



November 5, 2019

Oklahoma Indian Gaming Association is officially transmitting this letter in response to Attorney General Hunter, on the behalf of the 31 Tribal Nations who have drafted and signed it.

Sincerely,

A handwritten signature in blue ink that reads "Matthew L. Morgan". The signature is written in a cursive style and is set against a light blue rectangular background.

Matthew L. Morgan, Esq.
Chairman, Oklahoma Indian Gaming Association

November 5, 2019

Attorney General Mike Hunter
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

Dear General Hunter:

Thank you for meeting with us on October 28. We extended our invitation to you in our letter of October 15. In that letter, we invoked Part 12.1 of our compacts and requested your statement of the State's position concerning Part 15.B.'s "shall automatically renew" clause. During your presentation, you communicated the State does, in fact, dispute the automatic renewal of the compact. The State's understanding of the renewal clause was communicated and you provided an outline of your proposal for arbitration.

The State's argument against renewal is not supported by any facts or law and arbitration is not presently justified. We take the substance of our compacts seriously, including Part 13.B.'s requirement that we each "defend the validity" of the compact itself. Accordingly, we remain unified in our position that the compacts renew and will continue our operations as usual.

Of course, each compacting party continues to have the right to propose renegotiation of subsections A and E of Part 11 (rates and exclusivity). If the State intends to make such a proposal, please know we will expect any proposal to abide by what the law requires.

Our present revenue-share payments are premised on the State's commitment to provide "substantial exclusivity" within the local gaming market. Since federal law bars state and local taxation of Tribes, including our gaming operations, see, e.g., 25 U.S.C. § 2710(d)(4), this sort of mutual exchange of value is necessary to establish a lawful revenue-share agreement.¹ If the State intends to make a proposed revision to our agreement, we will insist that it justify any proposal with reference to a meaningful State concession of proportionate value.

Thank you again for taking the time to meet with us and explain the State's position.

¹ U.S. GAO, Report to Congressional Requesters, "Indian Gaming: Regulation and Oversight by the Federal Government, States, and Tribes" at 19-20 (June 2015) (discussing IGRA "meaningful concession" requirement and noting disproportionate value between state concession and tribal revenue-share as primary reason for federal disapproval of proposed compacts), available at: <https://www.gao.gov/assets/680/670603.pdf>.

Name	Title	Tribe
Chuck Hoskin Jr.	Chief	Cherokee Nation
Greg P. Clisset	Chief	Seminole Nation
Bill Anvatabby	Governor	Chickasaw Nation
James R. Dyer	Principal Chief	Muscogee (Creek) Nation
Angy Baplan	Chickasaw Nation	Chief
Lyn Hym	CHIEF	PEORIA TRIBE
Wesley Williams	Chief	ARTT
Lynna Williams	Raw Nation	Chairwoman
Donna Jones	Governor	Cheyenne and Arapaho Tribes
Matt M. Komet	Chairman	Kowa
John S. Hutton, Jr.	Chairman	Otoe - Missouri Tribe & Treaty
Ethel E. Cook	Chief	Ottawa
Glenna J. Wallace	Chief	Eastern Shawnee
Douglas Larkford	Chief	Miami Tribe
Callie Bowden	Vice-Chairwoman	Quapaw Nation
Billy French	Chief	Wyandotte Nation
L. J. H.	Chairman	the Caddo Nation of Oklahoma

Name	Title	Tribe
Edgar B. Kent Jr.	Chairman	Iowa Tribe
Rubin Natch	President	Delaware Nation
David L. ...	Chairman	Kickapoo Tribe of Oklahoma
John Wood	Chief	Sac and Fox Nation
[Signature]	Chief	Shawnee Tribe
Snothym Standing Bear	Principal chief	Osage Nation
Russell ...	President	Tonkawa
John A. Barrett	Tulal Chairman	Citizen Potawatomi Nation
Rene Parson	President	Wichita and Affiliated Tribes
JAMES E. WHITESHIRT	PRESIDENT	PAWNEE
William Z. Fisher	Chief	Seneca-Cayuga Nation
William Nelson, Sr.	COMANCHE NATION	CHAIRMAN
Lori Gooday Ware	Chairwoman	Fort Sill Apache
John R. Johnson	Governor	Absentee Shawnee