

Power plants sprout on Indian reservations

Tax breaks abound; approval is routine

From The Baltimore Sun

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By David L. Greene

Sun National Staff

NEEDLES, Calif. - Like other tribes, the Fort Mojave Indians have raked in millions of dollars from gambling in their flashy casino-hotel and smoky slots parlor. Now, they have turned to a lucrative new venture: a power plant.

Smokestacks might never be as ubiquitous as slot machines. But Indian tribes are increasingly looking to them for the same reason they turned to gaming - to generate a level of revenue that was once out of their reach.

The Fort Mojave plant, perched on a sand dune on the 33,000-acre reservation, brings in \$4 million a year from Calpine Corp., a San Jose, Calif.-based energy firm. That's as much as the two casinos combined. Dozens of tribes, mostly in the West, are now courting energy companies. The reason is simple: To build a plant on a reservation, a company must pay a tribe millions in taxes and lease payments. The deal is also sweet for the energy industry.

By building plants on reservations and hiring Native Americans, companies get tax breaks. Calpine, which is close to signing deals with two other tribes, will be getting \$20 million in federal tax relief for its \$250 million Fort Mojave plant built in Arizona across the river from Needles.

And because tribal lands are sovereign, companies can ignore often-strict local and state environmental laws and win approval for projects with few headaches.

"Plant developers do not have to go through a thousand yards of red tape," said Craig Goodman, president of the National Energy Marketers Association. "It's literally one-stop shopping. You're really lowering your political risk by only having a single tribal council to deal with."

The trend has the backing of the Bush administration, which has called for more than 1,000 new power plants and sees nothing wrong with having some of them built on Indian lands.

But environmentalists and state regulators view the trend with suspicion. They say they fear that tribes, tempted by cash that could pay for services for their impoverished communities, might not fully weigh the environmental consequences. Those who oppose the power plants, they point out, are all but powerless to halt projects on reservations, whose leaders have near-total authority.

"Some areas just can't take any more pollution," said Carl Zichella, the Sierra Club's regional staff director for the West Coast. "Native Americans deserve a lot of leeway. But we can't have people building power plants that are off the political radar screen."

'Worthless land'

Tribal members say they have carefully weighed the financial benefits of plants against the environmental

effects - and that the conclusion seemed a no-brainer.

“This was worthless land,” Llewellyn Barrackman, a Fort Mojave tribal elder, said of the swath of desert consumed by water-cooling towers and natural-gas tanks. “There wasn’t too much debate - it’s been a big help.”

“We don’t just trust anybody,” said Barrackman, who at 83 is the tribal council’s vice chairman. “We check and find out how their people are. We ask tough questions.”

Calpine officials say they chose to build a power plant here because of the proximity to natural-gas pipelines and locations where they can load electricity onto power grids. They dispute the assertions of even some in their industry that the plant reflects their effort to sidestep state regulators or local opposition.

“We go through the same review as everyone, but at the federal level,” said Kent Robertson, a company spokesman.

Avoiding local opposition

Typically, new power plants go through a maze of reviews by local or county boards and a state environmental protection agency. State officials can veto projects in the face of too much local opposition or if they conclude that a plant will produce too much pollution in a region with especially dirty air.

But in evaluating power plants for Indian lands, a tribal council fills the role normally played by local and state agencies.

Once a tribe approves a plant, the federal Bureau of Indian Affairs conducts an environmental review and decides whether to approve the lease to an energy company. Bureau officials say they seldom veto a project approved by a sovereign tribe.

Some state officials have expressed concern that the Bush administration will tilt in favor of allowing new plants to be built, given that President Bush has made boosting electricity output a top priority.

They note that the federal government does not always take account of local interests, for example, or of the fact that some areas are already too polluted to absorb a new power plant.

Impact off the reservation

“It’s not clear the federal [government] will require the same things states require,” said Bill Chamberlain, chief counsel at the California Energy Commission, which has sought an oversight role in the projects on Indian lands. “When there are proposals to do things on tribal lands that would have serious environmental effects off the [tribal] land, a state has a legitimate reason to protect its citizens and its environment.”

Last year, electricity price shocks in California and the president’s call for new power plants ignited interest in the energy industry to build more. Companies began searching for places to build quickly, and some learned that they could be warmly received by Indian tribes.

Though there are only a handful of power plants on tribal lands, some officials say several hundred could be built over the next two decades.

Administration officials, who have begun weakening some environmental rules in hopes of spurring power plant construction, fully endorse building on reservations. Several months ago, Interior Secretary Gale A.

Norton said she thought Indian tribes could make a major contribution to America's energy production. Wayne Nordwall, the Bureau of Indian Affairs' western region director, acknowledged that it is often "less cumbersome" to gain approval for a power plant through his agency than to deal with the states. But, he added, "it does not mean [environmental] impacts are not assessed."

Government defers

Nordwall conceded, too, that the federal government makes a rule of deferring to tribal councils as the final arbiter.

"Indians believe it has been non-Indians who have polluted the air for 200 years," he added. "Now Indians are just trying to get a little economic development."

Fifteen years ago, the Fort Mojave reservation, encompassing parts of California, Nevada and Arizona, made most of its money by farming alfalfa, cotton and wheat and operating a convenience store, mostly selling tobacco. The tribe's jobless rate was 60 percent.

Since then, besides the power plant, the tribe has opened two casinos and pursued other ventures, including selling cable television service and water to non-Indian residents, projects that meant jobs for the tribe. The unemployment rate sank to 10 percent this year.

Calpine had proposed to tribal leaders in 1996 the idea of building a natural-gas-fired plant, the cleanest of its kind, which they said would emit little pollution. The plant opened last year. "They showed us how clean it was," Barrackman recalled.

Calpine officials painted many of the plant's buildings a pale brown - to fit in with surrounding sand bluffs and please tribal members. They also painted ancestral tribal symbols on some of the plant's buildings.

\$8 million income

Today, the tribe receives \$8 million annually - 52 percent of its budget - from the power plant and two casinos - money that is used to fund, among other things, education programs for children and services for the elderly.

To bolster their case, Calpine officials note that it has taken longer to receive a federal permit for a tribal plant in Nevada than to receive state permits for two Nevada plants not on reservations.

Still, the Council of Energy Resources Tribes, an umbrella group for Indian communities interested in profiting from their energy resources, says it is easier for companies to build on reservations.

"You don't get stopped by local folks going to their local courts to stop the project," the council's Web site quotes a legal analyst as saying.

Vast energy resources lie below tribal lands, including an estimated 30 percent of all coal supplies in the West and 10 percent of the natural gas.

In California, officials say they are prepared to challenge in court the idea that state agencies have no jurisdiction over reservations. One concern is that it is unclear whether state or federal regulators have authority to make sure a plant is complying with clean-air and water standards once it begins operating on tribal land. Confusion over jurisdiction, state officials say, could allow serious threats to the environment to go unno-

ticed by any agency.

That appears to have happened in the case of a natural-gas processing plant operating for the past decade on the Southern Ute Indian reservation in Colorado.

The plant, owned by Williams Gas Processing Co., was emitting illegally high levels of pollution, and neither the state nor the federal Environmental Protection Agency had detected the violations.

Once the EPA finally did so, Williams had to pay a \$950,000 fine for violating the law for so many years.

Effectiveness questioned

Publicly, EPA officials said that despite such oversights, the agency has full jurisdiction over tribal power plants and is just as effective as states in regulating them.

But one EPA official, speaking on condition of anonymity, said, "The EPA was just not looking and had no idea what was going on in there."

In Southern California, Calpine has signed a lease deal with the Torres-Martinez Indians, a cash-hungry tribe whose reservation is 80 miles northeast of San Diego.

State regulators are concerned about the project: It lies within a region that state officials monitor closely because it is choked with pollution.

"We need some kind of process to be worked out by tribes and the state so the interests of both are well-served," said Chamberlain, the state energy commission official. "We are not against the project. We are against the idea that tribes should consider themselves immune from state regulation."

In the barren hills an hour northeast of Las Vegas, 400 Moapa Paiute Indians are also close to a deal with Calpine.

Their reservation includes a smattering of homes, a health clinic, day-care center, alfalfa farm and a convenience store that is the only business.

Phil Swain, the tribal chairman, said the tribal council has turned away developers in the past out of fear that their projects might harm the environment. He said they have closely scrutinized Calpine.

Going for the bucks claiming the tribe is in violation of the Indian Gaming Regulatory Act. The governor's office further contends that the tribe made false statements concerning the proposed casino. "This is all the negotiating we've gone through," he said, showing off a phonebook-sized file in his office. "And you're going to tell me we're being exploited?"

