



# Bringing Las Vegas to North Carolina

Why Expanded Cherokee Gambling  
is Bad Public Policy

*by: Kyle Jensen*

**D**URING THE PAST 20 YEARS THE GAMBLING INDUSTRY HAS FERVENTLY ADVOCATED FOR INCREASED GAMBLING THROUGHOUT NORTH CAROLINA.

NORTH CAROLINA NOW HAS A STATE LOTTERY, VIDEO GAMBLING IN THE FORM OF THOUSANDS OF “SWEEPSTAKES” MACHINES, AND HARRAH’S CHEROKEE CASINO, WHICH IS ONE OF THE LARGEST TOURIST ATTRACTIONS IN THE STATE. THESE SUCCESSES HAVE ONLY WHET THE ENORMOUS APPETITE OF THE GAMBLING INDUSTRY, AS YEAR AFTER YEAR GAMBLING ORGANIZATIONS ATTEMPT TO MANEUVER BILLS THROUGH THE GENERAL ASSEMBLY THAT WOULD ALLOW FOR EVEN GREATER GAMBLING OPPORTUNITIES THROUGHOUT THE STATE.

The Cherokee Casino is a clear example of how the gambling industry will never be completely satisfied until every limitation upon gambling is lifted. The Cherokee Indians have expanded gambling on their reservation from a small bingo facility to a large gambling operation with multiple hotel towers and virtually no limit upon gambling space or wagers. The Cherokee are now asking that the State allow them to use live dealers and implement table games, which would turn their once small operation into a full-fledged Las Vegas-style casino in a state that has, with the exception of the lottery, implemented strict limits upon gambling. They are so confident they will be successful in their negotiations with Governor Perdue that they have reportedly expanded their gaming space in anticipation of the legalization of live poker.<sup>1</sup>

However, before North Carolina grants increased gambling for the Cherokee, the State should consider the negative legal impacts, as well as the societal consequences, that may result by allowing this expansion.

## Indian Gaming Regulatory Act

In the 1980s, federal courts decided two cases, *Seminole Tribe of Florida v. Butterworth* and *California v. Cabazon Band of Mission Indians*, which protected tribal bingo operations and limited the ability of a state to limit and regulate gambling operations on tribal lands.<sup>2</sup> Congress passed the Indian Gaming Regulatory Act (IGRA) in response to these cases to provide a statutory basis for states and the federal government to regulate and limit gambling privileges on Indian tribal lands.<sup>3</sup> IGRA divides different types of gambling into three classes—class I, class II, and class III. Each class of gambling has its own set of regulations that are determined and enforced by different designated jurisdictions.

Class I gaming includes any “social game” played for minimal prize values, or any “tribal ceremonies or celebrations” which are “traditional forms of Indian gaming.”<sup>4</sup> Class I gaming is exclusively within

the jurisdiction of the Indian tribes and cannot be regulated by the states.<sup>5</sup> Class II gaming includes bingo and card games that are either authorized by state law or not prohibited by state law.<sup>6</sup> However, class II card gaming does not include banking card games or electronic facsimiles of any game of chance or slot machines of any kind.<sup>7</sup> Class II gaming is also regulated by the Indian tribe so long as the state “permits such gaming for any purpose by any person” within the state.<sup>8</sup>

Class III gaming is considered “all forms of gaming that are not class I gaming or class II gaming.”<sup>9</sup> Class III games are the typical games found in major casinos, such as slots, poker, and blackjack. Because of the nature of these games, class III gaming has the greatest restrictions and must meet a number of specific requirements. To offer these types of games, IGRA requires authorization by an ordinance that is adopted by the Indian tribe located within a state. This ordinance permits class III gaming, and the tribe must enter into a compact with the state that allows the tribe to offer class III games.<sup>10</sup>

