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INDIAN GAMING WOES

By Jan Golab, Guest Columnist

Lobbyist Jack Abramoff's revelations of political corruption should come as no surprise. A tsunami of scandals has been all but inevitable ever since "tribal sovereignty" was codified by Congress in 1988 with the Indian Gaming Regulatory Act.

Thanks to IGRA, Indian gaming has grown from nothing in just 20 years into a \$19 billion-a-year industry and our nation's largest special-interest group. Today, virtually every politician in Washington has taken money from Indian tribes. Some lawmakers have, in turn, served as legislative activists, expanding tribal sovereignty, often pushing through legislation to recognize previously unknown "tribes" or "tribal lands." This form of "reservation shopping," which has led to many new gambling resorts, is truly scandalous.

But it has made Abramoff and his partner, Michael Scanlon, rich. The two collected more than \$80 million in three years in fees from Indian tribes trying to get casinos - or block other tribes from getting casinos - to buy influence on Capitol Hill. Experts say they are only the tip of the iceberg in a growing scandal. Among the California legislators who may now soon be subject to scrutiny are Democratic Sen. Barbara Boxer and Reps. George Miller, D-Vallejo; Mary Bono, R-Palm Springs; Hilda Solis, D-El Monte; and Joe Baca, D-San Bernardino.

Corruption was unavoidable because the notion of tribal sovereignty - a government within a government - is a concept from another age that no longer works today.

The notion goes back a century to when native populations were dispossessed, to when the U.S. was an agrarian nation without the modern economic development it has today. By the 1960s, those Indians who still remained on reservations were entrapped in squalor, suffering from the nation's worst poverty, lack of education, alcoholism and disease. In the 1980s, some tribes began to resurrect and champion the concept of "tribal sovereignty" as a means to establish economic development.

The roots of the Indian gaming revolution were truly humble. It began here in Southern California, with tax-free roadside cigarettes in Indio, Quonset hut bingo parlors, clapboard card rooms and, finally, casinos. Although repeatedly closed down by local and state authorities, these businesses survived due to favorable court rulings. "Tribal sovereignty" was finally recognized by the Supreme Court in the 1987 case of U.S. v. Cabazon. Eager to show simpatico with Indian tribes, Congress hastily passed IGRA in 1988.

However well-intentioned, IGRA has since proved to be a terrible law. Vague, fuzzy and unclear, it soon led to the granting of lucrative monopolies on gambling within states that do not otherwise allow gambling. This quickly became a mechanism for the gambling industry to enter states where gambling had been illegal for more than a century. It also pitted tribes against tribes, against their own members and communities, and created impossible entanglements of governance and jurisdiction.

Enter Jack Abramoff.

The amount of money to be made in Indian gaming was staggering, but depended on whether a tribe could qualify for recognition, and whether it could keep competition out of the area. Lawmakers suddenly had the power to make or break billion-dollar corporations, which turned to high-priced lobbyists to do their bidding.

And while tribal gaming has brought lobbyists, the casino industry and some Indian tribes and their leaders staggering wealth, most Indians still live in poverty. Between 1988 and 1998, poverty and unemployment rates changed little on our nation's reservations. In 2000, The Boston Globe concluded that just 2 percent of Indians earned 50 percent of all tribal gaming revenues, and that two-thirds got nothing at all. Members of gaming tribes are often unable to obtain information on how much their own tribe is earning or how it is being distributed. Others have been expelled from their tribes by tribal leaders seeking to increase their own share of the profits.

The unintended consequences of IGRA are both Byzantine and well-documented, even though members of Congress, who have come to rely on tribal campaign donations, steadfastly pretend to be unaware of them.

Aggrieved citizens cite a litany of woes: Tribal casinos have a negative impact on roads, water and land consumption; fire, police and ambulance service; air pollution and traffic. They flood local schools with the children of low-income casino workers, who also create a shortage of affordable housing. They hurt or bankrupt competing concerns like motels, restaurants, bars and gas stations. They cause property devaluation and lost taxes when businesses and lands are taken over by tax-exempt tribes, altering community character and the quality of life. They necessitate lengthy and expensive legal battles over tribal land annexation, environmental and land-use regulations, sovereign immunity from lawsuits and police jurisdiction.

Meanwhile, the social costs of gambling include increased bankruptcies, foreclosures, divorces, child abuse and crime.

And who pays for it all? State and local - not tribal - governments, which are often left teetering on the brink of bankruptcy.

Dismayed citizens whisper of skyrocketing crime due to casinos, particularly high drug activity; drunk driving and high-speed chases; of kids exposed to gambling, alcohol and drugs; of spoiled environments and destroyed habitats. Local officials, who should be protecting these citizens, are often bought off.

All of which has ultimately proved most damaging to the very people tribal sovereignty and gambling were supposed to help. One Indian commentator, David Yeagley, has already predicted that casinos will cause Indians to lose their tribal status and their reservations. "Casinos will destroy Indians," he has written. "The American people will call for the government to eliminate the reservations completely. Laws will ensue. It's just a matter of time."

In the wake of Jack Abramoff, Rep. Mike Rogers, R-Mich., has already called for comprehensive reform of Indian gaming law, as well as a two-year moratorium on casino expansion. Given the corruption that the failed experiment has created, that seems like a no-brainer.

Indeed, Congress created this mess. It's time Congress cleaned it up.

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