of crime or no rise of crime in connection with

gambling is more important, then that is what we will
bring back to the Commission itself. But I hope that
by the next Commission meeting, we will have an
overview of all of the other areas of research. I
wanted to signal ahead of time that economic impact
would be the most important area in my view that we
ought to be proceeding with.

CHAIRPERSON JAMES: Thank you. And again,
I want to thank that committee for the work that they
have done and I would not attach too much significance
to the title that they were given. I realize that it
is a term of art and may carry some significance, but
we had to call them something. But we do appreciate
the work that they have been done. We could call them
worse.

I just had a couple of administrative
matters and then I want to turn to the questions that
were raised earlier by Mr. Loescher. Just to give you
an update on a few things. One, I had mentioned
earlier that the Commission does have offices now and
it is at 800 North Capitol Street. Particularly for
the public, I want to give out that telephone number. I did a little check myself yesterday. I called Information just to see if I could find the Gambling Commission by calling Information and getting the number, and I could not. So I want to make sure that everyone has that number. I am sure that our newly hired receptionist was much appreciative of the fact that I am going to do this. Her name is Deborah Ducre. You may have seen her as she was registering people. She is one of the new staff there. She will put a good face on the Commission, I am sure, and a friendly voice on the other end of the phone. But our telephone number for the office is (202) 523-8217. The fax number for the office is (202) 523-4394. I wanted to give you a little bit of an update on just setting up an office like that. As you can imagine, it is a huge task and we all should be grateful to Mark Bogdan, who is our chief administrator, who has been responsible for everything from the computers to the telephones to processing your reimbursements and that sort of thing. Mark has just absolutely been inundated. We owe him our thanks.
for all that he has done. Even though there may have been glitches or problems, that is to be expected.

But given that, I think he has just done a fantastic job. For some of you who may not remember, Mark comes to us from another commission. He brings a great deal of experience to this and wisdom. He has done this in the past and I rely heavily upon his wisdom and his expertise in handling administrative matters.

I wanted to give you an update on where we are in the executive director search. It has been amusing to me to watch as some of the newspapers have reported rumors instead of facts in terms of where we are in that process and citing "sources close to the Commission." Well, to the reporters who are present, if those are your sources, they are not all that close because they are wrong. Where we are, in fact, at this point is that I have asked two Commissioners if they would, in fact, review some of the candidates that I have looked at and gleaned through and identified. I have asked them to give me the benefit of their wisdom and their expertise. And had it not been for vacation schedules and travel schedules, we
may have had someone that we could bring forward

today. There is zero attempt to delay the process.

No one other than I and my staff want an executive
director faster, I assure you. And the ability to
have someone on site who is giving full attention to
this all day every day I think is in the best interest
of the Commission. And as soon as we are able to
facilitate that process happening, I hope to have a
name before the Commission for consideration. But I
did want to give you the benefit of an update on that.

Are there -- I want to know if there are
any administrative issues or problems that we are
having, just in terms of process. There is one other
thing that I would note before we get to that. There
was a recommendation, which I think is an excellent
one, and that is that the Commission have a Web site
where all of the information and data is made
available. It will save staff tremendous amounts of
time when people are able to access reports,
transcripts. It is our desire to make the information
as easily available and ready to the public as
possible. And I think a web site for the Commission
would help facilitate that. So we are going to try to make that happen. Yes, John?

COMMISSIONER WILHELM: Just a small procedural question. For Commissioners communicating with you, would we communicate to the Commission office or to your office?

CHAIRPERSON JAMES: The Commission office. That is a very practical matter. There is a very small staff in my office on campus, and we have had a problem with information getting through and notices getting in, and we have a professional staff that is to do that. I think they can handle that volume far better than my university office can. Yes?

COMMISSIONER LOESCHER: Madam Chairman, I have a number of things. One is I don't want to be financing this Commission on my travel and expenses, and I have not been able to get reimbursed for that. I would like to see that there be an expeditious process to make that happen. Because it takes me about 7 to 10 hours to fly from Alaska to here and it is very spendy to do that. So I would like to request that you find a procedure and the personnel to make
those things happen.

CHAIRPERSON JAMES: Mark, I don't know if you want to address that at all?

MR. BOGDAN: The check reimbursements for your first meeting, we should have those back within two or three weeks at the absolute most. It is on -- the process has been set up. I expect to have checks within 4 weeks of this meeting.

CHAIRPERSON JAMES: Mark, if you could come forward, it would be helpful.

MR. BOGDAN: As I was reiterating, the reimbursements for your first meeting, we should have those checks within the next two to three weeks from GSA in Kansas City. And going forward from this meeting, once I have your expense vouchers that you send to me after this meeting, I will have checks to you within four weeks, if not three, once the system is running. It will be running after this meeting. It was unfortunate that it took a while to get things ironed out setting up after the first meeting. That is why we had the delay we had.

COMMISSIONER LOESCHER: Madam Chairman?
CHAIRPERSON JAMES: Yes.

