

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST COURT
MIDDLE DIST. OF LA

JENA BAND OF CHOCTAW INDIANS

CIVIL ACTION 05-882 ^{2005 JUN 9} P 12:49
SIGN BY DEPUTY CLERK *bp*

VERSUS

JUDGE Brady

KATHLEEN BABINEAUX BLANCO
IN HER OFFICIAL CAPACITY AS
GOVERNOR OF THE STATE
OF LOUISIANA

MAGISTRATE JUDGE Dalby

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes the Jena Band of
Choctaw Indians, who respectfully represents as follows:

Parties

1.

Plaintiff, the Jena Band of Choctaw Indians, is a federally recognized tribal Indian nation located in LaSalle Parish, Louisiana. The Tribe is a sovereign Indian nation which has its own Constitution and which is governed by its Tribal Council. The Tribe was officially recognized by the United States of America on or about May 31, 1995. (60 Fed. Reg. 28480).

2.

Defendant is Governor Kathleen Babineaux Blanco in her official capacity as Governor of the State of Louisiana, who can be served with process at 900 North Third Street, Baton Rouge, Louisiana, 70802.

waived

Subject Matter Jurisdiction

3.

This Court has original jurisdiction over this cause in that it is a civil action by an Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws or treaties of the United States. 28 U.S.C. §§ 1362 and 1331. Further, this Court has original jurisdiction over this cause pursuant to express authority granted in 25 U.S.C. § 2710(d)(7)(A). The laws of the United States under which this controversy arises 25 U.S.C. § 2710(d)(3). Plaintiff also asserts claims founded under state law pursuant to this Court's ancillary and/or pendent jurisdiction.

Venue

4.

Venue is proper in this District under 28 U.S. C. § 1391(b).

Factual Allegations

5.

The State of Louisiana ("Louisiana") legalized Class III gaming in July 1991, and since that time, fifteen riverboat casinos and one non-Indian land-based casino have opened. During the 1997 legislative session, the Louisiana legislature authorized slot machines at the race tracks, and as a result of the legislation, three racinos have opened in Vinton, Shreveport, and Opeleusas. The State permits Class III gaming and regulates Class III gaming in Louisiana

6.

Louisiana's legalizing gaming enabled federally recognized Indian tribes in Louisiana to engage in Class III gaming activities on their Indian lands, if they are conducted pursuant to a Tribal-State compact entered into by the Indian tribe and the state. See 25 U.S.C. § 2710(d)(1)(C). The Tunica-Biloxi, the Coushatta, and the Chitimacha tribes, the three federally recognized Indian tribes in Louisiana who had established reservations when the state gaming legislation was passed in 1991, entered into compacts with the State of Louisiana that were approved by the Department of the Interior on October 29, 1992, December 10, 1992, and June 18, 1993, respectively. The three compacts allow for Class III gaming within the State and provide for impact payments to the local government agencies within the respective parishes where the tribes' reservations are located. The three respective compacts were renewed by the State in 1999 and in 2000.

7.

As stated above, the Jena Band of Choctaw Indians (the "Tribe") obtained federal recognition on May 31, 1995. and determined that it wished to conduct a tribal gaming operation in Louisiana to generate the revenue needed to provide governmental, health, and human services to its people. In January 2001, the Tribe applied to the Department to have land taken into trust for multiple purposes, including housing, economic development, gaming and providing governmental, health and human services to its people. The Tribal Council adopted a Tribal Gaming Ordinance that was approved by the Chairman of the National Indian Gaming Commission ("NIGC") on March 13, 2001. A copy of the approved Tribal Gaming Ordinance is attached hereto as Exhibit 1.

8.

On August 30, 2002, the Tribe requested that the Department transfer into trust the land within its three parish service area as its initial reservation. The Tribe's service area, the geographic area that comprises Rapides Parish, Grant Parish, and LaSalle Parish (the "Tri-Parish Service Area"), had been delineated by the Department after federal recognition for the purpose of determining tribal members' entitlement to programs available to the Tribe through federal funds, i.e. those members within the Tri-Parish Service Area could receive federally funded health, education, and housing assistance.

9.

Even prior to Governor Kathleen Babineaux Blanco's assuming the office of Governor, the Tribe made a formal request to meet with her to discuss its legal options for gaming. See Correspondence from Chief Christine Norris to Governor Kathleen Babineaux Blanco dated January 9, 2004, attached hereto as Exhibit 2. The Tribe had cooperated for several years with the previous Governor, M. J. "Mike" Foster to locate their Class III gaming facility in an area that had voted in favor of video poker in 1996. When the Tribe had no response from the new Administration, on March 18, 2004, the Tribe requested in writing that the Governor negotiate with the Tribe for a Class III compact to conduct gaming in Grant Parish (the "Grant Compact") where the Tribe had 40.49 acres of land that had been accepted by the United States of America on November 19, 2003, is held in trust for the benefit of the Tribe, and is part of the Tribe's initial reservation application. See Correspondence from Chief Christine Norris to Governor Kathleen Babineaux Blanco dated March 18, 2004, attached hereto as Exhibit 3. See also Warranty Deed by Jena Band of Choctaw Indians to United States of America, in trust

for the Jena Band of Choctaw Indians, recorded February 2, 2004, attached hereto as Exhibit 4. The Tribe also enclosed a draft compact for the Governor to review, negotiate, and/or execute.

10.

When the Tribe transmitted the proposed Grant Compact to the Governor, three Tribes had gaming operations within the State. All three Tribes had executed virtually identical compacts with the State. The Tribe's proposed Grant Compact was virtually identical to those used by the other three tribes and had been previously approved by the Foster Administration.

11.

While the request by the Tribe was pending, the Louisiana legislature considered and passed laws to require that prior to conducting any negotiations with an Indian tribe, the Governor notify the communities in which the proposed facility was to be located of her intent to commence negotiations with the Tribe.

12.

Over six months after the Tribe forwarded the Grant Compact to the Governor, she arranged a meeting with the Tribe. The meeting was not intended by the Governor to be a response to the Tribe's proposal nor was the meeting intended to negotiate, as is evidenced by the Governor's failure to provide notice to any of the relevant communities to be affected by the negotiations.

13.

