

Congress of the United States

Washington, DC 20515

June 19, 2008

JOIN BI-PARTISAN EFFORT TO MAINTAIN RESTRICTIONS ON OFF-RESERVATION CASINO GAMING

Dear Colleague:

We urge you to join us in voting **NO** on H.R. 2176 and H.R. 4115, legislation that would use a questionable Indian Tribal land claim to preemptively legalize two new Tribal casinos in Michigan, in defiance of well-established procedures in federal and State law that are designed to limit the expansion of off-reservation casino gaming. The casinos would be located 350 miles away from the Tribes' reservations, wholly outside their ancestral lands.

This legislation would set a dangerous new precedent, a blueprint for putting a casino in any corner of the country, in complete disregard of established law and procedure and the concerns of the citizens of the affected area.

In disregarding federal and State law and the expressed will of Michigan voters, the legislation raises serious questions regarding procedural fairness, due process, and respect for the role of citizens in our democracy. The legislation is opposed by the U.S. Department of Interior, by every Member of the Judiciary Committee, and by more than fifty Tribes from all across the country.

THESE BILLS AUTHORIZE AN UNPRECEDENTED EXPANSION OF OFF-RESERVATION GAMING

Never before has Congress authorized site-specific off-reservation casinos and allowed two Tribes to go 350 miles from their reservations to open casinos. The passage of this legislation would create a dangerous precedent under the Indian Gaming Regulatory Act (IGRA), creating a shortcut for opening new casinos that would permit the unlimited expansion of off-reservation gaming.

THESE BILLS WOULD OVERRIDE CAREFUL REVIEW OF PROPOSED INDIAN TRIBAL LAND CLAIMS REQUIRED UNDER IGRA

IGRA requires any Tribe asking that off-reservation land be taken into trust for casino gaming to submit an application to the Department of Interior. Interior then carefully weighs a number of factors – including the distance from the Tribe's reservation. The degree of scrutiny increases as the distance from the reservation increases, because the benefits to tribal welfare diminish, while the potential harms to tribal welfare increase. Interior also conducts extensive environmental review of the proposed land to ensure compliance with the National Environmental Policy Act – otherwise, federal taxpayers may be required to pay for any NEPA liabilities that exist on the land.

In testimony before the House Judiciary Committee and the House Natural Resources Committee, the U.S. Department of Interior (DOI) expressed strong opposition to these bills, based on the fact that they would override the established procedures of IGRA.

THESE BILLS VIOLATE A 1993 TRIBAL COMPACT SIGNED BY MICHIGAN TRIBES, INCLUDING THE TWO TRIBES WHICH STAND TO BENEFIT FROM THIS LEGISLATION

These Tribes were signatories to a 1993 compact requiring that any Tribe pursuing off-reservation gaming develop revenue-sharing agreements with the other signatory Tribes. This legislation would permit them to completely ignore those obligations.

THESE BILLS WOULD OVERRIDE THE WISHES OF THE PEOPLE OF MICHIGAN

The people of Michigan voted in a 2004 referendum to strictly limit the expansion of casino gaming in the State by requiring any new casino gaming facility to be approved by both a local as well as a Statewide vote. This legislation would open these two new casinos in defiance of that referendum.

THE VALIDITY OF THE LAND CLAIMS IS UNCLEAR

These bills purport to settle two Tribes' claims to their ancestral land in the Upper Peninsula of Michigan – claims that one Tribe (Bay Mills) already lost in federal and state court and the other Tribe (Sault Ste. Marie) has never bothered to pursue in court. Furthermore, neither the Department of Justice nor the Department of Interior has acknowledged the merit of these land claims.

If Congress were to award these Tribes casinos for land claims that were lost in court, one can only imagine how many other Tribes would come to Congress seeking a casino wherever they saw fit.

Please oppose a dangerous precedent for building casinos in the name of Indian Tribes in any corner of the country by VOTING NO on these bills. For more information, please contact Diana Oo on the Judiciary Committee staff at 202-295-3951.

Sincerely,

John Longenecker

Carole C. Kappeler

Bernie Thompson

Michelle Dege

Shelley Berkeley

Sue Camp

Gilbert
William S. Watts

Al Jan

Barbara Lee

Harold Bishop

Phil Smitz

Tom Scott

Eddie Bonnie Johnson

Covene Brown

Danny K. Davis
Doris

D. Ag

Arthur Davis

Frank A. LoBiondo

Alan Hill

Jack Payer

Edward T. Berwen

Felix Hoebstra

Betty Sutter

May Bono Mack

~~Harold~~

Paul Brown

John Shoddy

Brad Shu

Keith Ellison

Ed Rangel

Marcy Kipton

Greg & Curtis

Elyse E. Trimm

~~Al [unclear]~~

~~Conrad [unclear]~~

Alan Cole

Hank Johnson

David P. Kelly

Walter B. Jones

Dana Rohrabacher

~~David [unclear]~~

Rhett Wexler

Joe [unclear]

Harold Dwyer

Shirley Jackson Lee

Liane S. Watson

Dennis Kucinich

Carol M. Day

Janine Dorman

Stephen [unclear]

John Campbell

Vernon J. Ehlers

Members Opposing Unlawful Indian Gambling

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