CHAIRMAN JAMES: At this time we will open up for Commissioners for questions for this particular panel. And I would encourage dialogue and discussion among the panel members as well.

Yes, Commissioner Moore.

COMMISSIONER MOORE: I'd like to ask Mr. Allen a question. One of the reasons that I was willing to come one day early and stay two days late to study the Indian gaming is that I'm intrigued and I hear all the time about the solidarity and we are a nation and we do all this. I'm not too interested in the taxation, but I wanted to know what type of government we have, why I came I wanted to know about the government of these tribes. You said that you've been the leader for 30 some years I believe. How did you get there and do you keep being elected for all those number of years and what type of government do you have, is it a male council or is it a commission or what?

MR. ALLEN: Most of us you have elected processes.

COMMISSIONER MOORE: How did you get there, elected?

MR. ALLEN: I was elected, my --

COMMISSIONER MOORE: And you're elected how often?

MR. ALLEN: My position is elected every two years by the people, so I'm up for election again. We're a small tribe so we only have five members.

COMMISSIONER MOORE: How many?

MR. ALLEN: Five council members so, I mean, that's probably the smallest you will see in the Indian governmental system. And then from there depending upon the size of the tribe
it will continue to reach much larger numbers up the Navajo Nation which is probably the largest council.

COMMISSIONER MOORE: How many members do you have?

MR. ALLEN: My tribe?

COMMISSIONER MOORE: Yeah.

MR. ALLEN: About 510.

COMMISSIONER MOORE: And is a Council -- who would be on the council besides you? Any other family members?

MR. ALLEN: Not in my family. Essentially tribes kind of reflect a lot of what their social makeup of the families, you know, and just like any other sector -- any other political forum, you know, there's people who have biases against people who they believe are good leaders. And in our tribe, for example you know, the mixture of the council is very reflective of the variety of families that are in our community. It's very representative of the makeup of the community.

COMMISSIONER MOORE: Can I ask one more question?

CHAIRMAN JAMES: You certainly may.

COMMISSIONER MOORE: I'd like to ask the -- Mr. Notah, you tried to get gambling approved, but your government, was it this same leader that brought the referendum twice?

MR. NOTAH: Mr. Moore to address your question the decisions to take the issue to the people for referendum were made by our Navajo Nation Council.

COMMISSIONER MOORE: By what?

MR. NOTAH: By our Tribal Council.

COMMISSIONER MOORE: Okay.
MR. NOTAH: And our council consists of 88 members and these 88 members represent a total of 110 communities and they're all elected.

COMMISSIONER MOORE: I want to ask next the 110 communities -- you have a million and a half acres you said on your reservation?

MR. NOTAH: Seventeen million.

COMMISSIONER MOORE: Seventeen million, do you have that divided up into counties that we call, Louisiana would call them Parishes, in Mississippi we call them counties, what did you -- how did you decide that maybe that you let someone close to Albuquerque have a -- decide if they wanted a casino? I mean I'm just trying to figure out the -- how the government --

MR. NOTAH: Okay, Mr. Moore, each chapter is more or less like a municipality in comparison. The area near Albuquerque is what we call a chapter which is a community or maybe one or two communities combined into one.

The Local Governments Act that I mentioned in our testimony now allows for local chapters or communities to take on a local initiative regardless of the overall tribal position, they may take on a local initiative. In this case they're wanting to construct a casino near a major raceway that is coming that will be off reservation that will be on private lands. But the community looks at this project as a economic opportunity for them to raise revenues. So they're sort of piggy backing the raceway project.

CHAIRMAN JAMES: Commissioner McCarthy.
COMMISSIONER MCCARTHY: Thank you. I just wanted to preliminarily thank Dolly for testifying. We've heard from a number of people like you with similar stories and one thing that troubles me is that we get in fragments and I'm trying to figure out how we can really format this so we can put it together. We're doing a national survey of thousands of adults across the country and 700 16 and 17-year-old's -- and that should be helpful although it will be attacked too by those that don't want to believe there is any serious pathological gambling percentage in the population. When it gets down to it as being too small a sample or whatever. But we're trying to do it in a very credible, objective and scholarly way and we'll come out with some results.

