

Plan floated to bring Chukchansi tribal factions together

By Marc Benjamin

Security video from Chukchansi Gold Resort & Casino shows some of the confrontations that occurred Oct. 9 when a rival tribal leadership faction entered the hotel-casino. The clash led state and federal government agencies to close Chukchansi Gold. SPECIAL TO THE BEE

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A Chukchansi faction that has mostly taken a back seat in the most recent intratribal bickering is trying to find a middle ground that would bring the tribe's groups together and reopen Chukchansi Gold Resort & Casino, which was closed four weeks ago.



The group led by Morris Reid is proposing a plan for a new election, a caretaker government that would act with limited authority until the new election, a forensic audit, an opportunity to retain tribal council members accused of misconduct, and to make the agreement enforceable through the U.S. District Court in Fresno.



Reid said the plan was shared with the Reggie Lewis/Nancy Ayala group and the group led by Tex McDonald, but received, at best, a lukewarm response.

TIMELINE: Chukchansi casino's creation and controversy

Under the plan, the caretaker government would consist of six members — two from Reid's group, two from the Lewis/Ayala group and two from the McDonald group.

"We feel it's something that can make us come together as we should," Reid said. "We think it's something everyone can work with."

Reid said any differences can be worked out among the groups.

"Our conversations with federal officials indicate that an agreement between the various tribal leaders is a key ingredient to assuring the public safety and reopening of the casino," he said. "The only way to achieve a true resolution of the tribal dispute is for the so-called tribal leaders to agree to be bound by a free and fair election."

The casino and hotel was closed Oct. 10, one day after the McDonald group's security forces stormed the hotel entrance and took over the tribal gaming offices in a search for federal audits that the government said were late. Because of the late audits, the National Indian Gaming Commission had sent a temporary closure order to the tribe on Oct. 7. The McDonald security force was looking for information to complete the audits.

The audits were sent to the government on Oct. 27 by the Lewis/Ayala group, but the casino remains closed because the state Attorney General and federal gaming officials are concerned about public safety. Casino patrons and workers were evacuated Oct. 9 amid reports that two armed security forces were battling.

For the Lewis/Ayala group, a point of contention is that all tribal members as of 2010 would be allowed to vote in the new election.

But Lewis said that plan countered his group's proposal to allow only those who were members in 2012 to vote. He

said the 130 members disenrolled between 2010 and 2012 had an opportunity to re-enroll in the tribe if they showed proper documentation.

Lewis said he and Reid reached an agreement last year that “we would use the 2012 rolls.”

“They want to let people vote who are not now members,” Lewis said. “We can’t just snap our fingers and say ‘you’re back in.’”

In federal court hearings, Judge Lawrence J. O’Neill said that those people who were members of the tribe in 2010 qualify for monthly stipends, known as “per cap” payments. But, Lewis said, a judge can’t determine tribal leadership or tribal membership.

He said he remains open to meeting with all the squabbling groups to determine their differences and areas of common ground.

David Leibowitz, spokesman for McDonald’s group, said they have larger concerns than a proposal by a group that has been on the fringes of the fray for almost two years.

“We’re reviewing a lot of options,” he said. “Obviously, it’s in everyone’s interest to reopen the casino as quickly as possible, but from our perspective the biggest issue is that Tex (McDonald) and Vernon King (a fellow tribal council member) are incarcerated for something they didn’t do. Going over the self-serving Reid proposal is not a high priority right now.”

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