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Tribe Finds Errors in State's Arguments Against Poker

Plummer, IDAHO – The Coeur d'Alene Tribe has begun offering Texas Hold 'Em style poker tournaments at its casino.

Under the Indian Gaming Regulatory Act, the Tribe has the right to offer on its reservation any non-banked card games permitted by the state. Such an authorization is found in the exception to the State's prohibition against gambling for "bona fide contests of skill" Idaho Code Ann. § 18-3801(1). The Idaho Attorney General has opined that this exemption allows for games of skill that are played in a tournament format. (Legal Guideline Regarding Calcuttas, Idaho Att'y Gen. (Sep. 17, 1993)). There is extensive authority that certain types of poker tournaments, such as the Texas Hold 'Em tournaments being offered at the casino are in fact, games of skill.

The public policy of the State of Idaho over the past 40 years or so has been to generally permit poker in homes, retirement facilities, charitable events, and bars across Idaho and the state does very little to stop it. "Idaho's own crime statistics show that enforcement against the real money poker games offered throughout the State is virtually non-existent," added Chairman Allan. "If others are able to offer poker, why shouldn't we?"

There are dozens of different types of poker and the Coeur d'Alene Tribe's Gaming board has taken a narrow and conservative approach by limiting it to tournaments that are non-house banked, player on player games, or pari-mutuel games, such as Texas Hold 'Em. Pari-mutuel wagering is allowed under the Idaho State Constitution.

"We believe we are well within our right to offer poker," said Chairman Chief Allan of the Coeur d'Alene Tribe. "If the state has a problem with our legal analyses, they can invoke dispute resolution under our gaming compact – that's why we have it – so we can negotiate our differences in a professional setting. It's ironic that their actions are not in compliance with the compact they are purporting to uphold," he added.

The Tribe's Gaming Board conducted an extensive review of applicable law. It also considered legal opinions prepared by outside Indian law counsel. Based on its review, the Gaming Board determined that certain poker tournaments could be lawfully conducted on the Tribe's reservation as Class II games.

“We hope that the Governor and the Attorney General will examine the types of gambling recently expanded at horse tracks off the reservation as closely as they have scrutinized the types of gaming on the reservation” added Allan.

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