



Media Release

Rebuilding
Communities
Through Indian
Self-Reliance

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Indian Gaming Regulatory Act History & Facts

In 1988, Congress passed the Indian Gaming Regulatory Act (IGRA) to regulate the flourishing tribal gaming industry.

IGRA DID NOT CREATE INDIAN GAMING

Indian Nations have always had the right as sovereign governments to conduct all governmental activities, including gaming. Ironically, most states were opposed to IGRA when it was initially introduced. Large-scale tribal gaming operations predated IGRA by about 10 years. States felt it was already within their rights to assert regulatory control over these operations; tribes disagreed. To protect themselves from the states' efforts to limit gaming, tribes sought legislative insurance against an unfavorable court ruling.

SUPREME COURT & CONGRESS UPHOLD INDIAN RIGHTS/SOVEREIGNTY

The U.S. Supreme Court ruled in 1987 that states had no regulatory control over gaming conducted on Indian land (*California v. Cabazon*). Following that decision, several states, led by Las Vegas gaming interests, reversed their opposition to IGRA and urged its passage as a way to have some control. Congress consented in 1988 and IGRA, after being amended to give states more regulatory control through compact negotiations, became law.

IGRA recognized the right of tribes to conduct similar gaming on tribal land in states where such gaming is permitted outside the reservation for any other purpose.

STATES AND TRIBES MUST COOPERATE

Under IGRA, a state is obligated to negotiate compacts that lay out the conditions, regulations and limitations for Class III gaming operations. If a state refuses to negotiate or to negotiate in good faith, tribes can sue in federal court to force mediation. If a state refuses to implement a mediator's recommendations, the Secretary of the Interior establishes the procedures for Class III gaming within the state.

STATES ATTACK THE LAW THEY LOBBIED TO PASS

Faced with mounting losses in lawsuits charging bad-faith negotiations, states now want to change IGRA the same law they pushed so hard to see passed. States want more control to tax, regulate and police gaming operations. States claim it's a violation of their sovereignty for Congress to subject them to the jurisdiction of the federal courts for failing to negotiate a compact. The states further contend it's an unconstitutional intrusion of power to force them to regulate Class III operations that they don't want operating within their borders.

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Despite their misgivings, tribes have reluctantly accepted IGRA and have played by the rules in order to protect their most promising key to the future - even though it has meant an unprecedented infringement on their sovereignty. The tribes contend that the states should either play by the rules they helped set or Congress should exclude the states from that process and return to the historical tribal/federal relationship.

Indian gaming is a right of Indian Nations, derived from sovereignty recognized by the Supreme Court and Congress. It is the only economic development tool that has ever worked on reservations, bringing increased economic benefits to Indians and non-Indians. Several tribes and states have demonstrated by example that, when given a chance, IGRA can work well to the benefit of all.

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