Shortly after the Tribe requested its first meeting with the Governor, the Governor sought advice and consultation from the Office of the Attorney General regarding issues

relative to the two-part determination and relative to whether the State had an ability to prevent the Tribe from opening either a Class II or a Class III casino in the Tri-Parish Service Area. Within the first three months of the new Administration, officials of the Governor's office and of the Attorney General's office conducted research into these issues and contacted various federal officials to determine the State's rights relative to Indian tribes to determine whether a state could successfully prevent a tribe from commencing gaming activities within its borders. By March 2005, the State knew that it was powerless to prevent the Tribe from locating a casino within its Tri-State Service Area.

14.

Despite actual knowledge of the relevant rights, duties, and responsibilities of the State relative not only to the Tribe, but to its citizens, the Governor of the State of Louisiana notified the Tribe in writing on April 12, 2005 that she would not negotiate a Class III gaming compact with the Tribe and that she would ask the Attorney General to determine whether there was any way to prevent the Tribe from gaming within the State. See Correspondence from Governor Kathleen Babineaux Blanco to Chief Christine Norris dated April 12, 2005, attached hereto as Exhibit 5. Contemporaneous with the Governor's letter to the Tribe, the Governor's representatives stated publicly to the media that while they knew that "federal regulations actually were enacted for the purpose of putting a casino in place over the objections of the Governor," they were nevertheless "researching every imaginable possibility" to fight the casino.

COUNT ONE

15.

By this reference, the Tribe incorporates each and every allegation and averment set forth in paragraphs 1 through 14 of this Complaint as though fully set forth herein.

16.

As stated above, on March 18, 2004, Chief Christine Norris, representing the Tribe, requested in writing, pursuant to 25 U.S.C. § 2710(d)(3)(A) of IGRA, that Governor Kathleen Babineaux Blanco, as the representative of the State, enter into negotiations with the Tribe for the purpose of entering into a Tribal-State compact governing the conduct of gaming activities on the Tribe's Indian lands located in Grant Parish. See Correspondence from Chief Christine Norris to Governor Kathleen Babineaux Blanco dated March 18, 2004 (Exhibit 3). The Chief enclosed with the letter to Governor Blanco a draft compact that was similar to the gaming compacts that the other three federally recognized tribes in Louisiana had signed with the State.

17.

The Tribe's Grant Parish lands were taken into trust as part of the Tribe's Initial Reservation. The 40.49 acre tract of land in Grant Parish, along with other parcels owned by the Tribe, were the first parcels of land taken into trust for the benefit of the Tribe after the Tribe obtained federal recognition.

18.

Trust lands are deemed under federal law to be reservations. The "initial reservation" exception were enacted to serve similar purposes.

19.

Despite numerous requests by Chief Norris to meet with the State to amicably resolve the Tribal and State gaming issues and the Grant Compact, Governor Blanco has blatantly refused to negotiate a compact with the Tribe.

20.

More than 180 days have passed since the Tribe requested that the State enter into negotiations. Governor Blanco has stated that she has not negotiated and is not negotiating with the Tribe for a compact and has informed the Chief in writing that she has no intention of entering into negotiations. See Correspondence from Governor Kathleen Babineaux Blanco to Chief Christine Norris dated April 12, 2005 (Exhibit 5) . Because of the State's blatant refusal to negotiate a compact, the Tribe requests that this Court find that the State has failed to negotiate in good faith with the Tribe to conclude a Tribal-State compact governing the conduct of gaming activities and that this Court order the Tribe and the State to conclude such a compact in 60 days.

WHEREFORE, THE JENA BAND OF CHOCTAW INDIANS RESPECTFULLY PRAYS that the State of Louisiana be served with a certified copy of this Complaint and cited to appear before this Court, and after due proceedings had, there be judgment herein as follows:

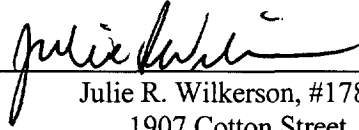
1. Finding that the State has failed to negotiate in good faith with the Tribe to conclude a Tribal-State compact governing the conduct of gaming activities on the Tribe's land in Grant Parish;
2. Compelling the State and the Tribe to conclude a compact to conduct Class III gaming in Grant Parish within a 60 day period and appointment of a mediator to resolve any impasse;
3. For costs of suit herein; and

4. For such other and further relief as the Court deems proper.

Respectfully submitted,

**JULIE R. WILKERSON, INC.
A PROFESSIONAL LAW CORPORATION**

BY: _____



Julie R. Wilkerson, #17866
1907 Cotton Street
P. O. Box 3685
Pineville, LA 71361-3685
(318) 487-4402
fax (318) 487-0156

ATTORNEY FOR THE JENA BAND OF CHOCTAW INDIANS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JENA BAND OF CHOCTAW INDIANS

CIVIL ACTION _____

VERSUS

JUDGE _____

KATHLEEN BABINEAUX BLANCO
IN HER OFFICIAL CAPACITY AS
GOVERNOR OF THE STATE
OF LOUISIANA

MAGISTRATE JUDGE _____

VERIFICATION

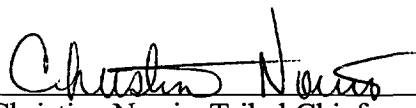
BE IT KNOWN that on the day and date set out hereafter, and in the presence of the undersigned Notary Public, personally appeared:

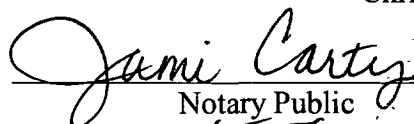
CHRISTINE NORRIS, a resident of LaSalle Parish, Louisiana, whose mailing address is P.O. Box 14, Jena, Louisiana, 71342-0014, the duly authorized representative of the Jena Band Choctaw Indians;

who, after being duly sworn, did depose and say:

That she is appearing herein in her capacity as the Chief of the Jena Band of Choctaw Indians, petitioner in the above and foregoing Petition, and that all of the allegations contained therein are true and correct to the best of her knowledge, information and belief.

THUS DONE AND SIGNED this 31st day of May, 2005, in LaSalle Parish, Louisiana, in the presence of the undersigned Notary Public, after due reading of the whole.


