

The Akaka State?

June 2, 2006; Page A18



Daniel Akaka

The last time we wrote about the Native Hawaiian Government Reorganization Act, in July 2005, we called it secessionist, unconstitutional and un-American. And that was being kind.

Our view of the bill -- which, like Freddy Krueger, refuses to die -- hasn't changed. But now that Senate Majority Leader Bill Frist has promised to bring it to a cloture vote in the coming days, it's worth reminding readers what this ugly drama from the beautiful state is all about.

The Reorganization Act -- better known as the Akaka Bill, after its U.S. Senate sponsor, Democrat Daniel Akaka -- would create a sovereign government, similar to existing Indian tribes, for the roughly 400,000 people who identify themselves as "Native Hawaiians." At a minimum, such recognition would protect dozens of federally funded programs for native Hawaiians that in recent years have come under increasingly successful Constitutional challenges as violations of the 14th and 15th Amendments.

But it would probably do much worse. The Akaka Bill could also lead to discriminatory treatment of non-Native Hawaiians, who already are excluded from private schools run for the exclusive benefit of the Natives. Vast tracts of land (entire islands, perhaps) might also be set aside exclusively for Native use. The Office of Hawaiian Affairs, a state agency, acknowledges that the Akaka Bill allows for the "complete legal and territorial independence from the United States and the re-establishment of a Hawaiian nation-state." Years, if not decades, of litigation would follow its passage.

No wonder that, while the bill is popular among Hawaii's political class, including Republican Governor Linda Lingle, it has generated remarkable resistance among Hawaiians. More than 80% of Hawaiians are not "Natives," and, believe it or not, the great majority actually think they are entitled to equal protection under the law and do not want to create a privileged class among them.

As one Kaleihamau Johnson told the U.S. Commission on Civil Rights, "I am of Hawaiian, Caucasian and Chinese descent . . . and do not support the Akaka Bill." She added that if the bill "comes to pass, I will be forced to choose on which side of the fence to stand. I will choose the Anglo-American tradition of the right to life, liberty, property and the pursuit of happiness. This will prevent me from recognizing all that is Hawaiian in me. I consider the Akaka bill to be a proposal to violate my rights."

Ms. Johnson is not alone. In its January report, the Civil Rights Commission found that the Akaka Bill would "establish an impermissible racial preference in the establishment and operation of a governing entity." The report noted that, unlike the Native Americans to which Governor Lingle tries to liken Native Hawaiians, "membership would be defined solely on the basis of ancestry, not on the basis of geographic, cultural, and political cohesiveness and the presence of an established community as is done for other Indian

tribes.”

The Commission also found that “nothing in the [Akaka Bill] guarantees that the race-based entity to be created would be democratic in nature,” and that the Akaka Bill “could prompt other native or indigenous entities or other ethnic groups to seek similar rights through self-governance programs.”

The Commission went on to recommend against the bill. Extraordinarily, however, its findings were removed last month from the January report, apparently under pressure from Commissioners Michael Yaki and Arlan Melendez, both Democrats. Now it looks as if the bill will pass the Senate if brought to a floor vote. It has the backing of most, if not all, 45 Democrats, as well as Republicans such as Lisa Murkowski and Ted Stevens of Alaska, Norm Coleman of Minnesota, and Lindsey Graham of South Carolina.

Maybe this all seems like a quaint and distant debate. But Hawaii is no less a state than New York or Texas, and the legal precedents established there matter to the mainland. The Akaka Bill should frighten everyone who cares for the American ideal of *e pluribus unum*, and fears the ethnic Balkanization of the country. Republicans this week have a chance to get one right by keeping an unconstitutional bill from reaching the floor of t

The Sacramento Bee

State gambling takes off as tribes' casinos increase

By Todd Milbourn -- Bee Staff Writer
Thursday, June 1, 2006

California's gambling revenue exploded to more than \$13 billion in 2004, fueled by a rapid expansion of tribal casinos, according to a wide-ranging report released Wednesday by the California attorney general's office.

The 56 tribal casinos operating in the state in 2004 took in \$5.78 billion that year, up nearly 37 percent from 2002.

But Californians spread their bets beyond Indian casinos: In 2004 \$2.97 billion was spent on the lottery; almost \$4.1 billion was wagered on horse races; and \$656 million fed the pots in card rooms, the report found.

The growth in recent years puts gambling among California's largest industries. Agriculture, by comparison, is a \$32 billion business in the state.

The report, billed as a resource for the public and policymakers grappling with the complex task of gambling regulation, is largely a compilation of published reports. It offers a glimpse of how fast California's gambling landscape is changing.