Del Rosa contends that the state's allegations of making false statements are "completely false" and a response to the governor's office is being prepared by the tribe's legal counsel. Swain called the power plant a "dream" that could help the tribe subsidize anything from a new firetruck to an expansion of its farm.

Del Rosa said the issue involving the Shasta Mountain Casino, which is planned for the hillside east of the Siskiyou Golden Fairgrounds, does not affect the tribe's Desert Rose Casino located just east of Alturas in Modoc County. "It would mean the world to us," he said. "There is a saturation of casinos now, and they're not as prosperous as they were. We are diversifying. And we go where the bucks are."

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On December 19, 2005, the governor's legal affairs secretary Andrea Lynn Hoch sent a letter



Alturas Rancheria urged to stop Yreka casino plans

Mount Shasta News

By Earl Bolender

April 5, 2006

The National Indian Gaming Commission does not believe the Alturas Rancheria has a legal right to construct and operate a casino on the outskirts of Yreka.

Alturas Rancheria chairperson Phil Del Rosa said the planned construction of the Shasta Mountain Casino has been halted voluntarily by the Alturas Rancheria “until the legal issues are resolved.”

Del Rosa said while concerns by the NIGC, as well as state concerns “have slowed the Yreka casino project down,” the Alturas Rancheria has no intention of abandoning the Yreka casino project.

A letter, dated March 17th was sent to Del Rosa by NIGC regional director Eric Schalansky, urging the Alturas Rancheria to cease construction of the Shasta Mountain Casino and stop any future plans for gaming activities on the site known as the Benter Allotment.

“The purpose of this letter is to provide advance warning to the Alturas tribe that if it opens a gaming operation on the Benter Allotment, the NIGC staff is likely to recommend that the chairman of the NIGC issue a Notice of Violation against the Alturas tribe as well as civil fines and a closure order for the Benter Allotment casino,” Schalansky stated.

Del Rosa was advised that the advance warning is to allow the Alturas Rancheria “to make a good decision and mitigate any potential financial losses before it becomes too late.”

Both the gaming commission and Governor Schwarzenegger’s office have sent letters to the Alturas Rancheria, a small federally recognized Native American tribe of five members, claiming the tribe is in violation of the Indian Gaming Regulatory Act. The governor’s office further contends that the tribe made false statements concerning the proposed casino.

Del Rosa contends that the state’s allegations of making false statements are “completely false” and a response to the governor’s office is being prepared by the tribe’s legal counsel.

Del Rosa said the issue involving the Shasta Mountain Casino, which is planned for the hillside east of the Siskiyou Golden Fairgrounds, does not affect the tribe’s Desert Rose Casino located just east of Alturas in Modoc County.

On December 19, 2005, the governor’s legal affairs secretary Andrea Lynn Hoch sent a letter to Del Rosa informing him that the Alturas tribe was in violation of the Indian Gaming Regulatory Act and the state



Posted on Sat, Apr. 01, 2006

Odds shifting on casino plan

Eastern Shawnee tribe hoping for show of support by Massillon soon; Congress may change law, exclude deals that lack approved application

By Mary Kay Quinn

Beacon Journal staff writer

MASSILLON - Tribal representatives who outlined the benefits of an Indian casino apologized Friday for appearing to rush city leaders and reassured them that they could take their time in drawing up any contracts.

However, the tribe -- the Eastern Shawnee of Oklahoma -- still is pushing for a show of support from Massillon City Council by Monday or Tuesday. The reason, said tribal lawyer Mason D. Morisset, is to help support the tribe's federal land claim, which is facing court deadlines.

Morisset and Chief Charles Enyart were among four representatives meeting with the council Friday for a question-and-answer session.

The tribe, along with local developer Steve DiPietro, is proposing a resort that would include a casino, restaurants, hotel and shopping mall.

The tribe did not say how much workers would earn, Enyart said but most would work full time and receive health benefits and a 401(k) plan.

"We take care of our employees," he said.

The tribe also promised it would rely on local unions during construction.

Mike McElfresh, business agent for the International Brotherhood of Electrical Workers, said after the meeting that he has high hopes that the tribe would work with the building trades.

If the tribe pays local governments, as promised, 2 percent of its net revenue, that could mean \$8 million to \$12 million a year, Stark County Treasurer Gary D. Zeigler said after the meeting.

The casino would be built at the former Republic Steel property, which in its heyday brought in \$3 million in real estate and personal property taxes, Zeigler said.

On Thursday, the Eastern Shawnee group met with civic leaders and the public in Lima, where it also hopes to open a casino. It reached no agreements with Lima and Allen County officials, according to the Lima News.

The tribal group did learn Friday that two resolutions concerning the proposed Massillon casino would be

on Monday's City Council agenda.

The first resolution would give the council's support and its intent to enter preliminary negotiations. The second resolution, called an "intergovernmental agreement," offers guiding principles and a framework for negotiations between the city and the tribe.

Hurdles in Ohio

The tribe hopes to open casinos in several Ohio communities, the chief said.

It has major hurdles in Ohio, where casino gambling is illegal and the tribe has no reservations. Its land claim against the state and some communities seeks to re-establish the Shawnee in Ohio; they were driven out in the 1800s and sent to Oklahoma, Enyart said.

Morrisset said one way the tribe could settle the case is to buy the Massillon land, in lieu of taking other land.

Friday's meeting drew all but two council members and about a dozen area residents.

Donnie Peters Jr., Ward 5 councilman, said he is concerned about the tribe's timeline.

"Why can't we give the people a chance to vote on it?" Peters asked.

Council members also had several questions about how illegal activities would be quelled and whether adult entertainment would be peddled.

To battle criminals, the tribe would have its staff and agreements with local police, said Terry Casey, the tribe's Columbus lobbyist.

Massillon also could seek agreements that would prohibit strip shows and the like, he said.

The chief agreed that social ills, including gambling addiction, could arise, but the tribe's staff would try to control them.

"The benefits far outweigh ills that may come," said Enyart, who added that he has a degree in social work.

Law may be modified

But if a bill passed this week in a Senate committee should advance in Congress, the whole proposal could be moot, Morrisset conceded.

The bill, sponsored by John McCain, R-Ariz., chairman of the Senate Indian Affairs Committee, would change law that allows tribes to build casinos off their reservations if they are approved by the Interior secretary and the state's governor, the Associated Press reported.

The bill would allow some tribes that have begun the application process to continue their efforts, but Morrisset said the Shawnee do not have an application pending.

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MGM Mirage, Foxwoods Enter Into Partnership

Las Vegas Enterprise To Play Key Role In Tribe's Expansion

By Scott Ritter

Published on 4/25/2006

The partnership also will help the Mashantuckets diversify into nongaming activities by creating what tribal officials say will be a premier destination resort.

Mashantucket — Foxwoods Resort Casino is bringing in one of the world's largest hotel and gaming enterprises as a partner in the major expansion program the Mashantucket Pequots launched last fall. The venture with Las Vegas-based MGM Mirage, which could be announced as early as today, will give the tribe an ally with deep pockets as it works to increase the size of its resort by nearly 50 percent. The alliance also will allow Foxwoods to expand its markets beyond the Northeast, giving the tribe a stake in future MGM casino projects in Las Vegas and Atlantic City, according to documents outlining the agreement.

Financial terms could not be determined. Spokesmen for Foxwoods and MGM Mirage declined to comment.

The Mashantuckets launched an ambitious \$700 million expansion in November that calls for construction of a high-rise hotel and a premier performing arts hall. The 2-million-square-foot addition is being built on what is now Lot 9 at the casino, a large parking area that sits in the shadow of Foxwoods' Grand Pequot Tower hotel. Plans call for about 115,000 square feet of meeting and convention space.

It was not clear whether the expansion plans will change under the MGM alliance. Workers in the newly expanded MGM Mirage at Foxwoods will be Foxwoods employees.

Tribal members were required to sign confidentiality agreements before being briefed on the alliance last week.

Besides giving Foxwoods a toehold in off-reservation resort projects, the partnership also will help the Mashantuckets diversify into nongaming activities by creating what tribal officials say will be a premier destination resort. The Mashantuckets recently opened two Rees Jones-designed golf courses at the tribe's Lake of Isles facility.

The expansion also is expected to help the region's economy, adding as many as 2,300 jobs and bringing Foxwoods' payroll to nearly 14,000 people, officials said when the project was first announced. The expansion is expected to be completed by the summer of 2008. It couldn't be determined whether that timeline will change with MGM's involvement.

MGM Mirage owns and operates 24 properties in Nevada, Mississippi and Michigan. It also has investments

in four other properties in Nevada, New Jersey, Illinois and the United Kingdom.

The tribe is betting that the MGM name will help attract new customers to its facilities. Foxwoods also expects to benefit from MGM's expertise in designing and developing resorts.