But beyond that I'm trying to figure out how to get a handle on your story multiplied thousands of times across the country for some particular kinds of information. I just handed Mr. Tucker a note could we talk in the next few days; maybe we can format some questions over those hot lines around the country to ask certain questions on credit card usage and so on if we find there's a tolerance level among the callers. Now, I don't want to do it in an amateurish way. We would consult with people that we're talking to so this isn't a bogus attempt, and we can't possibly defend whatever information is gathered. But I'd like to pursue that and I just wanted you to know that I've been thinking about this through several meetings and your in-the-gut testimony just prompted me more to down that line. Thank you.

To Mr. Allen, I wrote down a couple of quotes that you gave, sir. You said dealing with compulsive gambling, Native
American Tribes are just like the industry has throughout the U.S., you meant the non-Indian gambling industry?

MR. ALLEN: Yes.

COMMISSIONER MCCARTHY: And incidentally I also like to use the word gambling because that has a different meaning than gaming.

MR. ALLEN: Yes.

COMMISSIONER MCCARTHY: I know it's not quite as benign, but I want to stick with gambling. Could you tell me what you meant by that, just like the rest of the industry has throughout the -- how do you -- what's your impression of how they've dealt with problems of compulsive gamblers?

MR. ALLEN: Well, you know, the gamblers anonymous organizations throughout the nation, you know, are well organized. I mean it's recognized. It is a problem nationally so they're organized all over. They come to tribes and basically say, you know, if you're going to be in the industry, you know, you need to take a responsibility to address it.

And what the tribe -- what we're finding the tribes are doing is working with them and starting to provide resources to them to assist them. Or if they're not doing it with them directly and they're also forming their own support organizations within their own governmental operation.

COMMISSIONER MCCARTHY: I wasn't clear, I'm sorry, I wasn't asking what Native American Tribes are doing about compulsive gambling. You said we're dealing with compulsive gambling just like the industry has throughout the United States, what is your impression of what the non-Indian gambling industry
is doing on compulsive gambling, non-Indian? You said just like
the industry has throughout the United States, what did you mean
by that? What are you relying on?

MR. ALLEN: I have to -- I'm not relying on anything
on any documents that I have to have other than dialogue that I
have had with leadership with the gamblers anonymous groups that
they put challenges on the industry and the states, you know, in
terms of kinds of resources they should commit to their
organization to help those people.

COMMISSIONER MCCARTHY: Yes, they have put those
challenges, but the testimony we've been getting is that neither
state governments nor the non-Indian gambling industry is doing a
whole lot about compulsive gambling.

MR. ALLEN: Then we're doing a better job than them.

COMMISSIONER MCCARTHY: Now, I said something in a
previous meeting and I don't know if Mr. Farenkoph is still here
or not, but he wrote me a note challenging my statement and I
wanted to -- friendly way because he pointed out to me that the
center for responsible gambling funded Dr. Howard Schaffer's
synthesis of 120 some surveys that were judged to be of pretty
good quality and that there are several other studies already
underway that could be helpful ultimately in one form or another
to an understanding of compulsive gambling so I want to put it in
the record that I'm very happy about the couple of million
dollars that will ultimately be spent on those studies. I forget
what it adds up to, two, two and half maybe three million
dollars.
But I'm thinking about this industry which now includes all of it together 600 billion dollars bet each year annually. And the benefits we've been told about and so I don't know -- I don't want to just talk about the private sector I want to talk about government too, government indeed.

The state of California, across the nation have failed to take serious -- have even -- have failed to discern that this is -- so even if we all agree, as Dr. Howard Schaffer concluded, there's only four and a half million, only four and a half million pathological gamblers in the country, only four and a half million I don't see any real action going on. There may be a state or two out there that's done something serious about this and I frankly given the power of the industry at -- not yet do I see much going on. Maybe it's going to pick up with the hearings we're holding around, but not --

So when I heard you say we're doing all right just like the industry has throughout the U.S. I don't know how much of a --

MR. ALLEN: Well, maybe I gave them credit for something I shouldn't have. I mean the issue here is, you know, that with the Indian communities is they are very community oriented and they care -- we care a lot about our communities and so when people raise the issues as you have to deal with the social ills that comes with the industry that's causing the impact we care about our people and so we're going to address it in black and white.