Since the tribe and state must create a compact for the tribe to legally offer class III gaming, IGRA also establishes the conditions under which Indian tribes and states may compact. Any Indian tribe that desires to offer class III gaming must request to enter into negotiations with the state in which the tribe’s lands are located.<sup>11</sup> The state is then required to enter into good faith negotiations with the tribe.<sup>12</sup> Originally IGRA allowed an Indian tribe to bring a suit in federal court against a state that would not enter into negotiations with it or did not “conduct such negotiations in good faith.”<sup>13</sup> However, the Supreme Court held “[t]he Eleventh Amendment prevents Congress from authorizing suits by Indian tribes against States to enforce legislation enacted pursuant to the Indian Commerce Clause.”<sup>14</sup> Therefore, while states are encouraged to enter into compacts with the Indian tribes within their borders, an Indian tribe cannot force a state into a federal lawsuit under IGRA.

## North Carolina’s Compact

The compact between the Eastern Band of Cherokee Indians and the State of North Carolina was signed in 1994.<sup>15</sup> The original compact allowed for specific types of class III gaming such as raffles and video games, as well as providing an avenue for the Cherokee to apply for other types of class III gaming not specifically enumerated in the compact.<sup>16</sup> The compact also placed limitations upon class III gaming by placing an age restriction upon whom the casino could employ and who would be allowed to gamble. It outlined other restrictions, including, allowing cash only gaming and limiting the amount of gambling space that could be used in the casino.<sup>17</sup> The compact limited the prizes that could be awarded from video gaming as well. It restricted prizes to the forms of games, credits, or cash, and

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limited the maximum value of the prize to \$25,000 for an individual award.<sup>18</sup> Raffle prizes were limited to \$5,000 in cash or \$25,000 in merchandise.<sup>19</sup> Finally, the compact limited the period the compact would be in effect to seven years.<sup>20</sup>

These strict limitations placed upon gambling were soon weakened by two different amendments. The first amendment to the compact, signed in May 1996, extended the length of the compact for two years.<sup>21</sup> The second amendment, signed in November 2000, provided greater concessions to the Cherokee. This amendment raised the maximum raffle prize value to \$50,000 cash or merchandise, allowed unlimited prizes for certain video games, eliminated all square footage restrictions on gambling space in the casino, and extended the compact from seven to 30 years.<sup>22</sup> Perhaps most significantly, where previously casino patrons could only gamble with cash on hand, the second amendment legalized credit card cash advance systems, which helped establish additional credit lines for gamblers.<sup>23</sup> Finally, in 2002, another agreement was made with the Tribe that authorized electronic raffle and bingo games.<sup>24</sup>

The compact between North Carolina and the Eastern Band of Cherokee has not been amended since 2002, though there have been numerous proposals to expand gaming within the casino. In both 2003 and 2005, tribal leaders proposed, and were ultimately denied, amendments that would have allowed video card games and other types of gaming machines to be played “in any available format.”<sup>25</sup> This would have allowed the Cherokee to offer poker and other card games with live dealers instead of just machines.<sup>26</sup> In addition, other amendments were proposed, such as unlimited video game prize limits, credit extension to “high-value customers,” and changing the 30 year expiration date to a phrase committing the compact “in perpetuity, or until otherwise mutually agreed by the parties.”<sup>27</sup>

As recently as the 2011 legislative session, Cherokee officials have advocated for live dealers and the ability to offer table games such as black jack and poker.<sup>28</sup> Near the end of the first part of the 2011 session, Governor Beverly Purdue’s office was

purportedly pushing legislation that would establish her clear authority to regulate and expand gambling with the Cherokee apart from approval by the General Assembly.<sup>29</sup> Although the proposal still has not been put into writing, there is still speculation that this issue will be raised in the future.<sup>30</sup>

## Current Status of the Cherokee Casino

In January of 2007, the Cherokee voted to allow a \$633 million expansion to their casino operations.<sup>31</sup> This expansion was made possible because of the previous amendments to the Tribal-State compact. With no limit upon the amount of gambling space, the Cherokee are able to greatly expand the number of machines for gambling, as well as, provide more rooms and luxuries for the casino patrons. A third hotel tower was recently finished as a result of this expansion, and the Cherokee Casino can now provide over 1,100 hotel rooms for customers.<sup>32</sup> This expansion will also result in doubling the amount of floor space for gambling to 195,000 square feet, allowing for a dramatic increase in the number of gaming machines.<sup>33</sup>