MGM reported strong revenue growth in 2005 and posted its strongest fourth quarter ever. Net revenues increased 65 percent to \$1.8 billion for the quarter, the company said. MGM will report its first-quarter earnings Thursday.

The Mashantuckets don't make their financial results public.

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compact.

The Shasta Mountain Casino was first scheduled as a Class III operation. The Alturas Rancheria reportedly told the state in January that it intended to open the casino as a Class II facility.

A Class II facility includes bingo and non-banked card games and falls solely under authority of the federal government's National Indian Gaming Commission. A Class III facility, which includes slot machines, black jack and other Las Vegas-style gaming, requires a tribe to enter into a compact with the state.

The state has told the Alturas Rancheria that it believes the change from Class III to Class II is an effort to "forestall the state's efforts to resolve the Indian land dispute until after the construction of the gaming facility is complete."

The land dispute over the Benter Allotment includes the need of the Alturas Rancheria to locate unknown and unnamed heirs of Jim Benter, a member of the Shasta Tribe who died in 1897 who may have legal claim to the proposed casino property. Dale Andreasen, public relations spokesperson for the Alturas tribe said attempts are being made to find the heirs and "buy them out."

Hoch states that the tribe had breached its compact with the state by illegally beginning construction of the casino. She alleges that the Alturas Rancheria "repeatedly assured the state that construction activities were related to a planned pharmaceutical compounding plant and tribal offices" and did not include construction of the casino.

The Alturas Rancheria contends that the foundation was laid for both the pharmaceutical compounding plant and the casino, in order to prevent having to pour another foundation for the casino at a later date.

"It only makes sense to do it all at once," Andreasen said.

The state is also questioning whether the Alturas Rancheria actually plans on operating the Yreka casino as a Class II facility.

"The tribe's conduct over the past year gives the state reason to believe that the tribe intends to operate the Shasta Mountain Casino as a Class III facility," Hoch stated.

The state reports that if the Alturas tribe does intend to operate the Shasta Mountain Casino as a Class II gaming facility, it should relinquish all unused Class III licenses to the California Gambling Control Commission.

"If the tribe does not wish to relinquish the licenses, those licenses that are not in commercial operation within 12 months of their issuance shall be cancelled once those 12 months have expired," Hoch stated. "We understand that a number of the tribe's licenses may be subject to immediate cancellation."



Airing the meth crisis is courageous and needed

By Editors Report
Indian Country Today
04/17/2006

Airing dirty laundry is uncomfortable, as Kathleen Wesley-Kitcheyan, chairman of the San Carlos Apache Tribe, indicated during the recent Senate Indian Affairs Committee hearing on methamphetamine use on reservations. But the meth problem is so overwhelming, she continued, it had to be done. Her brave and emotional testimony recounted an appalling string of personal tragedies, including the death of her own rodeo-champion nephew.

Indian country knows how painful it can be to share these stories with outsiders. The personal hurt is too often compounded by the incomprehension of the mainstream society. Well-intentioned interventions by non-Indians historically have caused even more disruption, turning tragedies into family and tribal catastrophes. And there are malevolent forces in the dominant culture that are more than happy to make propaganda out of the undeniable social ills. But these are risks that national Indian leaders have properly decided to take.

For more than a year, the National Congress of American Indians, the Inter-Tribal Economic Alliance and tribal leaders across the country have prepared a campaign against meth use. NCAI President Joe Garcia made it a plank of his State of the Indian Nations address and issued a "Call to Action" to Congress and the White House. The Senate hearing was part of the response. So are efforts to increase federal funding for drug treatment and law enforcement.

But the gamble has a downside. Some of the press ignored the hard work and complicated policy questions, preferring to sensationalize the problem. NCAI people, as well as officials at St. Regis Mohawk Reservation in New York, spent months trying to interest a New York Times reporter in the story. In the end she produced a New York Post-style story making lurid charges that border reservations had become havens for drug smugglers. Outright enemies of tribal economies picked up some of the looser language and are now talking about a "new-style Indian Mafia."

Maybe this reaction was predictable. The mass media tends to lose its head on drug stories. It hypes the threat, preferring loose rhetoric about "epidemics" to balanced assessments based on statistical evidence. A reaction has even set in among press critics. Jack Shafer, of the online magazine Slate, is making a habit of refuting major cover stories on the meth threat. Far from rising, he argues, meth use has stayed relatively flat in recent years. So far Shafer hasn't unleashed his skeptical analysis on the Times series, but a more balanced look would be welcome.

It would probably conclude that whatever the hyperbole in the mainstream press, meth use is a serious

and growing problem for Indian country. In fact, it might be hitting reservations harder than the rest of the country. Gary Edwards, CEO of the National Native American Law Enforcement Association, gave the SIAC hearing several reasons why. In the first place, he said, meth use is correlated with alcoholism. Meth distributors target alcohol abusers "as a primary consumer base," and the rate of alcohol addiction among Indian people is high. Second, meth is one of the cheapest of illicit drugs, making it the drug of choice in poor communities. Third, tribes are vulnerable through their geography.

Edwards said that the majority of the meth distributed in tribal communities seemed to be smuggled across the U.S. borders with Canada and Mexico. Some 41 tribes have lands within 100 miles of these borders. A majority of these tribes told Edwards' group that they had encountered drug smuggling across their borders.

Matthew Mead, U.S. attorney for Wyoming, elaborated with case studies of drug cartels targeting reservations. He told the committee that members of a Mexican operation led by Jesus Martin Sagaste-Cruz hatched a "business plan" to market meth on Lakota reservations after reading a Denver Post article about the huge volume of liquor sales in Whiteclay, the Nebraska border town. Members of the drug ring actually moved to the vicinity of the Pine Ridge, Rosebud, Yankton and Santee Sioux reservations to recruit meth dealers. According to Mead, they even romanced Indian women to turn them into addicts.

These operations relied on a fourth vulnerability: the splintered legal jurisdiction on reservations. This apparently technical problem is the least reported of all, but it is clearly the most important. In fact, the NCAI planned its anti-meth campaign as a way of dramatizing the fetters on reservation law enforcement. It could easily have used domestic violence or sexual predation on women and children as other examples. This problem is entirely the fault of the U.S. Supreme Court. In a string of its most racist decisions since the end of black/white segregation, the court has ruled that tribal courts and police do not have jurisdiction over non-Indians (Justice William Rehnquist's opinion in the 1978 *Oliphant v. Suquamish Indian Tribe*) or even over Indians who are not tribal members (Justice Anthony Kennedy in *Duro v. Reina*, 1990).

These widely berated rulings created an impossible situation, often prohibiting tribes from enforcing the law over a majority of the residents on their territory. Federal jurisdiction was supposed to cover the gap, but U.S. attorneys habitually gave reservation crime their lowest priority. The result has been a legal no-man's land, in which non-Indian criminals came to view the reservation as a sanctuary. The *Duro* case in particular completely ignored the reality of reservation life, where frequent inter-marriages have brought in substantial numbers of residents from other tribes. The case was so manifestly foolish that Congress quickly passed the "Duro Fix" law to restore tribal control over resident non-member Indians. But the constitutionality of this law remained in doubt until the Supreme Court backtracked in the 2004 *U.S. v. Lara* case.

When you add chronic underfunding of tribal law enforcement to this Supreme Court-induced anarchy, it's no wonder that reservations have a problem with lawless elements - not only in drug use but in domestic violence, attacks on women and "quality of life" issues in general. The wonder is that tribal officials have still managed to find ways of coping. In reporting on lurid tales of drug smuggling to the Lakota reservations, Wind River in Wyoming and elsewhere, the press often neglects to mention that the principals in these operations have been convicted and sentenced to long prison terms in part due to courageous work by tribal law enforcement. The most effective efforts against the smugglers have been joint operations combining federal, state and tribal departments.

Some tribes have come up with sovereignty-friendly solutions to the "checkerboarding" of jurisdiction. The International Association of Chiefs of Police strongly recommends cross-deputization agreements giving tribal police and their neighboring counterparts the power to act as agents for each other. (The chairman of the IACP Indian Country Law Enforcement Section when this report was drafted was Ed Reina, who as

chief of police for the Salt River Pima-Maricopa Indian Community was the respondent in Duro.) In its long article on smuggling problems at the St. Regis Mohawk Reservation in New York, the Times neglected to mention that the state had just passed a bill giving St. Regis Tribal Police the authority of the State Police in dealing with non-Indian lawbreakers.

