

**STATEMENT OF
JONODEV OSCEOLA CHAUDHURI
NOMINEE FOR THE POSITION OF
CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

NOVEMBER 12, 2014

Mr. Chairman, Mr. Vice Chairman, and Members of the Committee. My name is Jonodev Osceola Chaudhuri, and I am proud citizen of the Muscogee (Creek) Nation. I am honored to be President Obama's nominee for Chairman of the National Indian Gaming Commission (the "NIGC" or "Commission"). Thank you for today's hearing to consider my nomination.

Since being appointed to serve as a Commissioner by Secretary Sally Jewell in September of 2013 and subsequently designated to serve as Acting Chairman by President Obama for most of the preceding year, it has been my distinct honor and privilege to serve at the NIGC, and I am profoundly grateful to President Obama and Secretary Jewell for the opportunity to do so. In my time at the NIGC, I have made every effort to help keep the agency operating smoothly and on a positive trajectory during a period of transition. Should I be confirmed to serve as Chairman, I would welcome the additional stability at the agency that would result, and I will do my part to help the agency continue to engage in sound regulation consistent with the Indian Gaming Regulatory Act ("IGRA").

With me today are my wife, Marissa Chaudhuri – formerly Marissa Mercurieff – and our oldest son, Kanuux. Our youngest son, Hamati, is at home with a family friend. My wife is an attorney by trade and serves her Alaska Native tribal government, the Aleut Community of St. Paul Island, in a management position. She is an incredible person and a skilled professional; and I am thankful every day for having her in my life. I am also thankful and excited to be joined today by my father, Joyotpaul Chaudhuri, who at the young age of 81 and despite health challenges that such an age entails, has traveled to be here from Tempe, Arizona. My family's values, guidance, support, and grounding, which I will discuss in more detail, have not only made me who I am, but also provide an excellent backdrop for why I wish to and am willing to serve as Chairman of the NIGC.

My appreciation of the importance of sound regulation flows from my professional experience in law and public policy. My interest in public service flows from a belief that we each have a responsibility to do whatever we can to help improve opportunities for future generations. For me, service as Chairman of the NIGC resonates with my professional experience and commitment to service, as the regulation of Indian gaming requires a complete understanding of the law, of how gaming fits into broader public policy, and, on a micro-level, of how gaming impacts real lives in the community. I

believe my professional and public service backgrounds have served the agency well in this regard thus far and will continue to do so. My professional pursuits and my commitment to service are intertwined, and both are directly born from my family background.

I am the son of the late Jean (Hill) Chaudhuri, a full-blood Mvskoke (“Muscogee”) born on our family’s allotment in Okfuskee County, Oklahoma, and Joyotpaul Chaudhuri, a naturalized citizen who came to the United States from Calcutta, India, in the early 1950s. Together, they are my two greatest heroes as they are in their own ways the embodiment of service.

My mother stood as a powerful example of leadership and the strength of Creek women. By all accounts, tribal life in rural Oklahoma in the 1930s and 40s was hard. Not unlike many Indian families of the day, our family drew water from a nearby well, did not have electricity, and often worked as migrant farm workers to make ends meet. Relations between American Indian and non-Indian communities were strained, and educational opportunities were limited. Mom did not finish high school. Despite her lack of formal education, her love of knowledge drove her to be self-educated. She was inquisitive, and learned from elders, including a clan-grandfather that had walked the Trail of Tears. She learned all that she could about our peoples’ history, ceremonies, language and culture. She also learned church life, which was of great significance to much of the Creek community. English was her third language (Creek was her first, Cherokee her second), and in the tradition of Creek orators, she eventually mastered the art of public speaking and advocacy.

Continuing a commitment to service that she learned from her parents and relatives, she became a grassroots organizer, storyteller, playwright, author, and an advocate for the Muscogee community, other Native communities, and other under-privileged communities. Always grounded in her culture and values, her foundation as a Muscogee (Creek) woman guided her to assist with numerous issues and public service efforts throughout her life and throughout her travels all across the country. As a result, her work and service to her people, Indian Country in general, and numerous non-Indian disadvantaged communities, such as founding a health clinic and off-reservation cultural center, was acknowledged on both a national and local level.

