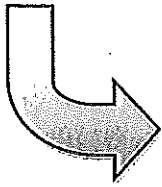


LEGAL ANALYSIS OUTLINE
TOHONO O'ODHAM NATION'S TRUST APPLICATION FOR GAMING PURPOSES

Analysis Point

City's Position

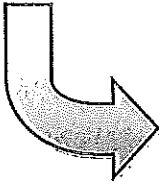
Does Application Land comply with Gila Bend Act, which requires the replacement land not be within the corporate limits of a city or town and be contiguous to San Lucy Village?



Application Land is within exterior boundaries of the City of Glendale, not eligible as replacement land
Waiver of area limitation and San Lucy Village was illegal; therefore, Application Land not eligible as replacement land

Therefore, Trust Application must be denied

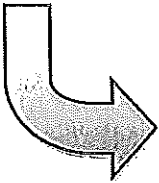
Does Trust Application invoke a discretionary or mandatory taking into trust?



Application relies on issuance of discretionary waiver; consequently, approval of Trust Application is discretionary yet fails to provide necessary information for Secretary to exercise his discretion.

Therefore, Trust Application must be denied

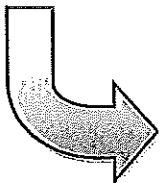
Can the after-acquired Application Land be used for gaming?



Act was not a "settlement of a land claim" and Tribe cannot comply with requirements of IGRA § 20 exception because Governors consent is statutorily prohibited.

Therefore, Trust Application must be denied

Does the federal government have the constitutional authority to take land into trust for purpose of creating an Indian reservation?



No constitutional authority to remove land from state jurisdiction without state's consent and no state consent has been granted for Trust Application

Therefore, Trust Application must be denied