

The Legal Regimenting of Tribal Wealth: How Federal Courts and Agencies Seek to Normalize Tribal Governmental Revenue and Capital [Abstract]

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This article examines how federal courts and agencies employ “rich Indian” discourses to force tribal economic development to fit normative notions of market capitalism in the United States. In particular, we evaluate the ways in which tribal government revenues are falsely portrayed as individual tribal wealth. Probing rulings on tribal labor relations as well as federal policy that regulates issuances of tax-exempt bonds, our analysis finds that federal courts and agencies use the financial success of tribal governmental industries such as gaming as an excuse to limit tribal government access to federal programs or exemptions. By limiting tribal access to these institutions and programs, federal agents undermine tribes’ ability to produce revenues that are critical for tribal nation (re)building. Thus, employing a rich Indian rhetoric in federal courts and agencies results not only in stifling tribal economic development, but more importantly, undermining tribal sovereignty and self-determination.

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