Although raised a world away in India, my father shared Mom’s values and commitment to service. It was my dad’s childhood passion for Native American history that led him to come to United States, and more specifically Oklahoma. Dad became a political philosophy professor, teaching American Indian policy and political science for well over 40 years, helping to develop Indian Studies programs at a number of universities, most notably the University of Arizona. Along the way, Dad mentored and supported numerous students, tribal leaders and organizers, and community members. Dad has published many articles and monographs in Indian affairs. Along with Mom, he authored *A Sacred Path: The Way of the Muscogee Creeks*, a comprehensive synthesis of Muscogee history, culture, and philosophy.

From my family's teachings and example, I have been intimately exposed to core Muscogee values, the foremost of which are *love/compassion, humility, respect, and courage*. Central to my family's beliefs is that these values can be expressed through public service. Elders of my tribe, including my mother, often recounted a fundamental teaching: whatever gifts you may have do not belong to you; they were given to you to share with others and to serve the greater good of the community. The core Muscogee values have been reinforced by my own personal and professional experiences, and I strive to apply them in all matters.

I have lived most of my life in Arizona where my father, my brother Paul (Joydev Mahagi), my aunt Richinda Sands – another family tradition-keeper, and my cousin-brother Lance Sands still live. I am a member of the Nokose (Bear) Clan, and my warrior name is Nokoshomvhte (Leader/Front Bear). I belong to and participate in Nuyaka traditional/ceremonial grounds in Okfuskee County, Oklahoma, and I have served as Totkv-Vfastv (fire-keeper) there. My family also has close ties to Greenleaf Indian Baptist Church in Okemah and lineal ties to the Arpeka and Hickory Ground ceremonial grounds. Growing up, the family kept one foot in Oklahoma at all times. In addition to regular trips to visit family, Mom and Dad made sure we stayed connected to cultural and ceremonial activities throughout my childhood.

As an adult, I have pursued educational and professional pursuits that I felt would enhance my ability to serve. After graduation from Dartmouth College in 1993, I spent three years as a culture and enrichment coordinator for the Fort McDowell Yavapai Nation in Arizona. On the heels of a historic standoff with federal officials that helped shape the contours of gaming throughout the state, Fort McDowell was in the midst of a substantial expansion of its gaming operation, as well as of its overall economic development activity. It was a formative time for me. My primary interest was to serve as an educator and cultural preservationist for the community, but I was amazed by the unmistakable connection between economic development and self-determination. I saw how the tribe used resources from gaming to bolster its services and programs and build a viable infrastructure. I saw how resources were used to support culture and language programs as well as to develop tribally-run health care services. I continue to carry with me the lessons I learned firsthand during that period about the connection between responsible and purpose-driven gaming activity and cultural preservation and self-sufficiency.

After my time at Fort McDowell, I attended Cornell Law School to pursue a career in law and set out to equip myself with the best professional experiences I could, not knowing where such experiences would take me. I have since been blessed to have had a solid, well-rounded career, having served in the private sector for approximately a decade and serving in public trust positions within federal, state, and tribal governments throughout the last 15 years. My education and professional experience has given me both a broad understanding of law and public policy, as well as a targeted and direct understanding of the gaming industry and its impacts on lives on the ground.

I am an attorney, licensed in Oklahoma, Arizona, and Washington State, and admitted in various federal, state, and tribal courts. After law school, I clerked for judges James Ackerman and Noel Fidel of the Arizona Court of Appeals before practicing civil litigation, business and finance, and Indian law from 2001-2006 with the firm of Snell & Wilmer, a large national law firm based in Phoenix. I left Snell & Wilmer to start my own small firm, which I ran from 2006-2010. I also have a modest background in criminal law, having clerked for the Arizona Federal Defender's Office in Phoenix and practiced as a Deputy Public Defender in Maricopa County. Throughout my practice, I actively engaged in activities targeted at serving the legal profession and the greater community, regularly teaching Indian law courses, including Indian gaming, at Phoenix College and serving on numerous boards and organizations, including service as Chairman of the Arizona Bar Association's Indian law section.

