Who Can Sign?

How federal and state law shape tribal gaming compacts

USG.C.3.6.D "Examine how Tribal governments enter into agreements with states under federal law, including the role of state constitutions and legislatures in authorizing such agreements. Key law: Indian Gaming Regulatory Act..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what federal law allows, circle the state actions needed to authorize compacts, and number the Oklahoma and California examples 1 and 2. Use your marks to trace how both levels of law affect an agreement.

Two Paths to a Compact

1. Picture a tribal nation in Oklahoma that wants to offer a new type of casino game on its land. A state official cannot simply announce the rules alone. Under the federal Indian Gaming Regulatory Act, or IGRA, many kinds of casino gambling, called Class III gaming, require a written agreement between the tribal government and the state. This agreement is a compact. It can address which games are allowed and how the games will be regulated. Federal law creates a way for tribes and states to negotiate, but it does not erase either government's legal limits.

2. A compact needs more than signatures. A state official must have authority under state law to commit the state. A state constitution may limit gambling, and a legislature may need to approve a compact or authorize an official to negotiate one. California offers one route: voters approved a state constitutional amendment in 2000 that permitted certain tribal casino games under compacts approved by the state legislature. The amendment opened a legal path that a governor's signature alone could not create. The specific approval steps depend on the state's own laws, even though IGRA applies across the country.

3. Oklahoma followed a different route. In 2004, its legislature sent the State-Tribal Gaming Act to voters, who approved it as state law, not as a constitutional amendment. That law provided a model compact that tribes could accept for certain games. Later, Oklahoma's Supreme Court ruled that a governor could not make particular new gaming compacts that authorized games beyond what state law allowed. After a state and tribe reach a valid Class III compact, they submit it to the U.S. secretary of the interior for federal review. The federal route and state authority must fit together for a compact to work.

2 ANSWER WITH EVIDENCE

Use the passage

1. A governor says IGRA lets the governor sign an Oklahoma compact for a game that state law does not allow. Why does the passage challenge that claim?

2. How did California create a legal path for certain tribal casino games, and what state approval did its compacts still need?

3. How did Oklahoma's 2004 action differ from California's change to state law, and what did Oklahoma's action provide?

4. Once a state and tribe reach a valid Class III compact, what federal step remains? Why was state authorization still necessary before that step?

3 YOUR TURN

Your own words

Imagine a state called Riverbend whose constitution bans all casino gambling. Write a four-sentence memo explaining a possible path from that ban to a Class III compact: what must change first, what the legislature and tribal government would do, and what federal step follows.

ANSWER KEY

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HIGH SCHOOL · USG.C.3.6.D

PART 1 · READ AND MARK

Underline what federal law allows, circle the state actions needed to authorize compacts, and number the Oklahoma and California examples 1 and 2. Use your marks to trace how both levels of law affect an agreement. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	A governor says IGRA lets the governor sign an Oklahoma compact for a game that state law does not allow. Why does the passage challenge that claim?	**IGRA permits tribal-state compacts, but it does not give a governor authority that state law withholds. Oklahoma's Supreme Court ruled against particular compacts that authorized games beyond those allowed by state law.**
2	How did California create a legal path for certain tribal casino games, and what state approval did its compacts still need?	**Voters approved a state constitutional amendment permitting certain tribal casino games under compacts. The state legislature still had to approve those compacts.**
3	How did Oklahoma's 2004 action differ from California's change to state law, and what did Oklahoma's action provide?	**Oklahoma voters approved a law sent to them by the legislature, not a constitutional amendment. The law provided a model compact that tribes could accept for certain games.**
4	Once a state and tribe reach a valid Class III compact, what federal step remains? Why was state authorization still necessary before that step?	**They submit the compact to the U.S. secretary of the interior for federal review. State authorization is necessary because IGRA does not remove limits on a state official's authority.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

First, Riverbend must amend its constitution through the required state process to remove the casino ban. Next, its legislature must authorize the state to enter a Class III compact and decide who may act for the state. The tribal government and an authorized state representative can then negotiate and sign terms for permitted games. They must submit the compact to the U.S. secretary of the interior for federal review.

Accept different lawful amendment procedures because Riverbend's procedure is not specified. Responses should distinguish federal permission to make compacts from the state's authority to enter one.