



**SANTA YNEZ BAND OF CHUMASH INDIANS
TRIBAL CHAIRMAN VINCENT ARMENTA'S RESPONSE
TO TESTIMONY BEFORE THE
U.S. SENATE COMMITTEE ON INDIAN AFFAIRS**

As the Tribal Chairman of the Santa Ynez Band of Chumash Indians in Santa Ynez, California, I believe that it is my responsibility to respond to the comments made before the U.S. Senate Committee on Indian Affairs during the Oversight Hearing on May 18, 2005 regarding the fee into trust program. At the outset, I would like to thank Chairman McCain and Committee Members for holding this important hearing and providing us with the opportunity to submit a written response to the testimony you received. Specifically, I would like to respond to many of the general comments made as well as respond to the comments made by David Crosby about the Santa Ynez Band of Chumash Indians.

However, before I submit my comments, I would first like to provide a brief historical overview of the Santa Ynez Band of Chumash Indians. Given that our tribe was mentioned during the testimony, I believe that it is important for the Committee to learn a few brief facts about our tribe and our history.

Historical Perspective

In viewing the current situation with various tribal opposition groups, I am reminded of a quote from George Bernard Shaw: “Hegel was right when he said that we learn from history that man can never learn anything from history.” The pervasive unwillingness of tribal opponents to see tribes as governments, or to understand the importance of such basic elements as tribal sovereignty, demonstrates that there are many individuals who have not learned anything from history. Our tribal history validates the importance we place on being a tribal government. It also establishes our geographical aboriginal territory.

Located on the Santa Ynez Reservation in Santa Barbara County, California, the Santa Ynez Band of Chumash Indians was federally recognized in 1901 and remains the only federally-recognized Chumash tribe in the nation. The Chumash aboriginal territory lies along the coast of California, between Malibu and Paso Robles, as well as on the Northern Channel Islands. The area was first settled about 13,000 years ago and at one time, the Chumash had a total population of about 18,000 people.

The Santa Ynez Band of Chumash Indians was eventually relegated to 99-acres located in a flood plain. For many years, few tribal members lived on the Reservation since it was difficult to live in a modern existence on the Reservation without running water or electricity. In 1979, we began a housing program that allowed more tribal members to move on to the Reservation. Thanks to the revenue generated from the tribe’s Chumash Casino Resort, our tribal members are now on the path to economic self-sufficiency.

Response to General Comments Provided During Testimony

While placing land into trust has become a hot topic among tribal opponents and anti-casino groups, the concentration on “reservation shopping” is taking center stage, resulting in a focus that, unfortunately, takes away from the true issues surrounding land into trust. As was stated in the opening remarks at the hearing, land into trust *in most circumstances*, does not involve gaming. Yet, it is as if tribal opponents are using the negative aspects of “reservation shopping” as a way to curb economic development among Native American tribes.

Land into trust is a complex issue, and when gaming becomes part of the picture, it becomes enormously complex. But the bottom line is the land into trust program was developed in order to allow tribes an opportunity to achieve financial independence through economic development. To continue to focus on “reservation shopping” and on developers purchasing land for the sole purpose of luring Native American tribes would be to ignore the very essence of why the land into trust program exists.

The hearing, as stated by Senator Inouye, was more than about trust applications. It was about the federal government’s obligation to Native Americans. As the Senator so eloquently stated, “I believe that the natives of this land have given enough.”

For our tribe to speak on behalf of the many landless tribes who are legitimately trying to get a foot in the door of economic development would be inappropriate. However, we do echo the sentiments of James T. Martin, Executive Director of United South and East Tribes who said in his written testimony: “Indian gaming must benefit Indian tribes on their own lands, not make Indian tribes pawns in the hands of developers with dubious professional experience who want to move Indian governments around the

country to establish casinos in states where these tribes do not now exist. In other words, Indian gaming should bring new economic opportunities to tribes on their existing lands, not bring new tribes into states where they are not currently located.”

While we certainly cannot speak to the specific situation happening in Michigan, as described by Mike Jandernoa in his testimony, we *can* say that Indian gaming *is* working in California. Job growth created by California Indian casinos and their tribal governments grew by nearly 14% for the year ending March 2005. Preliminary statistics supplied by the California Employment Development Department revealed that tribes employed 50,000 workers in March 2005.

