



GABRIELINO/TONGVA TRIBAL COUNCIL

761 Terminal St., Building 1, 2nd FL., Los Angeles, CA 90021 • www.tongvatribes.net
Tel: (213) 489-5001 • Fax: (213) 489-5002 •

Tribal Council Members:

Virginia Carmelo
Tribal Chair

Martin Alcala
Tribal Vice Chair

Sam Dunlap
Tribal Secretary

John Aguirre
Tribal Council Member

Ronald Castillo
Tribal Council Member

Adam Loya
Tribal Council Member

Shirley Machado
Tribal Council Member

Richard Mackin
Tribal Council Member

Edgar Perez
Tribal Council Member

Senator Richard G. Polanco (Ret.)
CEO

Tribal Update – February 15, 2008

Dear Tribal Members,

We are honored to contact you and announce the following items and issues facing our Tribal Nation.

Passing of Martin Alcala, Vice Chairman Gabrielino Tongva Tribal Council – We are sad to announce the recent departure of Mr. Alcala from our world. Yet we will rejoice and honor him in prayer as he has taken his everlasting place in spirit standing in the presence of our Creator.

New Members - We wish to welcome the new tribal members to the Nation. Several new faces will be seen at our upcoming tribal gatherings. Several new families have joined us in our journey to achieve federal recognition and economic self-reliance.

Tribal Gathering – Our next scheduled tribal gathering will be held on **Saturday, March 22, 2008** at: United Auto Workers Hall
Local 148
3971 Pixie Ave.
Lakewood, CA 90712

We are proud to have a positive and mutually beneficial relationship with labor unions locally and statewide. Union representation will be in attendance at our tribal gathering to express their support of our **Tribal Nation**. Lunch will be provided at **12 noon**. Meeting will commence at 1pm.

Citizenship Advisory Committee – The citizenship advisory committee will have its first scheduled meeting on Feb. 16, 2008. Over 30 tribal members have volunteered to participate in drafting the language and document that will be the Department of Citizenship. This is another step in the guarantee that the members of our tribe will have the right of due process and their **birthright** safeguarded as described in our ratified tribal constitution of February 17, 2007.

Senate Bill 1 – The Gabrielino State Indian reservation bill has been pulled from active consideration by Senator Jenny Oropeza. (Enclosed articles from the Capitol Weekly and Daily Breeze). It appears obvious that the “**Step 1, Step 2**” **gaming scheme** as described in the January 2008 newsletter signed by tribal members (Bernie Acuna, Laurie Salse, Linda Candelaria, Suzanne Rodriguez and Martha Gonzales Lemos) and that was mailed from the Law Office of **Jonathan Stein** was not shared with Senator Oropeza. We will be speaking with Senator Oropeza soon to clarify the situation and to ensure her that honesty and truth are our trademarks. We will also inform other members of the California Legislature of the **embarrassment** that the apparent “**Step 1, Step 2**” **deception** has caused our tribe.

SAN DIEGO SUPERIOR COURT CASE

The **lawsuit of libel and defamation against Bernie Acuna, Laurie Salse, Linda Candelaria, Suzanne Rodriguez and Martha Gonzales Lemos** took a dramatic turning point on December 21, 2007. This case (Enclosed San Diego Superior Court documents) revolves around the May 21, 2007 mailer that was sent from the Law Office of Jonathan Stein. "(In that mailer your tribal council was falsely accused of 1) embezzling \$900,000 of tribal funds; 2) that the Defendants "tried to stop the embezzlement;" and 3) The Los Angeles Superior Court ordered the tribal council to "return \$812,500 of the \$900,000 embezzled from the tribe.")

The Honorable Judge Nugent in San Diego Superior Court has found that your tribal council made a sufficient showing that the alleged claim of embezzlement was false. In addition, Judge Nugent found that your tribal council made a sufficient showing that "...the Member letter falsely accusing Plaintiffs of embezzlement was done with actual malice." Not a very proud moment for our Tribe, but it is a very important victory for your tribal council as we are dedicated to informing everyone of the truth.

CENTRAL DISTRICT COURT CASE

As you may remember, the West District (Santa Monica) case where the Tribe was the defendant has been consolidated with the Central District (downtown Los Angeles) case where the Tribe is the plaintiff. Both cases are in front of Judge Aragon. Currently, attorneys for the Tribal parties are preparing for a hearing on February 26th to refute Stein's claim that he has reached a settlement in the case with the Tribe. In short, Stein's theory is as follows: he claims that your Tribal council abandoned the Tribe sometime in late 2006, and that his shadow group somehow became the "official" governing body of the Tribe. In spite of the fact that he argued that the Nation was an AKA for the Tribe when he sought the writ of attachment last March, he now claims that the "Tribe" is his Santa Monica shadow group, and that the Nation is the name your Tribal Council gave to a group it supposedly started in early 2007. He further claims that he reached a settlement with the "Tribe" and us attempting to bring the agreement in front of the judge. A reply brief was recently filed on behalf of the Tribal parties, which sets forth many, many facts that refute Stein's claims. We will keep you posted and inform you of the results of the February 26th hearing.