Meth use requires a variety of counter-measures, such as anti-drug education, treatment for addicts and continued public health campaigns against alcoholism. But it also requires a change in the irrational, anarchic legal structure created by the Supreme Court. Tribes need the power to control and punish law-breaking on their territory, even if the wrongdoers are non-member Indians or non-Indians. This is not only an inherent attribute of sovereignty; it is an urgent practical matter. The single most effective attack on the meth epidemic would be a Supreme Court ruling, or congressional action, overturning the Oliphant decision.

It might have been deeply embarrassing to publicize the sordid details of the meth crisis on reservations, but a return to more rational jurisdiction for tribal law enforcement would more than justify the pain.



Indian status raises questions

By Michael McNutt

The Oklahoman

EDMOND -The federal government should reexamine tribal sovereignty because some American Indian tribes are refusing access to their records, a congressional candidate said Wednesday. "We have to look at that, whether or not we continue to do that and whether or not we're going to have agreements between two nations that do not allow for auditing and verification," said state Rep. Fred Morgan, a candidate for the 5th Congressional District.

"It's like a treaty between two nations -- you should still be able to verify," said Morgan, R-Oklahoma City.

Morgan spoke to members of the Oklahoma Conservative Political Action Committee during an appearance before the group.

Morgan was elected to the Legislature in 1994. He cannot seek re-election because of term limits.

In Oklahoma, many of the tribal compacts with the state -- especially the tobacco and casino gaming pacts -- are "a mess," Morgan said. The main problem is the compacts don't allow state officials access to tribal records to verify terms of the agreement.

"We are all Americans," Morgan said. "If they want to have the benefits ... that they're getting by virtue of being Native Americans, then they're going to have to make some concessions."

Morgan also told the group the first step in dealing with illegal immigrants is to secure America's borders.

It is impractical to return all the estimated 12 million illegal immigrants back to their countries, but the United States should identify them and work with them to obtain U.S. citizenship, he said. Those with criminal records should be returned to their home countries, he said.

Other GOP announced candidates in the race are Lt. Gov. Mary Fallin, Corporation Commissioner Denise Bode and state Rep. Kevin Calvey. Announced Democratic candidates are Oklahoma County Court Clerk Patricia Presley; Bert Smith, an Oklahoma City high school mathematics teacher; and Dr. David Hunter, an Edmond physician.



E-mails show Abramoff's donation leverage

JOHN SOLOMON and SHARON THEIMER

Associated Press

WASHINGTON - A Republican Party official and Jack Abramoff's lobbying team bluntly discussed using large political donations as a way to pressure lawmakers into securing federal money for a tribal client, according to e-mails gathered by prosecutors.

The e-mails detail how Abramoff's team worked to leverage assistance from the White House, Congress and the GOP to get a reluctant federal agency and a single Republican congressional aide to stop blocking school construction money for the Saginaw Chippewa tribe. The e-mails were obtained by The Associated Press.

Abramoff's team ultimately prevailed when the congressional aide was overruled, several lawmakers pressured an Interior Department agency and Congress itself set aside the money for the tribe. Lawmakers who helped got thousands of dollars in fresh donations from Abramoff's team.

Federal bribery law prohibits public officials from taking actions because of gifts or political donations and bars lobbyists from demanding government action in exchange for donations.

Abramoff's team repeatedly discussed donations as the reason Republican leaders should intervene for the Saginaw, the e-mails show.

"The tribes that want this (not just ours) are the only guys who take care of the Rs," Abramoff deputy Todd Boulanger wrote in a June 19, 2002, e-mail to Abramoff and his lobbying team, using "Rs" as shorthand for Republicans.

"We're going to seriously reconsider our priorities in the current lists I'm drafting right now if our friends don't weigh in with some juice. If leadership isn't going to cash in a chit for (easily) our most important project, then they are out of luck from here on out," he wrote, referring to political donation lists.

The e-mails have become evidence in a federal corruption probe into whether lawmakers, congressional aides and administration officials helped Abramoff's clients in exchange for gifts and donations.

A former federal prosecutor who specialized in fundraising cases said the e-mails are "circumstantial evidence that the money may have a relationship to certain legislative action" and would be useful in criminal prosecution if bolstered by other evidence.

"It memorializes what a lot of people suspect: that money buys access," said Charles La Bella, who oversaw a 1990s investigation into Clinton-era fundraising. "Politicians, because of the way the system is set up, need money. And money is used as a carrot and a stick by lobbyists to encourage or discourage legislative action."

Abramoff's spokesman, Andrew Blum, declined comment Tuesday on the e-mails.

Abramoff's lobbying began when the Interior Department initially opposed giving the Saginaw - a wealthy tribe with a casino - federal school construction aid.

Abramoff's team turned to Congress, getting Michigan Democratic Sens. Carl Levin and Debbie Stabenow to persuade their party's leaders to request the money in a spending bill. Democrats controlled the Senate in 2002.

Abramoff then turned to Republicans, including Sen. Conrad Burns of Montana, to overcome the administration's objections and secure \$3 million specifically for the Saginaw when the GOP regained control of the Senate the next year.

The plan hit a snag in summer 2002 when a single GOP House appropriations staffer, Joel Kaplan, objected. An angry Abramoff team frantically reached Republican leaders.

A staffer for the National Republican Congressional Committee, Jonathan Poe, suggested Abramoff's team compile a list of tribal donations, comparing Republicans with Democrats, to help make the case for lawmakers to overrule Kaplan, the e-mails state.

Poe's "suggestion for me was to have a list of money contributed by tribes broken down r to d so that I can make the cleanest argument that we are about to let the Senate Democrats take credit for the biggest ask of the year by the most Republican-leaning tribes," Abramoff lobbying associate Neil Volz wrote.

Abramoff's team obliged, creating a tally that showed his tribal clients overwhelmingly donated to Republicans - \$225,000 compared with \$79,000 for Democrats.

Poe declined to be interviewed for comment. NRCC spokesman Carl Forti said he didn't know if the NRCC ultimately helped but that NRCC staff routinely suggest strategy for lobbyists and others.

"We talk to groups and people all the time and recommend strategy. We do that with campaigns. It's part of what we do," Forti said.

The Abramoff team's pressure came the same day the NRCC, the GOP's fundraising arm for Republican House candidates, held its major fundraising dinner with President Bush. The Saginaw were a dinner sponsor, donating \$50,000.

Kaplan's resistance drew the ire of Abramoff's team.

"The bottom line is that a staffer received several letters from appropriators, Native American Caucus co-chairs and others supporting a project that costs the federal government ZERO dollars and he is refusing to put it in the bill because it's 'his account,'" Boulanger wrote.

Kaplan, who worked at the White House budget office before becoming an aide on the House Interior appropriations committee, did not return repeated phone calls to his office seeking comment. He currently works for a private firm.

Abramoff's team devised a multi-pronged strategy.

Tony Rudy, an Abramoff colleague who was a former top aide to then-House Majority Leader Tom DeLay,

reached out to his old boss' office. Rudy recently pleaded guilty in the corruption probe and is assisting prosecutors.

"I just came out of a meeting with DeLay's folks. Joel ain't budging," Rudy wrote, referring to Kaplan.

Abramoff was copied on each of the e-mail exchanges, at one point affirming the strategy. "This is brilliant," Abramoff wrote.

Abramoff's team persisted, calling the White House intergovernmental affairs office that often deals with Congress.

"Just talked to White House intergovernmental. I'm pretty sure they will weigh in. Just trying to figure out if they should call Joel or some other player in this drama," Abramoff associate Kevin Ring wrote.

Several people familiar with the lobbying effort said the possibility of White House help became moot when congressional leaders intervened.

In early 2003, Kaplan's new boss, House subcommittee chairman Charles Taylor, R-N.C., ended any problems in the House when he signed onto the Saginaw money. Burns' office took up the fight in the Senate.

Both oversaw subcommittees that controlled Interior's budget, and the two lawmakers wrote a letter in May 2003 in an effort to overcome resistance inside Interior's Bureau of Indian Affairs, which was arguing the Saginaw shouldn't qualify for the school program.

"It is our belief the Saginaw Chippewa tribal school in question clearly falls within" the school construction program, Burns and Taylor wrote, sharply criticizing the BIA. "We hope our collective response has cleared up any unnecessary confusion."

The blunt letter has caught federal investigators' interest because it referenced correspondence that had been drafted inside Interior but never delivered. Federal agents are investigating whether an Interior official leaked the draft to Abramoff's team so it could be used by the lawmakers to pressure the department.

In addition, both Burns and Taylor got campaign money around the time of their help.

A month before the letter, Abramoff's firm threw Taylor a fundraiser on April 11, 2003, that scored thousands of dollars in donations for the lawmaker's campaign, including \$2,000 from Abramoff and \$1,000 from the Saginaw. The tribe donated \$3,000 more to Taylor a month after the letter.

