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March 11, 2005

Senate President pro Tem Don Perata
State Capitol
Sacramento, CA 95814

Assembly Speaker Fabian Nunez
State Capitol
Sacramento, CA 94249

Dear Mr. President and Mr. Speaker,

I am writing to express my views about the gaming compact between the State of California and the Lytton Band of Pomo Indians under consideration by the legislature. I recognize that gaming compacts are a state matter. But I feel strongly that, before the Senate and Assembly give final consideration to the compact, I take this opportunity to clearly express my concerns.

As you know, I authored and Congress approved legislation in 2000 to transfer into trust the local card club known as Casino San Pablo and its surrounding land on behalf of the Lytton Band of Pomo Indians, a process that is allowed under federal law. The Lytton Band was a federally recognized tribe that had its land and tribal status unfairly taken away in the 1950s. A federal court restored the tribal status and also granted the tribe the right to pursue land acquisition for housing and for economic development in areas outside of its original native lands, which are no longer under its control.

After being approached by the City of San Pablo about this project, and after carefully investigating the project proposal, I believed, and continue to believe, that it was appropriate for Congress to transfer the land into trust. The proposal shown to me would have benefitted the tribe and the residents of San Pablo, a small city in need of economic development.

I continue to support Indian tribes' right to pursue gaming, and I continue to support the right of the City of San Pablo to make a Lytton casino part of its economic development program.

But somewhere between when Congress approved the land transfer and today, the project that was originally brought to me and to the Congress by the city and the tribe changed dramatically. What was then described as a modest casino with approximately 1,000 slot machines, to be developed within the context of the existing card room facility, instead was turned into a proposal for 5,000 slot machines and a hotel and entertainment center that would make Casino San Pablo one of the three largest casinos in the nation.

The revised project came as a surprise to many of us and understandably caused great concern throughout the community about traffic congestion and other economic and quality of life issues. I went to Sacramento and voiced my opposition to the senate leadership. In response to

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my and others' concerns, the proposal was revised down to 2,500 slot machines.

Let me be clear that I have very strong reservations about even this newly revised compact and urge you to carefully consider whether the pending compact is appropriate for the local community. I believe that the current proposal is inappropriately sized for the local community and far exceeds what was originally proposed and what was originally expected by all parties involved. I believe the concerns of the local community must be respected and I applaud the efforts of Senator Torlakson and Assemblywoman Hancock to closely examine those concerns.


Unless all of the funds and other resources needed to mitigate the impacts of a casino project in San Pablo can be fully guaranteed in the compact, this compact should not be approved. And I believe that there is little confidence that such a guarantee can be achieved for the 2,500 slot machine proposal that is now under consideration. If the compact remains in its current form it should be rejected by the legislature.

The process for considering what was once an appropriate proposal has been grossly distorted by those who have sought to use the casino to achieve their own goals rather than the goals of the local community. Governor Schwarzenegger in particular clearly believed that he could ameliorate his serious state budget deficit problems by approving a mega-casino from which the state would be granted 25 percent of the profits.

Congress approved the right of the Lytton Band of Pomo Indians to negotiate a compact in good faith with the State of California. Its approval does not guarantee the tribe a casino of any size nor does it obligate the governor to approve a casino of any size. The responsibility for negotiating a reasonable compact lies with the governor. But now its approval rests with you.

Again, I respectfully understand that this is now before the legislature and how difficult this issue is. I appreciate the time both the Senate and the Assembly are giving toward its consideration and I appreciate the opportunity to express my views to you.

Sincerely,



George Miller
Member of Congress, 7th District of California