



**CALIFORNIA
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14 November, 2002

John Hensley, Chairman
California Gambling Control Commission
P.O. Box 528013
Sacramento, CA 95852-6013

Dear Mr. Hensley:

As you well know from your participation in a United Property Owners conference in Washington, D.C. earlier this year, Cheryl Schmidt and Valerie Brown have been among the most prominent opponents of tribal governments and tribal government gaming in California and elsewhere. Not only is Supervisor Brown employed by a card-club funded agency that has as its primary objective eroding tribal rights and powers under federal law and the California Constitution, but also she currently is engaged in attempting to thwart the exercise of those rights and powers by a member of our association, the Dry Creek Rancheria in Sonoma County.

This morning CNIGA received via e-mail an unsigned November 13, 2002 letter from the California Gambling Control Commission (CGCC) responding to CNIGA's press release denouncing both the anti-Indian "symposium" being put on by Cheryl Schmidt and Valerie Brown and the CGCC's active, taxpayer-funded participation in such events. In that letter, the CGCC claims to have been unaware that the program did not include any tribal representatives, and that upon become aware of that omission, the CGCC asked that Senator Jim Battin and a CNIGA representative be invited to *attend* the program, thereby purportedly bringing an "appropriate balance" to the program.

We find both your explanation of the CGCC's role in this conference and the CGCC's attempted curative efforts both disingenuous and unacceptable. We cannot believe that the CGCC would have authorized anyone to attend a conference sponsored by two of California's most visible and vocal opponents of tribal government gaming without first having reviewed the agenda, especially after you attended and spoke at a very similar conference earlier this year. Thus, the CGCC cannot credibly deny that it knew when it accepted the invitation that this conference would be a completely stacked deck, intended to inflame the prejudices of attendees against Indian tribal governments by giving attendees a completely one-sided, and thus almost inevitably inaccurate, perspective on the law, the facts and the policies underlying the Indian Gaming Regulatory Act, Proposition 1A, the tribal-state gaming compacts now in effect in California and the legislation ratifying and implementing those compacts.

The CGCC's claim that its only role in this conference is to be



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“informational” also is unworthy of belief, unless one assumes that the attendees at the conference are not be capable of reading the compacts and the provisions of the Government Code creating the Special Distribution Fund for themselves. The compacts and the Government Code define the possible uses of the Special Distribution Fund, and neither the compacts nor the ratifying/implementing legislation give the CGCC any role in determining how Special Distribution Fund revenues are to be used or allocated.

The CGCC’s attempted “cure” of this imbalance is almost worse and more offensive than was its initial acceptance of the invitation, for several reasons. First, by suggesting the invitation of a representative of CNIGA, which is not a party to a compact with the State, the CGCC once again ignores the status of tribes as governments that as a matter of federal and state law have a legal relationship directly with the United States and the State of California.

With as much respect as Senator Batin has earned for his tireless efforts to carry out the voters’ will as expressed in Proposition 1A, it is unfair to expect him to advocate any particular position on the Special Distribution Fund or other issues at a time when he is being inundated by advocates for all sides on this issue and only invited the evening prior to the scheduled program

The CGCC’s only appropriate response to the invitation that it participate in this conference would have been to decline the invitation at the outset. Members of the Commission, being political appointees, are free to attend any meeting they please, even of hate groups. Commission staff, however, should not be assigned or authorized to attend such meetings, particularly when the meetings have nothing to do with the CGCC’s duties under the compacts or state law.

Sincerely,

Brenda Soulliere, Chairperson
California Nations Indian Gaming Association

- C.c.: CNIGA Member Tribes
- Gov. Gray Davis
- Lt. Gov. Cruz Bustamante
- Attorney General Bill Lockyer
- Members of the California Legislature