Indians in many respects, though this development has also brought with it certain disadvantages for the reservation economy. Parallel to the rise of auto traffic, the expansion and improvement of the road network has led to a higher degree of mobility from the part of the reservation Indians. In view of the fact that *retail trade and the businesses in the service sector are so poorly developed*, it is understandable that the Indians should make use of this newly-acquired mobility to make their purchases in so-called border towns, i.e. nearby cities outside the reservations where the supply of goods is much greater and the prices lower. Apart from these advantages, reservation Indians can enjoy the attractiveness of urban life, in German referred to as "urban glitter," while the person can also escape, at least temporarily, from the thickly-woven network of social control that surrounds them at home.

This tendency to shop in border towns robs the tribe of the benefit of the multiplier effect, because the *money earned home is used to a great extent to "import" merchandise and services*. The supermarkets established in recent years by a number of large tribes have not put a stop to the considerable drain of money, as shown by a study commissioned by the Navajos in the mid-1970s. The author of this study came to the conclusion that approximately one-half of a Navajo's household income is spent outside the reservation (Wistisen, 1975, cited in Ruffing, 1978, S. 45). On the *Zuni Indian Reservation* in New Mexico this proportion is even higher, estimated at 84% (Vinje, 1982, S. 94). These conclusions support Hofmeister's view that the competition of the American economy (1978, S. 342) is generally too powerful for the reservations.

The marginality of the Indian reservations is to be seen not only in their isolated location and limited economic potential, but also in the generally *poor natural setting*s, which include the common lack of natural resources.

As early as 1976 Hofmeister called attention to the fact that Indian territory is generally a very poor, disadvantaged region with regard to its environmental setting and natural resources. Almost one-quarter of these Indian lands are arid with less than 250 millimetres of rainfall annually. In 1983 about 11% of the reservation land was commercially exploited forest, of which one-tenth, down from 40% in 1963, was leased to non-Indian enterprises. On the other hand, croplands represented less than 6% of the total Indian territory, and around three-fifths of this cropland, 86% in 1963, was cultivated by non-Indians. The major part of the remaining land was generally used as open range grazing (U.S. Department of the Interior 1986, S. 114–115).

For many years the federal government tried to make yeoman farmers out of as many American Indians as possible. The extent, to which this political program misfired, however, is shown by the fact that today only less than 5% of the reservation land is cultivated, and an exceedingly small number of Indians are farmers. Those tribes who were traditionally successful farmers, the Pueblo Indians of New Mexico and the Pimas of Arizona, for example, have largely lost the skills needed for farming, following controversies over water expropriated by the white farmers. The policy that sought to make Indian people individualized, self-sufficient farmers was doomed from the start, since most of the Indian land is not suitable for agriculture without large capital expenditure, due to unfavourable climate conditions, poor soil, and inadequate water supplies.

There are still other obstacles to the economic development which have little to do with the poor natural environment or the peripheral location of Indian reservations. One of these obstacles has origins in the *legal, administrative and political structures specific to the reservations*, structures which underlie the tribe, the U.S. Bureau of Indian Affairs, and the respective state, as well as their relationships towards each other.

Outside investors and also the small number of Indian entrepreneurs are therefore often confronted with obscure and intricate administrative practices that act as a deterrent, and thus blur the advantages created by favourable tax structures or other benefits. For example, in order to rent a parcel of land in one of the industrial parks on the *Gila River Indian Reservation* of Arizona to set up a business, it is necessary to enter into wearisome negotiations with the various tribal authorities, and to complete forty-five application forms, many of which are several pages long [1]. Even after these costly and time-consuming formalities have been carried out and various other federal requirements have been met, the *veto power of the U.S. Bureau of Indian Affairs* can still be used to postpone or put a stop to the project in question. The U.S. Bureau of Indian Affairs´ veto power has often had a negative effect on economic initiatives of the tribe, whose members have the feeling they are constantly being patronized despite the propagated policy of self-determination. Disputes over the competence of staff and also problems of factionalism condition daily life in many tribal governments and among Indian decision-makers. These are also factors that create negative effects on the reservation economy and create a *climate of political instability*, since it is often difficult for the outside investor to know with whom to negotiate or how much importance to give to any particular negotiations. First, a business developer is confronted with the tribal chairperson, who is generally up for re-election every two years, but who often may be subject to recall if the members of the tribal council give him or her a vote of no confidence before the end of this two-year period. The author's inquiries have shown, for example, that in the period from 1938 to 2000 there were thirty-seven different chairmen on the *Hualapai Indian Reservation* of Arizona. Ten of them were in office for less than one year, and only four were chairmen for more than one term. The result of this frequent change of leadership is that no one in the tribe acquires too much political power, a principle in accordance with the traditions of many tribes.