Burns, likewise, got fresh donations. Several weeks before the letter, Burns collected \$1,000 from the Saginaw and \$5,000 from another Abramoff tribe. The month after the letter, the Saginaw delivered \$4,000 in donations to Burns.

Taylor's office did not respond to several calls seeking comment. The lawmaker had his own interest in the school construction program. The year after the Saginaw money, Taylor arranged for the Cherokee tribe in his home state to get similar money.

In a letter to the Senate Ethics Committee, Burns' lawyer confirmed the senator's staff met with Abramoff's lobbying team about the Saginaw but insisted any "suggestion that funding for this project resulted from Mr. Abramoff's influence is not accurate."

The Washington Post

Tribe Returns \$3 Million Grant Linked to Burns

By Susan Schmidt
Washington Post Staff Writer
April 7, 2006

A wealthy Indian tribe once represented by former lobbyist Jack Abramoff said yesterday that it has decided to return a \$3 million federal school-construction grant it received as a result of pressure exerted on Interior Department officials by Sen. Conrad Burns (R-Mont.).

The Saginaw Chippewa tribe of Michigan sent a letter to congressional appropriations committees saying it will return the earmarked money and asked that it be sent to other tribes.

A federal task force investigating congressional corruption is looking into actions by Burns and members of his staff in obtaining the grant, according to people involved in the probe.

Burns, who oversees the budget of the Bureau of Indian Affairs, pressed for the funding over the objections of Interior officials, who said that the money was intended to improve dilapidated tribal schools, not build new ones for wealthy tribes.

The Washington Post reported last year that Burns pushed Interior to reverse its decision that the tribe did not qualify for the funds, and when that failed, he earmarked the money in a 2004 appropriations bill.

“After careful consideration, our tribal council has decided not to move forward with the construction of the school, because it is not financially prudent to pursue this project at this time,” tribal officials wrote in a letter yesterday to Burns and other lawmakers. They asked that Congress use the money to offset some of the cuts in the BIA’s budget.

Jacqueline Johnson, executive director of the National Congress of American Indians, said the Saginaw Chippewas’ action “is definitely appreciated by the tribes.” She added: “Hopefully, the money can get turned around to benefit other tribes in one way or another.”

Burns has said he sought the grant because he is interested in improving conditions on Indian reservations. A spokesman for his office had no immediate comment on the tribe’s decision.

Burns was a major beneficiary of campaign contributions from Abramoff’s lobbying team and the tribes they represented, taking in \$141,590 in contributions from 1999 to 2004. Under political pressure for his ties to Abramoff, Burns announced in December he would return the money.

Abramoff’s lobbying team had strong ties to Burns’s staff. One appropriations aide went back and forth between jobs on Burns’s staff and Abramoff’s team. Another Burns appropriations staffer and Burns’s chief of staff were treated to a trip to the 2001 Super Bowl in Florida on a corporate jet leased by SunCruz, a Florida casino cruise line then owned by Abramoff and several partners.

The FBI, the Justice Department’s public integrity section and the Interior Department inspector general are investigating Abramoff’s dealings with members of Congress and their staffs. Much of their focus is on legislative favors traded for lavish trips, sporting events, meals, campaign contributions and the promise of jobs to congressional staffers.

Abramoff, his SunCruz partner Adam Kidan, along with Michael Scanlon and Tony Rudy, former aides to Rep. Tom DeLay (R-Tex.) when he was House majority leader, have pleaded guilty and are cooperating with investigators.



Mashpees near federal recognition

Final approval could open up casino talks

By Megan Tench and Michael Kranish, Globe Staff | April 1, 2006

MASHPEE -- The federal government gave preliminary recognition yesterday to the Mashpee Wampanoag tribe, setting the stage for possibly contentious negotiations with state officials over the right to build a casino in Massachusetts.

The 1,468-member Cape Cod tribe, descendants of Indians who met the Pilgrims in 1621, has sought federal recognition for 31 years. Anyone opposing the recognition has a year to try to persuade the government to reverse its decision.

If the federal recognition stands, the state would be required to negotiate a compact with the tribe involving gambling rights, and the tribe would become eligible for a host of federal benefits and would gain power as a sovereign entity within the state.

The tribe could seek land for a large-scale bingo-style operation shortly after winning final recognition because bingo is legal in Massachusetts. But the Mashpees would need state approval to build the kind of casino-style operation with gaming tables and slot machines that is not legal in the state but has become a multibillion-dollar business for tribes in Connecticut.

If the Massachusetts Legislature passes a pending bill allowing slot machines, that would remove a huge hurdle. Opponents of allowing slot machines at racetracks are using the Mashpee recognition to warn of the consequences of expanding gambling.

But at a celebration at tribal headquarters after the federal Bureau of Indian Affairs' announcement, tribal leaders did not want to discuss gambling. "I don't have anything to say about that," said Glenn Marshall, tribal chairman. "Until the state does something, we can't do anything anyway. This is not about gaming. This is about recognition. Right now, my focus is on health, housing, and education."

The late afternoon announcement was greeted with tears, howls of jubilation, and the beating of drums by tribal members. "We've been waiting so long," sobbed Doris Middleton, 89. "I've lost so many members of the family who were waiting for this day. We've all been waiting."

Marshall added, "I think this is the first day of peace with the US national government and the start of government-to-government relations."

Nonetheless, tribal members were mindful of what happened to the Nipmucs, a Massachusetts tribe that received preliminary recognition in 2001 in the last days of the Clinton administration. That approval was overturned nine months later by Bush administration officials.

But Kevin Gover, a former assistant secretary of the Interior for Indian Affairs in the Clinton administration, said yesterday "it is extraordinarily unlikely" that the Mashpees' recognition will be reversed because the same administration will be in charge when the final decision is made next year.

Gover, now a law professor at Arizona State University, said that in every case where a tribe has received final approval, the state involved eventually agreed to allow a casino.

If the state does not negotiate in "good faith," Gover added, the tribe could sue the state and ask the federal government to give it the right to run a casino.

While the tribe owns 160 acres of land in Mashpee, it has pledged not to try to build a casino on Cape Cod, according to tribal spokesman Scott Ferson. Instead, the tribe is expected to try to acquire land elsewhere in the state, probably in an economically depressed area that would welcome a casino because of the jobs it would create.

The tribe then would need the federal government's approval to put that land into trust, a move that would exempt the land from most local zoning. It is possible that the tribe could try to negotiate a deal in which the tribe pays a percentage of revenues to the state and to the town in which a casino is built.

One of those in attendance at the celebration was a Detroit casino developer, Herbert J. Strather, chairman of Strather and Associates, a real estate development company that financially backed the Mashpee tribe as it researched and presented its case for recognition.

Asked about the tribe's interest in building a casino, he said, "It's certainly an interest, but at the same the tribe has said there will be no gaming on Cape Cod."

He would not say which towns, if any, had expressed interest in hosting a casino. "The Wampanoags will be good neighbors," he said.

The recognition question facing the federal government was whether the tribe had a continuous history in the area, along with whether the 1,468 people who said they belonged to the tribe had proven ties to it.

Some tribal members had worried their effort to win recognition would get caught up in the scandal surrounding former lobbyist Jack Abramoff, who has pleaded guilty to defrauding Indian tribes of millions of dollars.

Strather had paid \$50,000 to Abramoff's firm and another \$50,000 to Americans for Tax Reform at the suggestion of Abramoff's firm, Ferson said. The antitax group is run by Grover Norquist, a longtime friend of Abramoff. Strather and some tribal members also gave donations to some Congress members, some of whom urged the Interior Department to consider the Mashpees' case more quickly.

But the tribe's work with Abramoff's firm was small by comparison to payments by other Indian clients, and the association with Abramoff apparently did not hurt the application. Two of Abramoff's former partners continued to work for the tribe.

The Mashpees are a separate band from the Wampanoag tribe of Gay Head (Aquinnah) on Martha's Vineyard. The 1,100-member Aquinnah branch was federally recognized in 1987 and it remains the only tribe in the state with the recognition. The Aquinnah branch has failed to win approval for a casino and does not have a current proposal for one.

Donald Widdiss, chairman of the Aquinnah band, said yesterday he would be watching to see whether the Mashpee band tries to establish a gambling enterprise. "If the opportunity was there" for a gambling enterprise, "we would have to look at it," he said.

Megan Tench reported from Mashpee; Michael Kranish from Washington.

<http://signonsandiego.printthis.clickability.com/pt/cpt?action=cpt&title=SignOnSanDiego.com+%3E+News+%3E+Metro+--+Campo+tribe+seeks+to+overturn+ruling+on+injury+claim&expire=&urIID=17810759&fb=Y&url=http%3A%2F%2F>



Campo tribe seeks to overturn ruling on injury claim

By Chet Barfield

UNION-TRIBUNE STAFF WRITER

April 5, 2006

CAMPO INDIAN RESERVATION – Arguing that state judges are overreaching into tribal jurisdiction, the Campo Indian band has decided to ask the California Supreme Court to overturn last month’s appellate ruling in which the tribe was ordered to take an unresolved casino injury claim to arbitration.

