

Yocha Dehe, Viejas and Sycuan Sue State to Enforce Laws Against Illegal Games in Cardrooms

The Yocha Dehe Wintun Nation, Viejas Band of Kumeyaay Indians, and Sycuan Band of the Kumeyaay Nation have sued the State of California to enforce the laws regulating the exclusive right of Indian tribes to offer house-banked card games which California voters approved through Proposition 1A and the State recognized in the compacts it subsequently negotiated with the tribes.

The California Constitution has long prohibited casino games such as those played in Nevada and New Jersey casinos. In 2000, however, California voters approved Proposition 1A, a constitutional amendment allowing tribes with compacts to offer Las Vegas-style gaming. This action allowed “banked” card games such as baccarat, where, as in Las Vegas casinos, players bet against the house rather than against each other. Moreover, the California Penal Code has, since 1891, prohibited the game of “twenty-one,” also known as blackjack. Because of the constitutional amendment, the blackjack prohibition does not apply in Indian casinos.

Despite these prohibitions, cardrooms across California illegally advertise and offer house-banked card games, including blackjack and baccarat, without penalty or sanction from state regulatory agencies. Most cardrooms are located in heavily populated urban areas and their locations are not restricted in the same manner as the tribes whose casino operations must exist on often remotely-located reservation lands. Californians have long opposed the spread of gaming in urban areas, and it was no mistake that the grant of gaming exclusivity to Indian tribes rested on the promise that Las Vegas-style gaming would be restricted to their remote Indian lands.

For almost seven years, Yocha Dehe, Viejas, Sycuan and many other tribes have repeatedly insisted that the State enforce its unequivocal laws and that it honor the commitment it struck with the tribes through the compacts. They have appealed repeatedly through the Gambling Control Commission, the Bureau of Gambling Control, the State Legislature and even directly with the offices of the Governor and two California Attorneys General. Those pleas for enforcement have gone unanswered.

“State law, the Constitution and our compacts are all very clear about our exclusive right to operate house-banked, casino-style card games,” said Anthony Roberts, Yocha Dehe Tribal Chairman. “We did not want to file this suit. But, cardrooms continue to play and brazenly advertise these games, even though it’s patently illegal for them to do so. We are asking the State to simply do its job and enforce the gaming laws and rules California’s voters and State Legislature have put in place.”

“Since 2012, we have sought resolution through the agencies and individuals responsible for enforcing these laws and preventing illegal gambling activity in California,” said John Christman, Tribal Chairman of the Viejas Band. “Going to court is regrettably our last recourse, only because of the State’s continued inaction against such blatant illegal activity. If California enforced its current laws, we would not have filed this lawsuit.”

“Sycuan is proud of the government-to-government relationship we have established with Governor Brown and the State Legislature,” said Cody J. Martinez, Sycuan Tribal Chairman. “Unfortunately, when it comes to illegal activity conducted by cardrooms, the State has failed in its obligation to enforce the law. We hope with this action that a fair and impartial judge will quickly and accurately determine the facts.”

The tribes’ lawsuit is Yocha Dehe Wintun Nation, Viejas Band of Kumeyaay Indians and Sycuan Band of the Kumeyaay Nation versus Edmund G. Brown, Governor of California. It was filed in United States District Court, Eastern District of California.

Tribal Statement Commending Broad Bipartisan Support for Indian Child Welfare Act by Federal, State and Tribal Lawmakers and Leaders

A joint statement follows from Principal Chief Bill John Baker, Cherokee Nation; Chairman Robert Martin, Morongo Band of Mission Indians; Chairman Tehassi Hill, Oneida Nation; and President Fawn Sharp, Quinault Indian Nation:

We applaud the broad coalition of federal lawmakers, attorneys general from 21 states, and 30 child welfare organizations who have joined 325 tribal governments and 57 tribal organizations in filing numerous amicus briefs with the U.S. Court of Appeals for the Fifth Circuit to defend the Constitutionality of the Indian Child Welfare Act (ICWA).

In an unprecedented and overwhelming demonstration of support for ICWA and its constitutionality, a wave of amicus briefs were filed urging the Fifth Circuit to reverse the district court’s ruling in *Brackeen v. Zinke*, which erroneously deemed key provisions of ICWA as being unconstitutional.

Passed more than 40 years ago by Congress, ICWA was designed to reverse decades of cultural insensitivity and political bias that had resulted in one-third of all Indian children being forcibly removed by the government from their families, their tribes and their cultural heritage.

ICWA ensures the best interests and wellbeing of Native American children are protected. ICWA preserves the stability and cohesion of tribal families, tribal communities and tribal cultures. It maintains and reinforces the political and cultural connections between an Indian child and his or her tribe. ♣