COMMISSIONER LOESCHER: A different matter. I wonder about this Web site business. It costs a lot of money to have a Web site. It has to be managed and maintained. The data has got to be edited and made sure that it is representative of the books and records of the Commission. So I would really like to hear more about this Web site before it is finally implemented. We have experience with Web sites, and they are not all what they are cracked up to be. They help provide information, but they have to be managed and there is a cost to them. That is just an opinion for the record.

Madam Chairman, I have another item. I am very chagrined to hear that you counsel with some Commissioners and you don't counsel with others regarding, for instance, the hiring of an executive director. I think your practice is not very conducive to getting this thing done expeditiously, and I object to this procedure.

The other is that I think by statute that one of the first orders of business of this Commission
is to get an executive director on board and these delays that we are encountering I don't think are helpful. The other thing is that I see a process occurring here where committees of this Commission are getting involved in contracts and scoping and things are happening in terms of hiring staff and on and on and I think an executive director or professional manager is needed for this Commission in order to put this in order. The statute provides for that, and I, as one Commissioner, would like to see that happen sooner than later.

CHAIRPERSON JAMES: I as one Commissioner would like to see that happen much sooner rather than much later, I assure you. You had some other issues, Mr. Loescher, that you wanted to bring before the Commission?

COMMISSIONER LOESCHER: Madam Chairman, it is the proper moment to consider the agenda and whatever policy issues that are surrounding that. I would like to suggest to you that my observation is that I think we need to formalize the practice of the conduct of the Commission by standardizing our agenda
and having some expectation that it will be a
standardized event that we, as Commissioners, and the
public can expect. This current agenda we have today
looks like we are not even following it, but I guess
we are stuck with it for today. I would have much
rather had the public comment period up front at the
beginning of the meeting because there is possibly
things that the public has to say that might be
helpful in our deliberations.

I personally today, if it is proper at
this time or sometime soon, would like to comment
about the rules of procedure. We either need interim
rules of procedure and deliberate the proposed rules
that are advanced today or by members of this
Commission. I would like to do that early, even if we
consider interim rules today and consideration of the
process of how we deliberate the proposed rules and
then have the session tomorrow at 9:00. That is fine
with me. But I would like to consider that. I have
a series of motions that I would like to present to do
that.

But I have -- I really believe that we
need to formalize the agenda. I would prefer a model
agenda that would contain these kinds of things --
call to order, declaration of quorum, approval of
agenda, approval of minutes of the previous meeting,
public comments, invited speakers, chairman's report,
committee reports, executive director's report, closed
session if necessary, old business, new business,
hearing if it is properly scheduled, Commissioner
comments, adjournment. I think that kind of a model
agenda would allow us to conduct business. In my
opinion, the way we are structuring our current
agendas, they are not conducive to making decisions.
And I believe that the Commission should start moving
towards making decisions starting with this meeting.

I was hopeful that certain decisions could
be made at this meeting -- the executive director
hire, the issue of legal counsel, the issue of the
schedule and workplan direction, the issue of how we
deal with contracts and subcontracts. If we could
give guidance to the chair and to the administration
of the Commission in these general areas, then
possibly by the next meeting, we would have the
ability to make decisions with regard to those 
matters.

    My understanding is that there is some 
question in your mind that the agenda can be approved 
by the Commission. You suggested at the last meeting 
that we would follow the statute that enables this 
Commission, the FACA rules, and Roberts Rules of 
Order. If that is the case, I believe that common 
practice is that the Commission would be able to 
approve the agenda. I believe that we should have 
that practice. If there is a contrary view, I think 
we need to start with a discussion of that matter.

    CHAIRPERSON JAMES: Thank you. There are 
a couple of issues that I think are important to 
address. There are certain statutory requirements 
that I, as the chair, have, not the least of which is 
to give public notice of what the agenda is. I think 
the public has a right to know what, in fact, we are 
going to talk about, so that they can be prepared. 
And so I think as a result of that, for us to come to 
a meeting and then approve our agenda or take agenda 
items off does not give the public the time that they
need to have in order to prepare themselves to participate in our deliberations.

In terms of the suggestions that you made about a model agenda, I think that there are certainly some good ideas and some good suggestions there and ones that I would be happy to incorporate. I think it is important for us to have some structure that the Commission members understand and know that we will always have a call to order and that we will always adopt the minutes of the previous meeting. There are -- I believe it is important for us to understand the full statutory requirements as it relates to the agenda, so I am going to ask -- and I am not an attorney -- and I will ask the representative from GSA and the attorney who is currently working on staff to address that particular issue. And then I will have some concluding comments and if necessary then we will have a vote. Mr. Snowden?

MR. SNOWDEN: Thank you, Madam Chair. To the issue of the agenda. FACA requires that you put a summary notice in your public notice to give the agenda -- a summary notice of what will be the issues
discussed at the agenda during the meeting. It is at that time that the public would know what the issues are that are going to be discussed and whether they want to participate. Your proposed rules say that you will, as in your notice -- if there are interested parties that want to speak before you, they are to prepare a written testimony prepared for you and they express their interest to testify or to appear before this group. It would seem then -- and it is inferred that the Chair would set the agenda, that is, set the very general rules, the general scope of what is going to be discussed, and then do the chronology of when those things would occur and seek the opinion or the views or additions to the agenda from the Commissioners before the notice in the Register. So that would be the point that you would get your input. Once it is published, it really needs to go as proposed.

