

NATIONAL INDIAN GAMING COMMISSION BULLETIN

No. 96-4

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Subject: NIGC Enforcement Policy in California

The recent developments in the State of California with respect to class III gaming has caused the National Indian Gaming Commission (NIGC) to revisit its enforcement policy in California. The environment in which the NIGC makes enforcement decisions regarding Indian gaming in California has changed dramatically. The recent ruling of the California Supreme Court in Western Telcon v. California State Lottery, __ Cal.3d __, 53 Cal Rptr. 2d 812, 917 P.2d 651 (1996) (clarifying the types of "lottery games" permitted by California law) is anticipated to impact Rumsey Indian Rancheria v. Wilson. In late August of this year, the United States Attorneys for the Eastern and Northern Districts advised the tribes in their districts to commence the planning for the cessation of uncompact class III gaming. Also, the Governor of California has entered into negotiations for class III tribal-state compacts with California tribes, beginning with the Pala Band of Mission Indians. It appears that the Governor's policy will be to give priority to those tribes that are not engaged in uncompact class III gaming. Hopefully, the scope of class III gaming in California may soon be clarified, and that avenue for viable economic development through class III gaming, conducted pursuant to a valid compact, will be open to all California tribes. Under these circumstances, and in light of these most recent developments, the NIGC will take enforcement actions against any new tribal gaming operation that engages in class III gaming without an approved compact with the State of California.

The Commission has selected this course as that which will best insure the integrity of Indian gaming. The Commission encourages all California tribes to enter into compacts with the State before opening any new class III gaming facilities. In the meantime, the NIGC will take whatever actions are necessary to assure compliance with the law, including the issuance of closure orders and civil fines.

For additional information contact: the Director of Enforcement at (202) 632-7003.