

# United States Senate

WASHINGTON, DC 20510

December 14, 2005

The Honorable George V. Voinovich  
The Honorable Tim Johnson  
Chair and Vice Chair  
Senate Ethics Committee  
220 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Voinovich and Johnson:

Questions have been raised in the media about the propriety of a letter we sent to Interior Secretary Gail Norton on March 5, 2002 urging rejection of a gaming compact between the Jena Band of Choctaw Indians and the State of Louisiana. We are confident that our conduct in this regard was appropriate, and we request that the Ethics Committee review this matter to confirm our understanding.

The purpose of our communication with the Interior Department with respect to the Jena Compact was to defend the interests of Nevada businesses by insisting that their would-be competitors abide by federal law, which largely prohibits tribal gaming outside of historical reservations. As Senators from the state with the largest non-tribal gaming industry in the nation, we have long opposed the growth of off-reservation tribal gaming throughout the United States. Our March 5 letter was consistent with this longstanding policy goal, and any suggestion that the letter was motivated instead by political contributions is baseless.

Each of us has a long record of opposing the type of expansion of Indian gaming proposed by the Jena Band. As a member of the Indian Affairs Committee and former chief gaming regulator in Nevada, Senator Reid was a principal sponsor of the Indian Gaming Regulatory Act of 1988 (IGRA), which first established federal controls on tribal gaming. As a member of both the House and the Senate, Senator Ensign has worked with Senator Reid and other members of the Nevada delegation to ensure strict enforcement of IGRA.

As you know, IGRA promotes state oversight and limits the growth of tribal gaming by requiring Indian tribes to negotiate with States before engaging in casino-style gaming on their reservations. With limited exceptions, the 1988 law prohibits Indian gaming on non-tribal lands, including lands taken into trust for Native Americans after the law's effective date. But efforts to evade the requirements of IGRA are common, and we have consistently fought such efforts.

For example, individually or jointly, we opposed a 2001 appropriations rider that would have enabled the Lytton Band of Pomo Indians in California to conduct gaming on non-reservation lands; we have opposed efforts by Michigan tribes to conduct gaming on non-reservation lands; and we have repeatedly opposed legislation directing the Interior Department to take non-Alaskan land into trust for gaming by Alaska Native Corporations. We have also worked to strengthen administrative rules implementing IGRA, and successfully opposed a bill last Congress (S. 1529) that would have weakened regulatory aspects of IGRA and that failed to address our longstanding concerns about the kind of off-reservation gaming pursued by the Jena Band. *See*, S. Rep. 108-380 (views of Sen. Reid).

The letter we sent to Secretary Norton in 2002 and a similar letter we sent the following year are consistent with these ongoing efforts to ensure compliance with IGRA. The letter urges the Interior Department to reject a compact under which the Jena Band of Choctaw Indians would conduct gaming on non-reservation lands under exceptions to IGRA that we maintained were inapplicable. In urging rejection of the Jena Compact, we sought to defend the goals of IGRA and protect the economic interests of our constituents.

Press reports have questioned the relationship between the March 5 letter and campaign contributions we received from individuals who also opposed the Jena Compact. These contributions were part of a regular course of lawful fundraising by our respective political action committees, similar to fundraising conducted by Senate candidates across the country. Our opposition to the Jena Compact was motivated by the policy considerations described above and was not motivated by campaign donations.

In sum, our communication with the Interior Department in this instance was entirely appropriate and consistent with our duties as Nevada Senators. We stand ready to cooperate fully with the Ethics Committee as you review this matter.

Sincerely,

  
Harry Reid

  
John Ensign