The premature expulsion of the tribal chairperson is often accompanied by the simultaneous resignation or replacement of other council members and key tribal staff. The result is that the "rules of the game" often change in the middle of the process, and that the businessperson, still in the midst of negotiations, even after investments were made, must abandon their project and leave the reservation. On some reservations a businessperson from outside who enters into negotiations with the tribal chairperson and staff should also be aware of the various factions in the tribal council, the "shadow government" in the U.S. Bureau of Indian Affairs and, if possible, the traditional tribal leaders, who often do not make themselves known to outsiders. The political system of the various tribes is very different from that of the mainstream society as a whole. Contrary to western democracies, the principle of representative political leadership and of elected representatives who make decisions for the people on the basis of a parliamentary majority is alien to most of the Indian tribes. In the past it was the Indian custom to reach a decision only after an extensive discussion among members of a kinship group, a band, a village community or a tribe, and the problem was discussed until a consensus was reached. Isolated decisions made only by one or more leaders were often not accepted by the people. Even today this Indian style of consensus decision-making is widely prevalent on the reservations. The result is that it is often difficult or impossible to reach political decisions that will be accepted by everyone on a reservation whose population consists in many different bands and village communities, and, in some cases, of artificially created fusions of different tribes. Responsible politicians on reservations who make isolated decisions independent of public consensus must then be prepared for the likelihood that their decision will be overthrown or boycotted.

Non-Indian businesspersons, once aware of this political environment, can therefore hardly be blamed if they reconsider their plans and decide not to risk an investment on a reservation land.

While non-Indian entrepreneurs are at any time free to transfer their business to another place, tribal enterprises are generally bound to the reservation. Their managers are often steered and manipulated by their tribal boards and unduly influenced in their decision-making. Unlike the rest of America, where maximizing profits is the primary objective, the tribal enterprises are often chiefly guided by social and political considerations.

The *complicated and somewhat unclear legal status of the reservation lands and water rights* is another deterrent to the outside investment. For the arid areas of the West and the South-West, for example, it is of a paramount importance for the manager of a large farm to know the annual amount of water available and how much they must pay for it. Because water is very scarce and in great demand in these regions, and because at the present time more than sixty important cases of litigation are pending between Indian reservations and surrounding communities, counties or states (U.S. Department of the Interior 1986, S. 32), the water question remains unclear on many reservations and it is a factor that creates great uncertainty for business investors Complications can also arise from the inheritance practices that split up the land into extremely small parcels, which makes it difficult for a tenant farmer to cultivate areas of land large enough to earn a profit over time without becoming constantly involved in legal controversies. Another legal source of controversy between the tribe and the businesspersons from outside is the question of who should be the owner of the improvements and investments made on the leasehold land once the lease has expired. Due to such controversies, outside business investors are extremely reluctant to make extensive, non-mobile capital investments and they usually equip their reservation businesses only with the minimum investment necessary.

On some reservations, for a variety of reasons, people are simply not interested in the dynamic development of their economy. It may be that a *tribe fears the consequences of a very successful economy*, perhaps because the tribal decisions-makers are still subconsciously influenced by the era of the *Termination Act* of 1953 when a number of reservations with flourishing economies no longer received subsidies. There are also tribes that seem willing to accept an economic standstill in order to preserve their ethnic group identity and to protect themselves from the infiltration of outside change. Thus, for example, the *Havasupai Indians* of Arizona, located at the Havasu Creek, a tributary of the Colorado River at the Grand Canyon, have successfully opposed to any projects to open their reservation by the construction of a cable railway or road, thereby preserving their isolation that is viewed as idyllic by outsiders. A similar attitude is also to be found among those many American Indians who deliberately remain on the reservation to demonstrate that it is more important for them to live in the security of their tribal society and the homeland they are attached to than to have the prospect of social mobility, which can often only be achieved by leaving their familiar environment.