CHAIRPERSON JAMES: Let me just say this for the record. I have been meticulous in bending over backwards to accommodate the requests of the Commissioners in making sure that if a Commissioner
wants something added to the agenda that we accommodate that request and make that happen. But I do have a responsibility for making sure that our work gets carried out in an ordered and a timely fashion, and as a result of that -- and I have a responsibility to the public. What I would like to do is to follow the process that we have outlined in the law in terms of having public -- stated in our public notice for our meetings what the agenda will be. One of the things that I said to each of you as Commissioners is that you may not ever like all of what I am going to say, but I am trying desperately to make sure there are no surprises. No surprise items that come up on the agenda, either surprises to the public or to Commission members.

As a result of that, the most orderly process for operating the Commission is that Commissioners give input to what they would like to see on the agenda. The agenda is published in the public notice. I am happy to entertain at any Commission meeting a rearranging of the agenda. Things change. People's schedules change. As an
example, Mr. Hill would not have been able to address
the Commission today had I not had the ability to add
him to the agenda when that request came several days
before the Commission meeting. I would hate to see us
get into a position where the Commission sets an
agenda months in advance and then are not able to
respond to changing schedules. I had to change the
agenda in order to accommodate the schedule of the
Senator. There were lots of things that go in. When
you have nine people that are trying to set an agenda
that don't have the benefit of all of the information
coming into one place, it becomes truly burdensome.
Richard?

COMMISSIONER LEONE: Yes. As long as we
are expressing opinions, I actually think that this --
I think this is not a profitable area for us to spend
a lot of time on. I have found, and I think we are
going to find, that the Chair is quite responsive to
notions people have about what ought to be on a future
agenda. I am sure you are going to be responsive to
suggestions that make practical sense. Maybe the
Commissioners should comment at the end. I hadn't
thought about that. But I think to work in an
effective fashion, you have got to have an effective
chair who is capable of -- who has the support of the
members, not simply the technical responsibility or
legal responsibility to go ahead and plan our work and
get it moving forward. If we have a problem -- if
there was a problem with something getting on the
agenda or if things were being left off or if a
particular approach was being embodied in
administrative matters, then I think we should address
it and handle it. But at this point, I would hope
that we don't get too formal about what we need to do.
I think some suggestions have been made.

CHAIRPERSON JAMES: They are good ones.

COMMISSIONER LEONE: I believe we will take
them to heart and we will proceed within the law and
move forward. As a practical matter, I understand
that there are big stakes for many people in this room
and around this table in the Commission and in that
context, this particular procedure or that particular
procedure may be seen as having significant
consequences down the road. But we are not going to
get our work done or accomplish much for anybody if we start this -- I mean, I have never had the benefit of an education by the Jesuits. That is probably -- I went to a little central school in West Webster, New York. So some of these is lost on me. But I think I would like to just personally say I hope we can move beyond these. Maybe many of these issues can be handled in consultation with GSA and administrative matters and get along in this agenda today.

CHAIRPERSON JAMES: I would certainly hope so. Dr. Dobson?

COMMISSIONER DOBSON: Madam Chair, Bob indicated that he wanted to see us move expeditiously and we are going to have to if we are going to get our work done in six or seven meetings. Because we have got a lot of ground to cover. But you were critical, Bob, of the Chair's request for two members to assist her in interviewing possible executive directors. Can you imagine what it would do to her schedule and ours to try to get nine people to get their travel schedules together in order to do that interviewing?

There has to be an administrative flow to these
things. Speaking personally, I do not want to be contacted over every tiny thing that happens and the Chair has to be empowered to make some of these decisions.

MR. SNOWDEN: Let me weigh in here for a minute. Thank you. Let me give you the practical way commissions operate, and I am talking about hundreds of commissions that I have had to provide administrative support for. The Chair has done exactly what other chairpersons have done. She has gotten a committee of a few commissioners or board members and asked them to review the resumes or the vitae's of potential executive director candidates and make a recommendation to her. She then -- because the law says very clearly that she selects and you approve. She then would make a recommendation. That is in keeping -- it is not written in law. There is no regulation in GSA that says this is how this is supposed to operate. But this is just the common sense approach that most commissions have employed in their efforts to move expeditiously in finding an executive director.
CHAIRPERSON JAMES: Having said that, I am
going to move this meeting along a little bit. With
that, I would ask, Bob, if you have any other issues,
and I know you have one or two more that you would
like to discuss, if you would bring them up at this
time.

COMMISSIONER LOESCHER: Madam Chairman,
yes. Okay, Madam Chairman, I would like to move that
we approve the agenda advance in the packet.

CHAIRPERSON JAMES: That is an unnecessary
vote in terms of my understanding of how this
Commission must operate.

COMMISSIONER LOESCHER: Madam Chairman, I
make a motion to appeal the ruling of the Chair.

