

Chukchansi tribe's 2010 council backed in federal appeals decision

By Marc Benjamin

At a meeting held in Fresno the weekend of Jan. 24, member of the Picayune Rancheria of Chukchansi Indians were voting on several issues related to the closed Chukchansi Gold Resort & Casino. Members of the so-called "unification council," led by Reggie Lewis and Nancy Ayala, were on the stage trying to address the audience. Some audience members questioned their right to lead voting. Others tried to bring up other issues, critics from within the tribe said. Things became agitated during a vote on whether to pay \$1,000 to people who came to Fresno from across the state to vote as members of the general council. [Related story](#) MICK DONALD

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A federal judge ruled Monday that the Picayune Rancheria of Chukchansi Indians should be led by a group that was elected in 2010, the last undisputed tribal council election.

The ruling supports a decision made last year by the Bureau of Indian Affairs' office in Sacramento that listed the 2010 council members as the group responsible for administering money for housing, education and other federal programs for tribal members.



Interior Board of Indian Appeals Judge Steven K. Linscheid's decision could also shape the reopening of the Chukchansi Gold Resort & Casino. But it will be up to the National Indian Gaming Commission, which oversees operations of the casino, to decide whether to back the Interior Board of Indian Appeals' decision and work with the 2010 council.



Under the ruling, the council includes Reggie Lewis, Nancy Ayala, Morris Reid, Dora Jones, Chance Alberta, Jennifer Stanley and Nokomis Hernandez. The decision means appeals filed by Tex McDonald's group, which took over in 2014 from Ayala, the original land distributees led by recently elected chairman Luke Davis, and an individual appeal by Patrick Hammond, who was elected in 2010 but later replaced by Hernandez, were rejected.

The decision went into effect "immediately," Linscheid wrote in his decision.

Lewis-Ayala and Reid faction members were encouraged by the outcome.

"This is extremely positive," said Richard Verri, who represents the Lewis-Ayala faction. "There is only one governing body of this tribe; there are people who are claiming to be the governing body, but they have never been backed by the United States government or members."

James Qaquandah, who represents Reid's group, said he thinks federal gaming officials will back the appeals judge's decision.

"We expect the (National Indian Gaming Commission) to honor this, but it will take some time to get the closure order lifted," he said.

The judge's ruling can't be appealed, but "an aggrieved party could seek judicial review under the federal Administrative Procedure Act," Qaquandah said.

The ruling brought out a mix of reactions from the tribe's four factions. The distributees and McDonald representatives emphasized that the judge's decision was "interim."

"This will not solve the problem," said Luke Davis, chairman of the distributees group, which contends there are just 43 adult tribal members, descendants of those living on "Chukchansi land" after the tribe was reformed in 1983. "It's going to go on and on for years, but it's on an interim basis, so it's not over."

Lester Marston, the McDonald faction lawyer, said the decision was limited only to the tribe's federal government contracts.

"He was entering this order strictly because tribal members aren't receiving any services," Marston said. The judge "was doing this so there could be some flow of money to tribal members... that the tribe was distributing up until the time of the dispute."

The judge's order doesn't end the conflicts.

The McDonald group remains at the tribal business complex and Marston said they have no plans to leave since U.S. District Court Judge Lawrence J. O'Neill's order in October — following the Oct. 9 casino office raid by the McDonald group that led to its closure — indicated that they could remain and the Lewis-Ayala faction could stay in the casino.

But Lewis said he intends to speak with Madera County Sheriff Jay Varney about getting the McDonald group out of the offices.

"They have to vacate the premises, and if they don't, we will be asking the sheriff to remove them," Lewis said.

Even the judge's ruling doesn't mean the acrimony will end between the Reid and Lewis-Ayala groups. Reid and Jones, who comprise the members of the Reid faction on the 2010 council, will continue to work to get voters from the 2010 election to vote in the coming council election in May, Jones said. It also may affect who can run for a council seat, she said.

"People who voted in 2010 should be able to vote in this election," Jones said.

The Lewis-Ayala faction supports using a 2012 tribal voting roster instead of one from 2010. Between 2011 and the 2012 election, more than 100 Reid supporters were disenrolled from the tribe. Lewis said they were determined not to be tribal members by the enrollment committee.

"We can't just snap our fingers and bring them back in," Lewis said. "Since those people are not members, we can't let them come in and vote."

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