

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P. O. Box 355
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June 26, 2014

Honorable Lou Correa
Senator – Santa Ana
State Capitol Room 5061
Sacramento, CA. 95814

Honorable Kevin deLeon
Pro Tem - Elect
State Capitol Room 5108
Sacramento, CA. 95814

RE: Oppose SB 1224 Ratification of the Karuk Compact
A complex issue affecting 5 controversial casino proposals

Dear Senators Correa and deLeon,

Stand Up for California! writes to oppose SB 1224 the ratification of the Karuk Compact. **The Karuk request for approval of gaming at the location in Yreka does not meet the restored lands exception in the Indian Gaming Regulatory Act.** The Karuk, like some other California Tribes are federally recognized through an “*administrative action*” which according to federal statute is precluded from a restored lands exception. Karuk’s administrative action is referred to as “*revitalization*”.

The State Legislature is aware that the Indian Gaming Regulatory Act (IGRA) provides specific “*limited exceptions*” for gaming on after-acquired lands. Karuk’s land in Yreka was acquired in trust in 1989 several months after the passage of IGRA, thus making it after-acquired land. The land was purchased with HUD money which would require compliance with HUD regulations which expire after 5 years. However, the issue for the Karuk and the other administratively recognized Tribes of California is “*tribal status*”. *Administratively recognized tribes are not capable of having government-to-government negotiations with California, nor are they able to own Indian land eligible for gaming under IGRA.*

In September of 2008, the federal regulations for section 20 of the Indian Gaming Regulatory Act were finally published in the federal register. IGRA specifically provides a “*limited exception*” for newly acknowledged tribes. IGRA and the 1994 Indian Tribe List Act statutes ***do not*** provide an exception for tribal groups who are restored administratively through an ad hoc process before 1988 or after. The Department of the Interior explains in the comment section of 25 C.F.R. 292:

“Congress’s creation of an exception for gaming on lands acquired into trust “as part of the restoration of lands for an Indian tribe restored to Federal recognition.” We believe Congress intended restored tribes to be those tribes restored to Federal recognition by Congress or through the part 83 regulations. We do not believe that Congress intended restored tribes to include tribes that arguably may have been administratively restored prior to the part 83 regulations.

Moreover, Congress in enacting the Federally Recognized Indian Tribe List Act of 1994 identified “only the part 83 procedures” as the process for “administrative recognition”. (See- Notes following 25 U.S.C. 479a) (**Federal Register May 8, 2008, Page 29363**) (Emphasis added)

In this instance we have, the Bureau of Indian Affairs “administrative action” that does not follow the agency’s own rules for federal recognition or for the taking of land into trust. Additionally, the National Indian Gaming Commission opinion contrary to IGRA fraudulently compels the Governor of the State of California to negotiate a compact. These are all clear and indisputable violations of the Administrative Procedures Act, the 1994 Federally Recognized Indian Tribe List Act and IGRA.

Ratification of this compact is a violation of Proposition 1A which requires the Governor of California to negotiate only with “federally recognized Indian tribes on Indian lands in California in accordance with federal law”. The Karuk do not meet the requirement of California’s Constitutional authorization for gaming. (See- CALIFORNIA CONSTITUTION ARTICLE 4 LEGISLATIVE SEC. 19).

The Karuk were “revitalized” on January 15, 1979, several months after the regulations for Part 83 were adopted. Further, Secretarial approval of the Karuk Tribal State compact would be ripe for a federal challenge under IGRA. ***The State Legislature must be cautious as there are additional California Tribes administratively recognized most involved in extremely controversial casino proposals and ongoing federal litigation. This is a most serious matter for the Legislative Working Group to consider.***

A solution is to encourage these Tribes to petition in the federal recognition process in order to gain tribal status for gaming.

Please list *Stand Up For California!* opposed to SB 1224 the Karuk Compact ratification at this time.

Sincerely,



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