When North Carolina first entered into a compact with the Cherokee, a small casino opened in November 1997.<sup>34</sup> The compact allowed for limited gaming, within a limited area, for limited prizes. Now the compact has been amended, without approval of the General Assembly, to the point where there is unlimited gambling space, as well as, unlimited prizes for 25 percent of all video gaming machines. Additionally, there are now proposals to allow unlimited types of gaming. Harrah’s Cherokee Casino has shown that it will continue to ask the State to lessen the restrictions upon gambling until there are no restrictions at all.

## Legal Ramifications

One issue that has been disputed in a number of states and is now the subject of a lawsuit in North Carolina, which was brought by the New Vemco Music Company (*Vemco*), is whether the Governor has the unilateral power to compact with an Indian tribe apart from legislative approval.<sup>35</sup> In the suit, *Vemco* argues that the governor has violated the separation of powers clause in the North Carolina Constitution<sup>36</sup> because “the approval of compacts between North Carolina and other sovereign entities ... is a core legislative function” and therefore within the power of the General Assembly and not the Governor.<sup>37</sup> The case is currently on appeal by *Vemco* after a Wake County court granted the defendant’s motion to dismiss.<sup>38</sup>

Before the court can determine whether the Governor has violated the State Constitution, the court must first address whether *Vemco* has standing to challenge the Governor’s authority to enter into a compact with the Cherokee.<sup>39</sup> A similar case

in New York has addressed the issue of standing for citizens challenging the right of the governor to unilaterally compact. The Court of Appeals of New York held that citizens did have standing because they were taxpayers who had a real and vested interest in the legalization and expansion of gambling in New York.<sup>40</sup> Additionally, the court held such an important constitutional issue should not be “insulated from judicial review.”<sup>41</sup>

In the present North Carolina lawsuit, *Vemco* argues that it has a real and vested interest in this issue because its gaming machines are in competition with the Cherokee Casino for the public’s entertainment dollars.<sup>42</sup> The Cherokee have been granted a distinct advantage through the compact made with North Carolina and that advantage has caused injury to *Vemco*.<sup>43</sup>

If the court were to uphold the dismissal for *Vemco*’s case, the General Assembly could bring a suit challenging the governor’s authority to unilaterally compact. In *Florida House of Representatives v. Crist*, the Florida House “filed petition for writ of quo warranto disputing Governor’s authority to bind the State to an Indian gaming compact without legislative authorization or ratification.”<sup>44</sup> The Florida Supreme Court held that the

Governor’s execution of a compact authorizing types of gaming that were prohibited under state law violated separation of powers; and the Governor lacked authority to bind the State to a compact that departed from State’s public policy by legalizing types of gaming that were illegal everywhere else in the state.<sup>45</sup>

Regardless of whether a private citizen or a state legislature has brought the suit, “every state high court to consider the issue has concluded that the state executive lacks the power unilaterally to negotiate and execute tribal gaming compacts under IGRA.”<sup>46</sup> The General Assembly did pass legislation in 2001, delegating to the governor the power “to negotiate and enter into Class III Tribal-State gaming compacts, and amendments on behalf of the State.”<sup>47</sup> This may be considered by a court as an approval by the General Assembly for the Governor to compact. Therefore, the Governor then would not be unilaterally compacting with the Cherokee Indians, and the compact would be legal.

However, this legislation may be instead considered an unconstitutional delegation of legislative power. The North Carolina Constitution specifies that “the legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.”<sup>48</sup> If the court determines the power to compact is a legislative power, as numerous other courts have determined, then the legislation should be declared unconstitutional and, therefore, the governor’s power to unilaterally compact void.

For this reason, the Cherokee and the Governor will likely wait until the case is resolved before they resume negotiations to expand gambling. If the compact were determined to be void, then all class III gaming conducted in tribal lands would become illegal.<sup>49</sup> The Cherokee would then have to receive approval from the General Assembly to enter into a new compact with North Carolina.

