



JIM PETRO
ATTORNEY GENERAL
STATE OF OHIO

30 E. Broad St., 17th Fl.
Columbus, OH 43215-3428
Telephone: (614) 466-4320
Facsimile: (614) 466-5087
www.ag.state.oh.us

May 16, 2006

VIA FACSIMILE

The Honorable John Grogan
Mayor, City of Canal Fulton
155 East Market Street, Suite A
Canal Fulton, Ohio 44614

Re: *Eastern Shawnee Tribe of Oklahoma v. State of Ohio, et al.*

Dear Mayor Grogan:

Concerned citizens from Canal Fulton have contacted this office to express concern about a proposed agreement between your city and those affiliated with the Eastern Shawnee of Oklahoma. They have also asked questions regarding the status of the current litigation and whether there is any reason related to that litigation that would require Canal Fulton to act immediately on this proposed agreement. My hope is that this letter, by informing you regarding my office's position on these agreements and by correctly stating the status of the litigation between the Eastern Shawnee and the State of Ohio, can guide your city to a better-informed decision. I want to prevent local and city governments from feeling pressured into agreeing to something without all of the facts.

In the past, this office has reviewed proposed agreements between local governments and out-of-state Indian gambling interests to bring casinos into Ohio. We believe that these agreements are practically meaningless because they will likely never go into effect. In order for any Indian tribe to legally conduct casino gambling in Ohio, the tribe must clear numerous legal hurdles. First, and most importantly, no Indian tribe can legally conduct casino gambling unless "Class III" casino gambling becomes legal in Ohio. I, and numerous other State officials, have pledged to do everything within our power to prevent this from occurring.

Furthermore, other significant barriers exist. For example, ownership of land is not sufficient to permit a tribe to open a casino—the land in question must be determined to be "Indian lands." For either of these events to occur—and I sincerely hope they do not—it will take the tribe decades and many millions of dollars in legal fees and costs. Indeed, the only reason that these agreements do not violate Ohio's constitutional prohibition on casino gambling is because they are so speculative. In other words, because the agreements become effective only upon the happening of events that are not going to occur in this decade or even beyond, they are not actually agreements by the Shawnee to build and operate a casino in your city.

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Nor is there any reason that your city must sign these agreements without adequate time to weigh and consider your options. There will not be a decision in the court case for quite some time, and, in fact, the trial court has agreed to halt discovery from going forward in the case until it rules upon the pending motions to dismiss the case.

The only upcoming deadlines in this case are those regarding the motions to dismiss the case which were filed by all of the various state, local and private defendants. The Oklahoma tribe's responses to those motions to dismiss are due on May 31, 2006. The defendants then have until June 30, 2006, to file a Reply Brief. With these dates in place, the earliest the federal district court will be able to rule on the various motions to dismiss the Oklahoma Tribe's complaint will be this July. Thus there is no reason for the artificial deadlines being imposed on your city. And, regarding the litigation, the State has no intention of settling any of the claims in this lawsuit, nor can those claims be settled without the State's consent. My office has thoroughly reviewed the Oklahoma Tribe's case and has found it to be meritless. I do not believe the Eastern Shawnee Tribe of Oklahoma is entitled to any land in Ohio, whether State owned or not.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Petro", written over a horizontal line.

JIM PETRO
ATTORNEY GENERAL

JMP:jf

cc: Canal Fulton City Council Members