



**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**(Opposing Off-Reservation and Non-Indian Gaming and Opposing a Proposed  
Casino Resort Development by the Tohono O'odham Nation)**

**WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

**WHEREAS,** Representative Andrew M. Tobin (Arizona District 1) has announced his intentions to introduce legislation that would allow slot machines to be operated out of existing horse and dog track racing venues throughout the State of Arizona, converting the race and dog tracks into "racinos" and potentially allowing for 1,500 slots per race track; and

**WHEREAS,** Passage of any law allowing for racinos would directly violate the voter approved Proposition 202 which provides for Indian-gaming exclusivity in the State of Arizona, triggering the "poison pill" provision of the State of Arizona-Tribal gaming compacts, resulting in the elimination of Indian gaming restrictions on the number and type of games and gaming facilities a Tribe could operate, and severely reducing the amount of revenue Tribes pay to the State and local governments for needed programs; and

**WHEREAS,** In January 2009, the Tohono O'odham Nation announced its plans to develop a 1.2 million square foot casino and resort project within the geographic boundaries of the City of Glendale, to include 150,000 square feet of gaming space, 1,089 gaming machines, 50 table games, 24 poker tables and a 1,000 seat bingo hall plus convention, hotel and retail space; and

**WHEREAS,** Development of the Tohono O'odham Nation casino resort, by virtue of its projected size and location within the City of Glendale, violates the spirit of Proposition 202 in that Tribes promised the People of the State of Arizona that Indian Gaming would be limited in size, scope and location and would operate exclusively on Indian reservation land; and

**WHEREAS,** Announcement of the Tohono O'odham Nation casino project has fueled support for off-reservation and non-Indian gaming horse and dog track racinos; and

**WHEREAS,** The prospect of racinos operating throughout the State of Arizona, along with the proposed development of the Tohono O'odham Nation casino resort, pose a direct and imminent threat to the economic viability of the White Mountain Apache Tribe's gaming operations as well as that of other Arizona Tribes, in particular the member Tribes of the Apache Rural Coalition, and would also negatively impact the State of Arizona and local communities who currently benefit from revenue sharing generated by Indian gaming; and

**WHEREAS,** On March 4, 2009, the Tribal Leadership of the Apache Rural Coalition met to discuss the threat of the proposed racinos and Tohono O'odham Nation casino resort project; and

**WHEREAS,** The Apache Rural Coalition shared mutual alarm over these developments and, as a result, identified several action items in response, including sending a joint Apache Rural Coalition letter to the Arizona Republic editorial section (*draft letter is attached as Exhibit A*) and sponsoring a voter survey within Maricopa County to measure whether the public opinion, either in favor or opposition to the horse and dog tracks being converted into racinos, is influenced by the proposed Tohono O'odham Nation casino resort development; and

**WHEREAS,** The voter survey is estimated to cost approximately \$20,000.00; the cost to be borne equally amongst the Apache Rural Coalition Tribes who choose to participate in the study; and

**WHEREAS,** The Council finds that it is in the best interest of the White Mountain Apache Tribe to adopt unequivocal opposition to the development of any and all off-reservation and non-Indian gaming in the State of Arizona and equally opposes the proposed Tohono O'odham Nation casino project for the reasons stated herein.

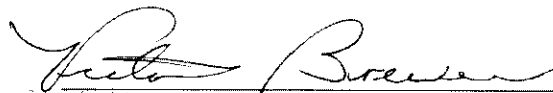
**NOW THEREFORE BE IT RESOLVED,** that the Tribal Council of the White Mountain Apache Tribe adopts unequivocally, the opposition to off-reservation and non-Indian gaming in the State of Arizona, presently proposed in the form of slot machines within horse and dog track race venues throughout the State.

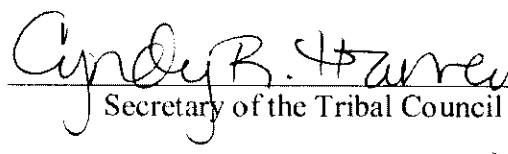
**BE IT FURTHER RESOLVED,** that the Tribal Council of the White Mountain Apache Tribe opposes the proposed Tohono O'odham Nation casino project in that it violates the spirit of Proposition 202 thereby fueling support for off-reservation and non-Indian gaming.