An additional fact is that reservations increasingly serve as places of refuge for those Indians who cannot take part in the migration process to the large cities, either because they are too young or too old, or are physically or mentally challenged (see Wax, 1971, S. 71). The consequence of this trend is a "brain drain" where many urgently needed and well-educated people move out the reservations, which leaves the local economy with a *labour force not well-qualified* for their tasks.

One of the main problems for the reservation economy is the *lack of investment capital* and mechanisms for collateral or loan guarantees. It is true that many tribes have long had trust funds established for them by the U.S. Bureau of Indian Affairs as compensation at the time when the Indians were forced to cede land to the white settlers. Trust funds have existed since 1819, when, for the first time, the federal government purchased the territorial claim as well as the agreement to exchange land from an Indian tribe, in this case the Cherokees of Georgia. Money from the *Indian Claims Commission* still flows into these trust funds today, if it has not already been distributed to the tribal members. Revenues from mining permit fees, royalties and shared profits along with money from land leases for agriculture, forestry, and industrial parks is also put into the trust funds. These reserves could be used as capital for new industrial projects, except for two problems. First, the *U.S. Bureau of Indian Affairs retains the power of veto* over the use of these funds and, moreover, has often used this power to limit or stop projects in the past. Secondly, many tribes are not willing to agree to any investments that might put their land at risk.

The tribal capital reserves mentioned above are limited and far from sufficient to meet the need for investment capital. Economic development projects could be carried out using loans from banks and other financiers, but the Indian reservations are not credit-worthy, because they cannot offer their trust lands as collateral. *Indian reservations* are not credit-worthy, because they *cannot offer their trust lands as collateral*. The reservation land as well as other tribal property and resource and reparation revenues are held in trust by the United States and therefore cannot be reclaimed in case of bankruptcy.

Only a very few tribal enterprises, such as the *Ak-Chin Farms Enterprise* at the *Ak-Chin Indian Reservation* in Arizona, have been successful in avoiding this legal obstacle. At Ak-Chin a skilful tribal chairwoman has set up a flourishing model farm for the tribe using private loans that involved a contract by which part of the harvest would be given to the creditors should the loan not be repaid on time, and in case of bankruptcy the creditors could cultivate the land by themselves <2>.

There has been action to create an *Indian Development Bank* that would follow the example of the World Bank to grant favourable loans to economically underdeveloped Indian reservations, and in fact an *American Indian National Bank* under the direction of Indians was founded in Washington, D.C., in the 1970s. However, this did not make it any easier for tribes to obtain loans.

Tribal enterprises lack investment capital and cannot use land collateral, but this is even more of a problem with individual tribal members and the limitations on entrepreneurship. Unfortunately, there are no official data or estimates regarding the number of savings accounts held by reservation Indians. On the basis of the author's conversations with people at the *Fort Apache*, *Gila River* and *Hualapai Indian Reservations*, as well as with the inquiries addressed to managers of local branch banks on or adjacent to these reservations, it would appear that the *number of reservation Indians who have savings accounts is exceedingly small* (see Frantz, 1999, S. 170 f.). It is not clear, however, whether this is equally true of the Indians on other reservations.

As for the credit-worthiness of potential Indian entrepreneurs, the situation is essentially the same as for the tribal enterprises. Generally speaking, most of their private property cannot be used to secure loans. This applies to land that, although allotted, is still held in trust, as well as income derived from this land. It also applies to housing on the reservations (see La Fontaine, 1974, S. 32). Another reason why lenders are reluctant to grant loans is that they believe that most reservation Indians have had little experience in business and represent too great a risk.

The *lack of available economic and social data on many reservations* may also cause an entrepreneur to decide against setting up a business on a tribal land as well (Sorkin, 1973, S. 120). This lack puts these Indian reservations at a disadvantage in comparison with many other underdeveloped regions of the United States, where state or local agencies systematically investigate and assemble the data essential for business analysis. The U.S. Bureau of Indian Affairs, however, despite its large number of civil servants, it has no branch for statistics that aggregates data on a national basis, which means that it often cannot help out with precise data needed by a businessperson.

