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Proposition 1A has unexpectedly sparked tensions with non-Indians and tribal infighting over who gets the spoils

BY PETER OSTERLUND

ONE NIGHT 35 YEARS ago, a storm hit the Alexander Valley, in the heart of California wine country. It wasn't an especially notable deluge—no one seems to remember how long it lasted or how many inches of rain fell on the vineyards that carpet these hills. All anyone knows is that by the time downpour turned to drizzle, a few dozen members of the impoverished Pomo Indian tribe found themselves stranded by a flood that had destroyed the one road linking their 75-acre reservation to Highway 128 and, by extension, the world beyond.

So Candace Cadd's grandmother did the sort of thing good neighbors sometimes do. She sold the Pomos the right-of-way on a country lane that wound up from the highway, through her vineyard, and to their reservation, and she sold it to them for all of one dollar. She didn't think to cross the t's and dot the i's on the deal—to specify, for example, precisely who

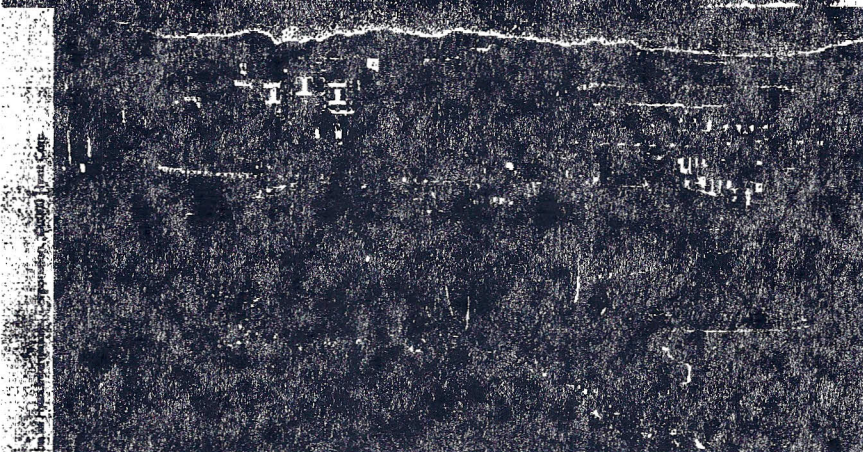
could use the road, and when, and for what purpose. "She didn't think twice about it," says Cadd.

Fast-forward to the present day. The Pomo tribe is about to build a one-million-square-foot casino right next door to Cadd and her acres of vines. They've partnered with developer Mark Advent, best known for erecting Las Vegas's exuberantly garish New York-New York, and, make no mistake about it, tribal officials predict big things for his latest endeavor—2,000 employees and as many as 5,000 customers showing up each day at the doors of a \$100 million complex that, Advent boasts, will rival the work of Frank Lloyd Wright. Of course, for all these grand plans, there will still be only one way to get in: through the oak-lined drive Cadd's grandmother deeded the tribe more than a generation ago.

"It's devastating," Cadd says. "If this were a Wal-Mart or a Costco, it would never happen. But we're dealing with an Indian nation here, and if they want to build a casino in our backyard, there's nothing we can do about it."

Nothing, that is, since last March, when California voters

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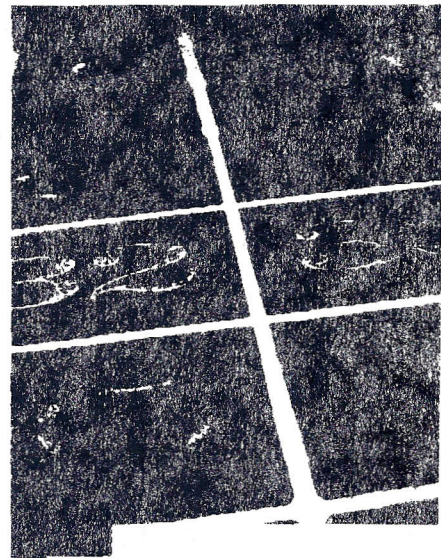
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handily approved Proposition 1A, which grants Indians the exclusive right to open Nevada-style casinos on their reservations. The Indian Self-Reliance Initiative was billed as justice delayed yet not denied, a sure weapon against the poverty that has crushed California's Native Americans since the United States conquered the West in the 19th century. And, to some extent, the law has lived up to its



DESPITE THE explosion in Indian gaming, only about 40,000 of California's 300,000 Native Americans will ever see a dime from the casinos.

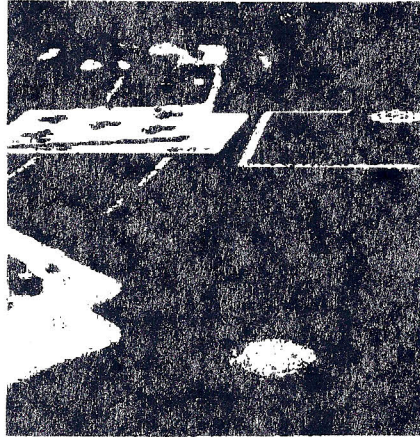
promise. Casino revenue already is providing some tribes with the altogether novel experience of prosperity. And more of that lucre—far, far more of it—seems certain to follow.