CHAIRPERSON JAMES: Well, why don't we
talk a little bit about that process, and this is
going to come up tomorrow as we talk about the rules.
What the process is for appealing the ruling of the
Chair and who the final authority is. I think it is
a very interesting discussion. Would either of you
like to take that one on?

Let me tell you what my understanding is
in terms of the final authority. GSA gives guidance
to this Commission. The final authority -- and if you
want to overrule the Chair or if you would like to
appeal, then your ultimate place to do that is in
Congress.

MR. SNOWDEN: Let us understand that the
ultimate authority -- you are an autonomous,
independent agency and you fall in that proverbial
abyss where there is no oversight agency for you.
That is a good thing. Trust me on that. That is a
good thing. That is not a bad thing. That is a good
ingoodthing. You are a legislative agency. No one has
oversight over you. If you want to have changes --
the guiding principles are your law and existing
regulations. Should you want to have a change in your
law on procedural matters, the place where you would
go to get those kinds of issues addressed is on the
floor of Congress where they would have to introduce
a technical change to your legislation. I assure you,
if you give Congress another bite of the apple, the
way you will operate today might in fact be quite
different. So we want to be very careful as we go
CHAIRPERSON JAMES: Let me just say for the record on this, I actually have no problem with anything that you suggested in terms of the outline of how the Commission ought to, in fact, organize its agenda. What I don't want to get into is that we must have a rule that the agenda cannot go forward without the approval of this body. Now if we would like to do that, I think it opens up an entire can of worms. It will slow down this process. Let me do this. I am going to suggest that with the opinion that you have from GSA and with my comments, that if you would like a vote on that issue, I will call for a vote. Each Commissioner can then speak for the record and voice their opinion on that. We can have a vote and then move on. I certainly have no objection to that. If you want to go on the record and we can continue to have some research on this issue, that is fine with me. Would you like -- you have a motion. Would you like to call for a vote on your motion? We need a second. Do we have a second for the motion?

COMMISSIONER LOESCHER: Madam Chairman,
the motion is to appeal the ruling of the Chair and
the Chair's decision was that this Commission shall
not have the right to approve the agenda. So a yes
vote would support the Chair's position and a no vote
would be contrary.

CHAIRPERSON JAMES: That is correct. And
mine is a procedural process question as to whether or
not we want to slow down the work of this Commission
by not having an agenda -- now think about the
implications of this. That you will not have an
agenda that is firm that the public will know and
understand until you arrive here at a meeting.

COMMISSIONER DOBSON: And that is contrary
to the statute.

CHAIRPERSON JAMES: That is contrary to
the statute.

COMMISSIONER BIBLE: I don't believe you
said that. Did you say that is contrary to the
statute? That the statute empowers the chairman to
propose the agenda?

CHAIRPERSON JAMES: One at a time.

MR. SNOWDEN: This is the question. I
just wrote it. Clarification of the approval issue.

Prior to the notice, what you are saying is do the
Commissioners have the authority to approve agenda
items prior to the notice in the agenda, then the
answer to that question is yes. If the question is do
you have the authority to approve the agenda that you
operate under, for instance, the agenda that we have
here today, no, because you have already published
that in the Federal Register. So if you are asking do
you have input prior, the answer to that question is
yes. If that is what you are asking -- if you are
asking a yes or no on that, then that is another vote.
But once the chair has established the agenda that has
been published and noticed in the Federal Register, do
you have the authority to approve or disapprove, the
answer to that would be no.

CHAIRPERSON JAMES: Okay. Are we clear
about that?

COMMISSIONER BIBLE: But again, on a
process basis, prospectively if this Commission
decided to adopt an agenda for the next meeting, that
would be legally permissible?
MR. SNOWDEN: Yes.

MS. SIMPSON: Addressing the process issue of this, if you are going to adopt an agenda today for the next meeting when you are going to have a lot of open questions out there -- if you adopt that agenda, then you need to ask yourself what is the procedure to change that agenda. Because you guys are going to meet about six times total. So if you adopt one now and that is the adopted agenda and you are saying we want to take that authority away from the chair to try to amend that or as things come up to add that to it, then you are putting a process on this that is going to limit any participation in the future.

COMMISSIONER BIBLE: But you aren't making a legal argument. You are making a process argument.

MS. SIMPSON: I am making a process argument there. I will make two legal points. One is that you cannot limit the chair's ability to insure proper public participation. She must be able to do what she needs to do. And as you vote, I think the motion before the floor is to appeal her ruling. And I just want to make sure before you vote on that --
and Calvin, I think you need to make sure that you
back this up -- is you are going to appeal that to
Congress. So you are about to vote to appeal
something to Congress. Is that not -- who are they
going to appeal it to?

MR. SNOWDEN: Well, as far as technical
amendments to your legislation.

MS. SIMPSON: Right. But I am saying the
only binding authority on this Commission is Congress.

COMMISSIONER BIBLE: But where the law is
silent, the Commission can affect to adopt rules to
govern their conduct.

CHAIRPERSON JAMES: No, we cannot.