COMMISSIONER MCCARTHY: Well, I would believe that, but what we don't have yet from you from -- generically from you,
is exactly what especially the four or five or six tribes that are really making it big. A lot of the tribes are just small operations.

MR. ALLEN: That's true.

COMMISSIONER MCCARTHY: But the ones that are really making it big we're going to ask questions about what they're -- just as we're going to ask questions about all the non-Indian gambling casinos in the country among many other kinds of questions, what they're doing.

So, I just wanted to give that to you to now.

MR. ALLEN: We view that as a legitimate question.

COMMISSIONER MCCARTHY: Okay. Second area and I'll do this quickly --

CHAIRMAN JAMES: Commissioner McCarthy let me interject here for just a minute to follow that.

COMMISSIONER MCCARTHY: Sure.

CHAIRMAN JAMES: And then I'll come back to you for the second question because I guess I want to ask the same thing, but in a slightly different way and of Dolly and of Mr. Tucker. And that is if imagine that you're in the casino in that 32 hour period when you couldn't leave and you spent all of that money or try to imagine that you drove 10 hours to buy a power ball ticket and had your entire pay check that you couldn't afford to spend on a lottery or imagine that you were going into -- we've got lotteries, we've got casinos, you know, you're going into a river boat. If you could suggest something to this commission that you would like to see in the form of a recommendation as to what those various industries could do and my presumption is that they...
want to do it, what would you recommend to this Commissioner --
this Commission you could, if you were in the casino what you'd
like to see them do at that moment is what?

DOLLY: I'm just going to answer from the heart. Had
there not been ATM machines or check cashing policies, I wouldn't
have spent 32 hours in the casino because my money would have run
out a lot sooner. That's not placing blame, but it was quite
ey easy for me to spend up to 32 hours in that casino primarily for
the ATM machines and check cashing policies.

MR. TUCKER: And I would like to second that. My
last gambling binge was in Foxwoods casino and I went to the ATM
for $6,000.00 in less than two days and it was there. Okay.

I also think there should be some sort of an enough
is enough policy. You know if you try to buy a home there's a
debt to income ratio that if you don't meet you don't get the
house. But you know when compulsive gamblers come in and bottom
out they've got one and a half to five times their annual income
they're in the hole. So why is that, you know, you can't --
easily buy a quarter of a million dollar house with that kind of
a recommendation in place or a limitation, but yet you can go
down to a casino and get hundreds of thousands of dollars. You
can get a marker for as much as you want.

So I say you have to have an enough is enough policy,
a time out period, a cooling off time. And maybe you have to go
for a little distance before you get to that ATM machine.

CHAIRMAN JAMES: What would enough is enough policy
look like?

MR. TUCKER: Enough is enough I mean you know --
CHAIRMAN JAMES: But how would a casino know?

MR. TUCKER: Well, I mean, it's going to take a little thought, but what I'm saying is that maybe when a person is in a cooler state of mind and not agitated or in a rush or chasing losses or whatever that they set some limits for themselves in advance. Maybe fill out a credit application, I don't know something like that.

I also would say that there should be a maybe a safe zone or a time out room or a place where you can just go. I mean some of these people are to the point of fainting in the room. Some of these people are at these machines for so long that they urinate on the floor, that's how serious this is.

One woman told me that she had a plastic bag attached to her leg and she had a catheter placed in her so she didn't want to lose that machine so she urinated and relieved herself in the thing so she could stay there for 48 hours. They don't eat, they don't sleep; these are serious problems. I mean these -- if anybody was in any other form of business and saw this they would say my God let's get them some help call in a paramedic or some kind of people to give them a hand.

So I think when a person is in that state, to get back to your question, I think that they're -- not that we have to protect ourselves from ourselves, but we do we at least have to have a position or a place to go where we can take and have some time out period and where we can get the equation of intellect over emotion back in there instead of emotion over intellect.
CHAIRMAN JAMES: I would certainly ask that you give
that some more thought and we would be happy to receive any
further recommendations that you may have for this Commission.

Any other Commissioners have questions for this
panel? Dr. Moore.

COMMISSIONER MOORE: I think we were going back --

CHAIRMAN JAMES: Oh, that's right I do apologize,
you're absolutely correct.

COMMISSIONER MCCARTHY: Give all the members a
chance, thank you I'm fine.

COMMISSIONER MOORE: Madam Chairman?