Factors potentially favourable to the development of the reservation economy

One attraction for industrial enterprise in Indian territory is the large pool of cheap labour force that a business can count on under very favourable conditions owing to the high rate of unemployment. This explains why certain industries, which may not be competitive in other locations, are now moving towards the reservations. Here, as in the countries of the Third World, the low wage level (see Sorkin, 1971, S. 98–99) seems assured by the general absence of labour unions and the tremendous rate of unemployment. Although these low wages are also the result of the lack of skilled workers on the reservation, the employer does not bear the full burden of the Indians' lack of training, because the U.S. Bureau of Indian Affairs has programs which fund on the job training for Indian workers for a certain time, or else reimburse as much as half the wage costs to the employer.

The enterprises on the reservations that are not owned by the tribe, generally pay only the legally required minimum wages, which, on a monthly average, are not much higher than welfare payments, and the workers in these enterprises have little prospect for promotion. This explains why in many reservations Indians often display no particular interest in such work, which also means that the available supply of labour is actually not as great as it might appear.

Another advantage that a business may have if it is located on a reservation is that there are fewer environmental and development regulations. Furthermore, contrary to the situation in the rest of the country, the implementation of these reduced regulations on reservations is often not strictly enforced by either the tribal governments or the U.S. Bureau of Indian Affairs. For example, the lack of environmental regulation with regard to the mining of uranium on the *Navajo* and *Laguna Indian Reservations* (New Mexico) had, in some cases, disastrous consequences, resulting in disease and even death for both miners and others. In some cases the foundations of the houses of these deceased people had been constructed with uranium mine tailings (see Peters, 1987). Conditions on Indian territory are, therefore, similar to those in Third World countries, where the authorities do not want to lose investors because of the regulations that would be considered too stringent. There are advantages, however, in locating a business on reservation land rather than in Third World countries, since there are no custom taxes, duties or import quotas that would hinder business; and since all business is done in dollars, being no currency risk.

Equally favourable to the investor is the status of tax regulations on reservations and exemptions from some federal and most state taxes. Although some of these advantages may be lost when the tribe itself decides to levy taxes in order to raise additional funds for its budget, the advantage still remains. This special tax status reflects the residual sovereignty of the reservations, and is very definitely a location advantage for business.

Another factor that works to the advantage of the reservation economy is the partial breach of the restrictions on gambling. The crippling obstacles of federal repression and chronic poverty suddenly have disappeared for some tribes owing to the *Indian Gaming Regulatory Act* of 1988 (Public Law 100–497, 1988), which opened the doors to numerous gambling operations. Many tribes have now a real possibility of achieving long-held goals of self-determination and self-sufficiency, and for the first time the achievement of these goals is largely in the hands of Native people themselves.

Prior to 1985, most gambling activity outside the Indian land was restricted to two states, Nevada and New Jersey. Since then, gaming has mushroomed across the United States outside Indian reservations. Today all states have legalized gaming in some form, and some states permit casino gaming in limited locations, such as the riverboats on the Mississippi River and Gulf Coast. In 1996 there were thirty-one states in which gross wagering exceeded $ 1 billion, and throughout the United States the amount spent in 1996 on wagering exceeded $ 590 billion. The American Indian share of total money wagered in the same year was $ 65 billion, or 11% of the total. In 1986 there were 85 gambling facilities on Indian reservations, but by 1997 there were 142 tribes that operated a total of 281 so-called *Class III gaming facilities*, i.e. casino gambling, slot machines, horse and dog racing, and jai alai, employing a total of 180.000 people in twenty-four states (Wichell, Lounsbury, and Sommers 1997, S. 1 und S. 3; [4]).

Despite the number of Indian gaming facilities, not all are highly profitable. Only 48 tribes earn more than $ 10 million a year from gaming operations (Washington Post Magazine 1997). The wealthiest gaming tribe is the *Mashantucket Pequot* of Connecticut, which became a federally acknowledged tribe only in 1983. The tribe’s *Foxwood Casino* employs 10.000 people, and it is the country’s largest casino.