MR. SNOWDEN: You cannot -- let me address
that. The law is very specific. It says that you can
adopt rules that do not conflict with your existing
legislation or any other prevailing piece of
legislation that governs your operation. So you are
very structured in how you can proceed. But your
question about whether you can prospectively vote on
an agenda today, that clearly is within your purview.

COMMISSIONER BIBLE: So there are areas
where the Commission can adopt rules to govern their
conduct as long as they don't conflict with our
enabling legislation or some other federal statute or
regulation?

CHAIRPERSON JAMES: That is correct.

COMMISSIONER BIBLE: Now if there is an
appeal --

CHAIRPERSON JAMES: Could you speak and
make sure that --

COMMISSIONER BIBLE: Now if there is an
appeal or something of that nature from a ruling of
the chair, that is not appealable to Congress as
suggested. My assumption is that you are not advising
us that we are breaking the law or anything of that
nature.

CHAIRPERSON JAMES: That is correct.

MR. SNOWDEN: Exactly.

COMMISSIONER BIBLE: You may just indicate
that this is the practice in federal study commissions
to conduct their affairs in this manner, but you are
not bound by that.

MR. SNOWDEN: Let me -- I need to say
this. You will be hard-pressed to find a law that
says thou shalt and thou shalt not. So some of the
things that we are talking about today are common
sense issues. There is not going to be a regulation
and there is not going to be a law that says thou
shall perform or thou shalt not. I defy anyone to
find such. Clearly, from my perspective, I wish we
had those kinds of laws because my life would be a lot
easier. I wouldn't be here trying to help you guys
through this. But let us understand that we will be
hard-pressed to find a law that says you cannot.

COMMISSIONER BIBLE: No, I understand. On
this particular issue, let me express my personal
opinions. I agree with the process issue. The
chairman has to have the ability to adjust and set the
calendar. That is common in all groups.

CHAIRPERSON JAMES: Could you really speak
loudly? I know that there are members of the press
and others who would love to hear what you are saying.

COMMISSIONER BIBLE: Just on that
particular point? I think just as a process issue, it
is important that the chairman be allowed the ability
to set the agenda. I think the Commission clearly in
their meetings prior to the next meeting can indicate
general preference and guidance as to those items that
they want on the agenda. I believe that there is a
legal requirement in terms of notice that is necessary
to meet in terms of rules of the operation of the
Commission, which we are going to talk about a little
bit later. And if I understood Mr. Snowden's legal
advice correctly, we could move for that item to be
heard today, because apparently we can move the agenda
around.

    CHAIRPERSON JAMES: I am always happy to
accommodate that.

    COMMISSIONER BIBLE: And I guess from an
open meeting law standpoint, we could do that.

    CHAIRPERSON JAMES: As a very practical
matter, it is very important for me that the
Commission hear and understand this. It is very
important to me as the Chairman to protect the right
of the public to know and to participate.

    COMMISSIONER BIBLE: I couldn't agree
more.
CHAIRPERSON JAMES: And it is very important for us when we publish a Federal Register notice to say what the agenda is going to be that we do not come to a Commission meeting after that and change that agenda. Before you come in and before we publish a Federal Register notice, what authority does the Commission have in order to add agenda items, to suggest agenda items? I think that every one of you will acknowledge that even down to speakers that you have recommended, we have tried to accommodate every one of those for the agenda. We are trying to fix something here that isn't broken, and we are trying to, I think, set up some rules and regulations that are going to restrict the public's right to know ahead of time and then to participate. That is my only dog in this fight.

COMMISSIONER LOESCHER: What rules are we trying to establish that restrict the public right?

CHAIRPERSON JAMES: I think if you say that the agenda must be approved at the beginning of the meeting with the opportunity to change that -- you would assume that if you are going to approve it that
you may want to disprove something on the agenda after
that has been published in the Federal Register, then
that is a problem. And that is what my problem is.

COMMISSIONER LOESCHER: Madam Chair --

COMMISSIONER BIBLE: Mr. Snowden has
already said we can't do that on a legal basis.
CHAIRPERSON JAMES: That is absolutely
right. We cannot. And that is what my comment was
about that you cannot break the law.

COMMISSIONER LOESCHER: Madam Chairman?

CHAIRPERSON JAMES: Mr. Loescher, I will
recognize you in just a minute. That is the problem
that I think is very important for us as a Commission
to make sure that we do not violate. We come under
FACA. We have to publish our Federal Register notices
and we want to publish our agenda therein to
accommodate that.

COMMISSIONER LOESCHER: Madam Chairman?

CHAIRPERSON JAMES: Mr. Loescher?

COMMISSIONER LOESCHER: I would like to
request my second to withdraw my motion to appeal the
ruling of the Chair and I would like to make another
motion after that.

CHAIRPERSON JAMES: We would be happy to entertain that motion.

COMMISSIONER LOESCHER: Will my second agree?

CHAIRPERSON JAMES: I didn't know -- you didn't have a second. You never had a second on that.

COMMISSIONER LOESCHER: On the motion to appeal, I had a second.

CHAIRPERSON JAMES: Who seconded that?

You did not have a second.

COMMISSIONER LOESCHER: Okay. It is withdrawn. I would like to make a motion that we adopt a model agenda format as I had described earlier.

