CHAIRPERSON JAMES: Alexis Johnson.

MR. JOHNSON: Chairwoman James, Commissioners, staff, my name is Alexis Johnson. I'm an attorney licensed to practice in New Mexico and I'm familiar with the troubles that have emerged in New Mexico, Western States, the Eastern Seaboard, particularly and other states as gambling has expanded and still is expanding faster than the laws of the nation can analyze and force or contain. I'm not here to wax on all of that. I would ask five things.

One, is Indian gambling effectively regulated? Two, are there gaps in regulation? Three, who is involved in Indian casinos? Four, does the assertion of government to government relations between the tribes and the states and the Federal Government enhance or impede investigation of, accountability of tribal casinos and for that matter their relations with other casinos, domestic and international? Five, who benefits from Indian gambling?

Well, as to the first question, is Indian gambling effectively regulated? We heard a lot today. I think we can summarize it, at least some of us would as with the emphasis on effective and gambling and not in Indians necessarily. The short answer is no, the long answer is absolutely not. The sources for this conclusion include today the things we heard from the Justice Department, the NIGC, the State of Arizona and others. As to this question more particularly, the effective regulation and the gaps, well, I would refer you very specifically to comments that were made today and are in writing before you
somewhere in your stacks and masses. It's from Ms Penny Coleman's remarks.

Quote, "An important concern is the gaps in our regulatory authorities of a vendor, suppliers, consultants and to some extent Class III management contractors". I would urge you to be clear on what that means. In blunt terms, all of those words; vendors, suppliers, consultants and such, that's talking about in the casino context the essence of the machines, who does what to whom, who contracts for what, who brings in the lettuce, who brings in the table clothes, who brings it all. They all might be sweet nice people but it's not clear that anyone knows who they are and it isn't clear that we're relying on any particularly verifiable document from NIGC or elsewhere.

And I will comment briefly, Commissioner Loescher asked some questions about that. Commissioner Loescher in good faith asked, "Well, why don't you take it on face when the Federal Government tells you that something is such and such", referring to the NIGC's disclosures. The answer to that, I can tell you from firsthand experience is even when you ask you won't be told, even when you track it, you find they don't know, even when you track it and you find they don't know, you find they've returned the documents on the contractors and the folks that are inside the casinos to those entities and the tribes themselves. I would suspect that's marginal oversight and effective regulation.

It also has some FOIA problems. FOIA came up today by the way with Ms. Coleman. There is a huge FOIA fight inside the NIGC today. Who's in there running and supplying casinos?
Well, in light of what Ms. Coleman has disclosed as the gaps in regulatory authority and the gaps on vendors and suppliers disclosures, we might as well just be guessing about who is out there. I see my time is going to come to an end. I have submitted you longer comments. I would urge you to read them. They're fairly short, although they're longer than what I'm saying here. I think it might be interesting for you and I think the experience for everyone, tribes and non-tribal people alike, deserves effective regulation. Take care.

CHAIRPERSON JAMES: Thank you.