



## **THE TULALIP TRIBES**

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The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and band signatory to the Treaty of Point Elliott

**THE TULALIP TRIBES OFFICIAL TESTIMONY  
GLEN GOBIN  
SENATE COMMITTEE ON INDIAN AFFAIRS  
REGULATION OF TRIBAL GAMING: FROM BRICKS AND MOTOR TO THE INTERNET  
Thursday, July 26, 2012**

Good afternoon Chairman Akaka, Ranking Member Barrasso and Committee Members, my name is, TE CHUHT, Glen Gobin, Secretary on the Tulalip Tribal Council. I would like to thank you for this opportunity to testify today regarding regulation of gaming, from bricks and mortar to the internet, and working to keep this issue at the forefront, recognizing the changes as a result of the DOJ opinion and the potential impacts in Indian Country.

On November 17, 2011, I testified before this Committee on Tulalip Tribes position not supporting legalization of Internet Gambling. That position was based on the potential negative impacts to existing tribal gaming establishments and local economies, as well as the existing DOJ interpretation of the WIRE Act prohibiting of all forms of internet gambling. On December 23, 2011, the DOJ released a new interpretation of the WIRE Act, reversing its long held opinion, opening the door for States to move forward with internet lottery sales within their respective states, and with agreement between states and foreign nations. This new DOJ opinion clearly provides the opportunity for states to participate in internet gambling activities within their states, if they choose. Some states have already begun to move forward and many more are actively working on setting up and establishing on-line systems.

Tribes have the ability to participate in this same activity; even though some may feel that tribal participation is not yet fully defined. IGRA anticipated future gaming advancements, and recognizes and allows for electronic, computer and other technological aids, although, the ability to fully access the internet gaming market may be subject to interpretation. Clarifying legislation will minimize conflict and litigation, which often puts Tribes and states at odds. It is for this reason that the six principles put forth by NIGA are critical for Indian Country. These principles represent core values that respect tribal sovereignty by ensuring an Indian Tribes right to operate,

regulate, tax, and license Internet gaming and these rights must not be subordinate to any non-federal authority; legislation must not open up IGRA for amendments; legislation must respect existing Tribal-State Compacts; legislation must ensure positive economic benefits to Indian Country; and legislation must ensure that Internet gambling authorized by Indian Tribes is available to customers in any locale where Internet gambling is not criminally prohibited.

Once more we emphasize that Tribes must be at the table to protect and promote these principles in any federal legislation that might come forward. With Indian gaming representing over 40% of the gaming market, generating over \$27.2 billion annually to this nation's economy, not to mention the jobs and economic benefits Indian gaming brings to some of the most impoverished areas in the Country, it is inconceivable, given the recent change in the DOJ opinion, and with such sweeping changes in gaming being contemplated, that Tribes are not being consulted.

There is no pending legislation on Internet gambling at this time; however, past proposals created an Office of Internet Poker Oversight or designated the Secretary of Commerce with regulatory authority and oversight over internet gaming. Tulalip feels, as do other tribes in Indian country, that there is only one federal agency that has any history of regulatory oversight of gaming, that agency is the National Indian Gaming Commission.

The NIGC has over 20 years of extensive regulatory experience in gaming, and it is the only federal agency with that experience. The NIGC is an independent agency, able to review, amend, and can promulgate regulations in an effective and timely manner. The NIGC has a long established history with Tribes, and has continued to evolve and adapt to the changes within the gaming industry, transitioning from more traditional forms of gaming and mechanical slot machines to highly advanced server based gaming systems while ensuring compliance with all applicable tribal, state, and federal gaming standards.

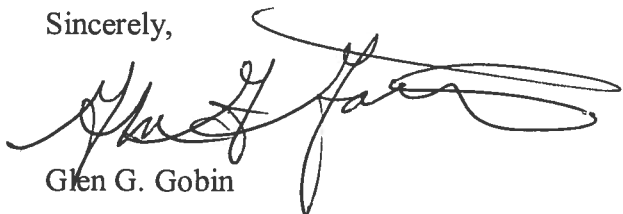
As an example, when IGRA became law in 1988, extensive controversy ensued as to whether the National Indian Gaming Commission would be effective in the regulation of Indian gaming. Many were concerned that organized crime and other corrupting influences would infiltrate Indian gaming. The NIGC, working in conjunction with Tribes', has proven to be fully capable of effective regulation of Indian gaming, dispelling these perceptions and fears.

The NIGC is well suited, more so than any other federal agency, to transition into internet gaming. There is no other federal agency that has any gaming or gaming related experience, let alone internet gaming experience. The NIGC understands and respects the government-to-government relationship with tribal leadership and tribal gaming regulators, who have primary oversight of day-to-day gaming activities. Creating a *new* agency will limit Tribes' opportunity and ability to compete, with their lack of understanding of Indian Tribes and Indian gaming. Creating any new agency or assigning internet regulation to any existing agency would be burdensome and duplicative.

At this time, Tribes are still speculating and anticipating legislation that may be considered, however, since the new DOJ opinion, there is clearly a path defined for states to participate in internet gaming if they choose. Tribes must have equal footing to participate. By being inclusive of all affected stakeholders we can preempt issues that are already foreseen in this arena, and bring forward internet gaming legislation through an open and collaborative process that protects the customer and the integrity of the games; ensuring that Tribes have equal opportunity to participate and compete while protecting and respecting tribal sovereignty.

Again, on behalf of the Tulalip Tribes, I thank the committee for hearing some of the concerns from Tulalip and Indian Country on the issues surrounding internet gambling.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glen G. Gobin', with a large, sweeping flourish extending to the right.

Glen G. Gobin

Secretary, Tulalip Tribal Council