**Exclusive Emoluments.** A compact that grants the Cherokee expanded class III gaming could also be challenged under both the exclusive emoluments and equal protection clauses of the North Carolina Constitution. The State Court of Appeals has held that under IGRA the State can allow class III gaming within Cherokee tribal lands, but outlaw such gaming throughout the rest of the State.<sup>50</sup> However, a court may decide to not allow protection for Cherokee gambling if a suit were brought under the North Carolina Constitution and not IGRA.

The exclusive emoluments clause states that no person or persons are entitled to exclusive privileges that the rest of the State is forbidden from engaging in apart from “consideration of public services.”<sup>51</sup> If the State were to allow for the Cherokee to offer table games and live dealers, it is possible that a suit could then be brought to allow these games throughout the rest of the State.

The State Supreme Court held in *State v. Truitt* that granting the exclusive right to a corporation to establish a dog racing commission “violates constitutional provisions condemning perpetuities and monopolies and exclusive emoluments or privileges.”<sup>52</sup> In the similar case of *State v. Felton*, the court concluded “it has been held consistently that acts of the General Assembly giving special privileges to private corporations by way of charter provisions or otherwise violate[s]” the exclusive emoluments provision in the North Carolina State Constitution.<sup>53</sup>

Exclusive emoluments are only constitutional when they are granted “in consideration of public



services.<sup>54</sup> The court held in *Felton* that a grant to allow a group a monopolistic right is in consideration of a public service when the monopolistic right provides a “regulated quasi-public utilit[y],”<sup>55</sup> such as providing telephone services<sup>56</sup> or power.<sup>57</sup> The industry of gambling is a leisure activity and not a traditional public service, and therefore should not be considered an exception to the exclusive emoluments clause.

**Equal Protection.** In addition to the issue of exclusive emoluments, granting the Cherokee Casino the right to offer class III gaming while prohibiting it from the rest of the State could be considered a violation of the equal protection clause. This provision provides that all citizens shall have equal protection of the laws.<sup>58</sup> In *State v. McCleary*, the State Court of Appeals held that a provision permitting private homeowner associations the ability to offer lotteries for private gain, even though it was prohibited in the rest of the State, violates the equal protection clause.<sup>59</sup>

The compact between the Cherokee and the state of North Carolina gives the Cherokee the right to provide a service that is prohibited throughout the rest of the State. The Cherokee Casino does not provide gambling for charity but instead for private gain. Such a provision would be illegal if it were applied to other citizens of North Carolina, and the court may find this gambling monopoly granted by the Governor unconstitutional as well.

These constitutional challenges, however, might not be upheld in court because of the Cherokee’s status as a federally recognized Indian tribe. The Cherokee have an “unique legal status,” and states may pass laws that promote federal laws passed to assist Indian tribes, such as IGRA.<sup>60</sup> The purpose of IGRA is to allow for Indian gaming, not limit it. If a challenge were brought, a court might hold that laws favoring Indian gaming rights reflect federal law because “IGRA permits states to grant tribes preferential gaming rights.”<sup>61</sup>

However, any constitutional challenge would not be brought against the Cherokee tribe but instead against the State. Under the State Constitution, the State cannot grant the exclusive right to offer gaming to one group while denying it to another. If the State Supreme Court were to decide the State can-

not grant exclusive gaming rights to the Cherokee, all class III gaming within the Cherokee Casino would become illegal. The General Assembly would then have to decide whether such gaming should be allowed throughout the entire State. The Cherokee Casino, as well as the rest of the gambling industry, would likely invest significant resources to influence the General Assembly to legalize class III gaming throughout the State. North Carolina has already experienced the political corruption and significant drain on law enforcement that resulted from legalizing video poker throughout the State. Therefore, North Carolina should be increasingly wary of any proposals to expand gambling anywhere within the State.

