



J. Kevin Stitt
Office of the Governor
State of Oklahoma

April 24, 2020

Sent Via Electronic Delivery

The Honorable Charles A. McCall
Speaker, Oklahoma House of Representatives

The Honorable Greg Treat
President Pro Tempore, Oklahoma State Senate

Dear Speaker McCall and President Pro Tempore Treat:

I am writing to acknowledge your letter dated April 23, 2020, in which you raise concerns about the legality of the State's actions in relation to negotiating and signing new compacts with the Comanche Nation and the Otoe-Missouria tribe. You state in your letter that the State's actions, as executed by my role as Governor of Oklahoma, for negotiating and executing these compacts are "unauthorized by law and void without action by the Oklahoma Legislature." You further state that these actions are a "unilateral attempt . . . to make legal that which is not legal . . . and to exercise power that belongs solely to the legislative branch." (Emphasis added)

As your letter correctly notes, "the Oklahoma Constitution vests the Governor with power to 'conduct intercourse and business with the other states and the United States.'" Contrary to the position expressed in your letter, this constitutional authority vests solely in the Office of the Governor. And while the power is exercised via statute, it is unquestionably the case that "any requirement that individual agreements or compacts negotiated by the Governor on behalf of the State with other sovereigns, such as Indian tribes, be approved by the Legislature would violate the principles of separation of powers." [Oklahoma Attorney General Op. No. 2004 OK AG 27 \(Aug. 26, 2004\)](#) Accordingly, the statements and conclusions drawn in the letter are legally infirm.

Moreover, as I am sure you know, there are approximately 40 non-gaming compacts in existence between the State and various sovereign Indian Tribes within our State, all of which were negotiated and signed by the Governor, and none of which were approved by the legislature.

My office received numerous, exceptional legal opinions throughout this process, and I am confident in their guidance. I hope you will carefully read anew the compacts the State has just concluded with consideration for the Attorney General's Opinion 2004-27, on which you so heavily rely. In addition, I have attached to this letter the detailed Memorandum our legal team has prepared to support the actions taken by this office.



I look forward to working with you to build an innovative, forward-looking, and more transparent gaming sector that respects the individual Sovereignty of the 38-federally recognized tribes in our State and that benefits all of Oklahoma, not only for today but for generations to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Stitt".

J. Kevin Stitt
Governor
State of Oklahoma