Christine Norris, Tribal Chief


Notary Public
65159

Exhibit

1



MAR 13 2001

B. Cheryl Smith
Tribal Chief
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71342-0014

Dear Ms. Smith:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Jena Band of Choctaw Indians First Amended Class II and Class III Gaming Ordinance and the First Amended Procedures for Background Investigations of Key Employees and Primary Management Officials. The amended ordinance and background procedures were adopted by the Jena Band of Choctaw Indians on February 22, 2001, and received in this office on February 26, 2001. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Gaming Ordinance for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,

A handwritten signature in black ink that reads "Montie R. Deer".

Montie R. Deer
Chairman



Jena Band of Choctaw Indians

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

FEB 26 2001

JENA BAND OF CHOCTAW INDIANS TRIBAL COUNCIL RESOLUTION NO. JBC 01-2001-0202

WHEREAS the Jena Band of Choctaw Indians is a federally-recognized Indian tribe;

WHEREAS the Tribal Council is the governing body of the Jena Band of Choctaw Indians;

WHEREAS the Tribal Council has submitted to the National Indian Gaming Commission an ordinance for the operation of Class II and Class III gaming operations on its tribal lands; and

WHEREAS the National Indian Gaming Commission has indicated that the Jena Band of Choctaw Indians must amend its gaming ordinance to comply with the Indian Gaming Regulatory Act.

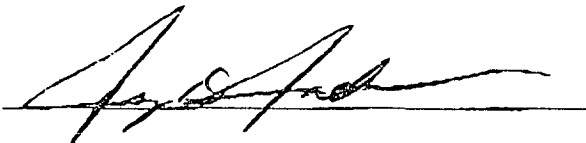
NOW BE IT RESOLVED that the Tribal Council hereby approves the Jena Band of Choctaw Indians First Amended Class II and Class III Gaming Ordinance ("Gaming Ordinance");

NOW BE IT FURTHER RESOLVED that the Tribal Council hereby approves the First Amended Procedures for Background Investigations of Key Employees and Primary Management Officials ("Procedures for Background Investigations"); and

NOW BE IT FURTHER RESOLVED that the Tribal Chief, B. Cheryl Smith, is hereby authorized to submit the amended Gaming Ordinance and amended Procedures for Background Investigations to the National Indian Gaming Commission for approval.

CERTIFICATION

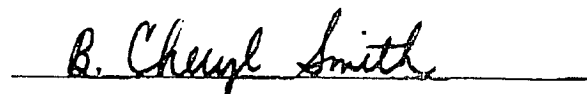
This resolution was considered and adopted at a duly called meeting of the Tribal Council held on this 22nd day of February, 2001, at which a quorum was present, and that the same was adopted by a vote of 5 in favor, 0 opposed, abstaining, and absent.











**THE JENA BAND OF CHOCTAW INDIANS
FIRST AMENDED CLASS II AND CLASS III GAMING ORDINANCE**

I. Purpose.

The Jena Tribal Council is the Governing Body of the Jena Band of Choctaw Indians. The Jena Tribal Council is empowered by the Tribe's Constitution to enact ordinances, THEREFORE this body hereby enacts this ordinance in order to set the terms for Class II and Class III gaming operations on tribal lands.

II. Gaming Authorized.

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) and for Class III gaming in 25 U.S.C. Section 2703(8) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized

III. Ownership of Gaming.

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance. The Tribe may own and operate the gaming operation either directly or through a wholly-owned, tribally-chartered organization

IV. Use of Gaming Revenue.

A Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members, promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

B If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. § 2710(b)(3).

V. Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VI. Protection of the Environment and Public Health and Safety.

The Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety

VII Licenses for Key Employees and Primary Management Officials.

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming enterprise operated on Indian lands:

A Definitions

For the purposes of this section, the following definitions apply:

1. Key employee means

(A) A person who performs one or more of the following functions:

- (1) Bingo caller;
- (2) Counting room supervisor;
- (3) Chief of security;
- (4) Custodian of gaming supplies or cash;
- (5) Floor manager;
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(B) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(C) If not otherwise included, the four most highly compensated persons in the gaming operation.

2. Primary management official means

- (A) The person having management responsibility for a management contract;
- (B) Any person who has authority:
 - (1) To hire and fire employees; or
 - (2) To set up working policy for the gaming operation, or
- (C) The chief financial officer or other person who has financial management responsibility.

B. Application Forms

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

2. Existing key employees and primary management officials shall be notified in writing that they shall either:
- (A) Complete a new application form that contains a Privacy Act notice; or
 - (B) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001.)

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (A) Complete a new application form that contains a notice regarding false statements; or

- (B) Sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. Upon receipt of a completed application and any required fee, the Commission shall conduct or cause to be conducted a background investigation pursuant to the "Procedures for Background Investigations of Key Employees and Primary Management Officials" and to Subsection D, below, to ensure that the applicant is qualified for licensing.

2. The background investigation shall be at least as stringent as is required by any valid and effective Compact that the Tribe enters into and 25 C.F.R. Part 556, and shall provide all available information necessary to the determination required under 25 C.F.R. § 558.2. In particular, the Commission shall cause a thorough criminal history check to be made of each applicant by requesting the Louisiana State Police to conduct a background check of applicant and by having the National Indian Gaming Commission process the applicant's fingerprint card through the Federal Bureau of Investigation

3. The Tribe shall request from each primary management official and from each key employee all of the following information:

- (A) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

- (B) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers,

- (C) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;
- (D) Current business and residence telephone numbers;
- (E) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (F) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (G) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (H) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (I) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (J) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (K) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (L) A current photograph;
- (M) Any other information the Tribe deems relevant; and

(N) Fingerprints taken by the Louisiana State Law Enforcement Department consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

4. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination. The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.
2. The Tribe shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - (A) Steps taken in conducting a background investigation;
 - (B) Results obtained;

- (C) Conclusions reached; and
 - (D) The bases for those conclusions.
2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section
 3. If a license is not issued to an applicant, the Tribe:
 - (A) Shall notify the National Indian Gaming Commission; and
 - (B) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System
 4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.
2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph G. 1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and

investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant

H. License Suspension

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

VII Patron Disputes and Visitor Claims.

