

Supreme Court won't disturb Indian gaming

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WASHINGTON - The Supreme Court on Monday sidestepped a dispute over tribal gambling, a victory for California tribes and their new high-profile supporter, Gov. Arnold Schwarzenegger.

Justices refused to consider whether states can let tribes operate casinos while barring others from this enterprise. More than 20 states allow tribes to run gambling businesses, but not private companies, the court was told.

The appeal had been filed this past spring by four San Francisco-area card clubs and some charity organizations. They contended that California tribes were wrongly given a \$6 billion a year monopoly on gambling.

Since then, Schwarzenegger has banked on an expansion in Indian gambling to help the state's ailing finances. In August, he announced agreements with five Indian tribes to add thousands of new slot machines statewide and create one of the world's largest casinos in the heart of the Bay Area. Plans for that urban Indian casino have been scaled back because of criticism over the size.

California voters agreed in 2000 to change the state's constitution to permit tribes to operate casinos. Some gambling is allowed by private companies, but American Indians have a monopoly on Las Vegas-style gaming, like slot machines and blackjack.

The San Francisco-based 9th U.S. Circuit Court of Appeals had ruled that giving Indians special gambling rights is not racial discrimination, saying tribes have special privileges because they are regarded as sovereign nations under the law.

The Bush administration had urged the high court to reject the appeal, arguing that Congress never said that states that allow tribal

gambling must open gambling to others as well.

The stakes in the case were high.

James Hamilton, a lawyer for the group challenging Indian gambling in California, told justices that Schwarzenegger's compacts with the tribes would give them exclusive rights to unlimited slot machines until the year 2030.

He said the court should intervene "before tribal monopolies become an entrenched feature of American life."

Besides California, he told justices that other states allowing limited gambling are Alabama, Alaska, Arizona, Connecticut, Florida, Idaho, Kansas, Maine, Minnesota, Nebraska, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Washington, Wisconsin, and Wyoming.

The case is Artichoke Joe's v. Norton, 03-1602.