

1 CHAIRPERSON JAMES: Chairman Pico.

2 CHAIRMAN PICO: Commissioner James and honorable
3 members of the committee, I would thank you very much for giving
4 me this opportunity to testify here this morning before the
5 National Gambling Impact Study Commission.

6 And I am Anthony Pico. I am Chairman of the Viejas
7 Band of Kumeyaay Indians, which is located about 35 miles just
8 due east of here.

9 The -- something happened here. The Viejas Band will
10 never forget May 12th, 1998. That was the night we had to choose
11 between the Wilson Compact, gaming compact, or forfeiture actions
12 against our video games by the United States Attorney in the
13 Southern District of California.

14 We made the decision to negotiate within the Wilson
15 Pala Compact framework, the "so-called Option B", because we had
16 a gun to our heads. The gun to our heads was a Department of
17 Justice action against Tribes not willing to negotiate a Wilson-
18 like compact with Governor Pete Wilson's office.

19 Loss of the video machines, which is 80 percent of
20 our income, would devastate our major investments in building an
21 economic base for our Tribal government. It would also mean
22 letting go of at least 1,000 employees of the 1,800 people that
23 we employ. The desire to protect the jobs of our employees and
24 their families, both the Indian and non-Indians who depend on us
25 for our decisions, weighed heavily on our May decision to
26 negotiate.

27 After eight years of court battles, legislative
28 fights, and divisive political rhetoric, the governor brought us

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1 a compact to sign, a compact that we were never a party to, a
2 compact that extracted a very dear price: the price of our
3 sovereignty.

4 We have \$120 million in our gaming facilities,
5 invested in our gaming facilities. Another \$10 million in
6 infrastructure improvements, from a water reclamation plant, to a
7 fire station and emergency ambulance services. The Viejas Band
8 invested quickly in diversifying, beginning with the ownership of
9 a local community bank, and the recent opening of a \$36 million,
10 37-store retail outlet center, dining and entertainment complex.
11 We have more than 2,100 vendors, mostly family-owned businesses,
12 dependent on our economic well being.

13 The people of Viejas took the option to negotiate a
14 Wilson-like compact armed with a glimmer of hope that we could
15 take leadership in amending the compact for one more flexible,
16 accommodating individual Tribal circumstances. We have not
17 succeeded in moving the Governor from his heavy-handed arbitrary
18 approach to Tribal concerns and differing circumstances. This
19 Governor is not negotiating. He's mandating. The state takes,
20 and the Tribes give.

21 This is a familiar rhetoric -- excuse me. This is a
22 familiar ring, and it's because it is a repeat of our past
23 relations with the state of California. There was no good choice
24 on May 12th for my people nor any of the Tribes in California.

25 Our decision was made even more painful by the fact
26 that we knew that the Wilson Compact was designed to divide the
27 Tribes between those who could comply and those who could and
28 would resist. And as we see here today, that wedge politics

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1 continues when we see unionization, union people, good union
2 people against Native Americans, and that is a sad, sad situation
3 that this state is in today.

4 Those with the trust -- you know what, this thing is
5 not working. Is that because it's not union operated here or
6 what? I deserve to be heard and I deserve good equipment.

7 A VOICE: If you could step back up just a little bit
8 from the microphone. It has a cut-off mechanism if you get a
9 little too close.

10 CHAIRMAN PICO: All right. Too much on the
11 Reservation. I guess I'm just used to yelling across the valley.
12 Could I have another minute's grace, Madam Chairwoman?

13 CHAIRPERSON JAMES: Absolutely.

14 CHAIRMAN PICO: Thank you.

15 Those with the trust responsibilities to Tribes that
16 have been practicing an old policy of looking the other way while
17 treaties, agreements and laws supporting Tribal rights get
18 trampled by the states. The federal agencies with the
19 responsibility to bringing both parties to the table have been
20 only interested in making the Tribes sign a compact regardless of
21 its impact value or implications for Tribes.

22 The issue of gaming is more than betting, regulation
23 and taxes. It is about finally allowing Native Americans a place
24 of respect and equal opportunity in America's economic picture.