A. Procedures for Resolving Patron Disputes. Whenever any patron of any Class II or Class III Gaming activity being conducted by the Tribe under the provisions of this Gaming Ordinance believes that he or she should not have lost any money, or has not received any winnings to which the patron believes he or she was entitled, or in any other respect was treated wrongly or unfairly, any employee to whom the patron communicates the complaint shall refer the patron to the Manager. The Manager shall investigate the matter thoroughly and shall attempt to resolve the complaint amicably, promptly, and in keeping with the spirit of this Gaming Ordinance. The Manager's proposed action shall be communicated to the person in writing no less than ten (10) days after the complaint is brought to the Manager. If the person is dissatisfied with the resolution proposed by the Manager, the patron may, within ten (10) days of receipt of the Manager's decision, appeal to the Commission. The Commission shall investigate the facts underlying the complaint and the actions of the Manager thereon and shall make a final decision, in writing, either to affirm the Manager's proposed resolution, or to take some different action (but in no case shall the Commission's decision be less favorable to the patron than the Manager's proposal). If the patron is still dissatisfied, he or she may request that the dispute be referred to binding arbitration, either by a single arbitrator (if the parties agree on one) or by a panel of three (3) arbitrators, one appointed by the patron, one appointed by the Manager, and a third appointed by the other two arbitrators; provided, that if the arbitration results in a decision that is no more favorable to the patron than the decision of the Commission, the patron shall bear one-half of the costs of the arbitration. The arbitration shall proceed in accordance with the rules of the American Arbitration Association, unless the patron and the gaming enterprise agree to follow different procedures.

B. Posting of Notice. The gaming enterprise shall prominently post a notice, bearing the title, "PATRON DISPUTE AND VISITOR CLAIMS PROCEDURES," informing patrons and visitors of the remedies set forth in this Section, and setting forth the language of Subsections (A) and (B) of this Section, in every room of every gaming facility where Class II and Class III Gaming is conducted under the provisions of this Gaming Ordinance.

C. Public Health and Safety. Each gaming facility and additions thereto shall comply with health, safety, and construction standards that are at least as stringent as the current editions of the National Electrical Code, the Uniform Building Code, the Uniform Mechanical Code, the Uniform Fire Code, and the Uniform Plumbing Code. The Tribe shall cause inspections to be conducted with respect to these standards at least annually.

^{1x}
VIII. License Locations.

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.

^x
IX. Sovereign Immunity.

Nothing in this Gaming Ordinance shall be deemed to be a waiver of the Tribe's sovereign immunity.

^{x t}
X. Repeal.

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

**FIRST AMENDED PROCEDURES FOR
BACKGROUND INVESTIGATIONS
OF
KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS**

I. Jena Band of Choctaw Indians Gaming Commission.

The Jena Band of Choctaw Indians Gaming Commission is created to promulgate, implement, and enforce rules that it determines to be necessary and proper for the issuance, revocation, and suspension of gaming licenses, the regulation of the gaming activities, and to take any other actions necessary to carry out the purposes of the Gaming Ordinance. The Commission may also promulgate rules necessary to other investigations and inspections into the conduct of the games and the license and the maintaining of the equipment as the Commission may deem necessary and proper. In assisting the Commission in determining the suitability of an application, the Commission may request the Louisiana State Police to verify all information to be used in background checks obtained from applicants seeking employment with the Jena Band of Choctaw Indian Tribe, in the conduct of Class II and Class III Gaming on Tribal Lands, including interviews with references and/or former employees

II. Gaming Commission Procedures.

A. The Jena Band of Choctaw Gaming Commission is responsible for the conduct of the background investigations and suitability determinations.

B. Background checks of applicants will be performed pursuant to the following procedures:

1. The Commission will provide applications to potential applicants upon request and shall collect and maintain the applications;

2. The Commission shall investigate or cause to be investigated the information provided in the applications. Such investigation will include: (i) contacting persons or entities identified in the application and verifying by written or oral communication that the information contained in the application is accurate; (ii) interviewing a sufficient number of knowledgeable people, such as former employers, partners, business associates, and others referred to in the application, to provide a basis for the Commission to make a determination on whether the applicant meets applicable eligibility requirements; (iii) reviewing relevant financial records of the applicant for the three (3) years preceding the application; and (iv) contacting any state, federal, or other government agency that is referred to in the application.

3. The Commission shall document any information obtained that calls into question an applicant's eligibility under the Gaming Ordinance. The documentation of these

problem areas shall be supported in detail, indicating the follow-up investigations performed and the result of such investigations.

4. The Commission will review the results of the investigation for all persons subject to licensing, including a determination as to the scope of the investigation and whether sufficient information was obtained and verified. If such information is found to be insufficient, the Commission may perform additional investigations.

5. Once the investigation is complete, the Commission will decide whether the applicant meets the eligibility requirements under the Gaming Ordinance.

6. In conducting a background investigation and review, the Commission and its agents and all persons privy to the information shall keep confidential the identity of each person interviewed in the course of investigation.

C. The Commission shall review a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Commission determines that a person applying for a key employee or primary management official position poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Commission shall not issue a license to that person.

D. The Commission may hold regular and special meetings at such times and places as it may deem convenient, but at least one regular meeting shall be held quarterly. A majority of the appointed members constitute a quorum of the Commission, and a special meeting may be called by any two members.

E. The Commission may hold executive and closed meetings for any of the following purposes:

1. Considering applications for licensing when discussing the background investigations or personal information;

2. Meeting with gaming or law enforcement officials of other jurisdictions regarding the investigation of persons or entities who are licensed or have applied for a license to do business with gaming operators.

3. Consulting with the Executive Director, employees, and agents of the Commission regarding the investigation of persons or entities who are licensed or have applied for a license to do business with the gaming operation.

4. Deliberating after hearing evidence in a contested case necessary to reach a decision; and

5. Discussing business strategies of a license or pricing strategies of a licensee if public discussion may be harmful to the competitive position of the licensee or applicant for license for the purpose of overseeing and defining gaming contracts.