It has become an unfortunate fact that tribal opponents like Mr. Jandernoa continually paint a negative picture of gaming tribes without providing the audience with a truly accurate portrayal. They use alarming statistics and try to tell their audiences that the sky is falling when, in reality, they simply don't want tribal gaming facilities in their backyard.

Response to David Crosby's Comments

Another tribal opponent whose testimony is riddled with inaccuracies and paranoia is David Crosby's verbal and written testimony. His offensive and deceptive comments fall under a few specific themes that I would like to address:

Crosby theme #1: The members of the Santa Ynez Chumash tribe are not good neighbors.

In his spoken testimony, Mr. Crosby argued that our tribal members are not good neighbors. We beg to differ. Many of our tribal members have lived on the Santa Ynez Reservation since they were born. Our tribal members have lived, attended school and

worked in the community. They have contributed to the local economy, volunteered for charitable causes and have been productive members of society.

Through our Chumash Casino Resort, our tribe currently employs nearly 1,500 people and provides them with competitive salaries, good benefits and a wonderful work environment. More than 11,000 people applied for a job at our Resort last year. In 2004 our annual payroll was \$40.4 million. We also paid \$6.9 million in benefits, \$4.0 million in payroll taxes and spent \$69 million purchasing goods and services for our Chumash Casino Resort – a good percentage with local vendors.

Our tribe has proudly taken a philanthropic role in the community by donating more than \$6.5 million to the community. This year we established the Santa Ynez Band of Chumash Indians Foundation with a goal to make the community we serve a better place for all its residents by placing particular value on activities and programs that expand opportunities for the least advantaged, protect our environment or enhance the lives of youth.

In addition to all that we give back to the community, our tribe works hard at being a good neighbor. We have established solid government-to-government relationships with various county agencies and continually strive to build mutually beneficial partnerships in the community.

Crosby theme #2: Taking land into trust doesn't help Native Americans.

Mr. Crosby seems to believe that placing land into trust is an arcane practice that is no longer necessary. His exact words from his written testimony were: *“I am speaking of the problems caused by taking land into trust in circumstances, and under procedures, that do little to address the problems confronting Indian tribes...”*

Economic self sufficiency was, and continues to be, a major issue with Native American tribes and taking land into trust *specifically* addresses that problem for the Santa Ynez Band of Chumash Indians.

The numerous attempts to curb Indian gaming, coupled with the 2020 expiration of the tribal-state compact agreements, will leave many California tribes scrambling for other economic opportunities. For that reason, our tribe continually searches for ways to ensure that future generations of our people will be economically self sufficient.

We know the importance of diversifying our income so that we won't have to depend primarily on gaming in the future. For the Santa Ynez Band of Chumash Indians, one way has been to plan a museum and cultural center along with small retail shops on our 6.9 acres that are currently pending land-into-trust status with the Bureau of Indian Affairs. Placing our 6.9 acres into trust does *exactly* what the Indian Reorganization Act of 1934 had in mind: providing a Native American tribe with a sliver of their original reservation land restored in order to expand their property to a point where the reservation can sustain economic activity.

Crosby theme #3: Tribes circumvent rules and regulations resulting in unchecked tribal land development.

Mr. Crosby's specific words: *"The trust land process is used primarily as a mechanism to evade environmental requirements and the rules and regulations that govern other residents and citizens of a region."*

Mr. Crosby clearly doesn't understand the land-into-trust process. The Committee knows that development of tribal trust land is not only highly regulated, but it is also a lengthy process that is carefully scrutinized by the federal government.

There is nothing “unchecked” about tribal land development. While Mr. Crosby’s argument makes a great sound bite, it is one that isn’t even close to reality. There is no evading environmental requirements nor circumventing rules or regulations when it comes to placing land into trust or developing trust land. Our land-into-trust application associated with the 6.9 acres of land contiguous to our reservation took over 4 years to receive BIA approval and is currently the subject of an appeal, not by the County of Santa Barbara but by the group whom Mr. Crosby is a member.

In fact, if Mr. Crosby were to conduct a side-by-side comparison of tribal land development versus non-tribal land development, he would discover that the processes are virtually identical. The main difference is that the governing bodies overseeing the process are on a federal level for the tribe and the state and local level for non-tribal land development.

Furthermore, Mr. Crosby also fails to understand that tribes are *governments*, therefore the rules that are set up for tribes fall under the jurisdiction of the federal government -- not local government. By insisting that we follow the rules that govern other residents and citizens demonstrates that he does not grasp the concept of a tribe as a government. It is not our individual tribal members who are developing our tribal land, it is our tribal *government*, which must adhere to the federal rules and regulations that are set up for tribes.