"The past eight years have seen a rapid expansion of tribal casinos, Internet gambling and electronic games, and consolidation in California's horse racing and cardroom industries," said Attorney General Bill Lockyer in a statement. Lockyer said those changes present "significant challenges" for lawmakers trying to integrate gambling into the state's social and economic life.

Gambling is as hot a topic in Washington, D.C., and Sacramento, where lawmakers are pondering measures aimed at stopping "reservation shopping" -- tribes going off reservation to set up casinos -- and a ban of online gambling.

The report, which tracked changes in California gambling from 1998 to 2005, found mixed results. Full revenue figures for 2005 are not yet available.

Casinos have boosted tribes and local communities, providing jobs and encouraging investment. Gambling has also helped pad government coffers. Proceeds from the state lottery produced \$1.1 billion for public education in 2003-2004. Horse racing and card rooms also contributed fees.

But that gain has come with a hefty price tag.

The report estimates that 1.52 million Californians are addicted to gambling. And public spending associated with problem gambling -- from bankruptcies to physical and mental health care -- cost the state nearly \$1 billion a year.

Bruce Roberts, director of the California Council on Problem Gambling, said he hoped the report would prompt officials to boost funding for treating problem gambling.

He said California spends about 30 cents per capita to deal with problem gambling, compared with \$3 per capita spent by Oregon to treat the addicted.

“Finally somebody besides a nonprofit like us is saying, ‘Hey, there is a problem with problem gambling in California,’” Roberts added. “Of course, what they do with this report is another story.”

The report cited research that shows certain crimes tend to increase four to six years after a casino is opened in a community. Often those are property crimes like burglary and auto theft, but also violent crimes like rape and murder.

Sgt. Dale Johnson, spokesman for the Yolo County Sheriff’s Department, said the department has seen an increase in crime since Cache Creek expanded into a Nevada-style casino, due primarily to the greater number of people visiting the area.

Johnson praised Cache Creek, operated by the Rumsey Band of Wintun Indians, for its work with the department. Like a number of tribes, the Rumsey Band reached an agreement with local law enforcement and provides funding for a unit that tackles casino-related crimes.

“They’ve realized the impact they have, so they’ve worked with us for more deputies and better equipment,” Johnson said.

On the state level, however, the report said money for regulation and law enforcement has not kept pace with gambling. The state employs 182 people to monitor all of California’s card rooms and casinos.

“We’re pretty much outgunned,” said Tom Dresslar, a spokesman for the attorney general. “We don’t know what’s falling through the cracks.”

Doug Elmets, a spokesman for the Rumsey Band and other gambling tribes in the region, said tribes are doing their fair share.

Recent deals between Gov. Arnold Schwarzenegger and tribal gaming leaders allow the state to collect a bigger share of their revenue. From 2000 to 2004, \$543 million was collected to cover social costs associated with gambling, according to the report.

“Tribes have stepped up to the plate and done their part to work with local governments and communities with the intent of not only bettering the members of the tribes, but bettering their communities,” Elmets said.

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The Washington Post

Island separatist

June 1, 2006

Eitorial

Hawaiian Sen. Daniel Akaka's seven-year project, the "Native Hawaiian Governmental Reorganization Act" often called simply the Akaka bill, has been labeled many things -- from manifest destiny in reverse to unhinged multiculturalism -- but what it really is is an attempt to legalize and codify what the Supreme Court ruled unconstitutional in 2000: a race-based government.

The case of *Rice v. Cayetano*, which came to the Supreme Court from the 9th Circuit Court of Appeals, challenged the policy established by the Office of Hawaiian Affairs of allowing only native Hawaiians to vote for its trustees. In a 7-2 decision, the Supreme Court decided that the "Hawaiian only" policy violated the 15th Amendment, overturning the 9th Circuit decision and striking down the voting restriction. Mr. Akaka's legislation would bestow autonomy on native Hawaiians similar to that of American Indians or Native Alaskans -- a precedent of sovereignty that the Supreme Court has recognized.

In his push to get the legislation back on the Senate's agenda, Mr. Akaka asserted that, "those who characterize this bill as race-based fail to understand the federal policies towards indigenous peoples." The language of the bill, however, defines "Native Hawaiians" in terms of lineage, but does not include a host of other factors that are generally used to characterize American Indians. As the bill does not include as a prerequisite the participation in a specific community, a native Hawaiian governing entity could include the 240,000 native Hawaiians living in Hawaii or all of the 400,000 native Hawaiians living across the United States -- the latter making it the more populous than the largest Indian tribe.

