

maintain an appearance of being calm, being reasonable, and trying to behave in a setting which is totally irrational and unfair. Keep what Senator Ashford has put into the bill and let it go to federal court, and I hope you do that, and I hope Nebraska loses, and I hope they put every kind of gambling imaginable into operation in this state, and they impoverish the people of this state who are white in the same way that the Native Americans have been impoverished throughout history and stripped of their very humanity.

PRESIDENT MOUL: Time.

SENATOR CHAMBERS: This is just an opportunity to get a little bit of it back.

PRESIDENT MOUL: Thank you, Senator Chambers. Senator Will.

SENATOR WILL: Thank you, Madam President, members of the body. I rise in reluctant support of the Hohenstein amendment. I believe that at this point there are a number of issues that are...a number of questions that are the issue here. The initial one that was pointed out by Senator Ashford ably is Kansas State prohibits specific types of gaming to Indian tribes under the federal act, and I think that the case law is not clear-cut on that issue at all. I think a good case could be made both ways. There are some specific references that perhaps that is something we can do. On the other hand, there is a larger issue with respect to the Indian Gaming Act and that is of bad faith. You know, what constitutes negotiating in bad faith? If we prohibit a game prior to entering into negotiations, during negotiations, after negotiations are over, does that constitute bad faith. Again I think that we simply don't know at this point. Probably the biggest issue is that of sovereignty. Simply that sovereignty is an issue that there is no ready answer for, particularly at the state level. You simply have a case where there is a degree of sovereignty that has been granted to tribes by the federal government, and Senator Chambers is absolutely right, that this is something that is theirs that should not be taken away, that cannot be taken away at the state level for sure. With that, I think this becomes a policy issue more than a legal issue. It's a...is it a state policy that we want to have, that this is a type of gaming that we want to reserve to the state, that we want to prohibit altogether? In the end I think probably the better course, again, I, as a state lawmaker that is involved in these