

Pechanga Band of Luiseño Indians



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Summary: The Pechanga band of Luiseño Indians will continue to thrive for the foreseeable future and will continue benefiting and improving its tribal economy, politics, and social well being.

Background

The Pechanga Band of Luiseno Indians has been in the Temecula valley for over 10,000 years. This tribe is comprised of Soboba band near San Jacinto, the Pauma band of Pauma Valley, the Rincon band of Valley Center, the La Jolla band near Palomar, and the Old Pala band of Pala reservation. This tribe is full of rich history and culture that continues to live on in its' descendants today. The tribe has followed the tradition of many others by creating a casino on their reservation. Established in 2002, it is the largest casino in California and the Western United States. The casino and tribe are closely intertwined in representing Pechanga culture through the architecture and agriculture. I will be focusing throughout this paper on economic development, economic factors in the surrounding community, policy and political issues, legal issues, and the culture within the tribe.

Tribe Culture:

The Pechanga Band of Luiseno Indians has a long and detailed history and culture. While they are comprised of many bands of Indians stretching in the Temecula Valley, they operate under a single governmental system that they have created. The Pechanga Tribe is a two-tiered system that follows a written constitution and bylaws. The bottom tier is of course the member of the tribe itself, while the top tier is the Tribal Council, who acts as representatives for all the bands of Indians in the Temecula Valley (pechanga-nsn.gov). Elected by a majority of the General Membership, the Pechanga

Tribal Council is responsible for setting policy and administering a wide range of governmental programs within the boundaries of the reservation.

The Casino, which was established in 2002, has quickly become the largest in the State of California, and the main economic success of the tribe. It is a total of 18,000 square feet with over 3,400 slot machines and 54 poker tables. There is also a hotel, which is attached to the casino and contains 517 guest rooms and 64 suites. This hotel goes beyond the typical casino variety though, and also offers a full golf course, 8 different restaurants with world-class cuisine, an RV resort, and multiple meeting and convention spaces. With all of this business at the Pechanga Tribe's disposal, it is easy to understand why they have achieved economic success. The Pechanga Tribe has a Developmental Corporation, which was created to ensure that the tribe continues to have economic success and jobs. There are currently 5 members on the board: President Patrick Murphy, 1st Vice President John Palinkas, 2nd Vice President Edith Atwood, Secretary Ken Perez, and Treasurer Randy Bardwell. These members are responsible to supervise the 5 following services. Education and training is vital for the tribe, which is why they have various college scholarships, vocational training, and tuition assistance available for their tribe members. Facilities and public works involve taking care of the reservations buildings, roads, parks, landscaping, and others. The tribal government also employs a full functional fire department that patrols the whole reservation. The reservation also incorporates health, family welfare, and special needs into their community through various staff and healthcare providers. Lastly, the Tribal Rangers

ensure the safety and security by patrolling the Pechanga lands (pechanga-nsn.gov).

Pechanga tribal culture lives on through its various community funding by casinos and by the commitment by its tribal leaders.

Policy:

The Pechanga Band of Luiseno Indians is allowed to operate casino activities so long as they abide by various federal and state policies and regulations. Since the 1850's the state of California has imposed strict laws upon the Pechanga Band of Luiseño Indians. Federal policy continually had disregarded tribal sovereignty and did not recognize the autonomous authority the tribal council already had in place. During the 20th century, tribes within California were constantly degraded economically, politically, and culturally. With many of the Indians within California unsupported by Tribal Councils and living solitary lifestyles, the increased lack of support from the government towards Indian tribes themselves meant that there were little funds for law enforcement, education, health care, or any number of necessary provisions a government provides for any American citizen (Champagne, 2). These lacks of basic care meant that there were increasing rates of crime, unemployment, bankruptcy and many other unfortunate circumstances for Native Americans. But after 1988, government attitudes towards Indian Tribes increased in a positive way, with new legislation and laws created to ensure the economic and social success of Native Americans.