F. Commission Powers shall be as follows

1. To promulgate regulations that it may determine necessary and proper for the issuance, revocation, and suspension of gaming licenses, the conduct and operation of the gaming activities, and to take any other action necessary to carry out the purposes of the Gaming Ordinance;

2. To hire and fire employees. If the Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Commission shall not employ that person or allow that person to be employed in a key employee or primary management official position;

3. To issue licenses, oversee, and define the contract of the licensees;

4. To inspect and examine all premises where gaming is conducted or gaming devices or equipment are sold or distributed;

5. To inspect, examine, and photocopy all papers, books, and records of applicants and licensees;

6. To contract for such legal counsel to advise it as it may choose,

7. To enter into cooperation agreements with law enforcement officials of the State of Louisiana, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies for the purpose of conducting background investigations.

8. To suspend, or revoke for cause, any gaming license;

9. To require all primary management personnel and key employees of all management personnel to undergo investigations; and

10. To enforce preferential treatment to Native Americans, then persons domiciled in the State of Louisiana, as per the provisions of any valid and effective Tribal-State Compact that the Tribe enters into.

III. Commission Positions.

The Commission shall consist of three (3) citizens of Louisiana, all of whom shall be appointed by the Tribal Chairperson with the authorization of the Tribal Council. The Commission members may be members of the Jena Band of Choctaw Indians. The initial members to be appointed shall draw lots to see who holds the two for-year terms and the one two-year term. Thereafter, each member shall serve no more than two consecutive full terms. The Commission shall select from among its members a chairperson who shall preside over the meeting of the Commission. The Commission members may be removed, upon substantive proof of wrong doing by majority vote of the Tribal Council.

The Commission shall appoint an Executive Director who shall be responsible for the conduct of the Commission's administrative matters. The Commission shall enter into a contract of employment and set the annual salary of the Executive Director

IV Gaming Commission Policies

A. Appeal of Commission Actions. Any action of the Commission is subject to appeal to a court of competent jurisdiction. Notice of appeal shall be filed in writing with the Commission and the Clerk of Court, within ten (10) days from written notice of any action of the Commission. Failure to timely appeal shall make the action final.

B. Disclosure Required. A disclosure of total ownership documentation shall be required to accompany all applications for licenses as an operator.

C. Approval of Licenses. The Commission may approve or disapprove any application for license, depending upon whether it deems the applicant a suitable person to hold the license and whether it considers the proposed location suitable. Among other things, failure of the applicant to provide information necessary to allow consideration into his background is grounds for denial of the license.

D. Conflict of Interest. No officer, agent, or employee of the Commission may hold a license under the Gaming Ordinance if the duties of such office, agency, or employment have to do with the enforcement of the gaming law and rules. This prohibition applies to the Commission, all of its employees, and all law enforcement officials and officers. No license may employ any person in any capacity while that person is in the employment of a law enforcement agency to the Commission.

V. Investigation Fees.

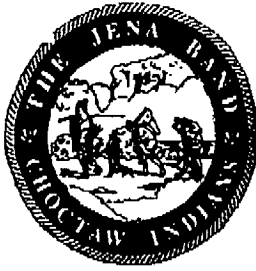
1. Application Fee. The Commission may establish an application fee which shall include the cost of the investigation. The fee may vary with the type of license for which application is made and is non-refundable. The application inform will be promulgated by the

Commission and shall include a waiver of any right of confidentiality and shall allow access to law enforcement records of any state. The waiver of confidentiality shall extend to any financial or personal record wherever maintained.

2. Reimbursement to Commission for Investigation. Any applicant for a license under the Gaming Ordinance shall reimburse the Commission for any costs of investigation over and above the initial license fee charged at the time of application to determine if he is a suitable licensee under the Gaming Ordinance. By signing and filing an application for a license, the applicant authorizes the Commission to obtain information from other states regarding prior license applications, or conduct of the applicant or any of its shareholders, partners, agents, or employees of the results of all such investigations.

Exhibit

2



Jena Band of Choctaw Indians

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

January 9, 2004

VIA FACSIMILE (225) 578-6601

Governor-Elect Kathleen Blanco
P. O. Box 44272
Baton Rouge, LA 70804

Dear Governor Blanco:

I write to you as the elected Chief of the Jena Band of Choctaw Indians. On behalf of my Tribe, I send you heartfelt congratulations on your election and warm wishes for your first year as our Governor. The Jena Choctaw very much looks forward to forging a mutually-productive working relationship with your Administration.

I am writing to you concerning a matter of great importance to the Choctaw people, a matter of which I know you already are aware: the establishment of a Jena Band of Choctaw gaming facility.

There has been much talk in the newspapers about thwarting the expansion of gaming. The prevailing view seems to be that prevention of the opening of a Jena Choctaw facility at Logansport will prevent the expansion of gaming in the state. This is an unfortunate misperception, however, because under federal law the Jena Band of Choctaw, like the state's other three federally recognized tribes, is entitled to conduct a gaming operation. For the reasons discussed below, *the question is not whether there will be a new tribal gaming facility in the State of Louisiana, but rather, where will that facility be located.*

The federal Indian Gaming Regulatory Act (IGRA), (25 U.S.C. §§ 2701 *et seq.*) allows Indian tribes to conduct Class III (casino-style) gaming operations for economic development purposes, but only in states that already allow Class III gaming under state law. Because Louisiana is such a state, Louisiana's three other federally-recognized tribes all are entitled to, and do, conduct Class III gaming operations under IGRA. All three operate under substantially similar gaming compacts entered into between them and the State, *under which they make no payments to the State.* The Jena Band of Choctaw Indians enjoys the same right to operate a casino, and if it does so in its own service area, it will have the right to operate that casino under the same conditions by which the state's other three tribes operate their casinos.

Of course a tribe first must have trust land on which to game. The Tribe recently received trust status for lands we own in our three-parish service area (i.e., within Grant,

LaSalle and Rapides parishes). Under IGRA, Tribes may game on recently acquired trust lands when one or more of certain conditions are met. Two of these conditions already, or very soon will, be applicable to our three-parish service area trust lands. First, land that is deemed "restored" to a "restored tribe" is eligible for gaming. Extensive historical and legal research has confirmed that all of the service area parcels already meet this condition. The second condition which if met will allow a tribe to game on recently acquired trust property is the condition that the land be deemed the "initial reservation" of a tribe recently recognized by the Department of the Interior (as is the Jena Choctaw). The Department recently declared similarly situated lands as "initial reservation" for a similarly situated tribe in another state. We believe that if requested to do so, the Department will do so again in our case and that after we so request it will be but a very short time before we receive that declaration.

