



CNIGA

California Nations
Indian Gaming Association

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‘Smokescreen for extortion’

Indians Protest States ‘Balancing Budgets on the Backs of Tribes’

By DAVE PALERMO

Indian leaders earlier this month urged the federal government to establish policies to prevent cash-strapped states from attempting to balance their budgets on the backs of tribal governments operating gaming.

Members of the Senate Committee on Indian Affairs, after listening to hours of testimony from tribal leaders and a representative from the U.S. Department of the Interior, agreed that something needed to be done.

“The law allows [states] to demand excess money,” committee Chairman Sen. Ben Nighthorse Campbell R-Colo., said of revenue sharing provisions of the Indian Gaming Regulatory Act. “There’s no statistical basis for revenue sharing policy, no broad regulation that guides the Department [of the Interior] either.

“States are taking money from destitute tribes,” Campbell said. “I can’t imagine what the tribes are getting from the states.”

“We know the economy brought

significant problems for state governments,” said Sen. Byron Dorgan, D-N.D. “But no shortfall in revenue is quite as significant as that which exists on our tribal reservations. ... (State compacts) should not interrupt this new stream of revenue to the tribes.”

Congress, in enacting IGRA in 1988, stressed that tribal governments, and not the states, should benefit from gaming on Indian lands.

Although IGRA allows tribal-state compacts to include “the assessment by the State of such activities in such amounts as are necessary to defray the costs of regulating such [tribal government gaming] activity,” it precludes any taxation of tribal gaming.

IGRA also prohibits states from using revenue sharing as bargaining chips in negotiating tribal-state compacts under which tribes can engage in government gaming. “No state may refuse to enter into [compact] negotiations...based upon the lack of authority in such state, or its political subdivision, to impose such a tax, fee, charge, or other assessment,” IGRA states.

CNIGA United States Senate Testimony

The following are excerpts from the testimony of CNIGA Chairwoman Brenda Soulliere before the Senate Committee on Indian Affairs on July 9, 2003:

“...

The extremely generous revenue sharing provision in the compact between the Mashantucket Pequots and the State of Connecticut set an unreasonable precedent from which other state governments have begun to shape their demands for revenue sharing from Indian tribes. In California, that

precedent clearly guided Governor Davis’ thinking, as he referred to the Connecticut revenue sharing provision as a model that he wanted to pursue as a part of his justification for the initial demand of \$1.5 billion from Indian tribes.

Each Indian nation and each state has unique circumstances and relationships. CNIGA believes that the current compacts its members have with the State of California reflects the unique circumstances and history of the California tribes.

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Tribal-state gaming compacts should reflect the will of the citizens of the Indian Nation and the state, not the parameters of a cookie-cutter document. CNIGA believes that the trend of adding or increasing revenue sharing provisions to tribal-state compacts misreads IGRA. Today, it seems that revenue sharing has become simply the cost of doing business for Indian nations. This view is unacceptable to CNIGA's member tribes.

Revenue sharing was not contemplated in IGRA. While Congress did anticipate

that states may want to benefit directly from Indian gaming, they made it clear that states could not use revenue sharing as a bargaining chip in compact negotiations.

Perhaps it is now both necessary and appropriate to review the guidelines that the Department of Interior uses when it reviews these revenue sharing proposals in tribal-state gaming compacts. We believe that this review is important as it could serve to highlight the parameters that were contemplated in IGRA.

Furthermore, a review could help us to reflect on the federal government's legal trust responsibility towards tribes as it affects the protection of tribal government gaming revenues under compact with state governments.

There is little argument that revenues generated by tribal government gaming conducted on Indian lands have provided unprecedented opportunities for tribal governments to begin meeting their basic obligations.

...."

'Smokescreen for Extortion' - *continued from page 1*

"Compact negotiations have become a smokescreen for extortion," Jacob Viarrial, governor of the Pojoaque Pueblo in Santa Fe, N.M., told the committee.

Some tribes, like the Oneida Nation, share no revenue with states, while others pay anywhere from 8 percent to 25 percent of gaming or slot revenues.

California is among a number of states attempting to extract revenues from tribal government gaming, most believe in violation of IGRA. States are basing their demands on the situation in Connecticut, where the Mashantucket Pequots have agreed to pay the state 25 percent of the revenues from slot machines at its Foxwoods Casino.

The Pequot agreement "set an unreasonable precedent

from which other state governments have begun to shape their demands," Brenda Soulliere, chairwoman of the California Nations Indian Gaming Association, testified.

There are only two casinos in Connecticut, one of the nation's most lucrative gambling markets, and the tribes have a monopoly on legal gambling. Fifty-three California tribes currently operate casinos, many in highly competitive regions of the state.

California has card clubs, pari-mutuel gambling and a lottery. The state already ranked sixth in the nation in gambling revenues before tribal-state compacts were signed into law in 1999.

