



CONNECTICUT TRIBAL GAMING TIMELINE

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ISSUE

Provide a timeline of tribal gaming in Connecticut.

SUMMARY

In 1983, the Mashantucket Pequot Tribe gained federal recognition through Congressional action. In 1988, Congress passed the Indian Gaming Regulatory Act (IGRA), the law that currently governs tribal gaming throughout the United States. This law allows federally recognized Indian tribes to engage in Class III gaming (i.e., casino-type games) under a negotiated compact as long as the state in which the tribe is located permits gambling. Currently the Mashantucket Pequot and Mohegan tribes operate casinos on their reservations. Pursuant to a special act passed by the General Assembly in 2015, both tribes are currently seeking to build an off-reservation casino through a jointly owned business entity.

TIMELINE OF GAMING-RELATED EVENTS

1987: The U.S. Supreme Court ruled that if a state prohibits all forms of gambling, its policy is "criminal-prohibitory," and its criminal laws apply to tribal gaming. But if the state allows some forms of gambling, even subject to extensive regulation, its policy is "civil-regulatory," and it therefore cannot enforce its gambling laws on a reservation (*California v. Cabazon Band of Mission Indians*, (480 U.S. 202 (1987))).

1988: Partly as a response to the *Cabazon* decision, Congress passed the IGRA which, among other things, created a framework for resolving jurisdictional and legal issues surrounding gaming on Indian reservations (25 USC § 2710 et seq.). The Mashantucket Pequots sought to negotiate a compact with the state to operate a casino under the IGRA; the state refused to negotiate.

1990: The Mashantucket Pequots sued the state for failing to negotiate a compact. The Second Circuit Court of Appeals cited the *Cabazon* decision in ruling that Connecticut's gambling public policy was "civil regulatory" because the state



allowed “Las Vegas Nights.” Thus, the state was required to enter into good-faith negotiations for formulating a tribal-state gaming compact (*Mashantucket Pequot Tribe v. State of Connecticut*, 913 F.2d 1024 (2nd Cir. 1990)).

1991: The U.S. Department of Interior (DOI) secretary, as prescribed by the IGRA, issued gaming procedures governing casino gaming (*Final Mashantucket Pequot Gaming Procedures*, 56 Fed. Reg. 24996, May 31, 1991). The federal procedures imposed a moratorium of slot machines until the dispute between the state and tribe about their legality at the casino was resolved.

1992: The Mashantucket Pequot Tribe opened Foxwoods Resort Casino with table games but not slot machines.

1993: The Mashantucket Pequots and the state signed a memorandum of understanding (MOU) resolving the dispute surrounding the operation of slot machines. The state gave the tribe the exclusive right to operate slot machines at Foxwoods in return for a monthly contribution of 25% of gross slot machine revenue. If the contribution were to fall below \$100 million in any year, the rate would increase to 30%.

1994: The Mohegan Tribe gained federal recognition through the DOI's Bureau of Indian Affairs administrative process and negotiated a gaming compact with then-Governor Weicker.

Additionally, the Mashantucket Pequot Tribe renegotiated its MOU with the state and the Mohegans entered into an MOU with the state. Under separate, but virtually identical, MOUs, each tribe contributes 25% of its gross slot machine revenue to the state monthly. If either tribe's contribution falls below \$80 million in any year, its rate increases to 30%. The MOUs also expanded the scope of the original Foxwoods memorandum by conditioning the tribes' contribution to the state on the state not permitting others to operate casino games, instead of just slot machines.

1995: The General Assembly held a special session to consider a bill ([SB 2001](#)) to allow the Mashantucket Pequots to conduct casino gaming in Bridgeport. The bill was rejected by the Senate.

1996: The Mohegan Tribe opened Mohegan Sun Casino.

2003: The General Assembly repealed the “Las Vegas Nights” statute, which was the law the court cited when it ruled that the state's gambling policy was “civil regulatory” and required the state to negotiate a gaming compact.

2009: The state and the tribes reached a settlement regarding the casinos' issuance of coupons or email credits for specified amounts of free slot play. In addition to a one-time \$25 million settlement, both tribes agreed to start paying the state 25% of the value of redeemed free slot play coupons/credits that exceed 5.5% of the monthly slot "win" (see OLR Report [2012-R-0242](#)). (Both casinos operate promotional programs that provide certain customers with coupons, credits, or both to play slot machines for free, up to the face value of the coupons or credits.)

2015: The General Assembly passed [SA 15-7](#), that, among other things, creates a process for the possible establishment of an off-reservation casino to be operated by the Mashantucket Pequot and Mohegan tribes, through a jointly owned business entity. The act allows the tribal business entity to enter into a development agreement with a municipality to possibly establish the casino.

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