CHAIRMAN JAMES: Yes.

COMMISSIONER MOORE: Do we allow -- do we serve
alcohol on Indian gaming floors?

MR. ALLEN: It varies from tribe to tribe, some do
some don't.

COMMISSIONER MOORE: Do we allow smoking?

MR. ALLEN: Yeah, in many of the casinos what they're
doing now is isolating smoking gambling areas from non-smoking.

COMMISSIONER MOORE: Do you know of any other
industry that like if you're a bus driver or airplane pilot that
you give them alcohol to make them feel good and the more they
can gamble better or drive busses better. What do you think
about that? What would be your -- would you think it well to
serve or not serve alcohol on gaming floors?

MR. ALLEN: My opinion is that alcohol and the gaming
entertainment industry go hand in hand. I just don't think
you're going to separate the two. I mean I do agree with
commentaries that are just being made regarding people who having
gambling addiction and how do you monitor and how do you control
it. That's a very complicated question and how you try to impose
it and how you enforce it. It takes a great deal of management,
moral conscious responsibility. With regard to alcohol I just,
you know, in fact you'll find more Indian casinos with non-
alcohol than you'll find in the non-Indian sector, but with the
exception of lotteries of course.

But the issue here is I don't think you can separate
the two, they're part of the entertainment industry.

UNIDENTIFIED SPEAKER: Not just gaming -- I'm sorry.

CHAIRMAN JAMES: Go right ahead.

COMMISSIONER MCCARTHY: Madam Chair if I may.

CHAIRMAN JAMES: Certainly.

COMMISSIONER MCCARTHY: I visited the Barona Tribe
yesterday while we were in San Diego. They do not allow alcohol
served on the premises, they do not allow smoking on the
premises, they strictly will not allow children anywhere near the
premises. Anybody under 18 they will not allow. And they tell
me, I obviously didn't have a chance to check this out, they also
told me that they have a very clear policy on how much you can
borrow from credit they'll take it up.

And they control the amount of money you can put into
their slot machines. It's kept at a very low level so the
aggregate losses will not mount all of the sudden.

MR. ALLEN: There's a variety of measures.

COMMISSIONER MCCARTHY: So there are -- it's a matter
of will of the people, you know, how much profit do we want make.
They still make a good profit, but they're still inserting these socially conscious requirements.

MR. ALLEN: I can give you an example of an individual who comes into our casino. This woman has a lot of money, this woman drops a lot of money and for many, many, many months this person was dropping a lot of money and we finally said that we can't continue to condone this and we 86'd her.

And she came back to us asked us, you know, look I'm going down the road to a different casino and I'm gambling there, do you want me to drop my dollars down there or in your casino? I like your casino better. We said we can't consciously take responsibility for it.

Some will do it, some won't; it's a matter of the management judgment in terms of what they'll accept and how they will monitor the people who are gambling like that. Her comment was a little different than the commentary you just heard; her argument is "I've got a lot of money let me spend it any way I want." How can we argue that, you know.

But nevertheless we felt that there was a conscious responsibility there and we dealt with it and it was a hard one. I can tell you right now in the board decision they struggled over it because management didn't want to go along with it.

MR. TUCKER: Madam Chair, may I just respond to that?

CHAIRMAN JAMES: Certainly Mr. Tucker.

MR. TUCKER: You know, I was just passed a note that compulsive gambling and problem gambling education and awareness is really needed. Because you know perhaps this person he's talking about is not a compulsive gambler. You've got 50 million
dollars and you're going to drop a, you know, a thousand a night
what's the deal, you know. But if it's not effecting you
adversely maybe you're not a problem gambler. Most likely you
are, but maybe you're not.

So education and awareness will help us to understand
these kinds of things and making educational policies. There are
some great videos coming out now which were done actually at the
Foxwoods casino. Fantastic for education of tribal casino
employees on how to work with their patrons and then how to work
with their own employees who have a problem. So that might be
helpful.

CHAIRMAN JAMES: Thank you very much. This panel
like all the panels that we've heard today was just absolutely
informative and very challenging for this Commission. And we
thank you for coming and offering your testimony. I want to
offer particular thanks to Dolly, I realize that you are still in
your program and I appreciate your courage in coming out and
sharing your story with us.

Thank you very much.