It is clear that, as Sen. Lamar Alexander, an ardent opponent of the bill, told an audience at the Heritage Foundation last week, if the bill passed, "for the first time in American history... it would establish a new sovereign nation within the United States based solely on race." In January, the U.S. Commission on Civil Rights lodged its opposition to the bill, associating it with "other legislation that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege."

Postponed indefinitely by Hurricane Katrina, the Akaka bill is scheduled to come to the floor when the Senate returns next week. Mr. Akaka has referred to the bill as "my efforts to bring parity to Native Hawaiians." But no matter how thickly veiled the legislation may be in the multicultural rhetoric of making up for past wrongs, the bill smacks of a divisive move toward racial separation, not inclusion.

The Akaka bill subverts the ideal of equality without racial distinction toward which America strives. Mr. Akaka's legislation should not have proceeded this far, and deserves to be firmly defeated.



Nooksack casino plan draws protest

Critics cite concerns over traffic, environment

SERENA LEI

June 1, 2006

Losing agricultural land was the main objection at a heated public meeting Tuesday about the Nooksack Indian Tribe's plans for a new casino.

Mike Wootan, manager of the Nooksack River Casino in Deming, directed the meeting, addressing a crowd of roughly 100 people at the Lynden Community Center.

Members of the Nooksack Tribal Council did not attend.

The tribe plans to build a casino on 20 acres of trust land in an agricultural area near the U.S.-Canadian border and north of Lynden.

"It's not the best suited site for what could be a high-traffic item," said Karolyn Crabtree of Laurel. "I don't think it's the best use of the land."

At Tuesday's meeting, critics, including farmers and nearby residents, told Wootan they were concerned about the environmental impact of the casino, which will have its own well and on-site wastewater treatment.

Wootan repeatedly referred to an environmental assessment, paid for by the tribe and conducted by Seattle-based Ridolfi Inc., which concluded that there would be no significant impact to groundwater or traffic.

While local government officials have no jurisdiction over the tribe or its land, state Rep. Doug Ericksen, R-Ferndale, said he is investigating the transfer of the land and its trust status.

Whatcom County Councilwoman Barbara Brenner is pushing a land swap with the tribe, so it could build in an area near more public services. Sumas Mayor Bob Bromley said he was willing to consider sites in his city.

"This talk about land swap is impossible," Wootan said. "This is the land we have to develop. (The tribe) can't swap it. They can't sell it. It was given to them."

Councilwoman Laurie Caskey-Schreiber said she wanted to work with the tribe on mitigating solutions, since the County Council has no control over the site.

"This is not the ideal location," she told the crowd Tuesday. "However, it is their right to do this. ... We really have to enter this with a working kind of relationship."

Colleen Wolfisberg, who lives outside of Lynden, said Tuesday's meeting did little to answer her questions.

Wolfisberg is a member of a group called ag YES casiNO, which is organizing community-based opposition to the casino. The group's first public meeting is scheduled for Thursday.

Construction on the 35,800-square-foot casino, at the corner of Northwood and Halverstick roads, is scheduled to start in June, for a March 2007 opening.

To see a copy of the casino site's environmental assessment, visit www.nooksack-tribe.org and click on "Northwood Project Environmental Assessment."

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The Recognition Gamble

Indian chiefs greet Godspeed with a press conference.

By Michael Lee Pope

June 1, 2006

When the original Godspeed landed with two other ships at Jamestown, no natives were waiting on the shore to greet them. The first English landing party traveled eight miles into the thick Virginia interior, discovering a hastily abandoned fire where several oysters had been slowly cooking over an open flame. According to contemporaneous accounts, the adventurers helped themselves to the food and moved on.

Now, after four centuries of cultural domination and racial discrimination, the Indians want their oysters back — figuratively speaking.

When the new Godspeed arrived in Alexandria for an eight-day festival celebrating the founding of Jamestown, a group of Virginia chiefs were waiting for them. This time, they held a press conference to advocate federal recognition of six tribes — a status that they say could bring educational benefits, financial resources and emotional validation of their culture.

“Federal recognition for these tribes is long overdue,” said Rep. Jim Moran (D-8), who has sponsored legislation in the United States House of Representatives to bring recognition to the tribes. “We can’t change the past, but we can certainly affect the future.”

Chief Stephan Adkins of the Chickahominy Tribe took the microphone in a passionate appeal for recognition. He said that acquiring federal status would allow his tribe members to get health-care benefits, social services, college scholarships and sovereignty over their land. He implored those present to support Moran’s bill — which enjoys the bipartisan support of Sen. George Allen, who has introduced a companion bill in the Senate.