Policy and Political issues: State Intervention

Indians within California seemed at a dead end until the resurgence of Native American rights in the mid 1900's. Casino gaming became the biggest economic success

for tribes in the United States around 1960. With California having one of the most immigrated populations with the growth rate rising, the very people who brought down the Native Americans became their best customers and the reasons for their future financial successes. Native American rights seemed to take a turn for the better with the Public 280 Laws, which established that reservation land could not be taxed by the state (Champagne, 4). In California, one of the most major achievements for Native American rights came with the California vs. Cabazon Band of Missions Indians case. This case, operated under the Supreme Court, declared the California could not make Indian tribes follow their state gaming laws due to the fact that California operated its own state lottery. “Cabazon was the first Supreme Court decision to uphold sovereign Indian nations’ rights to engage in gaming,” (Mullis, 4). This was a highly influential case that finally recognized the rights and privileges Native American tribes had, and the limits to State intervention. In 2005, the State of California further offered tribal gaming societies more freedom by allowing Class 3 gaming activities, which are not operated by the state. This was a great success for tribes, as they were allowed to operate high risk, high stake gaming operations which were previously denied to them.

In 1988 things changed even better when the California State Governments’ authorized interference with tribal activities was permanently established with the Indian Gaming Regulatory Act of 1988 (Mullis, 23). Basically, this act stated that each tribe in California would be free to do any gaming activities they wished, so long as they were allowed in some form under state law. The IGRA was a nationally recognized act that was a positive consequence of the California vs. Cabazon case.

Federal Intervention:

Not only is it important on a State level to establish guidelines for State vs. Indian intervention and rights, but also it is equally important to do so on a Federal Government level. It is necessary to have Federal intervention guidelines that provide a model for States and a higher authority to demand cooperation with those guidelines. Federal laws for Tribal interaction are far from perfect though. In the case of Florida vs. the Seminole tribe, the Supreme Court decided that tribes could not sue the States for failing to comply with compact guidelines. This drastically reduced any power the tribes had for making sure their sovereign rights were not imposed upon. One of the more positive federal intervention guidelines is to make sure that no financial crimes happen in Indian gaming facilities. Financial crimes are extremely common in gaming activities and federal legislature has allowed tribes to create financial crime prevention plans to ensure that it does not happen in Tribal facilities. Federal intervention guidelines have a long way to come, but as it is now, there are certain legislatures that do allow sovereignty and Indian rights to be respected.

Sovereignty:

Issues of tribal sovereignty continue to trouble many Native Americans who believe they should not have to have any sort of compacts with the Federal Government. After all, if they are truly sovereign, why should they be required to make deals on legal matters with the local Governments? A main reason that tribes agree to engage in compact legislation agreements is because their main customers are non-native

Americans who are under the jurisdiction of the Federal Government. If the tribes made things difficult for the Federal and State Governments whatsoever, the Government could just issue new regulations affecting non-native Americans who visit casinos, which would be devastating to business. In order to create the peaceful compromise with the Federal Government, tribal societies have agreed to compacts that dictate rules within their own tribe, so as not to upset their future economic successes. An example of the compact agreement is, “Section 4.2. Authorized Gaming Facilities. The Tribe may establish and operate not more than two (2) Gaming Facilities within the boundaries of its Reservation and only on the Tribe’s Indian lands existing as of the execution date of this Amended Compact.” One of the main reasons Tribes comply with State legislation consistently is the fact that if Tribes fail to pay any of their dues that were previously set, or fail to insure their gaming industry facilities and operations, they will be penalized their sovereignty. These are major threats to Tribal success and are ways that the State ensures compliance with their intervention policies.

The Pechanga Band of Luiseño Indians has not had a good track record with the State of California and with federal government legislation for various reasons. However, with various court cases, compacts, and negotiations the tribe has been able to overcome adversity and the tribe’s culture continues to thrive. By agreeing to follow mandates, guidelines, and operations restrictions the Pechanga Indians have gained the freedom of sovereignty and the respect of both the State and Federal Government.