## Social Ramifications

A study paid for by the Cherokee and conducted by the UNC Kenan-Flagler Business School has been released that outlines many of the economic and social benefits the Cherokee Casino provides for the surrounding area.<sup>62</sup> This study does not discuss, however, the serious negative social and economic affects brought on by gambling. Casinos create or facilitate problem and pathological gamblers who become burdens on both their families and society, and increase crime in the areas they are located. Additionally, casinos can cause significant economic loss to local businesses and entertainment companies. Casinos may provide some monetary benefits for the Indian tribes who run them, but the additional burdens casinos create must also be weighed before any state considers expanding gambling within its territory.

**Problem and Pathological Gamblers.** Areas where gambling opportunities are introduced and expanded experience significant increases in the number of problem and pathological gamblers. One study found that the number of addicted gamblers increased by 50 percent where a gambling facility was within 50 miles.<sup>63</sup> Multiple surveys have concluded that the greatest increase in gambling addiction occur when gambling opportunities in the state are expanded.<sup>64</sup> Additionally, the New Jersey Council on Compulsive Gambling reported significant increases in calls for gambling addictions in areas with expanded gambling.<sup>65</sup>

Increasing numbers of problem and pathological gamblers create significant burdens for gamblers themselves, their families, and society as a whole. People who have gambling problems are more likely to suffer from other addictive behaviors or even experience mental health problems, such as increased depression and anxiety. Pathological gamblers are more likely than those with any other addictive disorder to attempt suicide, with one in every five gamblers making an attempt.<sup>66</sup> Additionally, pathological gamblers are also more likely to get divorced (53.5percent), become homeless, and commit spousal abuse.<sup>67</sup>

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Increased bankruptcy rates, severe poverty, and drug addiction are some of the many problems associated with gambling addictions. Though some may claim these problems only affect the individual, there are significant costs the family unit, and as a result, to society as well. A study done in 1997 found there are over 7.5 million adult problem and pathological gamblers and 7.9 million adolescent problem and pathological gamblers in the United States.<sup>68</sup> The study estimated costs on society stemming from gambling addiction are approximately \$5 billion a year.<sup>69</sup> However this estimated cost does not take into account family losses such as the destruction of a marriage, spousal abuse, or the opportunity lost when a child's education is ruined because of an addiction to gambling. Such costs, though impossible to quantify, are equally as, if not more so, damaging as economic costs and must be taken into consideration when contemplating allowing or expanding gambling within a state.

**Crime Rates.** In addition to increased gambling addiction, crime rates in certain areas have been found to increase in areas where gambling is introduced. One reason for increased crime is the larger number of problem and pathological gamblers who live near gambling facilities. These gamblers often resort to crime to fuel their addiction, or to pay off large outstanding debts.<sup>70</sup> A survey of Gamblers Anonymous members found that 57 percent committed theft that amounted to \$30 million to fund their gambling addictions.<sup>71</sup> A report by the Attorney General's Office in Maryland found that introducing casinos within the State would increase numerous types of crime such as increased organized crime, child abuse, drug abuse, and domestic violence.<sup>72</sup> This report found significant increases in crime in areas where casinos were introduced. In the first 15 years in Atlantic City after casinos were built, violent crime rose 199 percent and larceny increased 481 percent.<sup>73</sup> In North Carolina, during the first five years of the Cherokee Casino, crime rates in that county were reported to have increased 25 percent, and the Jackson County police force increased by 40 percent, while the number of officers on the reservation increased by 33 percent.<sup>74</sup>

Increased crime rates can greatly increase the already heavy burden law enforcement bears. This burden not only comes with a heavy price tag for the State, but additionally diverts law enforcement away from other conflicts and crimes it could be resolving. Before expanding gambling within the Cherokee Casino to the types of high-stakes games that could attract and create more gambling addicts, the State should consider how the crime rates in the surrounding areas would be negatively affected.