“When I look at the Godspeed, it’s with mixed emotions,” Adkins said. “It represents a diminution of our culture, a time when our land was stolen from us. We can’t in good conscious call this a celebration.”

THE BILL, H.R. 3349, is called the “Thomasina Jordan Indian Tribes of Virginia Federal Recognition Act of 2005.” Jordan, the act’s namesake, spearheaded the movement for federal recognition until her death on May 23, 1999. By putting her name in the title of the bill, Moran hopes to honor Jordan and all the other members of Virginia tribes who have been denied the benefit of recognition.

“In Congress, we’ve been busy fighting about immigration,” Moran said. “But the only people that should have a beef about immigration are the people who are standing behind me.”

- Tribes Seeking Recognition
- Chickahominy Tribe
 - Chickahominy Tribe Eastern Division
 - Upper Mattaponi Tribe
 - Rappahannock Tribe
 - Monacan Tribe
 - Nansemond Tribe



Louise Krafft/The Connection
Jim Moran and Native American leaders
from across Virginia

A series of findings included in the bill traces a long history of suppression, starting with Jamestown and continuing to the present day. For each tribe, the findings detail the circumstances of their present situation: treaties signed with colonial England, forced migration from their tribal lands and eventual designation as “colored” — pushing the tribe members to the fringes of society under Jim Crow-era segregation.

“While other Indian tribes signed treaties with the United States government, these tribes signed treaties with King Charles,” said Liz Walker, an attorney who represents the tribes in court. “So they’ve been kind of lost in the shuffle of history.”

THE LANGUAGE OF the bill spells out the benefits of federal recognition with crisp legal precision. It says that the status entitles the tribes “all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.” One section in each title specifically denies that the act “shall add, expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.”

“The reason why this legislation has been stalled is because there is a fear that these tribes will start gambling operations,” Moran said. “They can have gambling now, but they choose not to. They don’t believe in gambling.”

Moran said that if one of the six tribes decides at some point in the future to start a gambling operation, it would first need to get approval from the Virginia General Assembly. He said that the threat of new gambling operations in the commonwealth could be easily squelched by legislators in Richmond, and that holding up federal recognition over this issue was a red herring that was hurting members of the tribes that are seeking recognition.

“There is no issue of gambling with us,” said Kenneth Branham, chief of the Monacan Tribe. “And it’s likely that there never will be.”

U.S. Rep. Frank Wolf (R-10) opposes the bill, because it opens an avenue for tribes to open casinos, even if it requires state approval.

“The congressman will remain opposed to recognition of Virginia tribes until the language specifically prohibits gambling,” said Wolf’s spokesman Dan Scandling. “Write ‘No gambling’ in the bill.”



In Their Own Words: Measure H

June 2, 2006

On June 6, Barstow voters will be asked to vote on a local initiative regarding the development of off-reservation casinos in Barstow. The initiative is now called "Measure H."

Measure H identifies a zoning district on the southern edge of Barstow where casinos will be permitted, creates an oversight commission on gambling, gives preferences for development to tribes with historic ties to Barstow or with reservations in the county, and earmarks 35 percent of gaming revenue paid to the city to be used for public safety.

Measure H has drawn controversy because the zoning district identified in the initiative includes the land where one proposed casino would be built, but not the land where another proposed casino project would be built.

The Desert Dispatch has invited Measure H's proponent, Manuel Gil Gurule, to write a commentary supporting his position. We've also invited Gregg Lint, who is the head of an organization opposing Measure H, to write a commentary as well.



State officials want casino curbed

By Josh Richman, STAFF WRITER

Inside Bay Area

State lawmakers are urging swift passage of a U.S. Senate bill to roll back the Lytton Band of Pomo Indians' gaming rights at the tribe's Casino San Pablo.

A letter sent Wednesday by 13 Assembly and state Senate members to U.S. Sen. Dianne Feinstein, D-Calif., voices gratitude and an "urgent need" for her bill, S.113, to pass in 2006.

"It is our belief that without S.113, the Lytton tribe will expand the existing card room at Casino San Pablo into a massive casino," the lawmakers wrote.

Assemblywoman Loni Hancock, D-Berkeley, authored the letter, which was signed by others including state Senate President Pro Tem Don Perata, D-Oakland. Casino San Pablo lies within their districts.

