

NATIONAL
INDIAN
GAMING
COMMISSION

SEP 10 1999

Bonnie G. Scudero
Chairman
Metlakatla Indian Gaming Commission
P.O. Box 216
Metlakatla, Alaska 99926

Re: Game Classification Opinion - "Raffles"

Dear Ms. Scudero:

The purpose of this letter is to respond to yours of November 13, 1998, in which you request the National Indian Gaming Commission ("NIGC") to issue an advisory opinion on whether "raffles" constitute class II or class III gaming, as defined by the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. § 2701, *et seq.* For the reasons outlined below, we conclude that raffles qualify as class III gaming.

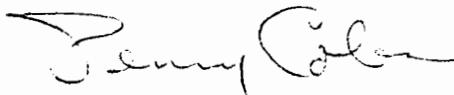
IGRA creates three classes of gaming which differ in the degree of tribal, state, and federal oversight. Class I gaming consists of "social games [played] solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, tribal ceremonies or celebrations." 25 U.S.C. § 2703(6). Class I gaming is within the exclusive jurisdiction of Indian tribes and is not subject to state or federal regulation. 25 U.S.C. § 2710(a)(1). Class II gaming primarily consists of "the game of chance commonly known as bingo including pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo." 25 U.S.C. § 2703(7)(A). Class II gaming is generally not subject to state regulation, but is subject to federal oversight by the NIGC. 25 U.S.C. § 2710(a)(2). Class III gaming is defined residually; it includes "all forms of gaming that are not class I gaming or class II gaming." 25 U.S.C. § 2703(8). Class III gaming "includes such things as slot machines, casino games, banking card games, dog racing, and lotteries." 25 C.F.R. § 502.4. Class III gaming is lawful on Indian lands only if it is authorized by a tribal ordinance approved by the NIGC, permitted by the state for some person or organization, and covered by a tribal-state compact. 25 U.S.C. § 2710(d)(1).

Raffles do not qualify as either class I or class II gaming. Therefore, raffles constitute class III gaming, as class III gaming includes "all forms of gaming that are not class I gaming or class II gaming." 25 U.S.C. § 2703(8).

It is important to note that the Metlakatla Indian Community does not have a compact with the State of Alaska for class III gaming activities, and therefore, cannot lawfully offer raffles at its

gaming facility. If you have any further questions regarding this matter, please call Todd J. Araujo at (202) 632-7003.

Sincerely,

A handwritten signature in cursive script, appearing to read "Penny Coleman".

Penny J. Coleman
Deputy General Counsel