Yet California Gov. Gray Davis, faced with a \$38 billion budget shortfall, is seeking \$680 million more than the hundreds of millions of dollars tribes are already paying annually into a Special Distribution Fund and a Revenue Sharing Trust Fund.

"It really gets old being looked at as a cash cow," Soulliere told the *Los Angeles Times*.

governments," Johnson said. "It's patently unfair."

States grew emboldened after the U.S. Supreme Court ruled in 1996 that the Seminole tribe could not sue the Florida governor for refusing to negotiate a gambling compact, Martin said.

"Since Seminole, we have no leverage trying to compact," Soulliere said.

The Bureau of Indian Affairs, part of the Interior Department, approves all compacts on a case-by-case basis, said Acting Assistant Secretary Aurene M. Martin.

"We look at it to determine if the tribe is able to make the payment and if what they are getting in return for that payment is of sufficient

"No state may refuse to enter into [compact] negotiations . . . based upon the lack of authority in such state, or its political subdivision, to impose such a tax, fee, charge, or other assessment," IGRA states.

Pedro Johnson, public affairs executive director for the Mashantucket Pequots, defended the 25 percent payment as fair, since it gave the tribe exclusive rights to slots in the state and there is no expiration date. Since January 1993 the tribe has poured \$1.6 billion into the state's coffers. But, he said, that amount may not be right for other tribes.

"States should not balance their budgets on the backs of Indian

economic benefit to them," she said.

But lawmakers said they may consider reforming the Indian gaming act to better address some of these problems.

The BIA has approved 250 casino gambling compacts for tribes in 25 states, and there are another 30 to 50 tribes currently negotiating compacts, according to the National Indian Gaming Association.

Chairwoman Soulliere Speaks

Tribes Step Up to the Plate on Gambling Addiction

By BRENDA SOULLIERE

Generations of poverty and neglect have left Native Americans particularly sensitive to the problem of addiction. Drug addiction. Alcohol addiction. Gambling addiction.

So it should come as no surprise that tribal governments involved in gaming are stepping up to the plate when it comes to the prevention and treatment of problem and pathological gambling in California.

It's true that most people gamble responsibly. But this usually harmless activity can become a serious problem for a few adult Americans, Indians and non-Indians.

Studies show about 1 percent of the nation's risk takers become pathological gamblers. Another 3 percent develop less severe problems.

The prevalence rate of problem and pathological gambling among teenagers is much higher. Young people are gambling on the internet. They are placing bets with bookies at their high schools. They are buying lottery tickets.

I'm also concerned about senior citizens. A

casino for a senior citizen can become like a community center. It's a respite from loneliness, an escape from the grief of a loved one who is no longer around.

A casino is clean. It's safe. It's a place to visit with friends. There's plenty of entertainment and good food at a price those

on a fixed income can afford. But a very few of those jumping on a bus for the nearest casino are not able to control their compulsion to gamble.

When counselors sit down with pathological gamblers seeking help, the first step is to get financial affairs in order. For a senior citizen who has gambled away his or her retirement, this is often not an option. There is not enough time to recover what has been lost. The suicide rate among seniors is already much too high to be compounded by the grief and depression associated with problem gambling.

REACHING OUT

For problem gamblers, young and old, gambling is no longer entertainment. For these people the fun stops and gambling becomes a nightmare of betting slips, lottery tickets, reeling slot machines and tumbling dice.

As a public service, the California Nations Indian Gaming Association, in cooperation with the non-profit California Council on Problem Gambling, is designating the week of October 13 as the state's first annual Responsible Gambling Awareness Week.

The event will consist three days of panel discussions, workshops and seminars at which the nation's leading experts will discuss problem gambling.

Topics will include the science of addiction and what can be done to treat problem and

pathological gamblers. Tribal leaders and state officials also will discuss what is being done to confront the public health problem.



The events are open to the public. Tribal leaders, gambling industry leaders, elected officials and health care professions are encouraged to attend.

Because of the growth of tribal gaming, we acknowledge it is the responsibility of tribal and state government leaders to work cooperatively to see to it that help is there for people who need it. We intend to meet that responsibility.

The Special Distribution Fund established in tribal-state compacts agreed to in 1999 includes a provision to establish a statewide program to provide problem gambling education, awareness, prevention and counseling.

SB 930, sponsored by Senate Majority Leader John Burton, D-San Francisco, seeks to appropriate \$3 million from the SDF to conduct a gambling addiction prevalence study and establish the Office of Problem and Pathological Gambling within the state Department of Alcohol and Drug Programs. The office will administer a statewide problem gambling prevention program.

Tribal governments since 1997 have voluntarily contributed \$453,757 to the non-profit California Council on Problem Gambling, more than the combined contributions from the state's lottery, racetracks and card rooms.