"Should S.113 pass, over 500 people who are gainfully employed with full benefits would be unemployed, the Lytton Indian tribe would have the clock turned back on them in a most unfortunate way, and the city of San Pablo would go bankrupt," tribal spokesman Doug Elmets responded Wednesday, noting the city recently cut residents' utility users' tax thanks to revenue flowing in through the casino's municipal services agreement.

The Lytton Band and Gov. Arnold Schwarzenegger in August 2004 agreed on a 2,500-slot-machine casino from which the state, county and city would share 25 percent of the revenue. Concerns of traffic, gambling addiction and other possible problems kindled community opposition and the tribe in March 2005 said it would install electronic bingo terminals that look and play much like slot machines, but are permitted without a compact.

Feinstein's bill would bar the Lyttons even from operating those by repealing part of a 2000 amendment that "backdated" the land's placement in trust for the tribe so it was deemed to have happened before Oct. 17, 1988 — the Indian Gaming Regulatory Act's effective date, after which gaming on newly acquired land requires rigorous bureaucratic review. Subjecting Casino San Pablo to such review could delay the Lytton Band's gaming plans by years, though the tribe would keep the nine-acre tract.

Contact Josh Richman at jrichman@angnewspapers.com



Barstow casino bid is not in the cards

TRIBES TOLD NO: An Assembly committee rejects a proposal for a pair of gaming sites.

June 28, 2006

By JIM MILLER and MICHELLE DeARMOND

The Press-Enterprise

An Assembly committee Wednesday rejected a bid by two Indian tribes with reservations far from Barstow to open casinos in that economically depressed town after representatives from several Inland gaming tribes testified against the proposal.

The vote by the Assembly Governmental Organizational Committee marked the latest instance of lawmakers rejecting gaming compacts negotiated by the Schwarzenegger administration.

Legislative approval is required for the deals to be enacted.

The vote almost certainly dooms chances for side-by-side Barstow casinos run by the Los Coyotes Band of Cahuilla and Cupeno Indians of San Diego County and the Big Lagoon Rancheria of Humboldt County. A final vote breakdown was not available Wednesday night.

The bid for the two casinos, which was crafted by Gov. Schwarzenegger's negotiators last year, drew opposition from Inland tribes and others who said it would violate federal law and break promises California tribes made to voters when they approved Indian gambling here more than six years ago. The two out-of-town tribes said the deal was their best avenue to economic development.

"I think this bill goes against the spirit of Prop. 5 and Prop. 1A," Assemblyman Dennis Mountjoy, R-Monrovia, said, referring to the voter-approved initiatives that authorized gaming on California tribal lands.

Permitting the casinos would have helped Barstow's economy, but would go against the will of the voters, said Mountjoy, who voted against the bill.



David Bauman / The Press-Enterprise
Former Barstow City Council member Manuel Gurule stands near the city's southern border just east of Interstate 15 on land that is a proposed casino site.

RESERVATION SHOPPING

WHAT IT IS

When tribes try to get approval to open casinos on land away from their reservations, which often are remote and not well-located to attract gamblers.

WHAT THE LAW SAYS

Opening a casino on land that was not part of a tribe's reservation before Oct. 17, 1988, is prohibited under federal law except under certain conditions. Those are:

The land is within or contiguous to the existing reservation.

The tribe had no reservation on Oct. 17, 1988.

The Interior secretary, state and local officials, including nearby tribal officials, agree that gaming on new lands would be good for everyone involved.

The lands are the settlement of a land claim.

The lands were part of the tribe's original reservation.

The lands are given to the tribe as part of it getting its federal recognition restored.

Lawmakers left open the possibility of changing the pacts to allow the tribes to put a casino in another part of the state.

Assemblyman Jerome Horton, D-Inglewood, the panel's chairman, encouraged the governor and the tribes to look for a site with no ancestral ties for other tribes.

The San Manuel Band of Mission Indians and Chemehuevi tribe, both of San Bernardino County, claim Barstow as an area where their people once lived. Representatives from both tribes testified against the Big Lagoon-Los Coyotes bid.

Richard Milanovich, chairman of the Agua Caliente Band of Cahuilla Indians, which has two casinos in the Coachella Valley, also testified against the Los Coyotes-Big Lagoon deal.

Neither tribe has an ancestral claim to the land, he argued. He said the compacts had other objectionable provisions he worried could become a template for any new compact for the Agua Caliente tribe.

"I feel bad that I'm here opposing economic development, economic benefits for people, in many instances almost close relatives, but by the same token I am representing my people," he testified Wednesday. "We understand what it means not to have economic development."

Barstow leaders testified Wednesday that the two-casino proposal would be an economic lifeline in a city where more than a third of residents receive public assistance.