Under the terms of the tribe’s compact with Connecticut, the tribe pays $ 150 million in revenue taxes on its gaming earnings to the state, a sum equal to 25% of the state’s tax revenues from all sources (ibid., S. 5). With part of the profits from gaming and other enterprises, the Pequot have created a *Museum of the American Indian*, which opened on their reservation in August, 1998.

The museum reportedly cost $ 150 million, and has a research library on Native American subjects that contains 150.000 volumes in addition to educational exhibits on the tribe’s history. Tribal leaders point to the new museum as an example of the vitality of their culture as they enter a new century [5]. Finally there are a number of *governmental programs* available on reservations which promote and support economic development.

These programs and policies involve high costs and include a variety of program activities. In some respects they are one of the few stimuli for the reservation economy and often provide the only reason for which businesses are established on reservation land. Of the $ 2,8 billion of public funds, which, according to the *U.S. Office of Management and Budget* , were granted to Indians in 1986, an average of $ 3.500 for every status Indian, somewhat more than 8% was spent to establish and promote economic development projects. It is surprising that twenty years later this small share of the public funds promoting economic development projects has not changed.

For a long time the promotion of tribal economies was the exclusive responsibility of the U.S. Bureau of Indian Affairs, although it paid little attention to this matter until 1934. Until then the Indian agency saw no particular reason to give economic support to the reservations, which, according to the official viewpoint, would simply create obstacles to the process of assimilating and civilizing American Indians.

Although this attitude changed with the introduction of the *Indian Reorganization Act* in 1934 and the reservations then received funds from the federal government to establish tribal enterprises, the fact is that until the 1960s the U.S. Bureau of Indian Affairs did not grant much financial support to the reservation economy.

In conjunction with the so-called "War against Poverty," however, as proclaimed by President Johnson in the mid-1960s, other federal agencies, including the *Economic Development Administration*, the *Office of Economic Opportunities* and the *Small Business Administration*, took the initiative to help reservation Indians.

By 1984 there were already more than twenty federal departments or agencies which provided programs to support the development of the tribal economies. The total cost of these programs was twice the level of funds granted by the U.S. Bureau of Indian Affairs (Presidential Commission on Indian Reservation Economics 1984, S. 27). It must be said, however, that until today these programs, with their various objectives and regulations, have not been properly coordinated, and that the major portions of the funds were used for administration.

It was not until a passage of the *Indian Financing Act* (1974) and the establishment of the *Indian Loan Guaranty Fund* (1984), forty and fifty years after the Indian Reorganization Act, that the U.S. Bureau of Indian Affairs again seemed to realize what its responsibilities for the development of the reservation economy were.

A basis was now established that made it possible to grant credit not only to tribal enterprises but also to individual Indian businesspersons who, as already explained, would otherwise find it difficult to obtain such credit. At the same time a fund was created with which the U.S. Bureau of Indian Affairs would reimburse banks for 90% of the loans to the Indians in case an Indian business failed, through a loan guarantee.

In view of the large backlog of demand for financing development, the amount of the funds available from the U.S. Bureau of Indian Affairs, however, was hardly adequate. Even if federal subsidies are among the major factors that have framed tribal economies, these subsidies are not always helpful to Indian people. Successful overall economic development on reservations is not simply a question of money. Many expensive projects are carried out, not because there is a particular need for them or because they are desired by the tribe, but simply because public money for such projects is available and because non-Indian consultants and lawyers for the tribe acquire a certain prestige by obtaining this money. If some of the tribe’s capital had to be spent on such projects, most of the Indian decision-makers would undoubtedly be much more cautious.

The same can be said about the non-Indian businesses on reservation land. Many of them are attracted to the reservations because they can count on operating large subsidies, and some might be there because they would probably not have a chance of a business of their own off the reservation.

The consequence is that funds intended for reservation Indians often end up in other people’s pockets, and once these funds have been used the reservation has lost one more enterprise. Many non-Indian businesses on the reservations close down after only a short time, which demonstrate the result of this policy.

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<4> Tim Wapato: Director, National Indian Gaming Association in Washington, DC. Speech at the annual meeting of the Affiliated Tribes of the Northwest Indians at Spokane, Washington, August 1997.

<5> National Public Radio, „Morning Edition“, August 11, 1998.