

# Committee on Resources

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## **TESTIMONY OF CHAIRMAN DERON MARQUEZ OF THE SAN MANUEL BAND OF MISSION INDIANS BEFORE THE COMMITTEE ON RESOURCES**

### **OVERSIGHT HEARING ON OFF-RESERVATION RESTORED AND NEWLY-ACQUIRED LANDS FOR GAMING**

1324 Longworth House Office Building  
Tuesday, July 13, 2004  
10:00 a.m.

Good morning, Chairman Pombo and Ranking Member Rahall. My name is Deron Marquez, Chairman of the San Manuel Band of Mission Indians based in Southern California. I appreciate the invitation to testify before this Committee on the subject of acquiring lands to establish tribal casinos away from existing tribal homelands. I have great concerns that these sort of land acquisitions threaten not only San Manuel and its interest in protecting its ancestral homelands but also the very existence of tribal government gaming in the future.

For centuries, our Serrano people occupied the San Bernardino and San Gabriel Mountains and their southern foothills, the Mojave Desert near Apple Valley and out to Barstow, and areas as far east as Twenty-nine Palms and Yucaipa Valley. Today, the San Manuel Reservation is located on a much smaller area, 850 acres located near San Bernardino and Highland, California. In 1986, San Manuel first established gaming on our reservation as a tool for generating revenues for our Tribe. Since that time, we have heard elders from our tribe and many other tribes say that tribal gaming will one day go away. This source of sustenance will one day be a part of our history rather than our present. And what then will we have to sustain ourselves? Our answer at San Manuel has been to diversify our economy and tribal holdings. But I fear that once again our elders will be right. Acquisition of land for gaming purposes far from existing reservation homelands – and the enormous sacrifices that tribal communities must make to do so – may be the beginning of the end of tribal government gaming.

Tribal government gaming has proven to be a useful tool for tribes to become more self-sufficient and more able to provide opportunities for tribal members to live more abundant lives. Gaming has provided resources for tribes to more effectively protect their sovereign rights where they have come under increasing threat. It has provided tribes with the opportunity to focus on revitalizing tribal languages and cultures where poverty made survival the first obligation for many Indians. It has given tribes opportunity to reacquire lands that were sold or taken from them in more desperate days and make them a part of tribal territory once again.

Without a doubt, reacquiring land is key for some tribal communities to continue to rebuild themselves. There is much work to be done for most tribal communities to ensure that their homelands are protected and sustainable into the future. But the efforts to acquire lands far from existing reservations brings added scrutiny from the general public and now the Congress to land acquisition, and makes such reacquisition efforts more difficult. Not long ago, reacquiring land to build new schools or homes for tribal members did not receive the level of suspicion it does today. Seeking to have land taken into trust now takes longer than ever to accomplish. Now the highest levels of Congress have taken notice of this practice and rightfully so.

Casino deal land acquisitions are not a new idea but one that has been refined by clever casino developers. A new pattern is non-Indian casino developers matching tribes with economically depressed, non-Indian communities in efforts to pull together a casino deal. Oftentimes, the tribe's existing reservation and the non-Indian community are miles and miles apart. With such deals, there can be hidden costs to non-Indian communities seeking short term economic relief who are ill-equipped to adequately assess the entities and individuals they are partnering with. This is a hard lesson learned by some Indian tribes.

There is now such a casino deal in the works in San Manuel ancestral lands in the California cities of

## Hesperia and Barstow.

The proposed land acquisition in Hesperia is more than 100 miles from the existing reservation of the Timbisha Shoshone Tribe. And through a legislative slight of hand, this deal is moving forward as an "initial reservation" rather than an "after acquired" lands under the Indian Gaming Regulatory Act, therefore the Department of the interior is not required to consult with San Manuel, even though this land is within our ancestral territory and is much closer to our reservation than the existing Timbisha Shoshone Reservation. Furthermore, it may not require the concurrence of the Governor to be completed.

Similarly, the Barstow deal would allow the Los Coyotes Band to build a casino over 160 miles from its reservation. Again, encroaching on the ancestral lands of others.

These proposed casino deals and ones similar to them have the added effect of creating enormous tension between tribes who have claims to these lands as their ancestral homelands as well.

The long term costs to tribes for this activity may also be substantial. Tribal government is a tool, not a toy. Tribal sovereignty should be exercised responsibly, for history shows that the Congress and the courts give little patience where such powerful rights are abused.

That concludes my testimony. I would be pleased to answer any questions you may have.