Representatives from the Big Lagoon and Los Coyotes tribes said the Barstow deal would help lift them out of poverty. Big Lagoon and state officials also argued the deal would settle a lawsuit that blocked the Northern California tribe from opening a casino on its reservation.

The Big Lagoon tribe sits in sequoia territory in Northern California that the state considers environmentally sensitive, and the governor didn't want to allow a casino there. His negotiators pitched the unusual partnership to Barstow and Los Coyotes as a way to end a long-running lawsuit between the state and Big Lagoon.

Virgil Moorehead, Big Lagoon's chairman, was tearful as he pleaded for the committee to approve the compact.

He recalled how he and Milanovich worked over the years to legalize gaming on tribal lands. Now, he said, tribes such as Big Lagoon depend on charity from Agua Caliente and other gaming tribes. He likened the dependency to the relationship between tribes and the federal government a century ago.

"I was around when we had nothing," Moorehead said. "Now that we have gaming, it's like we're being told, 'Stay where you're at.'"

With Wednesday's vote, the tribes suffered a blow in getting the U.S. Department of the Interior to agree to convert the land for the proposed casinos into tribal land.

Federal law requires that state and local officials agree to gaming deals before non-reservation land can be taken into trust and used for gaming.

The two tribes have pending applications with the Interior Department, but it has denounced other instances

of tribes trying to go off-reservation for casinos.

Critics said the pacts would have encouraged reservation shopping by tribes with no ties to a particular area and would have set a dangerous precedent.

Governor Disappointed

Schwarzenegger spokesman Darrel Ng said the governor was disappointed by the panel's action.

"The governor feels that he negotiated compacts that were a benefit to the tribes, the state and local communities," Ng said. "Should the tribes request it, he will comply with federal regulations and negotiate with them in good faith and he always has."

Schwarzenegger signed the tribal deals last year.

The Barstow proposal started when city leaders in Barstow, looking for a way to boost the economy, began talking to an investment group in 2003. The group, BarWest LLC, is backed by Michigan's Marian Ilitch, co-founder of Little Caesars pizza and other businesses.

The two groups got together with the Los Coyotes tribe and hatched a plan to have the tribe open a casino on 47 acres of desert scrub brush in Barstow. The land alongside Interstate 15 is 160 miles from the tribe's remote reservation.

The governor asked them to join forces with Big Lagoon before he would sign the deal.

According to the state agreements, the casinos would have each generated about \$100 million a year in net win from slot machines and banked card games. The tribes agreed to give between 16 percent and 25 percent to the state and additional money to Barstow.

If, however, another tribe was allowed to build a casino within 40 miles of the Big Lagoon-Los Coyotes deal, those payments to the state and a special fund set up for poor tribes would have ceased.

That stipulation drew criticism Wednesday from Charles F. Wood, chairman of the Chemehuevi, which wants its own casino in Barstow.

The tribe, based near Lake Havasu along the California-Arizona border, has talked off and on with Barstow officials about building its own casino in Barstow for more than a decade. Wood testified before the committee ruled.

The San Manuel Band of Mission Indians does not oppose Chemehuevi's bid, nor has that bid drawn many criticisms from other tribes.

Vincent Duro, San Manuel's vice chairman, said he felt bad opposing the Big Lagoon-Los Coyotes proposal. He has relatives who are members of the Los Coyotes tribe.

"But I also have to look my children in the eye and tell them I did what's right and stand against another tribe coming into our ancestral territory," he said.

P E T A L U M A
ARGUS 150 COURIER

Tribe 'intends to develop' casino

But spokesman denies tribal board's April resolution means gaming hall is in the works for Petaluma site
June 28, 2006

By COREY YOUNG
ARGUS-COURIER STAFF

A resolution passed by the Indian tribe that owns 277 acres south of Petaluma's city limits declares that the tribe "intends to develop a class III gaming facility and related amenities in Petaluma, CA."

But is the statement proof of the Dry Creek Pomos' ultimate intent, or part of a standard application to have the federal government take the land into trust?

A tribal spokesman denied that the document means the tribe is reversing its earlier pledge that it only plans to use the land for agriculture.

"You need to make that assertion (about a casino) so your request is viable," said the spokesman, who is only speaking anonymously. "I don't think it guarantees that anything will happen."

The tribe has "very clearly said" that the 277-acre spread of farmland east of Highway 101, across from Kastania Road, will continue to be used for agriculture, the spokesman said.

However, the tribe does intend to speak with the property's neighbors about what they see as the best use of the land in the future, he said.

"There are a lot of things there that would be terrific for the city," he said. "A casino might be one, a hotel might be one, agriculture might be one."

