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News

What Legal Steps Would Indian Gaming In QM Area Require? What About Tidelands/State Claim To Revenue?



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(August 7, 2007) -- Reaction continues to come in to **LBReport.com's** story (reported first by us) of Councilwoman Gerrie Schipske's internet [blog essay](#) proposing that the City consider gambling [gaming] in and around the Queen Mary area, we began receiving [emails pro and con](#).

Some initial questions crossed our mind:

(1) What legal steps would be required to have Indian gaming in the Queen Mary area?

Article 4, Section 19(f) of the CA Constitution provides in pertinent part:

...the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slow machines, lottery games and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts.

So what does that mean? As best we can tell, no one knows with legal certainty now...at least not yet.

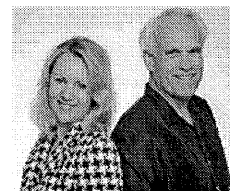
The website of the Gabrielino-Tongva tribe (www.tongvatribе.org), which is strongly pro-gaming, includes a legal issues memo that contends to implement gaming would require:

- New legislation establishing a California State Indian Reservation for the Gabrielinos and interpreting Cal. Constitution Art. 4, section 19(f); and
- A Tribal Gaming Compact signed by the Governor and ratified by the state legislature.

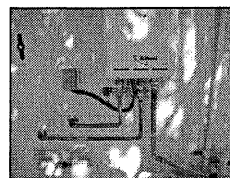
The memo also contends that the federal Indian Gaming



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Regulatory Act doesn't preempt CA law and notes there are 15 states that recognize 61 Indian tribes not recognized by the U.S. gov't.

The memo notes differing legal interpretations on these points and implicitly recognizes the possibility of legal challenges.

Meanwhile, another entity, the Gabrielino-Tongva Tribal Council of San Gabriel, maintains a separate website (www.tongva.com) that says it doesn't support any gaming plan for the area.

(2) Are other area cities considering Indian gaming now?

Yes, including Garden Grove...where representatives of the pro-gaming Gabrielino-Tongva tribe have reportedly met in the past several months with Garden Grove City Hall officials about the possibility of a casino on Harbor Blvd.

(3) Since the QM area is in the Tidelands, would the gaming revenue necessarily be limited to Tidelands uses?

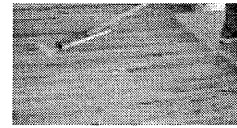
This question, properly directed to the City Attorney, carries major fiscal and political implications.

As we understand it, revenue from the Tidelands must be used in the Tidelands for uses authorized in the state legislature's Tidelands trust, including beach improvement, shoreline area projects, harbor related projects and the like.

That prompts all kinds of follow-up questions. To what extent, if at all, could gaming revenue generated in the QM Tidelands area pay for police, infrastructure or parks in parts of LB outside the Tidelands? Could it free up and/or backfill Tidelands revenue now being spent on various items?

Might the possibility of major new Tidelands revenue prompt Sacramento to approve the necessary prerequisites to Indian gaming, in part to try to get all or part of the new revenue for itself (similar to historic battles with LB over Tidelands oil revenue)?

And those are just some of the first questions best directed to LB's City Attorney.



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