**BE IT FURTHER RESOLVED,** that the Tribal Council of the White Mountain Apache Tribe approves participation of the Tribe in a voter survey targeted to measure whether the public opinion of Maricopa County regarding off-reservation, non-Indian gaming is influenced by the proposed Tohono O'odham Nation casino resort development, and furthermore, approves to share an equal prorated amount of the total cost, estimated at \$20,000.00, amongst the Apache Rural Coalition Tribes, to be paid by the Hon-Dah Casino.

**BE IT FINALLY RESOLVED,** that the Tribal Council of the White Mountain Apache Tribe approves and adopts the Joint Apache Rural Coalition letter, in the form attached as *Exhibit A*, and authorizes the Chairman to execute and deliver the attached letter, in its final form, to the editorial section of the Arizona Republic newspaper.

The foregoing resolution was on March 9, 2009, duly adopted by a vote of for TEN and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (k), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

Draft

As leaders of five Apache and Yavapai tribes, we participated in the successful 2002 campaign to pass the 17 Tribes Initiative, which provided tribes with the exclusive right to operate casino gaming in exchange for sharing gaming revenue with state and local governments. Since 2003, Arizona gaming tribes have contributed over \$483 million for education, health care, wildlife conservation, tourism promotion and assistance to local governments. The 17 Tribes Initiative also limited the number, size and location of future casinos. Our promise to the people of Arizona was that tribal gaming would be well regulated and limited to existing Indian lands. We wanted to ensure that casino gaming wouldn't spill over into Arizona cities and towns, and stayed well away from neighborhoods, churches and schools. We have kept those promises.

Also on the 2002 ballot was a proposition sponsored by the dog and horse racing industry to turn their facilities into 'racinos' by giving them the right to operate slot machines. Arizona voters emphatically rejected their measure by more than 4 to 1. Despite that massive rejection by voters the racetracks are back, seeking to exploit Arizona's budget crisis by pushing legislation that would convert Arizona racetracks into full-blown casinos. The carrot they offer is a promise to generate huge amounts of revenue for the state. What they aren't telling you is that under the terms of the tribal-state gaming agreements, the expansion of casino gaming to privately owned racetracks would violate tribal exclusivity for casino gaming. By law, tribal revenue sharing with state and local governments would be reduced by over 80%. Furthermore, all limitations on the size and number of tribal casinos would be lifted. In short, Arizona would be transformed overnight into Las Vegas. The bitter irony is that faced with competition from unlimited casinos on Indian lands, racetracks would generate only a small fraction of the payments to the state they are promising. The state wouldn't benefit, but the wealthy out-of-state racetrack owners will be laughing all the way to the bank.

We are not at all surprised that the racetracks would cynically seek to invalidate the will of the voters, but we are both shocked and dismayed that the Tohono O'odham Nation has turned its back on the promises we made to voters in 2002 by seeking to convert land it secretly purchased in the West Valley into a huge casino resort. It is our reluctant conclusion that the Tohono O'odham Nation was less than forthcoming to the people of Arizona during the 2002 campaign; nor were they forthcoming with the City of Glendale, nor to every other Arizona tribe. Tohono O'odham's planned casino would be near existing Glendale neighborhoods and across the street from Raymond Kellis High School. This mega-casino has been in the planning stages for many years, yet they chose to keep their plans secret from everybody. To us, this proposal clearly violates the spirit of the 17 Tribes Initiative, and makes a mockery of the promises we made to the people of Arizona.

Both the racetracks' racino proposal and the proposed casino development by the Tohono O'odham Nation pose a serious and immediate threat to the viability of existing Apache and Yavapai Tribes' casinos. All of our reservations are located in rural areas or on the outskirts of the metro areas. We rely on gaming revenue to fund essential services to our tribal members as we continue the hard work of reversing the impacts of more than a century of abject poverty. The years since the passage of the 17 Tribes Initiative have seen the intended benefits of greater economic opportunity become reality for tribes, the state and local communities. Tribal gaming in Arizona has been a remarkable success story, one that we are enormously proud of.

We as Arizona tribes believe we made a commitment to the people of the state, and the people of the state made a commitment to us. Both the people of Arizona and Tribes have honored our commitments to each other, and it has worked well. Unraveling those commitments is not only bad policy, it would result in economic injury to both the people of Arizona and Arizona tribes. For these reasons, the undersigned five Arizona tribes are compelled to voice their opposition to both proposals.