The tribe on April 14 applied to the U.S. Department of the Interior to have the land taken into trust, which if approved, could allow a casino, hotel or resort on the property.

Two days before the application was filed, the five-member board of the Dry Creek Rancheria Band of Pomo Indians voted unanimously to approve a "resolution that land be put into trust for gaming."

The resolution includes the statement about a class III gaming facility, which the spokesman said is "a designation that Indian tribes are allowed to meet. That's what Indian casinos are."

That class of casinos includes slot machines as well as card games such as poker and blackjack. In addition to the requirement that the federal government take land into trust, Class III Indian casinos in California must be approved through a gaming compact with the governor.

California Gov. Arnold Schwarzenegger has stated he will not grant new gaming compacts unless an advisory vote of "the affected local community" shows support for the project.

The Petaluma City Council is calling for such a vote of city residents in November. The council has unanimously opposed a casino on the property, saying it would increase traffic, harm wildlife and scenic views and conflict with the county's agricultural zoning for the property.

The council will discuss the issue again July 17, when a formal ballot question will be presented and likely scheduled for a November vote.

The council has until Aug. 11 to put the issue on the ballot. At last week's meeting, council members were slated to do so but postponed a final decision until the specific question to be put to voters is written.

The council may also explore whether voters outside city limits -- such as those whose property is near the Pomo land -- could be included in the vote.

Mayor David Glass said the advisory vote "is another arrow in your arsenal to say that the community has strongly expressed an opinion about the casino. One would make the assumption that this community would express a 'no casino' opinion."

The advisory vote "is an integral part of the process," Councilmember Mike Harris said. "If we put it on the ballot and it does fail -- in terms of people being for the casino -- then the governor would probably not approve a compact after going through all those processes."

The tribe is withholding comment on a possible advisory vote and whether it would take a position on such a ballot measure until the council takes formal action, the spokesman said.

(Contact Corey Young at cyoung@arguscourier.com)

Casino Pauma to expand

By: QUINN EASTMAN - Staff Writer

June 30, 2006

PAUMA INDIAN RESERVATION ---- Officials at the casino operated by the Pauma Band of Mission Indians announced Wednesday their operation will expand to become a major resort under a development partnership with a New England tribal gaming behemoth.

That behemoth is the Mashantucket Pequots' Foxwoods Development Co., which operates the giant Foxwoods casino in eastern Connecticut. It will oversee the \$300 million project that includes a 500-room hotel and 2,000 slot machines.

The new resort is expected to replace Casino Pauma, which has 1,050 slot machines and no hotel. Casino Pauma will remain open as the new casino is built next to it on Pauma Reservation Road, north of Highway 76.



Pauma Casino announced Wednesday plans for a \$300 million expansion to its casino. The existing building would be replaced with a huge new facility.

WALDO NILO Staff Photographer

The expansion won't make Casino Pauma the largest casino in North County. In comparison, nearby Pala Casino Resort & Spa, in the midst of expanding its gaming and parking areas, has 2,250 slot machines and a 507-room hotel. To the south, Valley View Casino is also expanding, adding restaurants and gaming space and an undetermined number of slot machines to the 1,250 it has.

Foxwoods Casino, which opened southwest of Boston in 1992, has 7,100 slots and 1,400 hotel rooms and is considered the world's largest casino. The Pequots have already begun expanding beyond Connecticut with projects in Mississippi and have proposed to build a casino in Philadelphia.

"The Pequots respect Native sovereignty and have a long history of struggle and perseverance, and we can relate to that," said Pauma tribal Chairman Chris Devers in a statement.

Devers was not available for more comment Wednesday.

"We are fortunate to have the financial resources and gaming expertise to help other tribal communities to achieve economic self-sufficiency," said the Mashantucket Pequots tribal chairman, Michael Thomas, in the same statement.

After a couple of Pauma's previous expansion deals with Las Vegas gaming companies had fallen through in the last two years, San Diego County officials said they had anticipated that an announcement from the band was coming.

County officials will negotiate an agreement on how the Pauma band can make up for the environmental

impact of the planned expansion, tribal liaison Chantal Saipe said.

In 2004, Pauma signed a deal with the state of California that loosened restrictions on the number of slot machines it could operate in its casino, but sets how much it pays to the state government for each machine. The agreement also requires that the tribe seek public opinion before expanding.

“At this point, we can think of possible significant impacts, but we have to find out the details from them,” Saipe said.

Among the expected effects are more traffic on two-lane Highway 76, a route maintained by the state Department of Transportation, and an increased need for fire protection and law enforcement services, she said.

