

Dispelling The Myths of Native American Gaming



In March 2000, the majority of California voters spoke in favor of Native American gaming by passing Proposition 1A. Since then, however, the fist-pounding anti-Native American activists have come out of hiding with a specific agenda to blast Native Americans under the guise of being against gambling.

Unfortunately, the more zealous opponents of Native American gaming have created a number of myths surrounding tribal gaming. We would like to lay a few of those myths to rest once and for all:

Myth: Indians do not pay taxes

Truth: Native Americans *do* pay taxes. The United States Supreme Court, as well as the Congress, has repeatedly recognized that tribes are governments, not private, voluntary organizations. Under our system, federal, state and local governments and agencies do not pay income taxes. Neither do tribal governments. However, tribal governments pay employer and certain excise taxes, including a form of gaming taxes.

A simple rule to keep in mind: Governments don't pay taxes, but its citizens do. Contrary to common misconceptions, Native American heritage does not exempt tribal members from paying federal income tax by reason of being Indians or because their income is earned in Indian Country.

All of our tribal members pay

federal income taxes. Our members who live off the reservation also pay state taxes and property taxes.

While tribal governments are not taxed, our compact agreement with the state of California provides for two forms of direct state taxation of tribal government gaming revenues:

- The Special Distribution Fund is designed to assist local governments with impacts, permitting cities and counties to apply for grants. Our tribe has paid \$4.1 million into this fund.
- The Revenue Sharing Trust Fund is intended to share gaming revenues with non-gaming California tribes. We have paid \$3.4 million into this fund.

Myth: All Tribal Nations have absolute sovereignty and answer only to themselves.

Truth: Tribal governments operate pursuant to a government-to-government relationship with the United States government. Since the early 1800s, the Supreme Court of the United States has consistently recognized that Indian tribes are governments, possessing inherent sovereign powers over their lands and their members.

Because tribes have the status of "domestic dependent nations," tribal lands held in trust by the federal government are considered federal lands and are subject to all the laws and regulations that Congress has

passed on them, including environmental, criminal and tax laws. The Department of Interior's Bureau of Indian Affairs (BIA) is vested with the authority to govern tribal lands and tribal government dealings.

Our opponents often paint a picture of sovereignty as a bunch of Native Americans running rampant on their reservations. That is hardly the case.

Myth: It is easy for Native American tribes to take land into trust and the reason many of them do so is for gaming purposes.

Truth: Placing land into trust is a lengthy and highly regulated process, making gaming on new trust lands highly improbable.

The process requires an in-depth application from a petitioning tribe, public comments from the local communities, and consultations with state and local officials and agencies where the land is located, in addition to the consent of federal regulatory agencies as outlined in the land-into-trust process. The federal government also requires exhaustive research, including environmental assessments, to determine if there will be any adverse effects on plans for the land to be put into trust.

The process itself guarantees that local communities will not be harmed by taking land into trust. Once the completed application and relevant documents are submitted to the Department of Interior, experts

carefully scrutinize the application, all supporting materials and written comments from interested parties before a decision is reached. Many tribes have waited for over a decade to go through this process.

The process by which recognized Indian tribes are able to place land into trust was established in 1934 by the Indian Reorganization Act, allowing the Secretary of the Interior to hold property in trust as a means to compensate tribes for the unjust taking of tribal land throughout the late 1800s, and early 1900s, when more than 90 million acres were forcibly taken from Indian control.

Land into trust provides tribes with a chance to develop economic opportunities, create adequate housing and provide education and healthcare facilities for tribal members. According to IGRA, tribes can only conduct gaming on existing reservation land. Only in very unique cases does this not apply.

Myth: Native Americans place an unfair drain on the emergency services of their communities.

Truth: California is a federal Public Law 280 state. Created in 1953, the statute effectively handed power over from the federal government and mandated that states must provide services on reservation land. When the law was drafted, despite having a strong impact on reservation life, no Native Americans were

consulted on the issue.

It was a ruling intended to give states more power in their relationships with Native American tribes, who before this had dealt exclusively with the federal government. According to many legal scholars, this was a sweeping blow to the sovereign status of Native Americans and their unique government-to-government relationships with the federal government.

Even so, many tribes provide or pay for their own emergency services. Though not required, there are many instances throughout the state where tribes have donated funds to emergency service departments or have established contracts with county agencies to provide emergency protection services.

The Santa Ynez Band of Chumash Indians has made several donations to various emergency services in Santa Barbara County, including the Santa Barbara County Fire Department, the Santa Barbara County Sheriff's Department and other law enforcement agencies throughout Santa Barbara County.