It is, however, our fervent and sincere hope that we will not have to implement our option to develop our gaming facility within our three-parish service area. The people of these parishes have spoken clearly regarding their discomfort with such a facility. Conversely, the people of DeSoto Parish, suffering as they are from the highest unemployment rates in the state, over and over again have expressed their desire to host our facility within their borders. However, because the Tribe has no trust land located in DeSoto Parish, the joint vision we and DeSoto Parish share for creating new jobs and increasing tourist generated revenue can only become a reality with your help.

In order to take the Logansport property into trust so that we and DeSoto Parish can begin the process of developing a facility there, the Department of the Interior must first hear from you. The Department must receive from you, in writing, your concurrence in its December 24, 2003 2-part determination that taking the land into trust for the Jena Choctaw facility would be in the best interest of the tribe and not detrimental to DeSoto Parish. If you do not concur in the determination, the Jena Band of Choctaw Indians will have no choice but to refocus its efforts on developing the trust land it already possesses in the three-parish service area.

Finally, the state should be aware that if the Tribe's facility ultimately is located within the three-parish service area, the Tribe simply will not be willing to commit in its tribal-state gaming compact to making charitable contributions to the state (our last offer to Governor Foster having been 6% of net revenue and our manager's offer having been another 3% on top of that). Should the facility be located there, federal law will require that the Tribe be given substantially the same compact terms as have been afforded to Louisiana's other three tribes. Further, if the state fails to negotiate such a substantially similar compact, the Tribe may be forced to apply to the Department of the Interior for "procedures" by which it may game under federal law without a tribal-state compact.

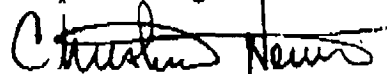
Governor Blanco, it is our fervent hope that we be able to locate our gaming facility in a community which desires to host that facility. We have worked long, hard, and closely with DeSoto Parish and the Town of Logansport to ensure that we could achieve that result. We are convinced that locating our facility in that location will be in the best interests of all parties concerned. We have, however, been waiting for eight years to move forward with this

vital component of economic development for our people. If you are unwilling to allow us to locate our facility in Logansport, I fear we really have no alternative but to move forward with building a facility within our three-parish service area. Indeed, we are confident that a Class II facility (which does not require a tribal-state gaming compact) could be up and running within six months, and that it would not be long after that conduct of Class III gaming would become possible, either under a tribal-state compact or pursuant to Interior-promulgated "procedures."

With utmost respect and highest regards, we urge you to consider helping the Tribe and DeSoto Parish make the Logansport facility a reality. We ask that you concur in the Department of the Interior's 2-part determination and that you provide the Tribe with a tribal-state compact along the lines of that which we had already proposed to Governor Foster. By doing so, you will ensure that a poor tribe and community desirous of this type of economic development will benefit from it, you will ensure that education services of importance to the state receive additional, non-appropriated, funding, and you will ensure that those parishes which have voted against gaming through local referenda will continue to be protected from such enterprises.

I am hereby requesting a meeting with you at your earliest convenience to discuss these issues. Further, we are eager to provide you and your staff with any information you might require in advance, including drafts of the proposed tribal-state compact and related documents, so that our meeting can be as productive as possible. I can be reached at our Tribal Headquarters at 318/992-2717 or your staff may contact our attorney, Julie R. Wilkerson at 318-487-4402. However, for the best interest of the Jena Choctaw people, the Tribal Council has committed to moving forward with our tri-parish lands, if we have not been able to resolve the Logansport issue by January 30, 2004. I look forward to hearing from you, and thank you for your attention to this matter.

Best personal regards,

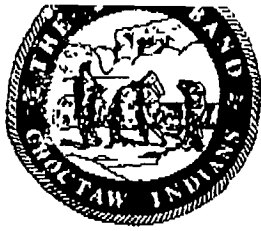


Christine Norris
Chief, Jena Band of Choctaw Indians

cc: The Honorable Terry Ryder
Milo Nickel, Jr., Esq.

Exhibit

3



Jena Band of Choctaw Indians

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

March 18, 2004

VIA UPS AND CMRRR

Governor Kathleen Babineaux Blanco
P. O. Box 44272
Baton Rouge, LA 70804

Re: Tribal-State Gaming Compact Between the Jena Band of Choctaw Indians and the State of Louisiana to Conduct Class III Gaming in Grant Parish

Dear Governor Blanco:

This letter is to request pursuant to 25 U.S.C. § 2710(d)(3)(A) that you, as Governor of the State of Louisiana and as representative of the State, enter into negotiations with the Jena Band of Choctaw Indians for the purpose of entering into a Tribal-State compact governing the conduct of gaming activities on our Indian land located in Grant Parish. Enclosed is a compact that is similar to the gaming compacts that the other three federally recognized tribes in Louisiana have signed with the State.

This compact is the product of many hours of drafting and revisions by our Tribal Attorney, Julie Wilkerson, and former Governor Foster's Deputy Executive Counsel, Patrick Martin, and is nearly identical to the other tribes' compacts. Ms. Wilkerson and Mr. Martin simply "fine tuned" this compact based on the original compacts that had been executed by the other three tribes in early 1992, the renewal compacts that were executed in the last three years, and the experience that the State has gleaned from nearly ten years of working with Indian gaming operations. It is our understanding that Mr. Martin also consulted with and received input from James Smith of the Attorney General's office, the attorney who drafted the original compacts with the other three tribes, while this compact was being fine tuned.

Please have your legal counsel review the proposed compact, as soon as possible. If you or your counsel have any questions, Ms. Wilkerson and/or I would be happy to discuss any issues with you regarding the compact. Ms. Wilkerson can be reached at 318-487-4402, and I can be reached at 318-992-2717.