BEVERLY HILLS CASE TRANSFERRED TO JUDGE ARAGON

The case filed by Stein on Behalf of the Crane lobbying group (who was paid \$50,000 by the Tribe in 2006 but whose lobbying filings indicated very little, if any, work was done on behalf of the Tribe at the time) in Beverly Hills was recently related to the Central District cases and transferred to Judge Aragon's courtroom. We are very happy with this development as it will bring all three cases in front of a single judge.

Special Elections – Due to the passing of our Tribal Vice Chairman and in accordance with our Constitution and Election Ordinance the Tribal Council will move to fill the vacant seat. An appointment of an eligible tribal council member to the position of Vice Chairman will take place by the time of the next scheduled meeting of the Tribal Council. In further accordance of the Constitution of the Gabrielino Tongva Nation a special election will be called within 90 days to fulfill the compliment of nine members of the Tribal Council. Therefore, the special election will nominate and vote one new member to the Tribal Council from eligible citizens of the Gabrielino Tongva Nation.

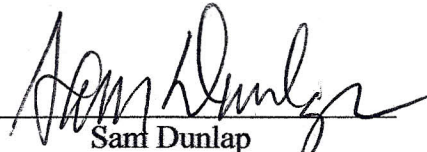
Cultural Resources – The Tribal Council is also dedicated to informing the Nation of events that involve our cultural and archaeological resources. We will inform you at our tribal gathering of an important reburial issue coming up this summer involving over 400 sets of ancestral remains from the Playa Vista development project near Marina Del Rey. Also, we will have representatives from a cultural resource management firm at our tribal gathering to provide the membership with a display of our tribal artifacts and to be on hand to answer any questions related to archaeology.

Members of our Tribal Nation, we look forward to seeing you at our next tribal gathering. Our tribal website (tongvatribes.net) is being updated to provide you with timely information. We are also available by phone to answer your questions. Call us! **We will tell you the truth, as we have since the beginning.**


In Unity & for our Nation, the Gabrielino Tongva Tribal Council,

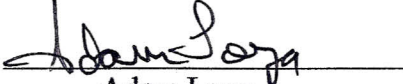

Virginia Carmelo

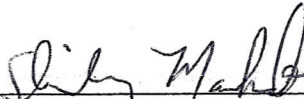
Martin Alcala


Sam Dunlap

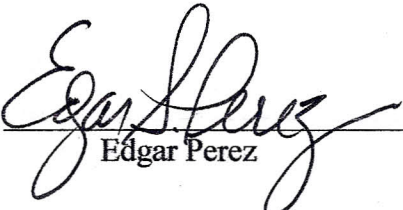

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Oropeza halts Gabrielino-Tongva reservation bill

By Gene Maddaus Staff Writer

Article Launched: 02/06/2008 11:41:03 PM PST

State Sen. Jenny Oropeza has dropped a bill to create a reservation for the Gabrielino-Tongva tribe after learning that it planned to use the measure as a first step toward getting a casino.

Oropeza submitted the bill in December with language that ruled out Indian gaming on the proposed Gabrielino reservation. But a letter that surfaced within the last few days explains the tribe's strategy as a "Step 1, Step 2" approach to building a casino.

"At a later date, after the reservation is established, we will return to seek a separate approval for gaming rights," says the Jan. 11 letter from the tribe's council to its membership.

Oropeza dropped the bill Monday, saying she had been misled by the tribe's representatives.

"Clearly we were on different pages," she said. "I don't like dealing with folks who don't deal straight-up."

The Gabrielino-Tongva tribe, which has historic roots in Los Angeles County, has sought federal and state recognition for several years.

The effort has been plagued by factional feuds and lawsuits, as rival groups claim to be the Gabrielinos' true representatives. The Gabrielino/Tongva tribe, a separate group, has explicitly disavowed efforts to build a casino.

The idea of establishing a tribe with gaming rights in Los Angeles County has been a non-starter in Sacramento. Such a development would radically upset the status quo - Indian casinos in the interior of the state, and card clubs and racetracks without Indian-style gaming in L.A. County.

Oropeza said that while she is not personally opposed to a casino in L.A. County, the Senate would never take up the idea.

"Right now I think people are weary of the tribal gaming issue," she said. "I'm not somebody who beats my head against a wall."

Jonathan Stein, the chief executive officer of the Gabrielino-Tongva tribe, said he was "very sorry" that Oropeza decided to drop the bill.