A lawyer for the East County tribe said Campo has directed him to contest the ruling by a San Diego panel of the state Court of Appeal.

The March 1 ruling, described as the first of its kind in California, could increase litigation over claims involving tribal-state gambling compacts, said Campo attorney Steven O’Neal.

The case stems from a claim brought by a Golden Acorn Casino patron, Celeste Bluehawk, who slipped and fell on a wet floor in December 2002, and contends she seriously injured her back.

Hitting roadblocks with the tribe’s insurer, Bluehawk filed a Superior Court suit for damages in March 2004. The case was dismissed on sovereign immunity grounds. Tribes, as government entities, must consent to be sued in state courts.

However, Campo’s gambling compact contains a limited waiver of sovereign immunity for injury claims. The compact, like others throughout California, requires the tribe to have formal dispute-resolution procedures, including provisions to have appeals decided through binding arbitration.

Campo’s attorney said Bluehawk failed to exhaust those procedures before filing a second suit in early 2005. Superior Court Judge Eddie Sturgeon ordered the tribe into arbitration, saying its internal procedures were inadequate. Campo appealed to the appellate court.

The appeals panel found that the Superior Court judge lacked authority to rule on the tribe’s compact compliance. It directed Sturgeon to issue another order sending the case into arbitration to determine the viability of Bluehawk’s claim.

Campo contends the appeals ruling, which described the tribe’s internal procedures as unfair, could spur more casino-injury suits. “We’re hoping the Supreme Court will think there are are issues important enough to be clarified and resolved,” O’Neal said.

Campo tribal Chairman Paul Cuero could not be reached for comment.

The tribe’s petition will be filed prior to a deadline Tuesday, and the high court will have 90 days to decide whether it will review the ruling, O’Neal said. He expects the case to attract support from tribes statewide.

Bluehawk’s attorneys said they are hoping to get supporting briefs from governmental entities, including the governor’s office. They said they also are interviewing witnesses who contend a “wet floor” sign may have been posted after their client had fallen.



Officials Size Up Meth Problem in South Dakota

Friday 14 April 2006

SIOUX FALLS (AP) — Fewer methamphetamine labs are being busted in South Dakota, but more people are being arrested for possessing the addictive drug, law enforcement officials said Thursday in Sioux Falls during a discussion of the meth problem.

Authorities told Sen. John Thune that state laws restricting the sale of meth ingredients might have played a part in the fewer number of labs in South Dakota.

Now, according to officials, meth is coming in with Mexican immigrants and then distributed from cities such as Chicago, Denver and Los Angeles.

And they say American Indian reservations have become transit points.

There isn't enough law enforcement on the reservations, Thune said. The senator said he believes that the Bureau of Indian Affairs could play a greater role. Flandreau Police Chief Ken James said it's a tragic situation. He said most of the meth in his town comes from Sioux Falls and from Sioux City, Iowa. "It's kind of like picking up dandelions out of your yard," James said of meth users in his town. "You pick one, and you've got two or three others popping up somewhere else."



Champlain family removed from tribe

Onetime Narragansett Tribal Council member Yvette Champlain claims the removal is retaliation for questioning how a \$1-million payment from Harrah's Entertainment was spent.

April 4, 2006

BY KATIE MULVANEY

Journal Staff Writer

SOUTH KINGSTOWN -- The Champlain family has been ousted from the Narragansett Indian tribe after they failed to produce documents proving their ancestry, Narragansett Chief Sachem Matthew Thomas said.

"The time frame has lapsed," Thomas said late last week. "Unfortunately, they could not prove out."

A vast family that ranges from eastern Connecticut to Pawtucket, the Champlains claim their membership became an issue after then-Tribal Council member Yvette Champlain questioned how the tribe had spent a \$1-million payment from its casino partner, Harrah's Entertainment.

The Champlains received notice in early December that their files were missing "proper documentation," namely birth, death or marriage certificates linking them to the 1880 tribal roll. The tribe bases its membership on blood ties to the 324 Narragansetts who gave up all land claims in exchange for citizenship and \$15.43 each.

The Champlains were given 30 days, which was later extended to 120 days, to produce the records, or they would be removed from the tribe. That time is up, Thomas said.

In the past, the Champlains used land deeds, wills and even names written in Bibles as well as vital records to trace their ancestry, said Yvette Champlain, of Norwich. Now 41, she is listed as 229 on the tribal roll accepted by the federal government when the tribe won recognition in 1983.

She is among those who argue that it is near impossible to use birth, death and marriage certificates to prove a link to the 1880 roll because Indian mothers often didn't give birth in hospitals or keep typical records. They claim they've been told that the original records they turned over in 1983 and again when the tribe reviewed its rolls a decade later have disappeared.

They question whether tribe members, including Thomas, can produce records connecting them to the 1880 roll.

It's a view shared by Roger Joslyn, a New York-based genealogist who has worked with other tribes on membership issues.

"The further back in time, the less likely you are" to find the records. . . . "The 1880s on back is when you start getting into trouble," Joslyn said yesterday. "I would question whether the people who are requesting

this can come up with the same documents they are requesting.”

When asked if all members had the requisite birth, death and marriage certificates, Thomas said “yes.”

Further, he added, two families, or about half of the 119 people whose lineage was questioned in December, had submitted the records. He would not name the families.

The Champlains assert that challenges to their ties arose just weeks after Yvette Champlain questioned Thomas and other tribal leaders about how the tribe had spent \$1 million from Harrah’s, which wants to build a casino in West Warwick with the Charlestown-based tribe. At that time, Yvette, who requested receipts for spending, had been elected to a four-year term on the Tribal Council.

Thomas claims the timing of the membership review was coincidental and that it came at the tribe’s direction. He said he will detail the spending for members of the tribe.

According to an accounting the chief gave to The Journal last week, the tribe has received \$988,333 from Harrah’s since last April. The largest sums went to a powwow in Westerly, \$150,000, and to the tribal police force, \$200,700. Tribal youth programs received \$82,000; \$90,000 went to lawyers; \$75,000 to establishing a tribal court and \$20,000 to build a sweat lodge; most of the remainder has been spent on miscellaneous expenses including helping tribal members pay taxes and avoid foreclosures.

“All of these things benefit the tribe, and they were all ratified by the tribe,” Thomas said, adding, “I understand their anger. But these accusations are out of line . . . I’m sorry she can’t find her paperwork.”

He did not return a phone call yesterday seeking a more detailed breakdown of how the money was spent.

Yvette Champlain and her family remain convinced that her questioning led to their removal.

“For the best interest of the people, I questioned, I asked for accountability,” she said. “If the Narragansett tribal members do not stand up, are they going to let this happen?”

She said her family had sent an appeal letter to the tribe, but had not gotten a response. They have been not been given their due process, she said.

“When you lose one Narragansett, you shouldn’t be losing any,” she said. “I am who I am and he can’t take that away from me.”

With reports from staff writer Paul Davis.

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Tribal Sovereignty - the real consequences every day

by Brad Beecher

Bradley Beecher is the former commanding officer of the Connecticut state police casino licensing and operations unit. With twenty one years of law enforcement experience, including all forms of gaming. His career culminated in creating a law enforcement, security and licensing program at two of the largest casinos in the world. He has supervised investigations related to all phases of gaming, including extensive background investigations for state licensing.

