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Battle over a casino plan divides Gabrielino Indians

By Jessica Garrison, Times Staff Writer
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For thousands of years, Gabrielino Indians say, they have lived in the Los Angeles Basin. They survived the Spanish missions, Mexican settlers and white developers.

Now, a tribe that nearly disappeared is mired in a legal battle over who has the right to control its destiny — and what role gambling might play in its future.

For six years, a recently organized group of Gabrielinos has worked with Santa Monica lawyer Jonathan Stein, who convinced them he could do what many said was impossible: win them the right to open a casino in the heart of the Los Angeles Basin. Such a casino, according to proponents, could generate more than \$1 billion a year.

They made some progress, but the partnership has collapsed in acrimony and lawsuits.

The Gabrielinos say they have been taken advantage of. Stein contends it is he who has been victimized — by tribal members who spurned him after he got investors to give them millions of dollars to pursue their long-shot quest for gaming rights.

Watching the spectacle from the sidelines, other Native Americans in Los Angeles say they are aghast.

The whole affair "is just giving legitimate tribes a bad name," said Ron Andrade, director of the Los Angeles City-County Native American Indian Commission, who said he has tangled with Stein in the past. "It's just hurting all our image."

There are an estimated 2,000 Gabrielinos in Southern California. Their ancestors are buried at local missions, and the tribe is recognized by the state. The tribe in modern times has not had its own land, however. At the end of the 19th century, the Gabrielinos, through intermarriage, had melded into local Mexican barrios and were thought to be extinct.

In recent years, they have been trying to reconstruct their history, revive dances and folklore and win federal recognition. Complicating their efforts have been

divisions among Gabrielino descendants and a lack of documentation on the tribe's culture.

The current legal saga began six years ago over dinner in Westwood.

Stein, a Harvard- and University of Pennsylvania-educated lawyer who had been active in the 1998 voter initiative that legalized Indian gaming in California, met with Sam Dunlap, a Gabrielino who said he wanted to see his tribe get a piece of the action.

Most people had told Dunlap to forget his slot machine fantasies. The dozens of Indian casinos that have sprouted in California are on federally recognized Indian land, something the Gabrielinos do not have.

But at that first dinner and at another in Manhattan Beach a short while later, Stein convinced Dunlap that it could be done, either by pursuing federal recognition for the Gabrielinos or by getting state lawmakers to give the go-ahead without it.

Stein pledged to work to make it happen for 10% of any future casino profits, according to court papers.

Dunlap said he enthusiastically agreed. In February 2001, according to court papers, they signed a development agreement.

Almost immediately, the two clashed with the Gabrielino organization in San Gabriel, which has spent decades researching tribal history.

"We are the legitimate tribe," said Anthony Morales, tribal chairman of the Gabrielino/Tongva Band of Mission Indians of San Gabriel. "They are the splinter group."

Dunlap said he initially approached Morales' group about working with Stein.

"It didn't go very well," Dunlap said. Less than 30 minutes into the meeting, several people became so offended they left.

But Dunlap, who complained that Morales' group showed preference to his own family, was unwilling to give up.

Instead, he and Stein essentially formed their own group, the Gabrielino-Tongva Tribal Council.

They started small but then began reaching out to hundreds of other Gabrielinos throughout Southern California.

Three years ago, the two men and several other members of the new tribal council sued Morales' band, seeking membership records and other historical and genealogical documents that tribal members had amassed, which they thought could be useful in making the case for federal recognition.

The lawsuit accused Morales of wrongly excluding Dunlap and others from a corporation the tribe had formed. It also accused Morales of trying to "preempt potentially lucrative gaming rights" for his own family.

Morales, who at the time said he had no interest in gaming, accused Stein of trying to "steal our identity."

The suit was tossed out of court in 2004.

After that, Stein began urging state lawmakers to allow the Gabrielinos to have a casino without federal recognition. The council hired former state Senate Majority Leader Richard Polanco, now a lobbyist, to represent the tribe in Sacramento.

Stein wrote an article arguing that gaming should be allowed without federal recognition; it was published this year in the University of San Francisco Law Review.

And he paid two former California Supreme Court judges, Cruz Reynoso and Armand Arabian, to review some of the legal questions. Both agreed that there were possibilities.

"I advised the tribe that nothing is certain," Reynoso said. But, he added, "the door is not shut."

In addition to pushing on the legal front, Stein won a victory by persuading Libra Securities, a Los Angeles-based investment bank, and other investors to pledge \$21 million toward developing a casino, according to court papers. The tribe has received at least \$2 million of that money, although how it has been spent is in dispute.

Some of it, however, has gone to state lawmakers whom the tribe would like to win over. In August, Stein and tribal members created a buzz in Sacramento when they began pouring tens of thousands of dollars into campaign coffers.

As the end of the session approached, outgoing Assemblyman Tom Umberg (D-Santa Ana) introduced a bill that could help pave the way for a Gabrielino casino in Inglewood.

Then relations between Stein and the tribal council fell apart.

Tribal council members say Stein resigned Sept. 9. Stein disputes that, saying he refused to quit because he wanted to make sure that money was being spent properly.

Two months later, Stein's company sued the tribe whose council he helped organize. On the same day, tribal members sued Stein.

The tribal council's suit accuses Stein of trying to take over the tribe. It says Stein

tried to make himself the sole signatory on bank accounts and refused to return membership records.

The suit also says Stein told investors and others that tribal council members were "lazy, drunkards, ignorant and easily manipulated."

Stein's lawsuit accuses the tribe of failing to pay him what he was owed under his contract. Stein also sued Polanco, saying the former state senator persuaded the tribal council to name Polanco to replace Stein. He sued Libra Securities too, saying Libra was in on the plan.

In addition to fighting in court, both sides have launched campaigns to win over tribal members. Last weekend they held dueling public meetings.

Members of Dunlap's tribal council, now working closely with Polanco, have retained an experienced political spokesman. They have urged members of the tribe to stick with them.

Stein, said tribal council member Virginia Carmelo, wants the council to "just be puppets," whereas she and her colleagues have the entire tribe's best interests in mind.

But Stein said it is he who is protecting the interests of the tribe. Sitting in his Santa Monica office, which he has decorated with photographs of himself with political figures, including the Rev. Jesse Jackson and City Councilman Bernard C. Parks, he said he was trying to prevent Dunlap's tribal council members from engaging in "financial gamesmanship" with "\$1 million of the tribe's cash."

In the last few weeks, according to Stein, hundreds of members of the tribe have sided with him and talked of organizing a recall of the current tribal council or perhaps creating a "financial oversight committee" to check the council's power.

Dunlap and Carmelo view that as just one more attempt by Stein to seize control of the tribe.

Meanwhile, Morales' San Gabriel group says it may intervene in the lawsuits.

It is the legitimate tribe, said its lawyer, Jack Schwartz, and as such, it may be entitled to the \$21 million pledged by the investment company.

Many outsiders are watching the dispute with dismay.

"It's very sad," said Reynoso, the former Supreme Court justice. Last weekend, Reynoso flew to Southern California and addressed tribal members at each of the dueling meetings.

He said he told them that it is "very important for the tribe, however this comes out, to be able to stay together."

Schwartz, the lawyer for the San Gabriel faction of Gabrielinos, was less hopeful.

"Gaming, which has been the savior of a couple dozen tribes, is going to possibly be the destruction of one of the oldest ones," he said. "That's kind of sick."

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Times staff writer Dan Morain contributed to this report.