Crosby theme #4: Trust land isn’t being used for its original intent.

Mr. Crosby tries to paint a picture of a tribe that is running rampant with land development. His exact words in his testimony: “*Trust land is a tool used to enable*

parties to build developments antithetical to the rules and principles that shape the character and quality-of-life or a region.”

There is nothing antithetical about the cultural center and museum that we have planned for our 6.9 acres. We also anticipate small retail shops along with a public park. It is hard for us to imagine that the community would consider any of these elements a detriment to society. A cultural center, museum and public park would greatly enhance the community and the retail shops would bring additional guests to our beautiful tourist destination.

Aerial photographs of the Santa Ynez Valley show that significant development around our reservation has taken place for the past six decades – and it is land that was developed by others, not by the tribe. Now that our tribe is in an economic position to purchase land and develop it, it is suddenly considered antithetical. We see a double standard that is not only unfair, but reeks of elitism and bigotry.

Crosby theme #5: Removal of land from the county’s jurisdiction diminishes the tax base that supports the County’s critical services.

This is an argument that Mr. Crosby and members of his citizen groups have used time and time again. The problem with this argument is that it is not factual. When you weigh the property taxes on our purchased land against the amount of money the tribe has contributed to the community, there is no comparison.

As an example, take one parcel of land that was in discussion last year. At less than an acre, Mr. Crosby and a group of his fellow concerned citizens were upset that if the parcel was placed into trust, the tribe would not be required to pay the \$3,000 per year that the County would collect on property taxes. To date, the Santa Ynez Band of

Chumash Indians has contributed more than *\$6.5 million* to the region's non profit organizations, schools, fire departments and law enforcement agencies. This is *in addition* to the \$8.3 million that we have paid to date into the state's Special Distribution Fund – a fund that places a significant portion back into the community surrounding our casino.

The fact that we would not be required to pay property taxes on the land we place into trust is of little consequence considering the amount of money that our tribe regularly contributes to the community. Additionally, our tribe has been required to periodically expend hundreds of thousands of dollars to repair County roads leading to the reservation because the County has chosen to fund other projects which they consider to be higher funding priorities. Clearly, the tribe has given more back to the County and surrounding community than we would have ever been required to pay by way of property tax payments.

Crosby theme #6: The wealth of the tribe is inappropriate since they have achieved self-sufficiency.

Mr. Crosby repeatedly mentions the tribe's "extraordinary revenue" and "great wealth" several times throughout his written testimony. So much so, in fact, that we wonder if that is the crux of his complaint. The extraordinary wealth in the community is far greater than the tribe generates through our tribal casino, yet we would never suggest that they discontinue earning money – although that is exactly what they have suggested to us.

A member of one of Mr. Crosby's citizens groups publicly stated in a Santa Barbara County Board of Supervisors meeting the following incredulous statement:

“Certainly by the tribe’s own admission, they have certainly more than achieved financial self-sufficiency.”

Has Mr. Crosby and members of his citizen groups forgotten about Jeffersonian inalienable rights or the basic tenets of capitalism? Is there something about being Native American that precludes us from observing these same cornerstones of American ideology? Wouldn’t America be short changed if the great media moguls, venture capitalists and manufacturing icons of the past century were asked, “Haven’t you made enough money?” What if Mr. Crosby asked Warren Buffett to stop investing because he has already made enough money? Or what if we asked Mr. Crosby to stop performing because he has more than reached economic self-sufficiency?

Economic self-sufficiency for a tribe doesn’t happen overnight. It has taken decades in blood, lost relatives and thousands of acres of lost land for the Santa Ynez Band of Chumash Indians to get to this point. And, no, we have not achieved economic self-sufficiency as a tribe. That will happen when our children, our grandchildren, our great grandchildren and great-great grandchildren achieve economic stability.

Crosby theme #7: Taking land into trust drives a wedge between local communities and their tribal neighbors.

The only thing driving a wedge between the community and the tribe is Mr. Crosby himself by spreading half-truths and outright falsehoods about our tribe. He claims that his groups support efforts to work cooperatively, but the reality is that Mr. Crosby and his group have protested *every single project* that the tribe has undertaken in the past few years.