Contemporaneous with my practice of law, I have been honored to serve as a judge for many years. I have served as a full-time trial judge for the Puyallup Tribe of Indians in Washington State, as well as an appellate judge for the Gila River Indian Community in Arizona, the Yavapai-Apache Nation in Arizona, the San Manuel Mission Band of Indians in California, and, from 2006-2012, the Muscogee (Creek) Nation. Much of my time on the Muscogee (Creek) Nation Supreme Court was spent as Chief Justice.

I have been fortunate to receive high-level public policy experience, serving as Senior Counselor to the Assistant Secretary – Indian Affairs at the U.S. Department of the Interior, as well in my most recent post as Acting Chairman of the NIGC.

Each of these experiences has given me direct, practical skills well-suited to the position of Chairman of the NIGC.

First and foremost, having served in a leadership role at the NIGC for over a year, much of that time as Acting Chairman, I have gained a strong understanding of the work and challenges of the agency. During that time I have strived to make decisions with the professional perspective and personal values I previously discussed. I have done so with a judge's commitment to fairness and process and with a personal sense, born from experience, of the real world impact those decisions would have. I have never shied away from difficult decisions in my professional career, nor will I do so in the future.

The greatest resource of the agency is its highly skilled and committed staff. As the NIGC is the only agency in the federal government that regulates any form of gaming, the staff's skillset is unique and critical to the agency's continued success. The professionalism and dedication within the NIGC team is remarkable, and I have been privileged to work with and learn from my NIGC colleagues over the last 14 months. I look forward to continuing to do so throughout my time at the agency.

Through the Commission's outreach at consultations, tribal leadership meetings, and industry functions, I have expanded on my relationships with industry stakeholders to build on the agency's goodwill and collaborative relationships. Together with fellow

Commissioner Little, I have worked to improve communication within the agency and address various operational matters.

In addition to my firsthand experience with the agency, my extensive professional experience has also proven to be directly relevant and helpful during my NIGC tenure.

My judicial experience has been my most useful asset at the NIGC. It has given me a thoughtful, measured, approach to issue resolution with an eye toward long-term impacts. As a judge, one must hold a solemn commitment to the fair and impartial application of the law. The same is true as a regulator. Both require a thorough understanding of the law and procedures to be applied in a given situation and both require one to place decisions in a proper public policy and real world context.

My lengthy service as an attorney and teacher in the field of Indian law, including Indian gaming matters, has given me a solid understanding of the Commission's legal and regulatory issues. My policy background from service at the Department of the Interior and a number of community organizations, as well as my personal experience, have given me a full picture of how gaming and gaming decisions impact federal Indian policy and tribal nation-building on a national scale. Finally, my volunteer service and my lifetime service to underrepresented communities help me appreciate how prudent economic development efforts positively impact real lives.

All of these experiences have given me a deep respect for efforts tribes engage in to improve their communities and an appreciation for the role that NIGC plays in protecting a critical avenue for tribal economic development through sound regulation. Further, these experiences have taught me to prepare for foreseeable challenges in the work that any organization performs. For these reasons, I am committed to building on the agency's philosophy of cooperation and collaboration with tribes and tribal regulators, and I am committed to doing whatever I can to ensure that the agency continues to improve its technological capabilities.

I am committed to applying the regulatory tools of IGRA in a balanced, practical, and fair manner. I welcome the opportunity to do what I can to fulfill the requirements of IGRA and keep the agency moving in a positive direction. On the surface, it may appear that my path to the NIGC is markedly different from others who have served in the post. While that may be true, I am convinced that my personal and professional experiences make me ideally suited for the role at this point in the agency's history.

For me, the NIGC Chairmanship represents an opportunity to serve. There are others who are more suitable than I am to be full-time cultural preservations; although I take seriously my responsibility to learn and pass on my peoples' traditions to my children and whomever else I may be able to. There are others more suitable than I to be full-time language preservationists, although I will do what I can to continue learning Creek until my last days. There are certainly others better suited to fulfill many of the other important public and private roles that together, help ensure the continued survival and success of our people. At this moment, however, I have the opportunity, as a regulator, to do my part to perform an important role in supporting self-determination. Namely,

through sound regulation, I can help preserve the integrity of an industry that has had a monumental impact on the historical landscape of Indian country. This is what I can do now to help. I stand willing and able to do so. I am honored to be considered for this important task, and if confirmed, I will perform it to the best of my ability.

Thank you for your time today. I am happy to answer any questions you may have.