

TESTIMONY OF MARGIE MEJIA
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TO THE HOUSE COMMITTEE ON RESOURCES, JUNE 6TH, 2005

Congressman Pombo and distinguished members of the Committee on Resources, thank you for inviting me to participate today. My name is Margie Mejia, and I am the chairwoman of the Lytton Band of Pomo Indians. To understand why we are here today, it's important to understand something about the history of our tribe.

Like most California tribes, we are a small group, with about 275 members. Like many other California tribes, most of our members live in poverty. Many have no or inadequate health care. Alcoholism and substance abuse are continuing problems. We have many families living together in tiny apartments. Only one of our members owns a home.

But until the 1950s, we did have land. That land was in Sonoma County, and today this is the site of some of the most prestigious wineries anywhere in the world. But the reason that today there are vineyards on that land, instead of our homes – is the result of actions taken by the federal government.

In the 1950s, the government decided to “terminate” small Native American bands like ours as part of a failed federal experiment to abolish reservations and forcibly assimilate Native Americans into urban areas. The result was that we lost both our legal identity and our land.

But we never lost our existence as a community. Many of us continued to live together, and to take care of tribal members in need, as we do to this day. Eventually, we sued the United States, and the outcome of that suit was that the federal government admitted it had broken the promises it had made in the termination agreement. In 1991, our tribal status was restored. However, that settlement effectively barred us from returning to our tribal lands in the Alexander Valley by prohibiting us from operating a gaming facility in the area. We had no choice but to agree to this condition because otherwise, with little or no resources of our own, we would have been forced to fight a protracted legal battle against a group of wealthy wineries and the county.

After restoration, we re-established our tribal government, passed a constitution and elected a tribal council. We also began to look for a means out of the relentless poverty many of our members faced, and to rebuild our tribal community.

We turned to gaming because the government offered that to us as a means of economic development, and because it generates enough money to allow us to get a loan and finance the rebuilding of our tribe and tribal community.

The 1991 restoration agreement, while barring us from operating a gaming facility in Sonoma County, did not foreclose our right to find another community that might welcome us as partners. We found our road to economic self-reliance in the City of San Pablo where with help from private investors we purchased an existing card club that had been approved by local voters in 1994.

The city and the tribe then negotiated a Municipal Services Agreement. At the time, such an agreement was unprecedented in California, and was the most protective arrangement between local interests and an Indian tribe in California.

But there were other hurdles to come. Although it was the government's wrongful actions which resulted in the loss of our land, by the time the government had admitted that, and prepared to make good our loss – the legal landscape for tribes had changed. A law had been passed which made it extremely difficult for tribes to operate gaming on lands taken into trust after 1988 unless Congress made the land eligible. Even though it was not our fault that we were in this position, and although the law had not been intended for landless tribes, but rather tribes with existing reservations, our efforts to seek help from the Department of Interior went nowhere.

Finally, Congress acted to take that land into trust for us as it has in the case of many other tribes in California and other states. This was the final option, after we had tried everything else. Thanks to the efforts of Congressman George Miller that proposal was introduced in legislative form in October, 2000. On December 27th of that year, the president signed the bill into law.

There were newspaper articles about this at the time, and subsequently, there were two attempts to repeal this proposal. Neither of those met with success. Relying on the support of Congress, we have made substantial investments of time and money toward gaming development. We have negotiated generous agreements with both local and state governments

and have made every effort to be a “good neighbor”. In fact we believe we are doing exactly what the federal government wanted us to do when it refused to settle our restoration lawsuit until we agreed not to conduct gaming in the Alexander Valley. The government told us to look elsewhere and we did.

The Feinstein legislation represents another broken promise made to the Lytton Tribe by the federal government. It is nothing short of another congressional termination. We believe that our right to conduct gaming is a valuable property right protected by the United States Constitution and that this right cannot be taken from us without substantial compensation.

In addition this legislation represents government action and regulation that goes “too far”. The Lytton Tribe, like all American citizens, should not be subject to governmental actions and regulations that deprive them of their rights to use their lands for economic development purposes.

That act, of taking land into trust for us in San Pablo, was not the beginning of this story. It was the end of a very long story – a story of poor treatment of our tribe at the hands of the federal government. That was an act of redress, making good the wrong that had been done to us more than fifty years before. To have simply said, “We’re sorry,” and offered up a paper apology for the treatment of our tribe would have been wrong. Taking that land into trust represented a meaningful act of redress; taking that land out of trust would make that gesture so many empty words.

That is the background to our proposal for a casino project on our land in San Pablo.

Our initial proposal in 1999 was for a modest gaming operation with something on the order of 1,000 slot machines. In the proposed compact that we signed with the Governor last year, that number was originally 5,000, which was then revised down to 2,500 machines. Since there has been some controversy about the change, let me address that for a moment.

When we made our initial proposal in 1999, no compact, not ours or any other tribe’s, provided for any revenue-sharing with the state of California. Nor did these compacts provide local and state governments opportunities for substantive environmental review, mitigation of local impacts or involvement in gaming regulation.

We stepped up to the plate to do just that, reaching an agreement to pay an unprecedented 25 percent of net gaming revenues to state and local government to pay for our fair share of public services and environmental mitigation. But that commitment also required more slot machines than originally envisioned.

We agreed to two exhaustive environmental impact reviews prior to anything being built. These provisions are modeled on the California Environmental Quality Act such as the inclusion of project alternatives, mitigation and citizen participation in the process. But the compact took one further step by requiring the Tribe to complete agreements on mitigation measures with its neighbors in the City of San Pablo, the local county and the state transportation department.

Over and above our compact obligations, the Tribe spent the past months engaged with the community to hear their hopes and concerns about our project. As a result, we reduced the size and scope of our project, to make it a better fit for the community, while still offering the creation of more than 6,600 new jobs.

We negotiated and signed that compact with the governor of California. We had the strong support of the city of San Pablo, where the casino would be located. We believe that the proposed compact represented a good deal for all parties. But notwithstanding all that, as you know, California’s state Legislature has chosen not to act on the compact.

As a result, we will now focus on exercising our rights under federal law. We will renovate the interior of the existing building to make it more attractive and to offer a wider variety of Class II gaming activities, including Class II electronic bingo games. These are not video lottery terminals. They will fall well within the definition of what constitutes Class II gaming. We don’t intend to push the envelope.

We did not ask to be in this situation. We did not ask the federal government to take away our name and our land. But that happened. Now, decades later, when this government has finally acted to right those wrongs – we believe it would be wrong to take away our right to pursue economic self-sufficiency.

If this body wishes to address the various issues associated with Indian gaming, so be it. But I respectfully ask you not to go back and retroactively change the rules for us. What this body did in 2000, was to do the right thing. It was to make good a wrong the federal government had committed against our tribe. I ask you to let that act of justice stand. Thank you.