The Pauma band’s projection that construction could start in the spring of 2007 “seems reasonable,” she added.

Tribal compacts tossed

Barstow gaming bid suffers major blow

Megan Blaney, Staff Writer

San Bernardino County Sun

The governor and the city of Barstow were slapped in the face Wednesday by an Assembly committee, which denied agreements to develop casinos in Barstow along the heavily traveled I-15 - the road to Las Vegas.

After listening to four hours of testimony from representatives of various American Indian tribes in the state, Barstow representatives, environmental experts and attorneys for each side, the Assembly Governmental Operations Committee, meeting in Sacramento, voted 7-2 to reject the compacts.

Although committee Chairman Jerome Horton, D-Inglewood, left the roll open in case more yeas are logged, the committee solidly rejected the bill to ratify the deals Gov. Arnold Schwarzenegger had negotiated with two Indian tribes.

Debate centered around the Big Lagoon Rancheria tribe of Humboldt County and the Los Coyotes Band of Mission Indians of San Diego County, who wanted to build side-by-side casinos near the outlet malls in Barstow.

Schwarzenegger signed compacts with the two Indian tribes to allow only them to build casinos next to the outlet malls under the guidance of the Detroit-based BarWest Gaming.

Another tribe - the Chemehuevis of San Bernardino County - has long been interested in building a casino in Barstow. A ballot measure authored by Manuel Gurule, a former Barstow mayor, would have created a casino district and given the Chemehuevis' proposal an edge in the race to establish casino gambling on the primary route from Southern California to Las Vegas.

But Barstow voters overwhelmingly denied Measure H on June 6.

Chemehuevi Chairman Charles Wood told the committee on Wednesday that the denial of Measure H was not a vote against his tribe.

Wood said the Chemehuevis have aboriginal ties to the land as proved by human remains that have been found and that approving the compacts would set a precedent.

"I do not believe any legislature would want to be known as (the one that) opened gaming to every corner of every community throughout the nation," he said.

Wood said the Chemehuevis were told by the Governor's Office that if any other tribe wanted to relocate to Barstow it would have to enter into an agreement with BarWest.

Barstow officials generally acknowledge a casino would provide much-needed revenue for the city, but the debate over which tribe should build it has been vitriolic.

Gurule said the measure would not have ruled out the other tribes, but would have forced the city to choose from an open playing field.

“We are for honest Indian gaming and not tribe-specific like the two compacts by the governor that disallows any other tribes,” Gurule said. “There is no Indian gaming for Barstow unless they get their act together.”

Los Coyotes entered into a deal with Barstow in 2004 to build a casino, and the Big Lagoon Rancheria tribe was added later that year. Big Lagoon is suing the state because environmental concerns have prohibited the small tribe from building a casino on their tribal land. The compacts were supported by many environmental organizations that fear Big Lagoon will develop its coastal land if it does not build in Barstow.

Barstow officials wanted the casinos, too.

Mayor Lawrence Dale spoke with fervor about his city, which has lagged in the midst of the state’s building boom while other cities have thrived.

Many people stop briefly in Barstow to “fill up their tanks and stomachs, but very few stay very few minutes,” he said.

Dale called the compacts a “win win win” situation for the tribes, the state and the city of Barstow.

But opposition was heavy as well.

Many California tribes came out to lodge opposition to the compacts, including the San Manuel Band of Mission Indians, the Morongos, Pechangas and Sobobas.

Committee members gave a variety of reasons for voting against the compacts, including the fear the tribes were “reservation shopping” and the lack of a historical link between the tribes and the land.

Despite the concern that the Big Lagoon Rancheria tribe would develop the environmentally sensitive area, most committee members felt it was not a strong enough reason to approve the casinos.

Committee Vice Chairman Dennis Mountjoy said he struggled with the decision, but felt it went against the spirit of Prop 1A, which allowed American Indian tribes to continue to have regulated gaming on their own tribal land.

“I wish I could help Barstow but I have to face my Maker at the end of the day,” said the Monrovia Republican who represents Apple Valley, Hesperia, Lake Arrowhead, Highland and north San Bernardino.

Horton said he was frustrated they did not find a more appropriate site.

“The administration could have done a better job,” he said. “I would encourage the office of the governor to go to work and find a site where there is no aboriginal claim.”

Los Coyotes, an indigent tribe in Southern California, are in Assemblyman Jay LaSuer’s district. LaSuer, R-La Mesa, voted in favor of the compacts, saying they represented an “opportunity to change their life a little bit.”