After retiring from law enforcement Mr. Beecher went on to join the gaming commission of a prominent north american indian tribe. There he continued to conduct investigations related to all phases of casino gaming. He set up a program to investigate, register and monitor thousand of casino vendors. He was later promoted to the Tribe's Department of athletic regulation, helping to make it one of the best of its kind in the nation

According to the Supreme Court, sovereignty is only supposed to be applied as it affects tribal government activities. How would righting these wrongs affect a tribe's ability to govern its own people? Politicians won't fix this unless we demand it - the "status quo" is too profitable

For Tribal governments and executives:

theft is legal: Non-tribal members cannot sue in state court to collect on a debt owed by the tribe

employees can be treated like garbage: anyone who exposes mistreatment is fired. no labor laws protect them.

toxic pollution is legal: Tribes only voluntarily have to comply with environmental protection standards but no one is monitoring them and the government can't enforce any penalties

federal regulations regarding tribal conduct are a joke: tribes hire their own regulators. Whistleblowers lose their jobs. Only the tribe is watching.

state courts can't be used by the people who pay for them: tribes can use state courts to sue anyone for any reason even if their claims are false. No one can sue back.

most state and federal laws are meaningless: tribes don't have to obey them but the rest of us do.

sex offenders are protected: they cannot be forced to report their addresses on reservations

children can be repeatedly abused and their abusers protected:state departments of children and families have no jurisdiction on a reservation.

politicians can be influenced by large campaign contributions: they are the only businesses who can donate as an individual. Senator McCain and others purposely excluded tribes from campaign finance reform.

wealthy tribes control the media: the industry cannot survive without advertising dollars which the tribes can withdraw if they don't like the news, just like any other wealthy business.

the constitution and bill of rights are meaningless: tribes don't have to recognize either one.

non-indians must live in fear of losing their land: tribes can claim their ancestors lived there and pay enough lawyers to outlast opposition in court.

crime and other wrongdoing on reservations goes unreported:there is a widely understood "don't ask don't tell" policy. no one asks and if anyone tells he or she loses their job and can have their first amendment rights taken away by a lawsuit or a restraining order.

tribes can pay less than they agreed to a town or state: tribes pay a percentage of reported revenue. if they report less, they pay less and no one will ever find out.

this list could go on for many pages but it shouldn't have to. citizens need to wake up and challenge their leaders to restore justice and equality to all members of our society. how can we send our young people to die in iraq for equality and justice for all when we do not have it here?

SCROLL DOWN TO A LETTER FROM MRS. BEECHER TO SENATOR McCAIN

February 28, 2006

Dear Senator McCain:

We are asking for your help at a crucial time, not just for us but for many Americans who have been put in similar positions.

Almost two years ago, Mohegan Tribal executives through their attorneys, entered a State of Connecticut Court and took out a restraining order against me and my husband preventing us from reporting the wrongdoing my husband had personally witnessed as a Mohegan Tribal Gaming Authority/Commission employee. In that same court they also sued us both for extortion and other ridiculous charges that were completely fabricated.

Lawsuits based on false, damaging charges filed for frivolous purposes to stop citizens from exercising their First Amendment rights are called SLAPP suits and they are illegal in many states, including Connecticut. The Tribe dropped the suit against us once the judge in court said that the documents they were basing their claims on were worthless. By then, however, the damage had already been done. Connecticut officials have not been of any help.

Their actions have resulted in the following for our family: expensive legal fees, bankruptcy to save our home, public defamation of character making it impossible for my husband to work in a field he has served in, with an unblemished record, for 27 years, various stress related illnesses suffered by my children and myself (I have developed cancer) and countless other daily difficulties that interfere with just trying to live a normal, productive life.

We are not alone. This is happening to people all over the United States. We have the contact information of thousands of citizens who have faced similar situations.

Perhaps the greatest evil is that the Mohegan Tribal executives who did this to us might walk away unscathed. I stress the words "Tribal executives" for a reason. Everyone associated with tribal gaming knows that the tribal members have very little say in what happens in casinos and have very little control over the majority of their money. Tribal members are silenced, arrested, sued and banished from tribes everyday because of the misuse of sovereignty by executives. They are victimized along with the rest of us.

Americans need you to address the following issues immediately before more lives are destroyed:

1) Sovereignty in my understanding is only applied to Tribal Government actions on a reservation regarding the governing of their own people. Where in the sovereignty policies CREATED by the United States Government does it say that Tribal employees can go OFF of the reservation and break our laws? I can't go into a State court and illegally file a lawsuit and walk away - neither can you.

As for the idiotic claim of tribes being like foreign nations, could the government of Vietnam have come to State or Federal court after you were let out of prison camp and filed suit and a restraining order charging you with extortion just because they didn't like what you were telling people about them? Of course not, yet our government permits Indian tribes to do the very same thing.

2) In your own statement to the press you said that the idea of sovereignty with regard to tribal businesses that predominantly employ non-indians needs to be revisited. There is nothing in your proposed IGRA changes that references giving civil and labor law rights to American workers at tribal businesses. An In-

dian business is not the same as an Indian government and should be subject to the same laws as any other business in America. Was your statement only words or are you planning to take action?

3) Allowing Tribal executives to ignore laws designed to protect the rights of American citizens is UNAMERICAN. Didn't we go to war in Vietnam and many other countries because those governments were violating the civil and human rights of their citizens? Weren't these governments violating laws and using their power and money to make people do and say what the government wanted? That is exactly what our government is allowing Tribes to do in the United States, plain and simple. Why have you assisted them?

No one is saying that Tribes should not be able create their own government policies to be applied to tribal members on reservations. The second they try to restrict anyone's legal and civil rights at businesses located on the reservation or step foot off the reservation and try to tell American citizens what they can and cannot say or do, using our State and Federal courts, they must be stopped. Why should we have to pay an attorney, sit through years of court proceedings including an upcoming State Supreme Court appearance and literally fight for our own lives just to be granted the right to sue a group of people who blatantly violated our own laws? Why are you permitting billions of tax dollars to be spent fighting to uphold American rights which are supposed to be granted and guaranteed by our Constitution?

The bottom line is that if Indian Tribes had no money or political influence they would never have been permitted to destroy people's lives using threats, intimidation, sexual harassment, illegal lawsuits, public defamation of character, manipulation of our legal system or any of the other tactics they currently employ. We are requesting that you make a long overdue public statement about the misuse and abuse of United States sovereignty policies by tribal executives against all Americans, including tribal members as soon as possible. We need you to stop encouraging laws that support this insanity and start becoming part of the solution.

Sincerely,

Katie (and Brad) Beecher

If the readers support our position, we encourage them to email Senator John McCain to ask for his support. He can be reached at jeanne_bumpus@indian.senate.gov

Katie Beecher
www.beecherwatercolors.com

News briefs from California's Central Coast

The Associated Press

March 31, 2006

SANTA MARIA, Calif. - A woman who stole more than \$341,000 from her boss to feed her gambling habit was sentenced to four years in prison.

Pamela Shippey, 45, of Santa Maria pleaded no contest to embezzling the money from a local movie theater chain while she worked for the Gran family and their partners as an office manager from 2002-2005.

Superior Court Judge Timothy Staffel sentenced Shippey on Thursday to two years in prison for grand theft by embezzlement and two additional years because the amount stolen exceeded \$150,000.

A restitution bill of \$361,950.30, plus interest, will await Shippey when she is released from prison. Shippey gambled away the stolen money at the Chumash Casino, defense attorney Michael Clayton said.

"She's very sad, very remorseful, very sorry," Clayton said. "If there was any money to give back that wasn't gambled, she'd give it back."

The company Shippey stole from operates nine theaters along the Central Coast and elsewhere.



Cashing In On The Katrina Cleanup

Why the Army is about to hand an Indian tribe an enormous no-bid contract

The Mississippi Choctaw Indians are looking for another way to work Washington -- this time, through the Pentagon. You remember the Choctaws: The wealthy tribe got national notice last year as one of Jack Abramoff's biggest clients, paying the disgraced Republican lobbyist and his business partners more than \$27.6 million to sway lawmakers on gaming issues. In Abramoff's recent plea agreement, he admitted to bribing members of Congress by funneling millions from the Choctaws and other tribes through charities.

Now the Choctaws are poised to receive a \$300 million no-bid federal contract for post-Katrina cleanup in Mississippi. They are bereft of Abramoff's counsel: He was sentenced on Mar. 29 to nearly six years in prison and faces up to 30 more years for the charges involving the Choctaws. Yet the tribe has capitalized on contracting laws that favor Native Americans and on Congress' political pressure to steer Hurricane Katrina cleanup cash to home state companies. According to e-mails and documents reviewed by BusinessWeek, top Republicans led by Mississippi Senator Trent Lott have been leaning on the Army Corps of Engineers to replace AshBritt Inc., the big cleanup contractor based in Pompano Beach, Fla., with smaller home state firms.

The Corps thinks it has found the answer: IKBI Inc., the Choctaws' federal contracting subsidiary. A wrinkle in federal procurement rules designed to help Native Americans lets the Army forgo the usual competitive bidding process to award all \$300 million in work to the Choctaws as a sole-source contract.

The downside? The Choctaws' new contracting company has just seven employees and has never won a federal contract, according to the Small Business Administration. What's more, IKBI plans to subcontract much of the work to a large white-owned outfit in Tennessee.

Neither the Choctaws nor IKBI would comment for this story. The tribe is one of Mississippi's largest employers, operating casinos and other businesses, including a company that makes automotive wiring for Ford Motor (F) Co. The Choctaws are the second-largest donor to federal campaigns among Indian tribes. But their direct gifts to Lott, \$27,000 since 1999, are relatively small.

