

***Stand Up For California!***  
**“Citizens making a difference”**

[www.standupca.org](http://www.standupca.org)

P.O. Box 355  
Penryn, CA 95663

August 7, 2010

Jerry Brown for Governor  
291 3rd St.  
Oakland, CA 94607

VIA EMAIL: [info@jerrybrown.org](mailto:info@jerrybrown.org)

**RE: Public Survey – Position on Indian Gaming and its impacts on California Public Policies**

Dear: Attorney General Brown:

***Stand Up For California!*** Is a statewide organization started in 1996 with a focus on gambling issues. We are a non-profit, public service corporation. Our goals are: 1) to educate lawmakers, law enforcement, government officials and citizens about the culultural, economic and political impacts of state and tribal government gaming and 2) to develop a focused policy that safeguards communities, local governments, and tribal governments, and promotes mutally cooperative and beneficial government-to-government relationships.

To assist members of the public, local governments, members of law enforcement and Tribes, our organization would appreciate your response to policy questions vital to the welfare of the public and well-being of our state.

1. Do you support or oppose any ideas now being discussed for changing California’s gaming laws that apply to non tribal gaming (i.e. a moratorium on gambling expansion, internet poker, sports wagering, slot machines, electronic bingo or charities, house banked card games)?
2. Do you support or oppose the acquisition of new trust land for the development of Indian casinos in urban areas in California, for example the San Francisco Bay Area or Los Angeles?
3. California more than any other state in the nation is significantly affected by Tribes using the “restored lands” exception” in the Indian Gaming Regulatory Act (IGRA) to promote gaming on newly acquired lands. This exception means a Tribe can open a casino without the consent of the Governor or the State.

a. The Department of the Interior has required that the newly acquired lands be within commuting distance of the tribe's current or former reservation or Rancheria. Do you support keeping the commutability rule?

b. Do you support requiring the tribe to show that it once governed the area, that is, that the tribe formerly exercised political authority over the land it now wishes to call "restored lands"?

c. Do you support the existing federal process for determining "restored lands", or do you support any changes to the federal process for "restored lands".

d. Do you support or oppose the application of the "restored lands" exception in California? Would you support eliminating that exception for California?

4. IGRA prohibits opening Indian Casinos on lands acquired after October 17, 1988, absent limited exceptions. The relevant exceptions are where the Governor and Secretary of Interior agree to a casino ("Two-Part Determination"), or where the tribe petitions for a determination from the Secretary that the land is "restored lands", meaning that the tribe had historical political authority over the land, and has other historical and current connections to the land.

a. For the "Two-Part Determination", as Governor, what criteria would you use in determining when an off-reservation casino should be permitted? How far is too far for a tribe to move from its current or prior Indian lands simply to gain access to a larger gaming market than the area surrounding its recognized lands?

b. If asked to make a "Two-Part Determination", to what extent will you consult with local governments, the surrounding community of citizens and tribal governments with existing casinos?

5. If a tribe wants to leapfrog over other Tribes to get closer to a major gaming market, do you think that the Bureau of Indian Affairs should be required to establish that allowing the move will not adversely impact any Tribes that have worked to establish modest gaming facilities on their original Reservation/Rancheria lands or any other existing businesses?

6. The poster child for off reservation casino proposals in California is the proposals to establish two large Indian casinos in the City of Richmond California, in the heart of the San Francisco Bay Area. Neither tribe has ever historically governed this area. The principal proposal is for the Guidiville Band of Pomo Indians. This Tribe has trust lands at its former Rancheria approximately 100 miles away in Mendocino County. Will you oppose federal approvals for the proposed off reservation casinos in the City of Richmond, including opposing the "restored lands" determinations? Will you oppose a "Two Part Determination" or compact for these casinos in Richmond? (These proposals are contrary to voter approval of Proposition 1A in March of 2000)

7. Will you continue to use the guidelines established in Governor Schwarzenegger's May 18, 2005 Proclamation on-off reservation gaming. (These guidelines specify that the Governor will

not engage in a compact negotiation with a tribe for gaming on lands not yet acquired, and will not do so for lands in urban areas, as defined by the state. Additionally, it defines when the governor may consider the exercise of executive power to authorize an off reservation casino).

8. As Governor, will you be proactive in evaluating fee-to-trust applications and publicly oppose urban off-reservation casinos?

9. Will you participate in supporting or opposing federal legislation that affects our states gaming policy?

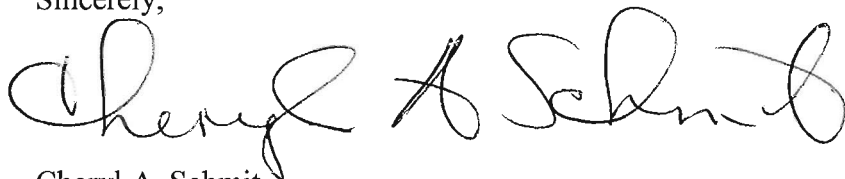
10. As Governor, will you be proactive in evaluating fee-to-trust applications ensuring that California's taxable revenues are protected from unfair competition today and into the future? (Each time land is transferred into trust, it is taken out of the regulatory authority of the State and off of the tax rolls. California Tribes have submitted 137 fee-to-trust applications this year alone for more than 15,000 acres of land. Many of these are identified as use for economic development. This invites unfair competition affecting state revenues. Businesses on tribal trust lands are exempt from environmental regulations, local codes and state laws. Especially taxation and regulatory oversight of industry's such as gasoline or tobacco sales, which significantly disadvantages nearby or regional non-tribal businesses.

11. As Governor, will you oppose efforts to allow Indian Tribes to exercise criminal law authority over non-Indians? (Currently, Tribes may employ their own armed police forces on tribal lands, not POST-certified, and they may detain, under U.S. Supreme Court law, non-Indians suspected of criminal activity for pick-up by the appropriate state or local authorities. The U.S. Supreme Court has pronounced that Indian Tribes, which are not bound by the U.S. Constitution's due process requirements or the Bill of Rights, but only a weaker statutory version of certain limited rights, and no appeal rights, do not have inherent power to prosecute and punish non-Indians.)

12. The industry of gaming is ever-expanding. What is your view on extending the Tribal government monopoly beyond the current tribal state compact expiration dates of 2020 or 2030 for Tribes now seeking re-negotiated or initial compacts?

Your response to these policy questions vital to the welfare of the public and the good working order of government, is sincerely appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl A. Schmit". The signature is fluid and cursive, with a large initial "C" and "S".

Cheryl A. Schmit  
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