"Jenny has her heart in the right place," Stein said. "It could be she's under a lot of pressure from other tribes in Southern California."

Oropeza was considered a promising sponsor because her history with the Gabrielinos goes back decades. While a student at California State University, Long Beach, Oropeza worked to prevent the school from building on a Gabrielino burial ground.

Oropeza said she came away from her initial meeting with the tribe's representatives last year believing that their quest for a reservation was a legitimate effort to help native people. She also hoped the bill could help unite the Gabrielino factions.

"They talked about other business opportunities they were planning to conduct," Oropeza said. "They said they wanted to help their people. They were just not totally forthcoming with me."

Stein said that his group has been up front about its intention to ultimately get a casino in L.A. County.

"In our mind, we would get a reservation and do nongaming business," he said. "But we're hoping in 10 years to maybe get our own casino. A 10-year horizon is pretty long."

Last year, Oropeza voted for the compacts sponsored by four major Indian gaming tribes. That decision spurred organized labor, which opposed the compacts, to campaign against her in her congressional bid. The four tribes then rallied to her side, pouring hundreds of thousands of dollars into her campaign, which ultimately proved to be unsuccessful.

In the letter to tribal members, the Gabrielino council described those tribes as "our political enemies," because a Gabrielino casino would compete with the existing casinos. Stein said he believed that Oropeza had been pressured to drop the bill by those tribes, and that the leaked letter had little or nothing to do with her decision.

"That's baloney," Oropeza said. "I had a feeling some of the other tribes would not be thrilled about it."

But Oropeza said she heard objections to the bill only from one tribe.

Oropeza said she was disturbed by the passage in the letter that described the gaming tribes as enemies of the Gabrielinos.

"They're anti-other tribes," she said. "That's highly objectionable. I am supportive of the tribes that now have recognition. To have anybody that I was working with view those tribes as the enemy, that is not a group I want to work with."

Oropeza drops Gabrielino bill after casino letter surfaces

By Malcolm MacLachlan (published Thursday, January 31, 2008)

Sen. Jenny Oropeza, D-Long Beach, is dropping her authorship of a bill to create a state-recognized reservation for the Gabrielino Tribe after a letter surfaced saying the tribe would use the land to pursue a casino.

"I introduced this bill with the best of intentions," Oropeza said in a statement. "It was my understanding that the focus of this bill was about tribal recognition and a potential reservation site. As a result of a recent letter from the tribe, however, it is clear the sponsor and I are not on the same page. Given the misunderstanding, and after consulting with my staff I have decided not to pursue it further."

Oropeza announced the bill, SB1, in December. It explicitly carried no gaming rights. When Capitol Weekly first reported the story in December, Oropeza said she was carrying the bill to ensure "fairness" to a tribe that had been repeatedly mistreated by state and local government, and had long been frustrated in its efforts to gain federal recognition.

However, in a Jan. 11 letter from the tribal council, members were told the bill represents "Step 1" in the tribe's effort to get a casino: "The bill would establish the Gabrielino State Indian Reservation, but 'without' gaming." Thus, it is Step 1 in a 'Step 1, Step 2' approach. At a later date, after the reservation has been established, we will return to seek separate approval for gaming rights.

The Gabrielino-Tongva Tribe, or GT Tribe, has been in the news in recent years due to its efforts to get a casino in southern California, along with a series of membership and leadership fights. At one point, there were as many as five separate factions.

These days, two main groups are claiming to be the real tribe. The group on whose behalf Oropeza is carrying the bill remains affiliated with longtime tribal attorney Jonathan Stein. Another faction, the Gabrielino/Tongva Nation, or GT Nation, split with Stein in September 2006 in a dispute involving tribal assets. The groups have pending lawsuits against each other. SB1 states that all Gabrielinos would be allowed to live on the reservation, no matter which group they are currently affiliated with.

The bill listed four co-authors, all Democrats, according to the letter: Sens. Leland Yee of San Mateo and Jack Scott of Pasadena, and Assemblymembers Mike Davis of Los Angeles and Betty Karnette of Long Beach. Yee's and Davis' offices indicated that they felt misled, as Oropeza did. The letter states that a fifth co-author, Assemblywoman Nicole Parra, D-Hanford, was convinced by Agua Caliente and Richard Polanco "to drop her authorship." Polanco is a former state senator who serves as CEO and lobbyist for GT Nation.

The letter goes on to state that "only 35 people showed up" to the GT Nation's last tribal meeting. Martin Alcala, a councilman with the GT Nation, said there were really more than 200 people there and that the GT Tribe is claiming its 2,000 members as its own.

