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DEPARTMENT OF
POLICE

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JOHN P. KEARNS
CHIEF OF POLICE

Law and Legislation Committee
Sacramento, CA 95814

Subject: U.S. Senate Bill 1303 - "Indian Gaming Regulatory Act"

Honorable Members in Session:

SUMMARY

The Congress of the United States is presently considering Senate Bill 1303 authored by Senator McCain (for himself, Senator Innouye, and Senator Evans) which is entitled the "Indian Gaming Regulatory Act." As a follow-up to Senator Innouye's bill from last year, this new legislation also deals with the subject of gaming taking place on Indian Reservations throughout this nation. Under this proposed legislation, three separate "classes" of gaming are defined together with the specific regulatory control that would exist over each class.

CLASS I

- * Class I gaming includes social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of or in connection with tribal ceremonies or celebrations. Under the bill, control over these games would rest within the exclusive jurisdiction of Indian tribes and not subject to provisions of the Indian Gaming Regulatory Act (S 1303).

CLASS II and III

- * Class II gaming would include card games and games of chance commonly known as bingo or lotto. Class III gaming includes all other forms of gaming not defined and included under Class I or Class II gaming. Under S 1303, jurisdiction over Class II and Class III gaming would rest within the jurisdiction of the Indian tribes subject to provisions of the Indian Gaming Regulatory Act and where such Indian gaming is located within a state that permits such gaming for any purposes by any person, organization, or entity. Under the provisions of S 1303, a five member

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National Indian Gaming Commission would be established and comprised of one representative appointed by the Secretary of the Interior and three individuals who are members of federally recognized Indian tribes. This commission would approve tribal ordinances regulating Class II and Class III gaming taking place on Indian Reservations.

It has historically been the position of California Law Enforcement that jurisdiction and control of all forms of Indian gambling should be vested with the states. The states have traditionally regulated gambling as they do liquor and have the most effective means for regulating Indian gambling through the various regulatory bodies, rules, and procedures that are now in place. The provisions of Senate Bill 1303, which grant a five member National Indian Gaming Commission the responsibility for overseeing Class II and Class III gaming, are totally inadequate to address the problems associated with the infiltration and control by organized crime. As is evident with many examples throughout the country, major scandals already exist with Indian bingo operations including skimming, rigged jackpots, unethical management firms, and the like.

While the recent Cabazon Indian Supreme Court decision speaks to the question regarding Indian Reservations' autonomy and their exemption from state gaming regulatory control, every effort should be made to minimize the opportunity for possible organized crime infiltration by preventing the future expansion of gaming operations on Indian lands. Under the proposed legislation, the states will have virtually no control of any type over Indian gaming. As gaming expands unchecked on these reservations, not only will we risk the danger of increased organized crime activities in these areas, but states will also be subject to a commensurate demand for operational equity by "non-Indian" gaming establishments.

RECOMMENDATION:

The main issue in this legislation is that it will take away state discretion in controlling gaming on Indian Reservations and in all likelihood open the door to other "non-Indian" gaming interests throughout California.

I am requesting the Law and Legislation Committee oppose this legislation by corresponding with Senators Wilson and Cranston, and request they vote against SB 1303.

Sincerely,


JOHN P. KEARNS
CHIEF OF POLICE

JPK:lf

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