"We're laying the groundwork for a lasting prosperity," says Richard Milovich, chairman of Palm Springs's Agua Caliente tribe. For much of its history, the 362-member tribe eked out a hard-

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scramble existence. Three years ago, they opened their first casino in a tent. Now they're building one casino complex in the center of Palm Springs's historic district and a second on the highway into town. They've bought a 45 percent interest in a local bank and plan to use some of their gambling profits to restore their ancestral homeland in the hills. "There's great pride in what we've done here," he says. "We've waited a long time for it."

But California's honeymoon with casino gambling is also proving to be the start of a vast and largely uncontrolled experiment with the Law of Unintended Consequences. Although 41 California tribes have run gambling facilities for the past 10 years, these operations have been small and easily ignored. The Vegas-size resorts permitted by the ballot proposition are a different animal. Statewide, about 20 of these casinos are planned and about 40 existing facilities are being expanded. And as this happens, prob-



lems have been cropping up that Indians and non-Indians alike have found themselves powerless to fix.

"We're left with no remedies and no place to go," fumes Robert Coffin, a lawyer in Lakeside, San Diego County, where neighborhood wells have gone dry in the months since June, after the Barona Band of Mission Indians installed a groundwater-fed golf course as part of the \$120 million expansion of the resort complex on their reservation here. Tribal officials dismiss allegations

levelled by Coffin and his neighbor that it is their golf course that has caused the local water table to plummet, but it is also true, as in the case of the Pomo that the Barona tribe has been free to pursue its ambitious plans without the community review other projects go through as a matter of course. "The tribes are sovereign nations, and because of that, they're immune from lawsuits they're immune from environmental laws they don't have to share information," Coffin says.

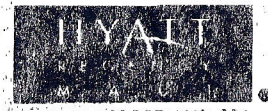
Local elected officials can be just as vexed by not only the impact these massive projects can have on local water tables and sanitation systems, on police and fire services, but also their general inability to do much about it. As "dependent sovereign nations," Indian tribes occupy a special legal category that makes them something like states, something like foreign countries, something quite unlike anything else on earth. Consequently, they do not pay taxes as conventional businesses do, and while the law instructs them to make "goo-

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faith" efforts to observe local ordinances, it cannot compel them to do so. On top of all this, there are the great unknowables—the social cost that will be incurred by casino gambling on the scale presently contemplated, not to mention its impact on social service budgets and the culture and quality of life in the state.

"There will be addiction issues, and the counties are the ones that will have to address them," says Imperial County supervisor Wally Leimgruber. "If a child is without clothing or food or medical care because of someone's gambling problem, it's going to be up to the county to step in."

Yet the most insidious unintended consequence of all may be an increasing tendency for tribes to wage civil war over who is officially an Indian. "It never used to happen, but now money's at stake," says Laura Wass, director of the Fresno branch of the American Indian Movement. The disputes focus on questions of blood, lineage, and residence,



accompanied by political intrigue worthy of the Borgias. Recently, Pechanga tribal chairman Mark Macarro, the spokesman for the Yes on 1A campaign, was embroiled in a fight with a first cousin who says she was unfairly dropped from the tribal rolls and was unable to get back in. Likewise, a breakaway band of Indians in San Diego went to court to argue that they were squeezed out of two related tribal bands flush with casino cash.

"It's very, very painful," says John

Currier, chairman of the Rincon Indian tribe. Earlier this year, Currier negotiated a deal with casino giant Harrah's to open a \$110 million casino on the tribe's San Diego County reservation. Now a dispute over the lineage of his great-grandfather has been taken up by individuals Currier characterizes as political adversaries within the 600-member tribe, and he and 70 of his relatives face expulsion. "If it can be done with seventy-one people," he says, "it can be done with anyone, and not just in Rincon but in any tribe."

At least Rincon finds only 10 percent of its membership called into question. Just outside Fresno, the Table Mountain Casino is a lucrative operation run by a band of 60 Mono-Chukchansi Indians in four extended families. Approximately 100 other Mono-Chukchansis, struck from the rolls as full-blown members of the Table Mountain Rancheria, as the reservation is called, are seeking reinstatement. With that would come the right to share in the casino profits, reportedly \$14,000 a month per member

