

gambling casinos, punch board operations on Indian reservations has doubled in the past two years to 108. In Arizona, a tribe wants to build a jai alai arena for parimutuel betting. In Michigan, the state and several tribes are embroiled in controversy and litigation over casinos operating on reservations in that state. In New Mexico, a tribe wants to open that state's first dog track. In Michigan, the state and several tribes are embroiled in controversy and litigation over casinos operating on reservations in that state. States also have fought with tribes over issues besides gambling. The State of Washington has seized liquor bound for a reservation to be sold by tribal businesses which was not bought through a state licensed wholesaler and, therefore, was not taxed. These states are all states which were never subject to Public Law 280 and, therefore, have always had split civil and criminal jurisdiction. What then does all this have to do with criminal retrocession in Nebraska? The answer is, nobody knows. Is gambling civil or criminal law? We can't be sure because no Indian tribe has ever tried to set up a gambling operation in a Public Law 280 state which has then retroceded criminal jurisdiction only. However, the National Farmers Union, et al v. the Crow Indian Tribe case decided by the U.S. Supreme Court just last June 3rd, suggests that anything that prohibits a certain activity and provides for a criminal penalty may be enough. These situations point out what a fast moving area of law we are dealing with when we talk about Indian gambling. These controversies are likely to change the complexion of Indian law considerably over the next several years. What is true today may not be true tomorrow. What we do know is that at least at this point the tribe has passed a resolution saying they don't intend to run any gambling that contravenes state or federal law until A.D. 2000, that contravenes state or federal law. Contravenes, to go against, to oppose or to conflict with. That contravenes state or federal law are the key words in the resolution. The operations in Iowa does not contravene state or federal law. Both allow bingo and because the tribe doesn't have to obey state regulatory law, the bingo operation cannot contravene Iowa law. In other words, the resolution does not say that Winnebagos will not set up high stakes bingo on the reservation or horse racing or raffles or anything else that Nebraska allows. It only states they will not do so in contravention of state or federal law. Of course, by granting retrocession, we make them so that they are not subject to