CHAIRPERSON JAMES: I have no problem with that. And as a matter of fact, Mr. Loescher, in a gesture of good will, I will second that.

COMMISSIONER LOESCHER: Madam Chairman, you can't as the chairman.

CHAIRPERSON JAMES: I can't. If that is fine and if the others -- can we get a second?
COMMISSIONER BIBLE: I'll second that.

CHAIRPERSON JAMES: Can we get a second on that motion?

COMMISSIONER BIBLE: I said I will second the motion.

CHAIRPERSON JAMES: Mr. Bible will second.

COMMISSIONER LOESCHER: Call for the question.

CHAIRPERSON JAMES: Are there any questions or discussion?

COMMISSIONER MOORE: May I make one comment?

CHAIRPERSON JAMES: You can -- we always welcome your comments, Dr. Moore.

COMMISSIONER MOORE: You know, I am 70 years old. And as I look around this room, I have been fortunate in my life. I never have had many bosses. For the last 40 years, I have been my own boss. I have run things as I want to run them. My bosses were my patients and that was about it -- my patients and my referring physicians. Of all the Commissions that I have served on, I consider this one
the most important, even though I did not get a plaque from the President. I would hate for us to get so bogged down in government regulations or personal regulations that we can't do anything. Let's don't be just -- most of the time that you present a committee or something, that is to kill something. This is a commission to accomplish something. I think that this is one of the most important things that we can study. We have been hearing people talk this morning about how good gambling is. I don't know how good gambling is. I gamble a little. I don't know how bad gambling is because I don't see all of these problems that a lot of people see. But by golly that is what we are supposed to study. And every time a reporter calls and wants to talk to me as well as you, the first thing he asks is do you think that you will ever come out with a report that is worth a damn? And my answer to him is you got it. I have never met you people. I have never heard of anybody's name but Dr. Dobson until I got on this Commission two years ago. But I believe that this is a group of people -- I believe that they are responsible. By golly, they are
educated. And I believe that we can do something.

But not if we keep on doing what we are doing today.

CHAIRPERSON JAMES: I thank you. I appreciate those comments. And I would very much love to move along in the agenda at this point. Let me -- no, we have not taken a vote. And what we need to do is to make sure that we all understand what we are voting on. What I would like to do is to read to you the suggestion or the -- what Mr. Loescher would like for us to consider for adoption at this point. Call to order, declaration of quorum -- and I deleted the approval of the agenda from that -- approval of the minutes. I think that according to the legislation, we don't approve the minutes. We adopt the minutes. Is that the correct language?

MR. SNOWDEN: Yes.

CHAIRPERSON JAMES: So we adopt the minutes.

MR. SNOWDEN: Yes. The adopted minutes -- we summarize the minutes and adopt them.

COMMISSIONER LANNI: I have one question relative to that, Madam Chair. Again, I understand
the good doctor's comments and I agree with him. But
relative to the minutes, if we adopt the minutes --
you had mentioned earlier that we had the summary form
of minutes but we are actually going to adopt the full
version of the minutes which are available to each
Commission member.

CHAIRPERSON JAMES: No, that was the
transcript.

COMMISSIONER LANNI: Just the transcript?

CHAIRPERSON JAMES: Not the minutes. Just
the transcript. What you are looking at in terms of
the minutes is the only thing that will exist.

COMMISSIONER LANNI: This is the only set
of minutes?

CHAIRPERSON JAMES: That is correct.

COMMISSIONER LANNI: Thank you.

CHAIRPERSON JAMES: That is correct. So
you will have the opportunity at that point to adopt
the minutes. Now I have some question about whether
or not we truly want to lock ourselves into public
comments coming on the agenda at that particular time
and not allowing us the flexibility based on location,
where we are, based on speakers, and based on a variety of things. Whether or not in fact we always want to have the public comment period immediately at that point in time. I am happy -- yes? Is there any discussion on that subject? I can see why there may be some cases where you may not want to do that at that particular time. My suggestion is that we could approve all of the items on here but perhaps look at the order -- that they not necessarily have to flow in this order.

COMMISSIONER LOESCHER: Madam Chairman, I have no objection to that.

CHAIRPERSON JAMES: Okay. The Chairman's report, Committee Reports if there are any, Executive Director's report, closed session if necessary, old business, new business, hearing, Commission comments, and adjournment. The only thing that I would add to your model agenda format is that we, for a variety of reasons, may choose to amend this model format to facilitate a particular site where we are -- site visits. There are a variety of reasons why we may want to amend that. And I would like to have the
flexibility of making that recommendation to this Commission.

COMMISSIONER LOESCHER: Madam Chairman, I have no objection.

CHAIRPERSON JAMES: Hearing no objections and with everyone now understanding what we are voting on, did I hear a second on that? We did. We had a discussion. Are you ready for the vote? All in favor, aye. Opposed? This will be the agenda format for the Commission. Mr. Loescher, I understand that you had some other items that you would like to discuss.