Economic and Community Impact:

The Pechanga Band of Luiseno Indians has been committed to improving life for tribal members for decades. The tribe uses the revenue generated from the casino for a handful of issues. In my findings I have found the tribe uses the revenue to employ many public services. For instance, a portion of the revenues goes towards funding the Pechanga Fire Department. The Pechanga Fire Department employs 30 native tribal people and contributes to protecting the people, property, and economic development of the reservation land. Other public service offerings include schools, construction, and public leadership positions, all which are funded by portions of the casino revenues. Other elements in place to improve the lives of the tribe members are college scholarships, tuition assistance, various facilities and public works. These are essential services to the community especially in regards to bettering the youth of the community and improving education standards of Native Americans. In regards to police force, the Tribal Rangers are responsibly for protecting and preserving peace throughout the tribal land and all tribal members; an essential service which receives its money through casino profit distribution. One of the biggest ways the Pechanga Casinos improve the lives of the community is by stimulating the local economy. They do this by giving local merchant and suppliers the opportunity to sell their goods on a large scale. By providing the outlet for local business to distribute their products, the Casino's are ensuring the overall economic success of not only their own business, but also the business of the

whole tribal community. These are some of the ways that the Pechanga Band of Luiseno Indians has used their casino revenue towards the betterment of the tribal community.

The tribe prides themselves for the fact they have many diversified assets throughout the reservation. Some of these assets include a fully functional RV resort and campground. Furthermore, up the street from the RV Park is a fully functional gas station with a mini mart. Both of these assets, which add immense economic value to the community, are all provided by revenue from the tribal casinos. With this revenue the Pechanga Band of Luiseno Indians have added not just a casino business to their land, but they have also created a destination. In order to teach people about their culture, people need to actually come to the reservation lands! The casino bring the initial business traffic, and then the diversified assets that are added to the reservation land through the casino revenue give the Pechanga Band the opportunity to make those customers stay and experience the offerings their tribe has to provide.

One of the most beneficial uses of casino revenue that impacts more than just the tribe itself is the casino revenue that goes towards reducing any environmental impacts the Pechanga Band of Luiseno Indians have created with their business. This is actually revenue use that is mandated by the State Government under the Indian Gaming Special Distribution Fund (cgcc.ca.gov). This Mandate states that a portion of all tribal casino revenue must not only help the impact of the casino on the environment, but that this revenue should also go towards improving the environmental impact of the entire tribe itself. This is a use of casino revenue that benefits the tribe, surrounding community, and state of California as a whole.

Guidelines for Revenue Use:

Compacts created by each tribe with the Government of California state certain percentages of gaming revenue to other tribal needs that each tribe needs to disperse its income towards, such as community improvement, health care, and education. This deal creates a compromise between the federal government and the Native American tribes that have benefited the Pechanga Indians today (cgcc.ca.gov). While very few tribes are economically successful with casino gaming ventures, the compacts established by the IGRA have at least created the opportunity for tribal societies to create better communities for themselves.

Many states also have the power to impose mandates upon the tribe to further dictate how they use their funds. In 2003 the State of California established the Indian Gaming Special Distribution Fund. These monies received by the state from tribal revenues largely go towards repaying the Federal Government of any administrative fees incurred in dealings with the tribe during the fiscal year. They also go towards special programs such as those designed to help people with gambling addictions, or for improving any environmental impacts the tribal gaming activities have caused. Part of the agreement made by the state of California is, “The Tribe shall pay to the State the following:(i) an annual payment of forty-two million, five hundred thousand dollars (\$42,500,000.00).” (cgcc.ca.gov) Regardless of the revenues generated by the casino, this is what the state of California demands for the ability to game on the reservation. With these mandates the State of California has imposed accountability for the tribal societies

casino gaming businesses.

The Pechanga Band of Luiseno Indians has found many ways to use their casino revenue to improve their community. With the largest portion of revenue distributed, the Pechanga Band uses it to develop public services. These services include things such as a police force, and educational tools. Another portion of casino revenue is used towards increasing assets in the community in order to bring further visitors and business opportunities to the area. Lastly, a portion of casino revenue is used towards improving environmental damages that are incurred by the operations of the casino business. The Pechanga Band of Luiseno Indians has found a way to run a very successful business, and improve the lives of the tribal community at the same time.

Throughout my research I truly have enjoyed learning about the Pechanga Band of Luiseño Indians. By following both federal and state guidelines, abiding by rules for revenue use, supporting local tribal economy and community the Pechanga Indians has created a sustainable lifestyle. Through establishing a casino and Indian gaming the tribe has created a backbone for the local economy that will continue supporting it for many years to come. The Pechanga band of Luiseño Indians will continue to thrive for the foreseeable future and will continue benefiting and improving its tribal economy, politics, and social well being.

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