

**NATIONAL INDIAN GAMING COMMISSION
BULLETIN**

No. 93-4

July 19, 1993

Subject: Cabazon Band of Mission Indians v. National Indian Gaming Commission

On June 28, 1993, Judge Royce Lambreth of the United States District Court for the District of Columbia upheld the regulations of the National Indian Gaming Commission (NIGC) defining "class II gaming", "class III gaming", "electronic, computer or other technologic aid" and "electronic or electromechanical facsimile." A copy of the court's decision is enclosed for your information.

Eight tribes filed suit against the NIGC challenging the definitions and the NIGC's distinction between the permissible use of technology in class II gaming and electronic facsimiles of games of chance. The tribes also sought a declaratory judgment that video and computer assisted pull-tab games fall within class II gaming.

In granting the government's motion for summary judgment, the district court upheld the NIGC's adoption of the definition of "gambling device" in the Johnson Act for its definition of "electronic facsimile." Slip Opinion at 10. The court also held that because video and computer assisted pull-tab games replicate the paper version of the game, such games are electronic facsimiles and fall within class III gaming. Slip Opinion at 13.

On July 13, 1993, Judge Lambreth denied the tribes' motion for an injunction maintaining the status quo pending appeal or, in the alternative, a stay against enforcement of the court's opinion and order.

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