

# COLORADO RIVER INDIAN TRIBES

## OFFICE OF THE ATTORNEY GENERAL

November 30, 2005

Maurice R. Johnson  
Johnson Thompson, LLP  
10844 Old Mill Road, Suite 4  
Omaha, Nebraska 68154

Re: Article in Fall 2005 Native Law Newsletter

Dear Mr. Johnson:

I write to correct certain material misstatements in your Fall 2005 article concerning the Colorado River Indian Tribe's ("CRIT") litigation against the National Indian Gaming Commission ("NIGC") and to demand that you issue a retraction. Your misstatements both falsely accuse CRIT and do a disservice to tribes nationwide at a time when forces are gathering to whittle tribal sovereignty more every day.

CRIT is not now refusing, nor has it ever refused, to allow the NIGC access to the Tribe's financial records. CRIT grants the NIGC access to every document, record, and area of its gaming operation to which the NIGC is entitled under law. What CRIT did, like virtually every other tribe in the country, was question whether the NIGC has affirmative regulatory authority over the minutest operational aspects of the Tribe's Class III gaming operation. When forced to defend itself against a notice of violation and fine, the Tribe challenged only the narrow question of whether the NIGC has affirmative regulatory authority to issue Class III MICS, and Judge Bates upheld the Tribe's position on that narrow question. He did not, as you state, broadly hold "that [IGRA] does not give the federal government the authority to issue or enforce regulations on tribal gaming."

Your descriptions of both CRIT's conduct and the court's ruling are irresponsible and plain wrong. If you were unable to read and understand the court's opinion, you might at least have called us to make sure your reporting was correct. On behalf of the Colorado River Indian Tribes, I demand that you issue a prompt and prominent retraction of your dangerous misstatements at the earliest time possible. Please feel free to call me if you wish to discuss this matter.

Very truly yours,

COLORADO RIVER INDIAN TRIBES

A handwritten signature in black ink, appearing to read "Eric Shepard", written over a horizontal line.

Eric Shepard  
Attorney General

Cc: Tribal Council

# Native Law Newsletter: Fall 2005

## JOHNSON THOMPSON LLP

*attorneys and counselors at law*

Admitted to practice in the states of

Arizona  
California  
Colorado  
Iowa  
Minnesota  
Montana  
Nebraska  
South Dakota  
Washington



*Election Law Issue*

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### ABOUT THE FIRM:

Attorneys with Johnson Thompson LLP have represented a number of tribes and tribal enterprises throughout Native America.

Our attorneys have decades of collective Indian Law experience. Several of our attorneys are published authors on Indian law topics and past students of respected Indian law professors.

## LEGAL NEWS FROM NATIVE AMERICA

INDIAN LAW HEADLINES

### Senate Indian Affairs Committee Chairman Seeks More Control Over Tribal Gaming After Court's Ruling

Washington (Sept. 22, 2005) - On August 28, a Washington D.C. U.S. District Court Judge held that the Indian Gaming Regulatory Act does not give the federal government the authority to issue or enforce regulations on tribal gaming. Senate Committee Chairman John McCain questioned the logic of the court's ruling, stating that the purpose of the National Indian Gaming Commission (NIGC) is to regulate Indian casinos. The Senate Committee on Indian Affairs has recently passed McCain's bill to increase the NIGC's funding, though this legislation has not yet reached the Senate floor. According to NIGC Chairman, Philip Hogen, this holding is already creating problems for the agency.

Because the Colorado River Indian Tribes won this lawsuit, they are refusing to allow the commission to have access to the tribes' financial records. Hogen is concerned other tribes will use the court's ruling to disregard federal regulations. Friction between gaming tribes and the NIGC has recently increased as this federal agency has sought to enforce minimum internal control standards on Indian gaming operations.



### Group Helping Native Politicians Organize Campaigns

Prior Lake, MN (Oct. 14, 2005) - Member of the Choc-taw Nation, Kayln Free discovered when she was running for office in Oklahoma that Indian candidates were not prepared to run state or local campaigns. Because of this experience, Free formed INDN's List, an organization designed to aid Native candidates win elections. The group's first Campaign Camp was held this October and had 150 attendants. During the conference, political activists and candidates from all over Indian country met to discuss the objectives and challenges of running a campaign. Two issues that came up most often were self-perception and funding.

Prominent members of the Native American community attended the conference. The National Director of the National Congress of American Indians Native Vote Project, Irene Folstrom noted that Native politicians are critical in helping to fill the need for "Indian role models." Ogema Lee Sprague of the Little River Band of Ottawa Indians said during the conference that it is important for Natives to participate in the political process for a number of reasons. He specifically cited the recent Congressional debates over U.S. Supreme Court Justices, because the Court regularly hears cases impacting tribes and sovereignty.

*attorneys and counselors to Native America.*

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**COLORADO RIVER INDIAN TRIBES**  
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Benjamin W. Thompson  
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Eric Shepard  
Attorney General

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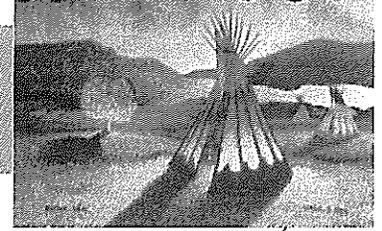
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