COMMISSIONER LOESCHER: Yes. Madam Chairman, I have a motion that I would like to distribute and then read. I would like to hereby move that the interim governing rules for the Commission be those of the National Gambling Impact Study Commission provisions authorizing the Commission and its activities, the Federal Advisory Committee Act, and Roberts Rules of Order. I so move.

CHAIRPERSON JAMES: Hearing no second, the motion dies.
COMMISSIONER LOESCHER: Madam Chairman, I have an additional motion. I would like to --

CHAIRPERSON JAMES: For the record,

though, I would like to comment that that is exactly what we are operating under. As a matter of fact, at the first meeting, we said we would operate under Roberts Rules of Order. We are statutorily required to follow the Federal Advisory Committee Act. So that really is a restatement of the obvious. There is no one here that wants to break the law. What is that?

COMMISSIONER BIBLE: If we are operating under it, I will second the motion.

CHAIRPERSON JAMES: Well, it is an unnecessary motion. I mean that is what we are doing and it is already gone.

COMMISSIONER LOESCHER: Madam Chairman, did you recognize his second or did you not?

CHAIRPERSON JAMES: Well, the only reason that I have -- there are other things that should be added to this if we are, in fact, going to operate under it. If we are going to vote on that. I have heard a motion. I have heard a second. I would like
to open it up for discussion and since you want to
have a vote, we will. Carol, you had a point?

MS. SIMPSON: The only point that I had is
you are also operating under the regulations under
FACA and a bunch of other federal laws that aren't
listed on there. So you certainly don't want to make
a motion to rule not to operate under other applicable
federal law.

CHAIRPERSON JAMES: I would simply say
that you may want to consider from someone a friendly
amendment that says we will operate under all
applicable federal law and regulations.

COMMISSIONER LOESCHER: Madam Chairman,
could we add that to the language?

CHAIRPERSON JAMES: We certainly can.

COMMISSIONER LOESCHER: Thank you very
much.

CHAIRPERSON JAMES: I have no clue why Mr.
Loescher wants to do this, but I am certainly happy to
accommodate his request. It is redundant. It is a
statement of the fact. I think that if we, as
Commissioners, have to vote that we are going to obey
the law, we are in trouble. But since Mr. Bible and
Mr. Loescher would like to vote to obey the law, I
certainly have no reason to --

COMMISSIONER BIBLE: Well, Roberts Rules
of Order are not mentioned in the law.
CHAIRPERSON JAMES: No. We adopted that at
the first meeting, Mr. Bible.
COMMISSIONER BIBLE: We did not adopt that
by vote, did we?
CHAIRPERSON JAMES: We came by consensus,
and it is in the transcripts, that we would operate
under Roberts Rules of Order.
COMMISSIONER LOESCHER: Madam Chairman,
the minutes don't reflect that.
CHAIRPERSON JAMES: It is in the minutes.
COMMISSIONER LOESCHER: I don't think so.
CHAIRPERSON JAMES: Would someone like to
look at the transcripts? Is this really necessary,
folks?
COMMISSIONER LOESCHER: Madam Chairman,
there is a motion on the floor. It is duly seconded,
and I would like to call for a vote.
CHAIRPERSON JAMES: Well, are you -- would you restate the motion?

COMMISSIONER LOESCHER: Yes. The motion reads, with the friendly amendment, "I hereby move that the interim governing rules for the Commission be those of the National Gambling Impact Study Commission provisions authorizing the Commission and its activities, Federal Advisory Committee Act, and Roberts Rules of Order, and other applicable law and regulations."

CHAIRPERSON JAMES: If we would like to have a vote that we are all going to obey the law, I would like to call for the vote. Is there a second for that? I think Mr. Bible did second that. Yes, he did. All in favor? Opposed?

COMMISSIONER MOORE: Abstain.

CHAIRPERSON JAMES: Thank you. I am delighted that there are no Commissioners who are going to vote to break the law.

COMMISSIONER LOESCHER: Madam Chairman, one last motion before we break for lunch. I would like to distribute it. I would like to make a motion
and I would request a second --

COMMISSIONER BIBLE: Before you make the
motion, wait until we get it distributed.

COMMISSIONER LOESCHER: Okay.

COMMISSIONER BIBLE: I am having trouble
keeping up.

COMMISSIONER LOESCHER: Okay. Madam
Chairman, I hereby move that the National Gambling
Impact Study Commission retain a lawyer to act as
general counsel to the Commission. Candidates for
such position will be interviewed by a committee of
the Commission and a recommendation shall be made to
the full Commission. General counsel will be
appointed by a vote of the majority of the members of
the Commission. I so move?

CHAIRPERSON JAMES: Do I hear a second?

COMMISSIONER LANNI: I will second that.

COMMISSIONER BIBLE: I believe -- why
don't we ask the gentleman from GSA. I believe that
goes beyond the statutory authority.

CHAIRPERSON JAMES: It does indeed.

MR. SNOWDEN: Let me make a comment. This
motion goes beyond the statutory authority vested in
the legislation. The legislation says that the Chair
will appoint the executive director upon consent or
approval of the body. Then it goes on to say -- I am
paraphrasing now, not word for word -- the Chair then
has the authority -- may hire all additional staff
necessary to meet the charges mandated by this law.
I am paraphrasing the law.

