

NATIONAL  
INDIAN  
GAMING  
COMMISSION

May 25, 1993

Mr. Mark Stevens  
V.P., Marketing & Sales  
Infinational Technologies, Inc.  
9335 North 48th Street  
Omaha, Nebraska 68152

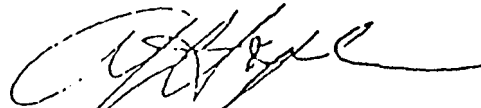
Dear Mr. Stevens:

Thank you for your letter of May 5, 1993, concerning the role of the National Indian Gaming Commission in reviewing electronic games and rendering opinions on whether such games fall within class II or class III gaming.

As the Commission made clear in the definition regulations and the preamble to those regulations published in the Federal Register on April 9, 1992, the test for determining whether a machine game falls within class III gaming is whether that game is a gambling device within the meaning of the Johnson Act, 15 U.S.C. § 1171. You, as well as a number of tribes, disagree with the Commission that this is the appropriate test. Until the Commission's regulations are judicially determined to be invalid, it will remain the Commission's position that Congress did not intend to include any gambling devices within class II gaming.

My staff and I have reviewed the materials you submitted on "Oasis Electronic Pull-Tab Network" and fail to see how your electronic video pull-tab machines are legally different than those that are at issue in the litigation pending here in the United States District Court for the District of Columbia. Your pull-tab machines are electronic facsimiles of the game of pull-tabs and therefore fall within class III gaming.

Sincerely,



Anthony J. Hope  
Chairman