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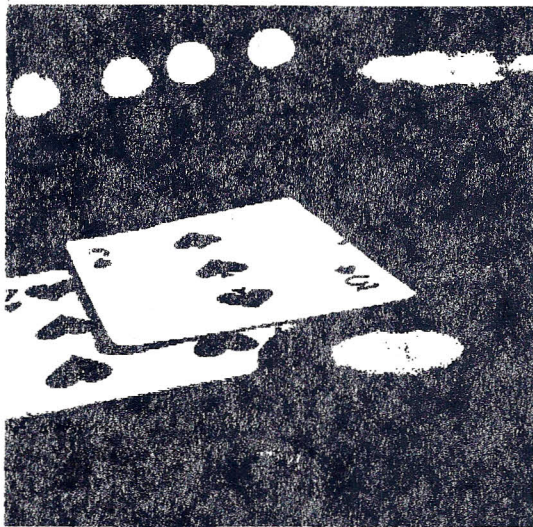
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and expected to increase considerably once the casino installs its full complement of slot machines; Proposition 1A allows each tribe to install up to 2,000 of them. Federal authorities recognize many of the 100 as legitimate members of the tribe but say they are powerless to intervene, asserting that tribes have the sovereign right to determine their own



INDIAN TRIBES occupy a special legal category, and while the law instructs them to make "good faith" efforts to observe local ordinances, it cannot compel them to do so.

membership policies.

"This is just a continuation of the genocide of the Indians by other means," says Wass of the refusal by the Bureau of Indian Affairs to get involved in this dispute and others like it. "There were no disenrollments before the gaming money started rolling in. Now the government has Indian versus Indian, and they don't have to get their hands dirty."

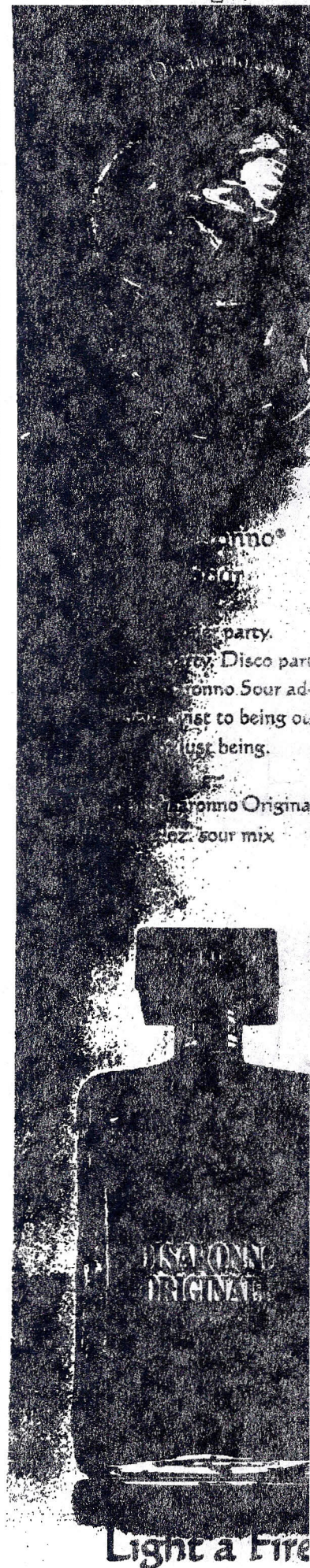
The subtext of this friction is a harsh,

central reality: Despite the explosion in Indian gaming, relatively few Indians will ever see a dime from the casinos. Roughly 40,000 of the state's 300,000 Native Americans are members of federally recognized tribes. Only those who were part of the tribes when they were granted federal status—regardless of whether they currently live on a reservation—are in on the gambling money. The rest, quite simply, are out of luck. "Which is why it's inevitable you're going to have these conflicts," says Howard Dickstein, a lawyer who represents several Indian tribes. "The United States government's recognition policy toward the Indian tribes in California is unfair, inconsistent, and stupid."

Words, too, that might be used to describe the blunt tool voters wielded to advance the cause of Indian self-sufficiency. Not every Native American in California sees casino gambling as a salvation. In Jamul, in San Diego County, a small group of Jamul Indians is suing to block its own tribe from putting up a casino on its six-acre reservation. "They're isolated, cursed at," says one townsman. "It's rough going for them." In the Alexander Valley, Cadd says acquaintances on the reservation grumbled at the prospect of their rural way of life being uprooted by a casino. One member of the reservation, speaking on the condition of anonymity, agreed. "It's all about get rich quick," the member says. "But you don't go around saying that. You're expected to fall in line."

The pressures to do so are, no doubt, considerable. The individual tribes are not required to disclose how much money their casinos make; in 1997 they estimated their collective statewide gross revenue at \$1.4 billion, or \$77,800 per gambling tribe member, but the state projects that by 2003 the 59 tribes that have or will have casinos in operation will gross \$4.7 billion. Already, Native American gaming tribes have emerged as the most formidable lobbying force in Sacramento, and that is not going to be any less true as casino revenues increase.

"Let's think about this—two thousand slot machines per tribe, three hundred to four hundred dollars per day," Leingruber sighs. "We're going to enrich a few and impoverish so many." LA



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