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Sen. Boxer ambushes Woolsey, adds casino rights for Miwok

By Gregory Foley

US Sen. Barbara Boxer last week upstaged Congresswoman Lynn Woolsey and gave casino rights to the Coast Miwok of West Marin and Sonoma counties as part of the bill Woolsey was carrying to give the tribe federal recognition.

Woolsey last June ushered through the House of Representatives a bill to recognize the Miwok and offer them health care, housing, and education benefits while excluding the right to run gambling operations.

However, since then the bill had stalled in the Senate Indian Affairs Committee. In the rush before the close of the 106th Congressional session, Boxer last week added the gambling rights, repackaged the bill with other Indian-related business in a single omnibus bill and sent it back down to the House, where it was approved with little debate – and without Woolsey's knowledge. On Wednesday the bill was awaiting a final vote on the Senate floor.

Just need to ask governor

"It's a shame that the Senate, in its rush to finish up work for the year, didn't protect the residents of Marin and Sonoma counties," Woolsey said upon learning the news. "With this legislation, if the Miwoks want to set up gambling in the North Bay now or in the future, all they'd have to do is ask the governor."

Woolsey on Monday reiterated her disappointment in the maneuvering by Boxer and the Indian Affairs Committee. "I respectfully disagree with their point of view on this," she said. "I'm absolutely opposed to the gaming provision. Our community is very supportive of the Miwok gaining status. But the people have also made it clear that they are very against gambling."

However, Greg Sarris, chairman of the tribe and an English professor at UCLA, on Wednesday applauded Sen. Boxer for her work with the Senate Indian Affairs Committee to create widespread support for Miwok tribal recognition.

Woolsey 'grandstanding'

"I've learned that I should hold my breath, but I am very hopeful that this new bill will pass and am most thankful to Barbara Boxer for really looking at the issue," Sarris said. "I feel that Woolsey did not. She's grandstanding and is trying to scare people with all the talk about gambling."

Sam Chapman, chief of staff for Boxer, told *The Light* that Boxer was simply rescuing a moribund piece of business. "The only way to move it was to modify the bill," he said. "There were several other bills pending, along with several measures which affected other Native Americans in California, and the strategy was to repackage the bill into the Omnibus Indian Advancement Act. In the end, we decided it would be better for the House to pass the bill before the Senate."

Chapman explained that although Boxer has discussed the Miwok issue with Woolsey in recent months, his boss decided that Woolsey's bill was doomed by its anti-gaming provision, which

was opposed in particular by Sen. Daniel Inouye of Hawaii, the Indian Affairs Committee vice-chairman, and by the Clinton Administration's Bureau of Indian Affairs.

Fear of precedent

"Inouye was opposed on the basis that it might set a precedent for other tribes to relinquish their rights, and he questioned the legality of the provision as it relates to tribal sovereignty," Chapman said.

A key element of Boxer's decision to remove the anti-gaming language, Chapman said, was an agreement by the Miwok and Sarris that they would not apply to the state for a gambling compact.

"Her support for this is based in a broad way on the terrible injustice done to Native Americans. Federal recognition of the Miwok is long overdue," he said. "The tribe has said that they will be a non-gaming tribe and will pursue other economic activities, and Senator Boxer takes them at their word."

For his part, Sarris told *The Light* that if recognized the Miwok do not intend to apply for permission to run gambling. And he claimed that Woolsey is misleading the public about how easy it would be for the the tribe to open a casino. "If you look at the facts, it's nearly impossible for us to establish a casino," he said.

Gambling compacts

California voters last March approved Proposition 1A, which has allowed some 60 California tribes to enter into compacts with the state to run casinos and share the profits with non-gaming tribes.

But one main provision of Prop. 1A, Sarris explained, "is that a tribe cannot establish gaming on newly-acquired trust land," he said. "This legislation re-establishes our original trust land at Graton Rancheria, so our reservation would essentially be an ineligible site" because the land had not been held in trust all along.

Sarris noted that the tribal homeland, the Graton Rancheria north of Sebastopol, measures only one acre, which the tribe has agreed with the Miwok landowner not to develop as a casino.

The acre is part of an original 15-acre tribal trust, which in the 1920s the federal government set aside for the so-called "homeless" Indians of the Tomales Bay region. However, the tribe lost its official status in 1966 when the feds wrongly decided that most of the members were dead.

Getting their cut

Sarris said the Miwok fully intend to sign on as a Prop. 1A non-gaming tribe, with the hope of soon sharing in the estimated \$35 million already stockpiled by the state Indian Gaming Commission. "If we were currently recognized, we would be eligible for \$1.1 million already," he said. "We would be making more money in the short-term for not gambling than if we were."

Of more significance, he said, is the vast array of state and federal health care, housing, and educational benefits and grants made available to Indians from recognized tribes.

"We will go from unknown non-whites to a recognized people who are able to get what is owed

to them after decades and decades of injustice," he said.

Tribe member Virginia Jensen, the former owner of Jensen's Oysters in Marshall and now a resident of Rohnert Park, agreed with Sarris. "I think that it's about time something is done," she said. "They've done something for the rest of the Indians, so it's about time they did something for the Miwok."

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