



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

MAR 26 1999

Honorable William J. Janklow  
Governor, State of South Dakota  
Pierre, South Dakota 57501-5070

Dear Governor Janklow:

We have completed our review of a Tribal-State Compact (Compact) between the Yankton Sioux Tribe (Tribe) and the State of South Dakota (State) and two Amended Gaming Compacts (Amended Compacts) between the Tribe and the State, executed respectively on August 4, 1993, June 19, 1992 and March 2, 1994. The Compact and the Amended Compacts were signed by a representative of the State of South Dakota and the Tribal Chairman authorized to act on behalf of the Tribe on the dates they were executed. For the following reason, the Compact and the Amended Compacts are hereby disapproved.

It is our position that we can only approve compacts and/or amendments between Indian tribes and states that have been entered into by the appropriate state and tribal officials. In this instance, Governor Janklow, by letter dated December 23, 1998, revoked his predecessors' approval of these documents before their submission by the Tribe to the Department of Interior.

The Indian Gaming Regulatory Act (IGRA) requires the Secretary to either approve or disapprove a compact within 45 days of its submission. 25 U.S.C. § 2710(d)(8)(C). If the Secretary does not approve the compact within the 45 days, the compact is considered to have been approved by the Secretary to the extent the compact is consistent with IGRA. Id. Given IGRA's time constraints and automatic approval provision, we defer to the representation of Governor Janklow, as the Chief Executive Officer of the State of South Dakota, that State law authorizes him to revoke his predecessors' approval of the Compact and the two Amended Compacts. Generally, the Department defers to such representations unless it is clear beyond cavil that the Governor lacks this authority.

We regret that our decision could not be more favorable at this time.

Sincerely,

Assistant Secretary - Indian Affairs

Identical Letter Sent to: Honorable Stephen Cournoyer, Jr.  
Chairman, Yankton Sioux Tribe  
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Marty, South Dakota 57361-0248