The tribes "have absolutely stepped up" in their support of the council, says CCPG President Bruce Roberts. "We definitely appreciate how they've worked with us."

Tribes have already established responsible gaming programs to train employees about gambling addiction.

It's good business. And it's the right thing to do.

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CNIGA Member Tribe Profile

Cachil Dehe Band of Wintun Indians of the Colusa Indian Community

Colusa Indian Community shows the impact a small tribe can have in helping both themselves and others

The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community serves as an impressive example of the tremendous contributions a small tribe can make through tribal government gaming.

The 62-member tribal community has in less than two years generated a great deal of recognition for its campaign against diabetes being waged at two tribally owned clinics.

The Colusa Indian Health Clinic, built with revenue from the tribe's casino, has six dialysis machines. The clinic and a similar satellite facility in Arbuckle are important to a tribe plagued by the debilitating disease.

"We wanted this clinic here so the young people could see their aunts and grandmas sitting on that chair like that, and understand what it means to make that lifestyle change," tribal Chairman Wayne Mitchum told a Reno *Gazette* reporter during a recent tour of the facility.

Mitchum's mother, brother and a sister all died of complications from the disease. Mitchum had donated a kidney to his brother.

Exercise is crucial to fighting the disease, and the tribe has a state-of-the-art athletic facility with a weight room, swimming pool, numerous exercise machines, sauna and basketball courts.

Mitchum's 21-year-old daughter Amanda, the tribal outreach coordinator, helped organize a walking club, where tribal members

pair up and adhere to a walking regimen through the surrounding countryside. The tribe operates the Colusa Indian Community Hunting Club on two parcels of land totaling some 1,300 acres.

The tribe also holds diabetes fairs, where people are tested for and educated on health risks of the disease.

Much of the progress the tribe has made is tied to the Colusa casino and bingo hall, which opened in 1984. The 25,000-square-foot casino employs 500 people. It has 777 slots and 12 tables.

Along with providing jobs and government revenues to the tribe, the casino funds the charitable Colusa Casino Community Support Program.

Since 2001 the CCCSP has distributed more than \$250,000 to charities and community groups, including local schools, community service programs, local firefighters and others.

Beneficiaries include the Sacramento River Fire Department, local high schools, arts councils, county children services, Colusa County Rodeo, Colusa County Fair, various scholarships, Toys for Tots, the Northern California Burn Foundation, the American Red Cross and the American Cancer Society.

The casino also gave \$20,000 to prevent a local hospital from closing its doors.

Mitchum, who grew up poor on the reservation near Colusa, about halfway between Sacramento and Chico, is proud of his tribe's accomplishments.



Set among endless acres of rice fields and fruit orchards, the reservation sits on the banks of the Sacramento River, where the tribe used to fish for subsistence.

As a child, Mitchum labored in the surrounding fields, picking fruit and planting wheat, as did most tribal members who lived mostly without running water or power in a weathered cluster of homes.

Once an impoverished people, the tribe no longer receives government assistance. The community has built homes for its members and provides free education for young tribal members who wish to go to college.

The tribe operates a restaurant and soon will start a child-care facility open to the public. It may even launch a new clothing line, "Rez Wear."

The economic success hasn't steered the tribe from keeping focused on its culture and heritage.

The community also has contracted with a local university to teach adults and children the tribe's native language.

And tribal men built a wooden church — or roundhouse — in a park on the reservation. Many in the tribe practice the Hisa religion.

"That roundhouse holds the key to our future," Mitchum told the *Gazette*, "not that casino."



Tribal Leader Profile

Ken Gilbert, Concow Maidu Tribe of the Mooretown Rancheria

Ken Gilbert had worked for the United States Forest Service for 23 years when he retired early to work full time for his tribe, the Concow Maidu Tribe of the Mooretown Rancheria, located just outside Oroville in Northern California. Mr. Gilbert worked as the General Manager of the tribe's Feather Falls Casino from 1996-1998 and as Economic Development Coordinator from 1998-2000. As fire chief for Mooretown Rancheria, Ken manages the all-volunteer fire department established by the tribe under his guidance.

Mr. Gilbert has been a member of the Mooretown Rancheria's Tribal Council for nearly 9 years. In March 2001 Ken was re-elected to a successive 4-year term.

Mr. Gilbert has been a delegate to the California Nations Indian Gaming Association (CNIGA) on behalf of his tribe for more than seven years. In November 2000, the CNIGA membership elected Ken in a special election to complete the remaining year as Treasurer for the association. Then in December

2001, he was elected, by acclamation, to a full term.

Under Ken's tenure as Treasurer, CNIGA has been through two independent financial audits, achieving unqualified reports in each instance. He sees to it that CNIGA maintains a high degree of financial integrity and accountability.

