



CNIGA Guiding Principle on Tribal Exclusivity

Adopted June 15, 2023

In accordance with the Indian Gaming Regulatory Act (“IGRA”) (25 U.S.C. §§ 2701 et seq.) tribes have the exclusive right to operate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity. California has restricted gaming activity since statehood and has prohibited the operation of casinos of the type currently operating in Nevada. Such prohibitions are enshrined in the California State Constitution in Article IV, Sections 19(a) and (e). However, Article IV, Section 19(f) of the California State Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slot machines, lottery games, and banking and percentage card games are permitted to be conducted and operated on tribal lands subject to those compacts. Tribal gaming activities that are exclusively operated by California tribes are a means of promoting tribal economic development, self-sufficiency, and strong tribal governments. 25 U.S.C. § 2702.

Tribal exclusivity as granted by the voters of the state of California must be respected. Accordingly, any further exemptions to the California Constitution’s prohibition of casinos and casino games must be limited exclusively for tribes. CNIGA recognizes that the exclusive right to engage in gaming activities under their tribal-state compacts, provides a foundation for tribes to continue to engage in gaming activities in an economic environment free of competition, and that these exclusive rights are of great value to all California Indian tribes. CNIGA recognizes that these exclusive rights must be prioritized and defended against abrogation by the enactment, amendment, or repeal of state and federal statutes, the California Constitution, or by judicial decisions. CNIGA will (i) uphold the exclusive right of California’s tribes to engage in gaming activities as authorized by IGRA, the California State Constitution, and tribal-state compacts, (ii) oppose all actions that violate or seek to narrow that right, (iii) examine all available options to address ongoing violations of the tribes’ exclusivity, including political, social, economic, and legal, and (iv) take united and decisive action to defend tribal exclusivity.

Protecting the sovereign right of California tribes to operate gaming on their lands.