GAMING
COMMISSION

JUN 22 1999

Ernest L. Stensgar, Chairman
Coeur d'Alene Tribe
Route 1
Plummer, Idaho 83851

Re: National Indian Lottery

Dear Chairman Stensgar:

The Coeur d'Alene Tribe (Tribe) is presently involved in litigation in the 9th Circuit Court of Appeals with respect to whether the National Indian Lottery (NIL), an internet gambling enterprise of the Tribe's, is legal. It has come to our attention that, in the course of this litigation, the Tribe has argued that the National Indian Gaming Commission (NIGC), by approval of the Tribe's management contract and a subsequent amendment, implicitly authorized the off-reservation features of the NIL. It is the view of the NIGC that the Indian Gaming Regulatory Act (IGRA) does not authorize off-reservation gaming and, moreover, that the NIGC did not authorize such gaming when it approved the Tribe's management contract and amendment.

In a press release issued in March of 1995, less than two months after our approval of the management contract, we stated:

> The National Indian Gaming Commission did not approve a nationwide Indian lottery. The Commission did approve a management contract between the Coeur d'Alene Indian Tribe and Unistar. The Tribe is well aware that there may be legal obstacles to its proposed lottery and that it must deal with other tribes and states on an individual basis."

Accordingly, we did not intend by our approval of the contract to expressly or implicitly state that the off-reservation gambling contemplated by the NIL was authorized by IGRA or legal under other applicable federal or state laws. The NIGC's review of the management contract simply found that the contract complied with the management contract requirements of the IGRA and NIGC regulations.

It is the position of the NIGC that the tribal gaming actions of the NIL to the extent they involve off reservation gaming are not authorized by IGRA. Further, such actions may be subject to other federal or state laws.

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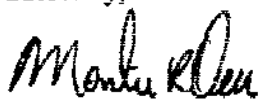
Finally, we concur in the opinion of the United States as more fully articulated in its amicus curiae brief filed today in the 9th Circuit.

Sincerely,



Montie R. Deer
Chairman