



**UNITED *for* OKLAHOMA**

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## **Tribal Leaders Comment On Governor Stitt's Compact Dispute**

### **Highlights:**

- Leaders call January 1, 2020, deadline unfounded
- Leaders remain united on automatic renewal of the compacts
- Leaders restate willingness to negotiate on exclusivity fee rates
- Leaders considering framework and concept on exclusivity fee rates
- Leaders say per the compact, the introduction of commercial gaming in Oklahoma would require that Tribes immediately discontinue all exclusivity fee payments to the State
- Leaders prepared for a protracted legal battle with Governor Stitt
- Leaders reaffirm business as usual at Tribal gaming facilities on January 1, 2020

Five Tribal leaders commented today on the dispute with Oklahoma Governor Kevin Stitt regarding the tribal gaming compacts. Muscogee (Creek) Nation Principal Chief James Floyd, Choctaw Nation Chief Gary Batton, Cherokee Nation Principal Chief Chuck Hoskin, Jr., Seminole Nation Chief Greg Chilcoat, and Chickasaw Nation Governor Bill Anoatubby said the continued insistence the compacts must be renegotiated by January 1, 2020, is unfounded.

Tribal leaders stated categorically that the plain language of the government-to-government compacts is definitive. The compact explicitly states that “the compact shall automatically renew for successive additional fifteen-year terms.” Therefore, tribal gaming operations will continue to be as legal on January 1, 2020 as they are today.

“Unlike contracts, compacts are solemn agreements between two sovereigns that remain in force until both parties agree otherwise,” said Chickasaw Governor Bill Anoatubby. “Former Solicitor General Seth Waxman issued a powerful legal opinion that reinforces our confidence that the compacts automatically renew on January 1. The State of Oklahoma listed certain conditions for automatic renewal in the compact they offered to the Tribes. That compact was accepted by the Tribes and approved by the federal government. We have honored the terms of the compact and intend to continue operating under that renewing agreement, and we expect the State to do the same.”

Tribal leaders said that continuing to convey inaccurate information about expiration of the compacts does a serious disservice to the Tribes and all Oklahomans.

“Tribes value the relationship we have with the State,” Muscogee (Creek) Nation Principal Chief James Floyd said. “History shows we can accomplish a lot for all four million Oklahomans by working together rather than opposing each other.”

In answer to questions about what happens on January 1, 2020, Seminole Nation Chief Greg Chilcoat said it will be business as usual at gaming facilities across the state.

“The holidays are some of the busiest times of the year for the entertainment industry and casinos are no different. The more than 75,000 Oklahomans who work in the tribal gaming industry in Oklahoma will provide our patrons from Oklahoma, Texas, Arkansas, Kansas, Missouri and Colorado with a wonderful entertainment experience on New Year’s Day and beyond.”

“Tribal leaders remain open to negotiations about exclusivity fee rates,” Choctaw Chief Gary Batton said. “We have not received a formal proposal from the State. We have always been open to a fair and reasonable discussion on rates and still are today as long as Governor Stitt is willing to honor the plain language of our existing agreement, which includes automatic renewal.”

The Tribal leaders stated they are considering a concept for a potential discussion on rates.

“Absent a proposal, leaders will be working on a framework for a reasonable conversation on rates that will deliver value-for-value benefit for both the Tribes and the State,” said Cherokee Nation Chief Chuck Hoskin, Jr. “We are thoughtful in our approach as we meticulously consider ideas at this time – we will be ready whenever the time comes to have a conversation.”

As it relates to introducing corporate commercial gaming, Tribal leaders said it would be a complicated process involving the legislature changing the current law and would constitute a breach of their renewing compact, which could cause the State to forfeit their right to any tribal revenue-share.

“The mature and competitive nature of the Oklahoma market would also make it difficult for a private commercial operator to succeed in Oklahoma. It would be exceptionally disruptive and put hundreds of millions of dollars for the State at risk. Corporate commercial operators export most of their money out of state for the benefit of their shareholders and executives. On the other hand, Tribes invest their money in Oklahoma to help create a better, stronger and more prosperous state benefitting all Oklahomans,” said Chief Hoskin, Jr.

Tribal leaders said they will continue to remit their exclusivity fees to the State next year. The Tribal leaders noted this would help the State avoid any unexpected and unbudgeted shortfall in the State’s budget next year.

“We will continue to fulfill our commitments under the compacts,” Chief Floyd said.

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