NORTH FORK RANCHERIA
OF MONO INDIANS OF CALIFORNIA

TRIBAL GOVERNMENT OFFICE
P.O. Box 929
North Fork, CA 93643-0929
(559) 877-2461
Fax (559) 877-2467
1-866-291-9909

March 22, 2016

Dear Tribal Leader:

On March 17, Pala Chairman Robert Smith circulated an email asking you to join the tribal chairs of Colusa, Mooretown and Picayune in a letter to Interior Secretary Sally Jewell asking her to restrict the North Fork and Enterprise tribes to gaming on their "initial reservation lands." The email also included a memo that concludes with a proposed amendment to IGRA which would prohibit the Secretary from approving a compact or issuing Secretarial procedures when a tribe's compact had been rejected by the California Legislature or by voter referendum. We write to urge you reject these deeply flawed proposals that constitute a serious attack on tribal sovereignty by undermining IGRA and shifting the power over Indian policy from the federal government to the state by refusing to join these few tribes in their letter to the Secretary.

The proposed letter asks the Secretary to ignore her duty under federal law and defer to the California Legislature and the state's voters. While we might expect this type of request from Stand Up for California!, it is not something we would ever expect from leaders of other sovereign tribes. Our shared tribal histories are littered with examples of the federal government's failure to control the state and its residents resulting in the genocide of our people. Lest we forget, it was the California Legislature and the popular will of the people that caused the U.S. Senate to reject the ratification of the 18 treaties of 1851-52 that resulted in the loss of life and lands of our ancestors.

The continued exercise of our sovereignty depends in part on federal laws enacted for our benefit. Although IGRA requires us to engage in the state political process, it does not require us to succumb to that process. After the State refused to negotiate a new compact with our Tribe following the voters' rejection of our previously ratified compact, we properly exercised our rights and sued the State under IGRA. Similarly, the Enterprise tribe filed suit against the State after the Legislature refused to ratify their compact. The courts vindicated our collective right to do so, ruling in favor our Tribe's and all tribes' rights, ordering the parties to negotiate new compacts based on the unremarkable proposition that, under IGRA, the obligation to engage in good faith negotiations for a tribal-state compact extends to the State as a whole and not just to the governor. The court's ruling also confirmed that tribal governments must have relief from the most egregious situations, where a state's governor, legislature or even other competing tribes could play games back and forth between one another to purposefully sabotage a tribe's compact.

These good faith lawsuits were made necessary after a few gaming tribes used their wealth to advance their own narrow competitive agendas. In our case, they mounted

an expensive lobbying campaign in the Legislature, then after losing that fight, spent more than $2 million gathering signatures and another $18.5 million to run a fear-mongering campaign to convince the public that Proposition 48 was needed to prevent casinos from spreading to their neighborhoods. A few tribal spokespersons went so far as to proclaim that all sorts of tribal matters should be decided by the citizens of the state, a clear affront to the notion of tribal sovereignty. Their campaign also promoted the equally false notion that the promise of Proposition 1A was to limit gaming to existing Indian lands. Never mind that some of those same gaming tribes behind the campaign did not even have Indian lands in 2000 when Proposition 1A was approved. The reality is that California voters did agree in this instance to amend the California Constitution to authorize the conduct of Las Vegas-style "games by federally recognized Indian tribes on Indian lands in accordance with federal law" to promote tribal self-sufficiency based on a deep sense of justice.

We are concerned that the use of the referendum process for such narrow purposes as delaying our right to secure a compact to benefit our more than 2,000 tribal citizens undermines the popular goodwill required to maintain Native Americans' gaming exclusivity and will lead to unintended consequences. The use of exaggerated rhetoric and fear mongering in campaigns pitting tribe against tribe only compounds the danger of negative blowback against a range of tribal issues. The letter circulated by Chairman Smith urging the Secretary to follow the will of the legislature and the state's voters only serves to confirm our concerns.

We trust you understand the danger inherent in the request being made by these few tribes. While wealthy gaming tribes currently appear to have the upper hand in California politics, this will change. When it does, do we really want the federal government to ignore the protections provided to tribes under federal law and instead make decisions based on the popular vote of a state's electorate?

Legally, the Secretary is prohibited from doing what the draft letter asks of her. She cannot simply change the gaming location authorized in a compact negotiated by the parties and selected by the mediator under court order when issuing Secretarial procedures. Further, even if the Secretary could change this aspect of the compact, there is no other location for her to authorize since we do not exercise jurisdiction over any other gaming eligible lands. This is the reason we chose to pursue the two-part determination process in the first place.

Acquiring new Indians lands under the two-part process has proven incredibly difficult, lengthy, and expensive. Now in our 13th year of that process, our project remains subject to litigation and false factual claims, half-truths, and omissions. One such claim is that our new Indian lands are far outside our aboriginal homelands. The 305 acres of land near Madera, taken in trust for our Tribe in 2013, are located 38 miles from the Rancheria. Again, we do not own the Rancheria and it does not define our historic "homeland." Instead, as Secretary Salazar expressly determined in his two-part decision for our project, our new trust parcel near Madera is part of the "initial reservation lands" set aside for our ancestors under the unratified treaties of 1851. Thus, it is simply wrong

to say that our new trust lands violate the policy of the National Indian Gaming Association that calls for tribes to seek new lands to which they have a historical connection.

While most of the few tribes who oppose our project are neighboring tribes concerned with competition, a few wealthy tribes continue to oppose us based on the mistaken belief that the two-part process threatens their competitive positions and will lead to a widespread expansion of gaming in urban areas. Yet there is simply no evidence whatsoever that the two-part process is resulting in an expansion of gaming in urbanized areas. Since 1988, only three California tribes have secured favorable two-part determinations, and yet none of those tribes have opened a gaming facility. If they do, those facilities will be located near Marysville, Madera, and Needles, California, none of which are the thriving urban metropolis driving these tribes' concerns. Further, the Secretary has only issued favorable two-part determinations in California for tribes without casinos seeking to remedy unusual land situations—such as the flooding of one of Enterprise's two 40-acre Rancherias—or, in the case of Ft. Mohave, to respond to a non-controversial, common-sense proposal to permit a tribe to game on new lands located a few miles from its gaming eligible trust lands.

We hope this letter provides you a better understanding of our circumstances and ample reason to reject the draft letter to the Secretary. It would be extremely detrimental to tribes to support these few tribes' effort to amend IGRA and strike a blow to our shared sovereignty in pursuit of their narrow, short-sighted agenda. Again, we urge you to reject their letter. Thank you for your consideration.

Respectfully,

Maryann McGovran

Maryann McGovran, Tribal Council Chairwoman
North Fork Rancheria of Mono Indians

33143 Road 222
(PO Box 929 – Mail)
North Fork, CA 93643

(559) 877-5534 Office
(559) 877-4877 Cell
mmcgovran@northforkrancheria-nsn.gov