25 This Commission is only part of history. If America
26 fails to live up to its promises of self government and economic
27 independence for Indians when it comes to gaming, it will be
28 remembered as continuing its policy of oppression and

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1 discrimination when the opportunity arose to change the pattern
2 of sad and tragic relationships.

3 I do not wish to sound disrespectful here, but I'm
4 just really getting a little bit tired of our rights -- people
5 questioning our rights and our integrity, and I'm tired of
6 fighting the politicians in Washington and California to get a
7 compact. I'm tired of seeing my Tribe's resources, both personal
8 and monetary, wasted on fighting phony and unfounded political
9 scare tactics from the infiltration of organized crime to the
10 myths that we do not pay taxes. I believe that the people
11 of this country wanted to change the relationship between Indian
12 and non-Indian. Americans want to make amends for the past. I
13 know that people of this county, of this country, if not the
14 politicians, are cheering for us. The public is appreciative of
15 what we have accomplished through gaming.

16 Let me tell you about how people in San Diego feel.
17 Voters support the Tribes keeping the games that we now have by
18 85 percent. Statewide the support is 68 percent. That's why we
19 know that we have a chance for a fair compact when the voters of
20 this state go to the ballot in November.

21 A recent survey completed in June of 1998, of San
22 Diego voters revealed that 89 percent of the respondents believed
23 that Tribes have proven to be good corporate citizens.

24 The same percentage, 89 percent said that they would
25 support a local ballot measure opposing state mandates over
26 Tribal affairs, including gaming. When the voters were
27 asked who they trusted, the Tribes or the state, to address the
28 issues that the state claims it must mandate in the Wilson

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1 Compact, 77 percent said they trusted the Tribes more than the
2 state to negotiate fairly. Seventy-seven percent said that they
3 trusted the Tribes to protect the health and safety of casino
4 patrons. Seventy-two percent wanted to leave the number of the
5 machines up to the Tribes. Sixty-six percent trusted the Tribes
6 to enforce federal law on Indian land, and 72 percent trusted the
7 Tribes to prevent underage gambling and other crimes.

8 San Diego citizens do not believe Tribal casinos will
9 lead to crime, or need more regulation. Seventy-four percent
10 said that they did not believe allowing Indians to have video
11 machines will result in increased crime in California.

12 On the issues of regulation, only 15 percent of the
13 voters questioned whether the Tribes were doing a good job
14 managing our casinos, and only 15 percent were worried about
15 problem gamblers or casinos increasing gambling addiction. And I
16 want to point out the testimony probably came this morning, but I
17 read in the newspaper where a lady will testify or has testified
18 that we very much feel that we have a responsibility also, as
19 gaming operators, for problem gamblers and people that are
20 addicted to gambling. We recently donated several thousand
21 dollars to that organization, and we will continue to do so,
22 because I believe it is our responsibility. It's our
23 responsibility if people come to our establishments and are
24 addicted to gaming or gambling, and we have to clean up the
25 industry. If those problems are there, it's our responsibility
26 and not the government's responsibility.

27 The citizens of San Diego believe we provide an
28 acceptable entertainment venue on our Reservations. San Diegans

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1 believe Tribal government gaming is a viable alternative to
2 welfare on reservations. They believe that gaming is a good
3 alternative to poverty and the future extinction and continued
4 disintegration of Tribal communities.

5 The question that I have before you here this morning
6 and in conclusion: When you hear all the facts what will you
7 believe?

8 Thank you very much. I'll be open to any question
9 that you might have. I see that my purpose here today and in the
10 future regarding this Commission is to be your servant, and I
11 will be here to help you if I can. If you need me to fly across
12 the country to talk to others, or to talk to someone else within
13 the Commission or any of you, or be any help that I can, I would
14 be most happy to do so.

15 Also on a postscript, I think that the unions and the
16 Tribes is an example of the wedge politics that is going on in
17 this state. I deplore that. I think that it's just being played
18 here in California is just -- I don't have any words for it, but
19 it hurts me terribly to see these things happen.

20 Thank you very much.

21 CHAIRPERSON JAMES: Thank you.

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