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## **Governor -- the people say no to off-reservation gaming**

- Leslie Lohse

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A telling trend has emerged in California over the last year -- California voters from the ranchlands of Glenn and Colusa counties to the desert prairie of Barstow have said "no" to developers looking to exploit a tribe's legal status and establish casinos on non-Indian lands -- what is known as "off-reservation gaming." All over California, developers are looking to move tribes off of their historical ancestral lands and move them -- oftentimes hundreds of miles and even across state lines -- to gaming markets identified by the developers.

The message sent by voters in recent elections is particularly ripe because Gov. Arnold Schwarzenegger and the California Legislature are considering approving as many as 15 off-reservation gaming deals, including several where developers are seeking to move out-of-state tribes to California in order to develop casinos in locations where the developers would otherwise be barred by law. Under federal law, California must give its approval before the federal government will take action to allow a tribe to relocate. These off-reservation applications are pending before the state at the same time as Sen. John McCain, R-Ariz., is working to pass Indian gaming reform legislation, inspired by the Abramoff scandal, to end the practice of off-reservation gaming.

California voters, who, by popular vote, approved of the right of tribes to develop their historical lands for gaming, adamantly opposed developers "gaming the system" to establish casinos in communities where the developers would otherwise be restricted.

Politicians and others looking to understand public attitudes toward off-reservation gaming need look any no farther than the June 6 election results in different communities across the state: In Colusa County, 82 percent of voters passed a measure prohibiting developers from pursuing off-reservation gaming in their county. Voters in Glenn County rejected a proposal that would have approved of an off-reservation casino development proposal. The people of Barstow weighed in against the establishment of a special casino zone. These results follow last November's election in Yuba County, where voters rejected an off-reservation proposal promoted by an outside developer.

Even a cursory review of the election results reveals that this issue is hitting an emotional chord with voters. In the June elections, communities with reservation-shopping measures had higher turn-out levels when viewed historically in a primary election, and much higher than the statewide average. Voters clearly were motivated to express their opposition to outside developers swooping in to attempt to establish casinos on lands that were not historical, ancestral tribal lands.

Barstow, where a measure to create a 600-acre casino zone was voted down by nearly 81 percent of the voters, is particularly revealing. Turnout in Barstow was significantly higher than the countywide turnout -- 37 percent of Barstow voted compared to 24 percent of the county. Poll watchers attributed the unusually high turnout to opposition to the casino issue. Community leaders explained the results, "A large portion of the Barstow population is against the introduction of casinos or gambling of any kind into our community," Barstow Pastor Joe Green told the local press. The landslide against the casino measure, he said, was "a clear statement against the introduction of Indian gaming within our City of Barstow." Eighteen years ago, Congress passed the Indian Gaming Regulatory Act of 1988 (IGRA), a law that recognized the

right of sovereign tribal nations to operate casino gaming on their own lands. The intent of IGRA and tribal casinos was to allow tribes a means of generating revenue needed to provide services for tribal people. IGRA was envisioned to assist tribes in strengthening tribal governments and building tribal economies.

It also was the intent of IGRA that, with very few exceptions, tribal gaming was to be conducted on existing tribal lands. Congress did not intend for a widespread proliferation of tribal casinos throughout the country. That is why both the Senate Committee on Indian Affairs and the House Committee on Resources are working to amend IGRA and put a halt to what has turned out to be widespread "reservation shopping."

Meanwhile, voters in California on two occasions approved ballot initiatives allowing Indian tribes to operate gaming as a means of achieving self-sufficient tribal governments and tribal economies. They overwhelmingly approved Prop. 5 in 1998 and Prop. 1A in 2000 because California's elected officials and tribal leaders gave their word that tribal gaming would be conducted on tribal lands. The people of California did not intend for tribes to establish casinos hundreds of miles from their ancestral lands or off their existing reservation lands.

The governor and elected representatives of the people of California must keep their word. The same holds true for the leaders of California's 107 federally recognized tribal governments. The voters have made clear that the people of California understand what is going on -- are California's elected officials and tribes listening?

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