

Attorney General asks Interior Secretary to Deny Alabama Indians Fair Treatment, Ignores Explosion of Unregulated Gaming

FOR IMMEDIATE RELEASE

CONTACT: Sharon Delmar
251-368-9136 ext. 2216
sdelmar@poarchcreekindians-nsn.gov

Poarch Creek Indian Reservation, Atmore, Alabama – August 11, 2006 – In a recent press release referencing a letter to the Department of Interior, the Alabama Attorney General, on behalf of his office and the office of the Governor, has asked the U.S. Department of the Interior to deny the request of the Poarch Band of Creek Indians (Tribe) to “expand gaming within the borders of this state.” In taking such a political stand, the Attorney General is turning a blind eye to other gaming within this State and denying the Tribe a level playing field.

“No matter what your stand on gaming, it is clear there is an absolute lack of logic and fair play in the state’s action”, Tribal Chairman Buford L. Rolin noted. “The Attorney General’s position protects unregulated non-Indian gaming while denying our right under federal law to operate a highly regulated gaming enterprise that could significantly benefit the State. Not only is this bad business — it is bad public policy that does nothing to control the expansion of gaming in Alabama.”

The Tribe’s gaming operations are regulated by federal law, particularly the Indian Gaming Regulatory Act (IGRA). Under the IGRA, the Tribe can play “Class III” games in only one of two situations: 1) where a state enters into a compact with a Tribe for the types of Class III games permitted within the state, or 2) if the state refuses to negotiate, the Tribe may petition the Secretary of Interior for procedures that allow the Tribe to play the types of Class III games permitted within the state.

“It appears Attorney General Troy King does not understand the Tribe’s request to the United States Department of the Interior,” says PCI Tribal Attorney Venus McGhee Prince. “Secretarial Procedures are not intended to expand gaming within a state, but to ensure fair treatment of all parties – the Tribe and the State. They are an option reserved for those rare situations, like ours, where a state’s governor refuses to negotiate in good faith with an Indian tribe. Alabama is one of only two states that has categorically refused to negotiate with its federally recognized Indian tribes. The State’s refusal to communicate has left the Tribe with no other choice but to appeal to its only option for achieving equality – the Secretary of the Interior.”

-more-



*Attorney General asks Interior Secretary to Deny Alabama Indians Fair Treatment,
Ignores Explosion of Unregulated Gaming*

Page 2 of 2

The Tribe has attempted to work with the State of Alabama for more than fifteen years to negotiate a scope of gaming that makes sense for Alabama. Although refusing to negotiate a compact with the Tribe, every governor of Alabama since Jim Folsom, Jr. has told the Tribe that the State would agree to allow the Tribe to play any game it allowed the dog tracks to play. Yet pari-mutuel betting, sweepstakes, poker tournaments and one-touch bingo are currently being played at dog tracks and other venues in Alabama. These games, which fall within the IGRA's definition of "Class III" games, are prominently advertised on billboards, newspapers, radio and television throughout Alabama.

The State's decision to dismiss the Tribe while ignoring other non-Indian gaming has resulted in more than an explosion of gaming in Alabama. The State has lost millions of dollars in economic benefits – dollars that could have been put toward education, health care and other needs of Alabama's citizens.

There is clear evidence that Poarch Creek Indian Gaming is good for the economy of Alabama. In 2004, the Tribe's gaming enterprise created more than 900 jobs in Alabama, with over 90% held by non-Indians. Tribal operations buy locally, and generate federal, payroll, sales and excise taxes, and state government revenue. Federal law mandates that the Tribe use its gaming revenues much like any other government uses tax revenue: to support programs like education, healthcare, social and community services. In addition to using gaming revenues to support a Tribal community and business development in rural Alabama, the Tribe is a good neighbor in the state, volunteering manpower and financial resources in times of need.

"None of us could imagine the State denying any other kind of business – a construction company or a manufacturer or a retailer – the right to grow while looking the other way as their competition does so. But that is exactly what is happening to the Tribe," said Arthur Mothershed, Tribal Council Treasurer. "Governor Riley refuses to comply with federal law and meet with the Tribe to discuss a scope of gaming that is equitable for the Tribe and the citizens of Alabama," he added.

The Tribe remains willing to discuss these issues with the Attorney General and the Governor. All the Tribe needs is for the Attorney General and Governor to listen.

- ### -

