

Feds load the dice against Indian Gaming

By W. Ron Allen

President, National Congress of American Indians

Indian gaming is the most regulated in the industry and is without a doubt the most positive context in which gaming now occurs. The tribal government programs and infrastructure funded by gaming bring hope and opportunity to some of the most desolate places in America. Crime rates go down, alcoholism and drug abuse go down, and individual initiative goes up. It would be a tragedy, indeed an atrocity, to reach the next century with federal policy moving tribes back into poverty out of which they are only now rising, but this seems to be what is happening. Despite our right to self-determination and self government, and despite economic situation, federal policy makers are working hard to set up new stumbling blocks to Indian gaming.

Congress established the National Gambling Impact Study Commission last year to examine the economic and social effects of gambling and then make recommendations to congress. From the first Congressional hearing, tribal leaders have urged that the panel should have at least one American Indian member who possesses a firm knowledge of a federal Indian policy and is familiar with the immensely positive impacts that tribal gaming has on Indian communities and our economies. In response to our requests, the White house has promised to appoint such a person, but that promise is now in jeopardy. The president delayed until all the other seats are filled except the one intended for an American Indian. As the seats are filled, The Washington Post printed three editorials questioning propriety of appointing a commission with a majority of members connected to gambling, and the last seat on the commission became the pivot. The pressure is on to appoint a person who is anti-gambling, so the White House wants to renege on its promise.

On April 29, 1994, President Clinton held an historic meeting with tribal leaders where he promised that decisions regarding tribal governments would be made in full and fair consultation with the tribes. That commitment must mean representation by an Indian person in any political forum that impacts the future and well-being of Indian

people. We strongly urge the President to fulfill his promises and appoint an American Indian to the beneficial effects of Indian gaming are fairly considered.

The second stumbling block is a proposal in Congress to put an unrelated business tax on tribal government gaming revenues. This effort seems to stem from the notion that an Indian tribe is sort of a charitable organization, and that revenues from unrelated business should be subject to federal tax. This is a fundamental misconception. Indian tribes

are government, and, like state and local governments, the revenues accruing to tribal governments have never been taxed. Tribal governments are required by law to use gaming revenues as a

tax base to fund essential tribal services, such as education, law enforcement, tribal courts, economic development, and infrastructure improvement. Much like the revenues from state lotteries, tribal governments are also using gaming profits to fund social service programs, scholarships, health clinics, new roads, new sewer and adequate housing and chemically dependency treatment program among others. State lotteries bring over \$15.5 billion annually, more than five times as much as tribal gaming governments are going to be treated equally by the federal government, there is no one suggesting a federal tax state lottery revenues. Isn't this gambling as well? Our point is that government should be treated the same Congress.

In the current political environment, I am not surprised by the record news stories of tribes giving political donations in order to have their issues heard. Federal lawmakers have enormous power over Indian affairs, and most have little understanding and great difference. Tribes must involve an inordinate amount of their limit resources to ensure that their interest are not carelessly disregarded. What tribes really need is a consistent federal policy that respects their right including the right to engage in a business of gaming, and is a subject to every political breeze that blows Washington. When this policy is a place, tribes will be able to get back the business of rebuilding their broken economies, without fear that the federal government will continue thwart their efforts.

Reprinted from Indian Gaming Magazine May 1997.

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