The council letter also advises members to vote against the four amended gaming compact, Propositions 94-97. One of the tribes seeking new slot machines, Agua Caliente, has sought to lock the Gabrielinos out of the Southern California gaming market with an exclusivity clause, the letter claims. Nancy Conrad, a spokeswoman for Agua Caliente, said that the tribe has done nothing to deny a reservation or a casino to the Gabrielinos.

"If the compacts go down, the vote shows that our political enemies-Agua Caliente and the other Indian casinos in Riverside and San Bernardino counties-can spend \$55 million and still lose," the letter states.

It also advises members to give thumbs down to Proposition 93, the measure to relax term limits supported by the current Democratic Legislative leaders, Speaker Fabian Núñez, D-Los Angeles, and Senate President Pro Tem Don Perata, D-Oakland. Neither "have been good friends to the tribe," the letter notes, adding "We can do better with new leadership."

Lobbyist Marc Aprea, who represents the GT Tribe, was contacted for this story but had not commented as of press time.

David Quintana, a spokesman for both the Viejas Band of Kumeyaay Indians and the California Tribal Business Alliance, of which Viejas is a member, Quintana has long been a critic of state recognition.

"It makes a mockery of the federal status of tribes," Quintana said. "What's next, county reservations? Is Yuba City going to authorize a reservation?"

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
SOUTH BUILDING
TENTATIVE RULINGS - December 20,2007

EVENT DATE: 12/21/2007 EVENT TIME: 01:30:00 PM DEPT.: N-30

JUDICIAL OFFICER: Thomas P. Nugent

CASE NO.: 37-2007-00055441-CU-DF-NC

CASE TITLE: CARMELO VS. CANDELARIA

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Defamation

EVENT TYPE: Demurrer / Motion to Strike (Probate)

CAUSAL DOCUMENT

/DATE FILED:

Defendants' special motion to strike is denied. The court finds that the Member Letter was made in a public forum in connection with an issue of public interest. Damon v. Ocean Hills Journalism Club (2000) 85 Cal.App.4th 468, 476-477. The burden then shifted to Plaintiffs to establish a probability that they would prevail on their libel claim against Defendants. Plaintiffs have met their burden of proof. Plaintiffs have made a sufficient showing that the alleged claim of embezzlement was false. There is no evidence before the court that Plaintiffs are limited-purpose public figures who have been drawn into a particular public controversy: In addition, Plaintiffs have made a sufficient showing that the Member Letter falsely accusing Plaintiffs of embezzlement was done with actual malice.

Plaintiffs' evidentiary objections 1-4 are sustained. Plaintiffs' evidentiary objections 5-9 are overruled. The memorandum of points and authorities does not constitute evidence. Plaintiffs' request for judicial notice is granted as to Plaintiffs' lodged exhibits 2, 3, 5 and 8 only. This court has no access to the files of the Los Angeles Superior Court.

Plaintiffs' request for attorney's fees is denied. The court does not find that Defendants' special motion to strike is frivolous or is solely intended to cause unnecessary delay. CCP § 425.16(c).

Defendants' general demurrer to the complaint is overruled. Sufficient facts have been pled to establish libel. It does not appear from the face of the complaint that Plaintiffs are limited-purpose public figures. Plaintiffs have also sufficiently pled that Defendants acted with actual malice in mailing the Member Letter. Defendants are granted 10 days leave to answer. Plaintiffs shall serve a notice of ruling within 24 hours of this ruling. CCP § 472b.

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6 Facsimile: (760) 487-1564

7 Attorney for Plaintiffs

CLERK - SUPERIOR COURT
SAN DIEGO COUNTY
7/3 JUN -3 PM 3:35

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO
10 NORTH COUNTY DIVISION

11 VIRGINIA CARMELO; MARTIN ALCALA;
12 SHIRLEY MACHADO; EDGAR PEREZ and
13 ADAM LOYA,

14 Plaintiffs,

15 v.

16 LINDA CANDELARIA; BERNIE ACUNA;
17 MARTHA GONZALEZ LEMOS; LAURIE
18 SALSE; SUZANNE RODRIGUEZ; and DOES
19 1 through 10, inclusive,

20 Defendants.

CASE NO. 37-2007-00055441-CU-DF-NC

**NOTICE OF RULING ON DEFENDANTS'
SPECIAL MOTION TO STRIKE
COMPLAINT PURSUANT TO C.C.P.
§425.16 AND GENERAL DEMURRER**

Date: December 21, 2007

Time: 1:30 p.m.

Dept.: 30

Judge: Hon. Thomas P. Nugent

Trial Date: None Set

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on December 21, 2007, after oral argument, the Court upheld
23 its tentative ruling on the above-referenced motions, a true and correct copy of which is attached
24 hereto as Exhibit "A."

25 Dated: December 22, 2007

LAW OFFICE OF ELIZABETH ARONSON

26 By 

27 Elizabeth Aronson
28 Attorney for Plaintiffs