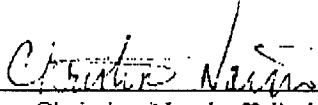
Governor Kathleen Babineaux Blanco

March 18, 2004

Page 2

Sincerely,

JENA BAND OF CHOCTAW INDIANS

By: 
Christine Norris, Tribal Chief

enclosure

cc: Gale Norton - Secretary of the Department of the Interior
Aurene Martin - Principle Deputy Assistant Secretary of the Department of the Interior
George Skibine - Director of the Office of Indian Gaming

Exhibit

4

WARRANTY DEED

UNITED STATES OF AMERICA

BY: JENA BAND OF CHOCTAW INDIANS

STATE OF LOUISIANA

TO: UNITED STATES OF AMERICA,
in trust for the
Jena Band of Choctaw Indians

PARISH OF RAPIDES

Before me, the undersigned notary public, duly commissioned and qualified in and for Rapides Parish, Louisiana and in the presence of the undersigned competent witnesses, personally came and appeared:

JENA BAND OF CHOCTAW INDIANS, a Federally recognized sovereign Indian tribal nation domiciled in LaSalle Parish and whose mailing address is P. O. Box 14, Jena, Louisiana appearing by and through Christine Norris its Tribal Chief, duly authorized by resolution of the Tribal Council, referred to herein as "Vendor",

who declared that for and in consideration of the price and sum of ONE DOLLAR (\$1.00), cash in hand paid, the receipt whereof is hereby acknowledged, and other good and valuable consideration and good acquittance and discharge therefor given, Vendor did and does by these presents, grant, bargain, sell, convey, assign, set over, and deliver to

UNITED STATES OF AMERICA, in trust for Jena Band of Choctaw Indians, referred to herein as "Vendee",

here present, accepting and purchasing for its assigns, all and singular, the following described property, situated in the Grant Parish, Louisiana, to wit:

A certain piece, parcel or lot of ground together with all improvements thereon, rights, ways and privileges thereunto belonging or in any way appertaining, being, lying and situated in the northeast quarter of the southwest quarter of Section 5, Township 5 North, Range 1 West, Grant Parish, Louisiana; being more particularly described as follows, to wit:

Commencing at a bolt and 3" iron pipe marking the southeast corner of the northeast quarter of the southwest quarter, Section 5, Township 5 North, Range 1 West; said corner also being the POINT OF BEGINNING of the tract to be described;

thence proceed North 89 degrees 38 minutes 42 seconds West, bearing assumed, a distance of 1328.33 feet to a ½" iron rod;

thence turn right and proceed North 00 degrees 20 minutes 34 seconds East, a distance of 1329.18 feet to a ½" iron rod;

thence turn right and proceed South 89 degrees 30 minutes 00 seconds East, a distance of 1329.11 feet to a 4" x 4" concrete post;

thence turn right and proceed South 00 degrees 22 minutes 35 seconds West, a distance of 1325.81 feet to the POINT OF BEGINNING.

The above described tract contains 40.49 acres, more or less, and is more particularly indicated on Certificate of Survey by William J. Wood, Jr., dated February 8, 2001, a copy of which is attached hereto.

To have and to hold the above described property together with all improvements and appurtenances thereto belonging unto the said UNITED STATES OF AMERICA, in trust for the Jena Band of Choctaw Indians, in full ownership of the property forever, free from any lien, mortgage, privilege, or encumbrance whatsoever, with full and general warranty of title, and with

full substitution and subrogation to all rights of warranty and other rights held by said Vendor, who does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular the above described property unto the said UNITED STATES OF AMERICA, in trust for the Jena Band of Choctaw Indians, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

All taxes on the above described property for the three (3) years preceding passage of this act of sale have been paid, and the parties agree that the taxes for the current year are to be paid by Vendor.

THUS DONE AND SIGNED by Jena Band of Choctaw Indians in Jena, Louisiana, on this the 4th day of June, 2003, in the presence of the undersigned competent witnesses, and me, notary, after due reading of the whole.

WITNESSES:

JENA BAND OF CHOCTAW INDIANS

Mari Kestner
Gau Malan

BY: Christine Norris
CHRISTINE NORRIS, Tribal chief

Julie W. [Signature]
NOTARY PUBLIC

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B. Woodland

By: Clerk and Ex-Officio Recorder

Exhibit

5



State of Louisiana

OFFICE OF THE GOVERNOR

KATHLEEN BABINEAUX BLANCO
GOVERNOR

J. TERRY RYDER
EXECUTIVE COUNSEL

April 12, 2005

VIA FACSIMILE: 318-992-8244

Chief Christine Norris
Jena Band of Choctaw Indians
PO Box 14
Jena, Louisiana 71342-0014

Dear Chief Norris:

It was good to finally have the opportunity to meet with you last October to hear about the concerns and interests of your tribe. During our meeting we discussed various topics, the most important of which is the need for economic development and jobs for tribal members. I want you to know that in general I will do all that I can to lead Louisiana in a direction which will support the tribe's efforts to improve opportunities for its members.

Regarding the tribe's interest in establishing a casino, I have given your comments much thought and prayer. I believe I was clear during our meeting. I do not believe gambling is in the best interests of the citizens of our state. I know that some feel it is. However, I believe that any short-term apparent benefit is far out-weighted by the long-term negative consequences. When I traveled the state to meet its citizens, learn about the needs of all of our people, and prepare myself to lead the state, what I heard and saw was consistent with this conclusion. It was for this reason that I spoke out against the expansion of gambling in Louisiana. After having the privilege of serving as Governor for more than a year, I have seen nothing which would cause me to change my conviction regarding this matter. And, I feel even more strongly against the expansion of gambling in an area of the state where the people there have voted against gambling.

Consequently, I want to make it clear that I simply cannot support the establishment of another gambling casino. And to this end I have asked Attorney General Charles C. Foti, Jr. to research all legal avenues available to the state to oppose a casino. I must be up-front with you and tell you that this means I feel the duty to do all that I can to oppose the establishment of any new casino.

Your Louisiana tribal members are our mutual constituents. I reiterate my strong feeling that in general I will do whatever I can to provide opportunities for development and jobs for all of our citizens. Thus, while we might disagree about the matter of the establishment of a casino, I nevertheless want to work with you in areas of common interest.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Babineaux Blanco".