"We owe to our member Indian tribes, the highest degree of financial accountability," says Ken. "We have to work each day to make sure that the funds that we are entrusted with at CNIGA are used to meet the objectives set by our member Indian tribes."

Many don't know, but Ken is a classic car enthusiast from way back. He's worked to restore to showroom condition a 1961 Chevrolet Impala that he's entered into classic car shows throughout Northern California. Recently, his '61 Impala won the top prize in the "stock car" category at a local show in Oroville.

For the past 4 ½ years, Mr. Gilbert has been an active participant in a tribal drum group made up of tribal people from



throughout North America. He's shared his tribal and spiritual roots with indigenous people throughout the Americas, including travels throughout the United States, Canada and South America. He teamed up with Dry Creek Chairperson Liz DeRouen to lead CNIGA through a very successful tribal talking circle at the Mid Year event in Santa Barbara on July 1.

14.8% Growth - Tribal Employment Soars to New High

Tribal governments continue to rank above all other California private and public sector employers in job growth, registering a 14.8 percent increase in employment for the year ending in June 2003, state figures show.

No other industry experienced job growth anywhere near the figures posted by California tribal governments, according to figures released July 8 by the state Employment Development Department. In fact, virtually all other employers have kept employment steady or slashed their payrolls.

Civilian employment statewide rose only 1.4 percent, from 16.2 to 16.3 million.

Tribal governments employ 38,700 workers, according to the state EDD, about 90 percent of them non-Indians. Most of the growth in employment is as a result of the tribal government gaming industry. But tribes are using gaming revenues to diversify their economies, developing shopping centers, automobile plants and other businesses.

The Morongo and Cabazon bands of Mission Indians have launched hotels and

other tribes have gaming and non-gaming developments in the works that will create even more employment.

"The growth in tribal government employment is likely to continue for the foreseeable future," says CNIGA Executive Director Jacob Coin, "generating economic development and creating jobs for Indians and residents of the surrounding communities."

Employment figures can be obtained at: [http://www.calmis.ca.gov/file/1fmonth/cal\\$pr.txt](http://www.calmis.ca.gov/file/1fmonth/cal$pr.txt)

California Tribes ‘Outraged’ at Rhode Island State Police Treatment of Narragansett Tribal Chief

California tribal leaders are outraged at the violent behavior Rhode Island State Police displayed Monday in raiding the Narragansett Indian Tribe’s smoke shop.

The raid left several tribal leaders, including Chief Sachem Matthew Thomas, bruised and bloodied. Six troopers wrestled Chief Thomas to the dirt and handcuffed him before he was led away. Eight people were treated at a local hospital.

“It is inexcusable that a tribal leader would be target of violence by Rhode Island law enforcement officers,” Brenda Soulliere, chairwoman of the California Nations Indian Gaming Association, said Tuesday.

“No elected official of a sovereign entity – whether it be the governor of a state, the president of a nation or the elected leader of an Indian tribe – should be treated in such a horrible, hostile, disrespectful manner.”

State police, some wearing flak vests, took seven tribal members into custody after they attempted to block the officers’ entrance to the tribe’s lands.

Governor Don Carcieri described the day’s events as “truly regrettable, but truly

necessary.” Tribal members said the scene smacked of the civil-rights struggles of the ‘50s and ‘60s, when police used dogs and clubs to halt sit-ins and protests.

“There’s no need for dogs. There was no need for a SWAT team-type atmosphere,” Thomas told the Providence Journal newspaper. “It looked like something out of Mississippi.”

Soulliere, who was vice chair for the Cabazon Band of Mission Indians when the tribal card club was raided in 1981 by



county law enforcement officials, said the assault on the Narragansett tribal facility brought back difficult memories.

“It was a humiliating experience,” Soulliere said of

her arrest in connection with the 1981 raid. Misdemeanor charges were later dismissed.

“I would think 22 years later non-Indian governments would learn to treat tribes with more respect,” she says. “But things have gotten worse, more violent.”

The Narragansett raid stemmed from an ongoing dispute over the Narragansett’s status as a federally recognized nation with sovereign rights. It heated up further when the tribe announced plans to open a tax-free tobacco shop against the state’s wishes. The tribe delayed its opening this spring, at the governor’s request.

“The governor of Rhode Island has apparently forgotten that the founder of his state, Roger Williams, was a friend of the Narragansett,” says CNIGA Executive Director Jacob Coin.

“Williams believed Rhode Island should be a safe harbor from tyranny and oppression,” Coin says. “Gov. Carcieri apparently believes his state should be a haven for tyranny and oppression.”

Save The Date!

Tumbling Dice
Responsible Gambling Awareness
Week
A California Tribal Government
Initiative

Monday, October 13, 2003
Wednesday, October 15, 2003
Friday, October 17, 2003

Details to follow soon . . .



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