

Seneca Cayuga Tribe of Oklahoma Gaming Commission 23701 S. 655 Rd Grove, OK 74344 918-787-9703

Ms. Tracie Stevens, Chairwoman Mr. Daniel Little, Associate Commissioner National Indian Gaming Commission 1441 L St. NW, Suite 9100 Washington, DC 20005

Re: Comments on Electronic One Touch Bingo System

Dear Commissioners:

The Seneca-Cayuga Gaming Commission ("Commission") submits the following comments regarding the National Indian Gaming Commission's ("NIGC") proposed reinterpretation of its position on electronic one-touch bingo system games, as previously set forth in a June 4, 2008 letter disapproving the Metlakatla Indian Community's gaming ordinance amendments ("2008 Decision"). If adopted, the proposed reinterpretation would resolve a longstanding dispute in favor of the tribal position by clarifying that electronic bingo games in which the player must only press one button to wager and play is a Class II game under the Indian Gaming Regulatory Act ("IGRA").

The Commission strongly supports the proposed reinterpretation and the NIGC's efforts to bring greater clarity and stability to the Class II gaming industry. The 2008 Decision classified one touch bingo as a Class III electronic facsimile on the basis that it did not meet certain legal elements that were not required under IGRA or its implementing regulations. The proposed reinterpretation, on the other hand, correctly adheres to the statutory definition of Class II bingo and is consistent with federal court decisions that have repeatedly affirmed that the three statutory requirements of bingo are all that is required to be classified as Class II bingo.

We therefore agree with the NIGC's current position that one-touch bingo meets the statutory requirements for Class II games because it satisfies the required three legal elements - it is played for prizes, the player covers the numbers or designations when drawn, and the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards. Such position is not only consistent with federal law and established legal precedents, but also with Congress' intent for tribal governmental bingo to evolve and grow along with advancing technology. We strongly agree that the NIGC "should give consideration to an interpretation of bingo that embraces rather than stifles technological advancements in gaming."

For these reasons, we recommend that the NIGC adopt the proposed reinterpretation.

Sincerely,

<u>/s/</u>

Richard Wood, Commissioner Seneca-Cayuga Gaming Commission