b. The Indian Gaming Regulatory Act of 1988

The Indian Gaming Regulatory Act of 1988 (IGRA) was Congress's reaction to *California v. Cabazon Band of Mission Indians*,[44] in which the Supreme Court held that states had limited power over gaming on Indian lands. Specifically, the Court held that as long as state law did not explicitly prohibit a form of gambling altogether, tribes could conduct that form of gambling without complying with state or local laws concerning hours of operation, betting limits or other regulations.

Although Indian tribes have long been recognized as "distinct, independent political communities,"[45] the tribes possess only the "*inherent* powers of a limited sovereignty."[46] In other words, any power attributable to Indian sovereignty is not absolute; it "exists only in the absence of federal law to the contrary,"[47] and Indian tribes "are not beyond the reach of the federal law."[48] Thus, "tribal sovereignty does not extend to prevent the federal government from exercising its

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[44]480 U.S. 202 (1987).

[45]*Worcester v. Georgia*, 31 U.S. (6 Pet.) 515, 559 (1832) (*quoted in United States v. Funmaker*, 10 F.3d 1327, 1330 (7th Cir. 1993)).

[46]F. Cohen, *Handbook of Federal Indian Law* 122 (1948) (*quoted in United States v. Wheeler*, 435 U.S. 313, 322, 98 S.Ct. 1079, 1086 (1978) and *Funmaker*, 10 F.3d at 1330) (emphasis in original).

[47]*Funmaker*, 10 F.3d at 1330 (*citing* U.S. Const. Art. I, § 8, cl. 3 (Congress has power "[t]o regulate Commerce . . . with the Indian Tribes")).

[48]*Id.* (*citing Worcester*, 31 U.S. (6 Pet.) at 560-61).