**Local Economics.** Finally, the introduction and expansion of gambling can have a negative economic impact upon the surrounding local businesses. Often, when casinos or other gambling operations open, people in the surrounding area divert some of



the money they would have spent in local businesses to gambling. In Atlantic City, small business owners have testified to losses in business when casinos were introduced in their area.<sup>75</sup> The National Gambling Impact Study Commission found that there were few businesses located near the Atlantic City boardwalk, and many of the local businesses were pawnshops or cash-for-gold stores.<sup>76</sup>

## Too High a Price

Expanded gambling within the Cherokee Casino may generate significant revenues and provide more jobs, but at what price? While it is possible to calculate significant portions of the damages caused to society by problem and pathological gamblers, it is impossible to accurately quantify all the injury addicted gamblers cause. Additionally, part of the revenue the casino would receive is money that would have been spent at local businesses or other tourist attractions around the State that do not cause any or nearly the amount of damages that can occur from gambling.

The National Gambling Impact Study Commission advised in its report that communities considering the legalization or expansion of gambling must consider the significant economic and social impacts of gambling.<sup>77</sup> The Commission warns against ignoring potential costs because of the possible benefits that may come with the legalization and expansion of gambling.<sup>78</sup> North Carolina should heed this warning and not allow any expansion of gambling until all the negative consequences are understood, so that lawmakers and other State leaders can decide whether it is within the best interest of North Carolina as a whole, and not just the gambling industry or the Cherokee, to expand gambling within the State. ❖

*Kyle Jensen served as an Alliance Defense Fund Blackstone Fellow at the North Carolina Family Policy Council. For a footnoted version of this article, please visit [ncfamily.org](http://ncfamily.org).*

ENDNOTES:

