

Jamul casino: Development an unwelcome gamble

Written by Administrator
Sunday, 09 March 2014 07:46 -

Editor's note: Of California's nearly 60 Indian casinos, eight are in San Diego County. The growth of the Indian casino industry is big business. While supporters laud the jobs and charitable donations to local communities that come with a casino, neighbors cite traffic and safety issues and the unwelcome change to their rural lifestyle. The proposed Jamul Indian Village casino in East County has resulted in lawsuits to stop development of the \$360 million casino. Below an opponent shares his view. For a supporter's view, please go [here](#).

The peaceful hamlet of Jamul, like many of the county's backcountry communities, appeals to its residents because of its tranquillity and the quiet, rural lifestyle it offers. It was one of the main reasons I moved here. For the last several years we have been embroiled in opposing efforts to build a casino in our community. A casino would drastically affect our environment and way of life.

The vast majority of Jamul residents oppose the development of a casino in our neighborhood for three reasons:

First, the land doesn't qualify for Indian gambling because the Jamul Indian Village (JIV) was not under federal jurisdiction in 1934. The U.S. Supreme Court holds that this is the law of the land.

In 1978, the Daley family gave land to the United States for the beneficial use of individual half-blood Indians living in and around the Indian cemetery. The JIV has never been lawfully granted any property in trust. It didn't even exist in 1978. At most, an acting deputy assistant secretary for Indian affairs allowed the tribe to be listed in the Federal Register in 1982. That listing qualified the tribe to receive financial aid from the U.S. government.

Moreover, Congress has yet to recognize the Jamul Indian Village and only Congress (not some deputy assistant secretary in an executive agency) has the right to grant jurisdiction over public domain land to an Indian tribe.

Jamul Indian Village has never been granted a reservation, and does not lawfully exercise

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governmental power over the portion of the Indian cemetery on which it seeks to build a mega-casino, because that land does not qualify for Indian gambling under the Indian Gaming Regulatory Act of 1988. The tribe was not recognized under federal jurisdiction in 1934, and has no land, since no land has been, nor can be, taken into trust for the tribe, per the U.S. Supreme Court decision in *Carcieri v. Salazar*.

Second, the parcel is not public domain land and remains subject to state jurisdiction. The U.S. Department of the Interior/Bureau of Indian Affairs and National Indian Gaming Commission (NIGC) have illegally attempted to remove the parcel from state jurisdiction by falsely declaring that it is Indian lands eligible for gambling.

Third, the construction and operation of a mega-casino would cause an unmitigated environmental disaster, and violate both the California Environmental Quality Act and the National Environmental Policy Act. The construction of a gambling facility on the Indian cemetery would cause all those who live, work and recreate in this quiet, rural bedroom community to suffer irreparable harm.

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