

Stand Up For California!

“Citizens making a difference”

standupca.org

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November 17, 2007

Honorable Dirk Kempthorne
Secretary of the Interior
U.S. Department of the Interior
1849 C. Street N. W.
Washington, D. C. 20240
Fax: 202-208-6956

**RE: Secretarial Authorization- Unintended Consequence on California’s Political System
and State Voters**

Dear Secretary Kempthorne:

Standup For California! has been advised that your office intends to publish in the federal register authorization of the newly amended Tribal State Compacts of Agua Caliente, Morongo, Pechanga and Sycuan. Secretarial authorization will have a powerful and far-reaching unintended consequence on the political system and the rights of the voters of this State.

You may recall that you directed George T. Skibine to respond to my letter dated July 7, 2007, giving assurance that a detailed legal and policy review of the compact amendments would be made. I also asked that you indicate your refusal to approve these compacts or indicate that they cannot be accepted until the *effective* date of 2008.

Considerable confusion has arisen due to the California Secretary of State forwarding to your office on September 5, 2007 the *ratification legislation* of the Compacts. Moreover, there has been no follow-up communication to my knowledge of the true status of these compacts.

On July 27, 2007, a Referendum submission for an Attorney General Title and Summary was made on the chaptered ratification legislation. The legislation remained operational.

On October 5, 2007, a valid referendum filing was made at County Elections Boards throughout California. Nearly three million signatures were collected and submitted. This is the actual date in accordance with the California State Constitution Articles 8 and 9 upon which the operation of the legislation is stayed or suspended. As stated by the California Supreme Court in *Assembly of State of Cal. V. Deukmejian* (1982) 30 Cal. 3d 638,655, “[A] referendum filed against the entirety of a statute stays that statute pending voter approval.” Below is a chart of important dates that will help clarify the status of these compacts:

Tribal State Compacts In Question	Governor Signs Compact	Bill Number and Date of Legislative Ratification Enrollment	Submission for Attorney General Title and Summary - Referendum	Valid Referendum Filing – Ratification- Legislation is STAYED.	Secretary of State Certification of Referendum Filing	Submission to Secretary of the Interior in accordance with B&P 12012.25 Section (f)
Agua Caliente	8-28-2006	SB 957 7-5-2007	7-27-2007	10-5-2007	11-19-2007	9-5-2007
Morongo	8-28-2006	SB 174 7-5-2007	7-27-2007	10-5-2007	11-19-2007	9-5-2007
Sycuan	8-30-2006	SB 175 7-3-2007	7-27-2007	10-5-2007	11-19-2007	9-5-2007
Pechanga	8-28-2006	SB 903 7-3-2007	7-27-2007	10-5-2007	11-16-2007	9-5-2007
San Manuel	8-28-2006	SB 941 9-12-2007				11-06-2007

This chart indicates that the Secretary of State complying with B&P 12012.25 is to send *ratification statutes* to the Secretary of the Interior. It is clear, that only *ratification legislation* was sent and potentially without any explanation of events in California. Moreover, there is the puzzling question of where were these compacts between September 7th the date of acknowledge recite and November 26th the date given to George Skibine?

Stand Up For California asks that you give grave consideration to the “*effective date*” of these compacts as required under *25 U.S.C. sec. 2710 (d)(1)(C) & (3)(B)*. A premature Secretarial authorization will have a powerful and far-reaching unintended consequence on the State political system and voters.

Thus, Stand Up For California respectfully request you withhold publishing of the compacts in the federal register in order to protect the rights of voters to make their determination on February 5, 2008.

Sincerely,

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