When we decided to consolidate the various structures on our property, the citizens group was anti-gaming. When we announced plans to build a hotel, they were anti-tourism. When we applied for a liquor license for our fine dining restaurant, they were anti-liquor (even though we live in a community with 62 wineries and 729 liquor licenses in the county). And now that we have applied to place our 6.9 acres into trust to build a cultural center and museum, they are anti-development. If we planned to build a church, would our tribal opponents all of a sudden become anti-religion? From the numerous protests of Mr. Crosby and members of the citizen groups he represents, it has become painfully clear to us that they are simply against anything we propose to do.

Crosby theme #8: Supporting documents submitted into record.

Mr. Crosby mentioned that he would submit documents to support his comments. Although we have not seen those documents, he eluded to an advertisement by a developer searching for participating tribes in which to partner and build a casino. He also mentioned the Los Angeles Times series of articles.

Mr. Crosby waved the ad as if it had some connection to the Santa Ynez Chumash tribe. It doesn't. The Santa Ynez Band of Chumash Indians has always been owned and operated by the tribe. We do not have a management contract nor did we partner with a developer on our property. In the early days, many of our tribal members and descendents worked in our casino. Today, our general manager, who reports directly to our tribe's elected members of our Business Committee, oversees a staff of management-level employees to effectively operate our casino. They are all employees of the tribe and more than 90% are non-Native American.

As for the *Los Angeles Times* series that Mr. Crosby mentioned, it is no more than a salacious and biased series of three articles that belongs in the pages of the *National Enquirer* rather than the *Los Angeles Times*. The first article in the series, the most damaging of the three, is based on allegations by a former casino employee, but there is absolutely no substance to his allegations. The former employee claims that he uncovered massive violations and took his so-called findings to state and federal authorities, but the fact that no state or federal authorities have taken any enforcement action demonstrates that his charges were unfounded. The tribe has done a good job of discovering and handling any issues within the casino and ensuring that missteps are not repeated. In every instance where we found a problem, it was corrected by the tribe, not by an outside state government agency, which only underscores our assertion that we can, in fact, regulate ourselves.

When we first opened our casino and federal marshals threatened closure at every turn, we were required to focus on keeping our business operating while regulating our casino. Today, we continue to focus on our business objectives, and we also make an even greater commitment to regulating our facility. The compact agreement with the state provides a regulatory structure and adequately defines regulations in a framework that did not previously exist. Although we have been operating under our compact agreement for four years, Indian gaming as an industry is still in its infancy. It should also be noted that the allegations of wrongdoing virtually all predate the compacts that went into effect in 2000. Since that time, there are no suggestions of illegal activities or lax regulation.

Our tribe is essentially a family-owned business and like a family, if a member of our tribe makes a mistake in his or her life, we do not reject the member. Rather, we hope

that the member learns from the mistake and moves forward. With 150+ tribal members, it is not unusual that a few might have taken a wrong path at some point in their life. It should not surprise people that we have all the same issues and problems that exist out in the community because we are, in fact, a microcosm of society.

Unfortunately, the *Times*' brand of yellow journalism took the lives of a few tribal members who may have made a few wrong choices in their lives, and insinuated that those few members mirrored the entire tribe. The entire *Times* series is an unbalanced and unfair depiction of our tribe that is actually more of a depiction of the reporter's clear bias against gaming tribes and Native Americans in general than it is of the reality of our tribe.

In Conclusion

There is no doubt that the topic of placing land into trust is an issue that raises plenty of questions on both sides. While we agree that the Committee should take a closer look at "reservation shopping" and the negative connotations attached to it, we also believe that placing land into trust is an appropriate way in which Native American tribes can expand their economic development opportunities.

Members of the Committee, I encourage you to look at all of the facts rather than take our opponents' half-truths as gospel. Mr. Crosby's anti-tribal motives have been clear to us from the beginning and we hope that you see through his facade. Also keep in mind that in our community of some 20,000 people, the individuals that make up the citizens' group that opposes us represent less than 1% of the total population in the Santa Ynez Valley.

We are committed to building a better tomorrow for future generations of Santa Ynez Chumash tribal members. Through economic prosperity, not only do we improve the lives of tribal members, but we also improve the community in which we live by job creation and support of numerous local and regional non profit organizations. We look forward to an opportunity to meeting with members of the Committee at some point to begin a meaningful dialogue between two government entities.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'V. Armenta', with a stylized flourish extending to the right.

Vincent Armenta
Tribal Chairman
Santa Ynez Band of Chumash Indians