

# Only two casinos in Georgia?

## Think again.

### **FACT**

Legally, it is difficult to keep tribal casinos out of a state once that state has authorized casino gambling of any type. According to the Dissent Opinion of the 2012 Senate Study Committee on Horse Racing in Georgia, ***federal law recognizes Class III gaming as an open door to Indian tribe casinos (see full comment below).***<sup>i</sup>

#### III. FEDERAL LAW RECOGNIZES CLASS III GAMING AS OPEN DOOR

The Attorney General of Georgia, Sam Olens, in a letter dated February 1, 2012, regarding the Indian Gaming Regulatory Act, explained that Class III gaming includes casino-like gambling and pari-mutuel betting. An Indian tribe which can show that a state allows Class III gaming has legal ground to pursue Indian Lands for the purpose of casino gambling within that state.<sup>6</sup>

This concern regarding Indian gaming relates to recent efforts by the Creek Indian Band's submission of an application to the Bureau of Indian Affairs for recognition of property in Glynn County. This type of "venue shopping" takes place when there appears to be a legitimate hope that a state will embrace Class III gaming or has already done so. It should be noted that the Georgia Council on American Indian Concerns, which represents indigenous Indian tribes in Georgia, has consistently resisted the opportunity to allow gambling on any tribal lands. However, should the state embrace Class III gaming, other tribes seeking a new venue for casino operations could gain a foothold in Georgia and run gambling establishments despite the long-standing policy of indigenous tribes.

Indian gaming is fraught with its own social costs due to the fact that Indian lands are taken out of the governance of the State. These lands do not provide any tax base for the local community because they are off the tax digest. Local police powers have no jurisdiction on Indian lands. Further, there can be no revenue sharing with the State.

### **FACT**

The fact that there are no recognized tribes or tribal lands in Georgia is totally irrelevant. Recent tribal interests for casinos or other gambling interests in Georgia date back to 1997.

**1997** - The Oklahoma-based Keetowah band of the Cherokee Nation proposed creating a 34-acre reservation in north Georgia's Bartow County for bingo.<sup>ii</sup>

**1999** - The Kialegee tribe from Oklahoma, which is a part of the Creek Nation, sought to buy land in Carroll County, Haralson County and Hancock County to build casinos. According to the Augusta Chronicle, "Federal regulations allow the tribe to establish a reservation in Hancock County because old treaties show that the impoverished tribe was native to Georgia."<sup>iii</sup>

**2011** - The Kialegee tribe from Oklahoma filed a land-into-trust application for 300 acres in Glynn County to build a casino.<sup>iv</sup>

**2015** – The Seminole and Creek tribes made presentations on building casinos at the November 2, 2015 Study Committee on the Preservation of the HOPE Scholarship Program in Savannah.<sup>v</sup>

**2017** – The United Keetoowah band of the Cherokee is seeking to possibly build a casino in Cherokee County.<sup>vi</sup>

### **FACT**

Only the legislature can stop the onslaught of tribal casinos – by stopping casinos, period.

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<sup>i</sup> <http://www.senate.ga.gov/sro/Documents/StudyCommRpts/12Horseracing.pdf>

<sup>ii</sup> [http://onlineathens.com/stories/053099/new\\_0530990010.shtml#.WKJAEW\\_yuUk](http://onlineathens.com/stories/053099/new_0530990010.shtml#.WKJAEW_yuUk)

<sup>iii</sup> [http://chronicle.augusta.com/stories/1999/08/14/bus\\_267807.shtml](http://chronicle.augusta.com/stories/1999/08/14/bus_267807.shtml)

<sup>iv</sup> <http://64.38.12.138/News/2011/001086.asp>

<sup>v</sup> [http://www.house.ga.gov/Documents/CommitteeDocuments/2015/Preservation\\_HOPE/HOPE%20Preservation%20Report%20-%20Final%201.11.16.pdf](http://www.house.ga.gov/Documents/CommitteeDocuments/2015/Preservation_HOPE/HOPE%20Preservation%20Report%20-%20Final%201.11.16.pdf)

<sup>vi</sup> [http://www.mdjonline.com/neighbor\\_newspapers/news/state/indian-tribe-plans-to-build-casino-in-georgia/article\\_b4c07174-217c-5d2a-8a71-e7f04acb52f1.html](http://www.mdjonline.com/neighbor_newspapers/news/state/indian-tribe-plans-to-build-casino-in-georgia/article_b4c07174-217c-5d2a-8a71-e7f04acb52f1.html)



**Concerned Women for America Legislative Action Committee**  
P.O. Box 671374 Marietta, GA 30066 Phone: 770-617-1987  
Email: [director@georgia.cwfa.org](mailto:director@georgia.cwfa.org) Website: [ga.cwfa.org](http://ga.cwfa.org)