- 1) Dalesio, Emery. "N.C. Weighing More Gambling at Cherokee Casino." News and Observer. July 4th, 2011.
- 2) North Carolina Family Policy Council. "Expanding Indian Gambling." 2005.
- 3) See 25 U.S.C § 2702.
- 4) 25 U.S.C. § 2703.
- 5) 25 U.S.C. § 2710.
- 6) 25 U.S.C. § 2703.
- 7) Ibid.
- 8) 25 U.S.C. § 2710.
- 9) 25 U.S.C. § 2703.
- 10) 25 U.S.C. § 2710 (d) (1).
- 11) 25 U.S.C. § 2710 (d) (3) (A)
- 12) Ibid
- 13) 25 U.S.C. § 2710 (d) (7) (A) (i).
- 14) Seminole Tribe of Florida v. Florida, 517 U.S. 44, (1996).
- 15) The Eastern Bank of Cherokee Indians-State of North Carolina Gambling Compact. August 11, 1994.
- 16) The Eastern Bank of Cherokee Indians-State of North Carolina Gambling Compact. August 11, 1994. § 4 (A) and (B).
- 17) The Eastern Bank of Cherokee Indians-State of North Carolina Gambling Compact. August 11, 1994. § 5.
- 18) The Eastern Bank of Cherokee Indians-State of North Carolina Gambling Compact. August 11, 1994. § 6 (I).
- 19) The Eastern Bank of Cherokee Indians-State of North Carolina Gambling Compact. August 11, 1994. § 7 (B).
- 20) The Eastern Bank of Cherokee Indians-State of North Carolina Gambling Compact. August 11, 1994. § 13 (A).
- 21) North Carolina Family Policy Council. "Expanding Indian Gambling." 2005.
- 22) Ibid.
- 23) Second Amendment to the Tribal-State Compact Between the Eastern Band of Cherokee Indians and the State of North Carolina. November 14, 2000.
- 24) North Carolina Family Policy Council. "Expanding Indian Gambling." 2005.
- 25) Ibid.
- 26) Ibid.
- 27) Ibid.
- 28) <http://www.wcyb.com/news/28446242/detail.html>
- 29) <http://fayobserver.com/articles/2011/07/04/1106174?sac=Local>
- 30) Ibid.
- 31) <http://www.harrahscherokee.com/casinos/harrahs-chokeee/casino-misc/news-releases.html>
- 32) <http://www.tuckreader.com/culture-harrahs-opens-luxury-tower-as-part-of-633-million-expansion/>
- 33) Ibid.
- 34) Frank Hawkins Kenan Institute of Private Enterprise, "Assessing the Economic and Non-Economic Impacts of Harrah's Cherokee Casino, North Carolina." June 27, 2001
- 35) <http://www.wbir.com/news/local/story.aspx?storyid=116117&provider=rss>
- 36) Cite article and number info here.
- 37) Appellant Brief in McCrackin and Amrick v. Perdue, p. 2
- 38) Ibid.
- 39) Ibid. at ii.
- 40) Saratoga County Chamber of Commerce, Inc. v. Pataki, 100 N.Y.2d 801, 813-814(2003).
- 41) Id.
- 42) Appellant Brief in McCrackin and Amrick v. Perdue, p. 11
- 43) Ibid.
- 44) Florida House of Representatives v. Crist, 999 So. 2d 601 (Fla. 2008).
- 45) Ibid.
- 46) Saratoga County Chamber of Commerce, Inc. v. Pataki, 100 N.Y.2d 801, 824 (2003). New Mexico, Kansas, Rhode Island, Michigan, Florida, and New York have all held the executive branch does not have the power to unilaterally compact with an Indian Tribe under IGRA.
- 47) North Carolina Session Law 2001-513 § 29(a).
- 48) North Carolina State Constitution, Article I, § 6. Italics added for emphasis.
- 49) 25 U.S.C. § 2710 (d) (1) (C).
- 50) McCracken & Amick, Inc. v. Perdue, 687 S.E.2d 690, 697 (N.C. Ct. App. 2009) (2010).
- 51) North Carolina State Constitution, Article I, Section 32.
- 52) State v. Truitt, 239 N.C. 590 (1954).
- 53) State v. Felton, 239 N.C. 575, 585, 80 S.E.2d 625, 633 (1954)
- 54) North Carolina State Constitution, Article I, Section 32.
- 55) State v. Felton, 239 N.C. 575, 585, 80 S.E.2d 625, 633 (1954).
- 56) State ex rel. Utilities Comm'n v. State, 239 N.C. 333, 343 (1954).
- 57) Carolina Tennessee Power Co. v. Hiwassee River Power Co., 175 N.C. 668, (1918).
- 58) North Carolina State Constitution, Article I, Section 19.
- 59) State v. McCleary, 65 N.C. App. 174 (N.C. Ct. App. 1983)
- 60) New York Ass'n of Convenience Stores v. Urbach, 92 N.Y.2d 204, 213 (1998).
- 61) McCracken & Amick, Inc. v. Perdue, 687 S.E.2d 690, 695 (N.C. Ct. App. 2009)
- 62) <http://www.kenan-flagler.unc.edu/KI/reports/CasinoImpact/>
- 63) National Gambling Impact Study Commission (NGISC). Final Report. June 1999. Pg. 4-4. Available online: <http://gov-info.library.unt.edu/ngisc/reports/4.pdf>
- 64) Ibid.
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- 66) National Council on Problem Gambling, Problem and Pathological Gambling in America: the National Picture, at 14-15. January 1997.
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- 68) Ibid., p. 4-1.
- 69) Ibid., p. 4-14.
- 70) Ibid., p. 4-13.
- 71) Ibid., p. 7-13.
- 72) J. Joseph Curran, Jr., The House Never Loses and Maryland Cannot win: Why Casino Gaming is a Bad idea: Report to the Joint Executive-legislative Task Force to Study Commercial

Gaming Activities in Maryland at E1 October 16, 1995. Attorney General of Maryland.

73) Ibid. at E-2.

74) L.A. Williams, Gov. Perdue Open to Expanding Gaming on Cherokee Lands, Christian Action League, September 4, 2009. Available online: <http://christianactionleague.org/news/gov-perdue-open-to-expanding-gaming-on-chokeee-lands/>

75) National Gambling Impact Study Commission (NGISC). Final Report. June 1999. Pg. 7-5. Available online: <http://gov-info.library.unt.edu/ngisc/reports/fullrpt.html>

76) Ibid.

77) Ibid., p. 7-29

78) Ibid.