To say that -- so what this says is the
Chair makes the hiring decisions. And it is
discretionary, clearly. But the authority resides
with her. We cannot do anything -- this body cannot
do anything that Congress has not authorized it to do.
It is said that this is how the personnel will be
hired by this group. So this motion is in violation
of the law.

CHAIRPERSON JAMES: Mr. Loescher, would
you like to withdraw the motion?

COMMISSIONER LOESCHER: Madam Chairman,
absolutely not. Notwithstanding opinion of GSA
counsel, I am of the view that we need to have a
general counsel for this Commission that has the
broader depth of knowledge and experience on the wide range of issues that are to come before the Commission. And whether the Chair finds a general counsel and recommends them to the Commission for ratification or whatever process we have, I believe there is substantial merit in this Commission retaining a general counsel that has broad experience.

COMMISSIONER LANNI: Madam Chair, I am going to withdraw my second on the basis of the counsel's advice from GSA.

CHAIRPERSON JAMES: With no second, there is no vote necessary and the motion dies. Any other business to come before the -- Mr. Wilhelm?

COMMISSIONER WILHELM: Two things. For the record, I didn't second Mr. Loescher's last motion on account of the opinion of GSA counsel, but I would like to express the hope that the Chair would appoint a general counsel. I think what we have seen here this morning indicates that that is critically important.

Secondly, although I believe I know the answer to this, for the benefit of the public, Kay, it
seems to me that it might be helpful, unless I missed it and you already did it, if you identified the Commissioners that you indicated earlier you have asked to assist in the interview process.

CHAIRPERSON JAMES: Yes. I think I did.

That is Dr. Moore and Mr. Leone.

COMMISSIONER WILHELM: Thank you.

CHAIRPERSON JAMES: And I am happy to report to you at this point in time that I have interviewed several general counsel candidates and have not made a selection at this particular point in time. But I believe, as has been evidenced here today, that it is very important. Let me say this, and particularly as we go into our discussions tomorrow of some of the rules. My instructions to staff were set policy aside. What is important to me as the Chairman of this Commission is to operate in a fair, balanced, objective, and neutral manner.

In that regard, it is important to me to have the best counsel appropriate. And in looking at the rules that have been suggested by various Commission members, staff has contacted the Office of
Legal Counsel at the Justice Department, GAO, GSA, Senate Ethics, and I am not prepared -- and the world -- I have asked the world for the best legal advice to bring to this Commission as we discuss these thorny issues. And as a result of that, I am not going to recommend anything to this Commission that I believe, based on the best advice and counsel that we have received from every federal agency that we have contacted, that is in violation of a law or regulation.

And so I would hope that in the interest of moving things along and in the interest of getting a work product done and getting to what the public has asked us to do, which is to study the social and the economic impact of gambling, that we can do that. And as we have problems, when we have them, I know that you will bring them here. And we will have administrative problems, and we will fix them when we do.

I think that at this point, we are trying to fix things that are not broken. We are trying to limit the scope and the responsibilities of the Chair
and of the staff. And I think that we are trying to
spend a great deal of time of this Commission on these
kind of issues right now when what we really want to
do is to do some work for the American people and
produce a study.

So with that in mind, I am going to call
the meeting in recess at this point. We will have a
lunch break. It is now 12:30. We were scheduled to
return at 1:30, and at that time, we will hear the
presentations from ACIR and NRC. The meeting stands
adjourned.

(Whereupon, at 12:24 p.m., the meeting was
adjourned for lunch to reconvene this same day at 1:35
p.m.)
CHAIRPERSON JAMES: Can Commissioners please take their seats? The meeting is called to order. A couple of administrative things. On the microphones, Commissioners, no more than two can be on at one time. You will know it is on when you see the red light. To facilitate our audience and in the interest, again, of the public facilitating their participation with us. They could not hear in the back. We have now put a speaker in the back of the room. Can you all hear better back there now? I do apologize for the inconvenience this morning.

As stated in the enabling legislation, the primary purpose of this Commission is to conduct research on the impact of gambling. And to do this, we are instructed to contract with two entities, the Advisory Commission on Intergovernmental Relations and the National Research Council of the National Academy of Sciences. Today, we are joined by representatives of both organizations to hear presentations on the nature of these contracts.
At the last meeting, Commissioner Loescher indicated that some preliminary work on the scope and process for these contracts should be conducted, and I believe that the research subcommittee work addresses these important suggestions.

I am going to ask if the representatives from ACIR would come forward. Charles Griffiths is here today from the Advisory Committee on Intergovernmental Relations. ACIR is specifically tasked to complete a thorough review and cataloging of all applicable federal, state, local, and Native American tribal laws and regulations and ordinances pertaining to gambling and to provide assistance in conducting the other studies required under the law. The law stipulates that their report shall be submitted no later than September 20, 1998. Mr. Griffiths became the Executive Director of ACIR in May of 1997, after serving there since 1992. Mr. Griffiths will make a presentation and then answer questions from Commissioners.

Mr. Griffiths, welcome. We are pleased to have you with us today.