Kathleen Babineaux Blanco
Governor

jw

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JENA BAND OF CHOCTAW INDIANS

CIVIL ACTION _____

VERSUS

JUDGE _____

KATHLEEN BABINEAUX BLANCO
IN HER OFFICIAL CAPACITY AS
GOVERNOR OF THE STATE
OF LOUISIANA

MAGISTRATE JUDGE _____

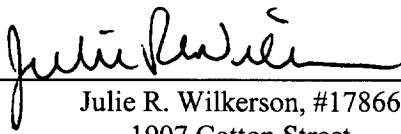
RELATED CASES

Pursuant to Uniform District Court Rule LR3.1, plaintiff herein submits the following information:

This case is related to a case pending in the 28th Judicial District Court in and for LaSalle Parish, Louisiana, bearing docket no.34608, and currently being heard by Judge J. P. Mauffray, Jr. The proceeding in the 28th Judicial District Court is related to this action in that the Jena Band of Choctaw Indians instituted suit against Kathleen Babineaux Blanco, in her official capacity as Governor of the State of Louisiana, asserting state law claims against the State due to the representations of previous Governor M. J. "Mike" Foster regarding plaintiff's efforts to have land taken into trust in Louisiana for Class III gaming.

Respectfully submitted,

JULIE R. WILKERSON, INC. (APLC)

BY: 
Julie R. Wilkerson, #17866
1907 Cotton Street
P. O. Box 3685, Pineville, LA 71361-3685
(318) 487-4402, fax (318) 487-0156

ATTORNEY FOR THE JENA BAND OF CHOCTAW INDIANS

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JENA BAND OF CHOCTAW INDIANS

(b) County of Residence of First Listed Plaintiff LASALLE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
JULIE R. WILKERSON, 1907 COTTON STREET, PINEVILLE, LA 71360

DEFENDANTS

GOVERNOR KATHLEEN BABINEAUX BLANCO, STATE OF LOUISIANA

County of Residence of First Listed Defendant EAST BATON ROUGE
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
ATTORNEY GENERA CHARLES C. FOTI, JR., P.O. BOX 94005, BATON ROUGE, LOUISIANA, 70804-9005

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- G 1 U.S. Government Plaintiff
- G 2 U.S. Government Defendant
- G 3 Federal Question (U.S. Government Not a Party)
- G 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---|---|---|---|---|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> G 1 | <input checked="" type="checkbox"/> G 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> G 4 | <input checked="" type="checkbox"/> G 4 |
| Citizen of Another State | <input type="checkbox"/> G 2 | <input type="checkbox"/> G 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> G 5 | <input type="checkbox"/> G 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> G 3 | <input type="checkbox"/> G 3 | Foreign Nation | <input type="checkbox"/> G 6 | <input type="checkbox"/> G 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
G 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	G 610 Agriculture	G 422 Appeal 28 USC 158	G 400 State Reapportionment
G 120 Marine	G 310 Airplane	G 362 Personal Injury—Med. Malpractice	G 620 Other Food & Drug	G 423 Withdrawal 28 USC 157	G 410 Antitrust
G 130 Miller Act	G 315 Airplane Product Liability	G 365 Personal Injury — Product Liability	G 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	G 430 Banks and Banking
G 140 Negotiable Instrument	G 320 Assault, Libel & Slander	G 368 Asbestos Personal Injury Product Liability	G 630 Liquor Laws	G 820 Copyrights	G 450 Commerce/ICC Rates/etc.
G 150 Recovery of Overpayment & Enforcement of Judgment	G 330 Federal Employers' Liability	PERSONAL PROPERTY	G 640 R.R. & Truck	G 830 Patent	G 460 Deportation
G 151 Medicare Act	G 340 Marine	G 370 Other Fraud	G 650 Airline Regs.	G 840 Trademark	G 470 Racketeer Influenced and Corrupt Organizations
G 152 Recovery of Defaulted Student Loans (Excl. Veterans)	G 345 Marine Product Liability	G 371 Truth in Lending	G 660 Occupational Safety/Health	SOCIAL SECURITY	G 810 Selective Service
G 153 Recovery of Overpayment of Veteran's Benefits	G 350 Motor Vehicle	G 380 Other Personal Property Damage	G 690 Other	G 861 HIA (1395ff)	G 850 Securities/Commodities/Exchange
G 160 Stockholders' Suits	G 355 Motor Vehicle Product Liability	G 385 Property Damage Product Liability	LABOR	G 862 Black Lung (923)	G 875 Customer Challenge 12 USC 3410
G 190 Other Contract	G 360 Other Personal Injury		G 710 Fair Labor Standards Act	G 863 DIWC/DIWW (405(g))	G 891 Agricultural Acts
G 195 Contract Product Liability			G 720 Labor/Mgmt. Relations	G 864 SSID Title XVI	G 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	G 730 Labor/Mgmt. Reporting & Disclosure Act	G 865 RSI (405(g))	G 893 Environmental Matters
G 210 Land Condemnation	G 441 Voting	G 510 Motions to Vacate Sentence	G 740 Railway Labor Act	FEDERAL TAX SUITS	G 894 Energy Allocation Act
G 220 Foreclosure	G 442 Employment	Habeas Corpus:	G 790 Other Labor Litigation	G 870 Taxes (U.S. Plaintiff or Defendant)	G 895 Freedom of Information Act
G 230 Rent Lease & Ejectment	G 443 Housing/Accommodations	G 530 General	G 791 Empl. Ret. Inc. Security Act	G 871 IRS—Third Party 26 USC 7609	G 900 Appeal of Fee Determination Under Equal Access to Justice
G 240 Torts to Land	G 444 Welfare	G 535 Death Penalty			G 950 Constitutionality of State Statutes
G 245 Tort Product Liability	G 440 Other Civil Rights	G 540 Mandamus & Other			<input checked="" type="checkbox"/> G 890 Other Statutory Actions
G 290 All Other Real Property		G 550 Civil Rights			
		G 555 Prison Condition			

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- G 1 Original Proceeding
- G 2 Removed from State Court
- G 3 Remanded from Appellate Court
- G 4 Reinstated or Reopened
- G 5 Transferred from another district (specify)
- G 6 Multidistrict Litigation
- G 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

PLAINTIFF BRINGS THIS ACTION PURSUANT TO 25USC.:2710(d)(7)(A) DUE TO THE STATES FAILURE TO NEGOTIATE A COMPACT WITH THE TRIBE.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE JUDGE J.P. MAUFFRAY, JR. DOCKET NUMBER 34608

DATE JUNE 9, 2005 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # 40838 AMOUNT 250.00 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____