



TRIBES TO CONTINUE FIGHT TO PROTECT GAMING EXCLUSIVITY GUARANTEED IN STATE GAMING COMPACTS

PROCEDURAL COURT DECISION DOES NOT IMPACT MERITS OF TRIBAL POSITION

June 18, 2019 (Sacramento, CA) - The United States District Court for the Eastern District of California granted the State of California's request to dismiss the lawsuit filed by the Yocha Dehe Wintun Nation, the Viejas Band of Kumeyaay Indians, and the Sycuan Band of the Kumeyaay Nation for breach of their respective compacts with the State. The dismissal had nothing to do with the merits of the tribes' position, and in particular, whether California card rooms are offering illegal house-banked games in violation of tribal gaming rights.

The ruling was simply a procedural finding by the court that it lacked the power to require the State to enforce the law under the tribes' compacts. The court reasoned the State had not promised to protect the tribes' right to gaming exclusivity — despite compact language acknowledging “the exclusive right” each tribe enjoyed under its Compact “to operate a gaming facility in an economic environment free of competition from the operation of slot machines and *banked card games on non-Indian lands.*” Nonetheless, the court found the compacts are not the vehicle under which the tribes can force the State to enforce the law, and protect their exclusive right to offer house-banked card games.

The tribes respectfully disagree with the court ruling and are considering an appeal to the Ninth Circuit Court of Appeals.

(UPDATE: An appeal to the Ninth Circuit was filed on July 11, 2019.)

The California Constitution has long prohibited games such as those played in Nevada and New Jersey casinos. In 2000, however, California voters approved Proposition 1A, a constitutional amendment allowing Las Vegas-style gaming, *but only for tribes with negotiated compacts with the State.* For that reason, and because of express language in the compacts, the tribes believe the court was incorrect in concluding the compacts did not provide a basis to compel the State to enforce the law.

Notably, the State does not dispute the merits of the case. To the contrary, as detailed in the tribes' complaint, various high-ranking representatives from the CA Department of Justice, the Bureau of Gambling Control and the Attorney General's office have acknowledged California cardrooms are playing unlawful house-banked card games, and are also playing blackjack, which is illegal under the Penal Code. But, the State is doing either little or nothing to stop the cardrooms' unlawful conduct.

Despite the court's ruling, the tribes will continue their efforts, through whatever means necessary, to preserve the rights guaranteed to them.

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CONTACTS:

Sycuan Band of the Kumeyaay Nation
Adam Day, Chief Administrative Officer
aday@sycuan-nsn.gov 619.994.4855

Viejas Band of Kumeyaay Indians
Tuari Bigknife
tbigknife@viejas.com 619.659.1710

Yocha Dehe Wintun Nation
Jeff Butler
jeffry.butler@dentons.com 415.882.0393