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Rincon v. Schwarzenegger Decision Sent to the Solicitor General

Today, the United States Supreme Court issued an order seeking the views of the Solicitor General regarding Governor Schwarzenegger's Petition to the Supreme Court to review the Ninth Circuit Appeals Court decision in *Rincon Band v. Schwarzenegger*. The Ninth Circuit held that California's demands for significant payments of tribal gaming revenue to the State's General Fund is an illegal tax under federal law and constitutes bad faith negotiation under the Indian Gaming Regulatory Act.

Tribal Chairman Bo Mazzetti stated: "We began this litigation in 2004. We embarked on this course because Arnold Schwarzenegger's illegal extortion of tribal governmental revenue violates our sovereignty and federal law. We believe today's decision merely delays the inevitable result for a few more months. As the current Administration draws to an end, this decision will establish Schwarzenegger's legacy of illegality when dealing with California's Indian Tribes."

Scott Crowell, Attorney for the Rincon Band stated: "This was anticipated and is not unusual when a state seeks review of a decision involving Indian Tribes. We initiated discussions with key members of the Administration last August. Since the Ninth Circuit decision came down last April, the Obama Administration has formally cited it as a correct statement of the law consistent with the Interior Department's long-standing position on the issue of taxation of tribal gaming revenue. We are confident that the United State's will join the Tribe in urging the Court to deny Governor Schwarzenegger's Petition. Meanwhile, we look forward to discussions with the incoming Brown Administration to resolve this dispute at the negotiation table."

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