Controversy has clouded the federal cleanup ever since Katrina and Rita landed their one-two punch on the Gulf Coast. Mississippi politicians were quick to criticize AshBritt, a company with ties to the Bush Administration and Mississippi Governor Haley Barbour's former lobbying firm, which won a \$500 million emergency job to remove debris in the state.

Mississippi lawmakers, led by Lott and Representative Charles W. Pickering Jr. (R-Miss.), urged federal agencies to steer money to in-state companies. Some 72% of AshBritt's subcontractors are based in Mississippi. But less than 6% of the prime contracts had gone to local firms.

Steering the prime contracts to in-state companies helps lawmakers in two ways. First, prime contractors

make more money. “The difference in profit between the prime contractor and subcontractor is significant,” said Brian Perry, spokesman for Pickering. Neither AshBritt nor the Corps would discuss the company’s profits. But Pickering’s staff estimates that AshBritt’s profit margin could be as much as 25% -- money that an in-state contractor could keep. Second, subcontracts don’t reap the same attention as prime contracts.

The Corps began looking for ways to rebid AshBritt’s contract soon after it was awarded in September. E-mails between the Pentagon and the Engineering Corps’ contracting office in Vicksburg, Miss., cited intense pressure from local lawmakers. Colonel Norbert Doyle, the Corps’ top contracting official, noted in an Oct. 20 e-mail, “The [Mississippi] staffers raked us over the coals.”

The Army decided to pursue an aggressive plan to cut out AshBritt and divert the remaining Mississippi cleanup money to local outfits. “The reason we are separating it out is because of the political pressure to get rid of the ‘big’ out-of-state contractors and award contracts to smaller firms,” a top procurement officer told Doyle in an e-mail dated Oct. 25.

The Corps dusted off a little-used law called the Stafford Act to prohibit out-of-state contractors from bidding. AshBritt CEO Randy Perkins filed a legal challenge. “This procurement in itself was nothing but charades,” Perkins says. The Government Accountability Office rejected AshBritt’s protest on Mar. 20; the company plans to appeal. But under special rules for companies owned by tribes, the Corps can place a contract of any size with IKBI without competitive bidding. It created a so-called bridge contract worth up to \$300 million for IKBI, according to sources familiar with the contract.

Indian-owned companies can place the work -- and the money -- with whatever subcontractors they want. Knoxville-based Phillips & Jordan Inc. confirms that it is the lead subcontractor on IKBI’s bid. Corps officials note that no contract has yet been awarded. “Right now we’re trying to figure out what our options are,” says Corps spokesman Michael Logue. He wouldn’t confirm or deny that IKBI is the leading contender.

The Mississippi companies hired by AshBritt to do the actual cleanup work expect to be bumped. “This Indian company is just going to sub the whole contract to an outsider, which defeats the whole purpose,” said Richard Rula, president of Hemphill Construction Inc. in Florence, Miss. “Out-of-state is out-of-state, last time I checked.”

By Dawn Kopecki, with Eamon Javers in Washington

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Drawing blood



Adoption: A 30-year-old law to protect Native Americans puts adopted children who've never set foot on a reservation at the mercy of Indian tribes | Lynn Vincent

At Jackie Robinson Stadium in Los Angeles, Chris Moore, 11, lines up on a long-jump pit partly shaded by shimmering magnolias. His parents, John and Terri, watch from behind a chain-link fence.

Step . . . step . . . step . . . sprint . . . leap. Sand sprays up around Chris' landing and his parents burst into applause. "Great job, Chris! Great job!" his dad yells.

The boy trots over to the fence and—there's really no other way to describe this—sparkles. Green-eyed, freckle-faced,

ears poking through his strawberry-brown hair, he twines his hands through the links and grins as he reports his personal best: "Three-three-nine!"

That Chris belongs to the man and woman on the other side of the fence is signified right on his sky-blue warm-up pants, where the name "Moore" is embroidered across his left thigh. No big deal to most kids. But to Chris, being a Moore is everything.

Six years ago, when his last name was Bybee, police found Chris, then 5, and his brother Anthony, 4, in an apartment in Compton, Calif., an L.A. borough notorious for gangs, crack, and murder. The apartment was a hovel: no electricity, no running water. The toilet had overflowed and the bathtub was filled with clots of tissue and a suspect mix of murky liquids. The boys slept on cardboard boxes after their mother left them there with strangers, who, when she did not return, called the police.

The following month, in July 2000, John Moore, a Long Beach, Calif., screenwriter and his wife Terri, a second-grade teacher, opened their home to Chris and Anthony, who is dark-haired, olive-skinned, and shyer than his brother. When the boys became their foster kids, "we fell in love with them immediately and they quickly became attached to us," Mr. Moore said. "They began calling us Mom and Dad after about three to four weeks."

A month later, when no relatives had come forward to claim the boys, the Los Angeles County Department

of Child and Family Services (DCFS) began assessing the Moore's home for what seemed a fast-track adoption. The Moores were overjoyed. But six months later, they say, race-matching, political correctness, and the chilly indifference of social-services bureaucrats nearly ripped a fledgling family apart.

That's because Chris and Anthony are descendants of the Iowa Tribe of Kansas and Nebraska Indians. That means they're subject to the Indian Child Welfare Act (ICWA), a 1978 law that gives federally recognized Native American tribes near-complete sovereignty in adoption decisions involving children with Indian blood—even those who, like Chris and Anthony, have never had a moment's prior contact with their ancestral tribe.

Like many child welfare laws, ICWA began with good intentions. In the 1960s and '70s, American Indian children were roughly six times more likely than other kids to be removed from their family homes and placed in foster care, according to an April 2005 General Accounting Office report. Such removals resulted from a "lack of understanding of tribal cultures and child-rearing practices by state child welfare agencies and courts."

The federal government recognizes 562 tribes, each of which has a different "blood quantum" (a specified amount of tribal blood) requirement for membership. Congress intended ICWA to protect Native American families from unwarranted removal of their children, give tribes a role in making child welfare decisions, and preserve their social and cultural standards.

"ICWA protects the right of Indian children to tribal resources, to own property, to run for tribal office, and learn the roles of traditional clans," said Terry Cross, executive director of the National Indian Child Welfare Association.

But Lisa Morris, administrator of the Christian Alliance for Indian Child Welfare (CAICW) and an ICWA critic, points out that Indian children adopted by non-Indian families retain the same rights. ICWA, she said, enables tribal governments to interfere in custody battles between parents, overturn county decisions in favor of the tribally enrolled parent, and for even part-Indian kids with a non-Indian family ready to adopt them, delay placement while tribes attempt to gain custody instead.

That's what happened to the Moores. Six months passed and the Moores surrounded Chris and Anthony with friends, family, and church activities. Social workers were encouraged by the rapid bonding between the Moores and the boys. Meanwhile, no other blood relative had come forward and any "relative preference" that might have applied under California law had already expired.

Then, in December 2000, Chris' grandmother surfaced. She had had no prior relationship with the boy but told DCFS workers that she wanted custody of him. Only Chris, though—she did not want Anthony.

"The kids' social workers, therapist, and attorney all had the same concerns," Mr. Moore said. "Where has this woman been? Why should she suddenly show up now when Chris is doing so well? And how could she even consider splitting the boys up?"

Then a new wrinkle: The grandmother notified DCFS that the boys were of Native American descent. And where the young brothers had settled into a stable, loving home and were on the fast track to permanency, suddenly DCFS slammed on the brakes.

DCFS spokesman Stuart Riskin said the agency is prohibited by confidentiality rules from commenting on any specific case, or even confirming that the agency worked with the Moores. As for ICWA, he said, "We

are mandated to protect the heritage and integrity of Native American children who come under our jurisdiction. We refer them back to the tribe and the tribal elders take it from there.”

The Iowa tribal elders did their best to take both boys from the Moores, the couple said. A two-year custody battle ensued during which the tribe attempted to place Chris and Anthony with Chris’ grandmother (who finally agreed to take both boys), even though she was white like the Moores and had no connection to the tribe.

The Moores say the boys endured forced weekend visitation in preparation to make the move. Twice before visits, Anthony vomited (a reaction a social worker said was “normal,” Mr. Moore claims) and once clawed his face until it bled. Chris suffered nightmares. Meanwhile, the Moores claim that a Native American social worker in the DCFS Indian Unit had sided firmly against them—even after the grandmother told the boys’ therapist that she intended to return Chris to his father, who had been in trouble with the law and had had very little contact with his son since birth. Anthony would stay with her.

All this because 30 years earlier, the boys’ maternal grandfather, who was one-quarter Indian, had enrolled in the Iowa Tribe. Two generations later, Chris and Anthony were, at most, one-sixteenth Indian. But ICWA’s jurisdiction is ironclad and applies whether a parent is full-blooded Indian or not.

Under the law, tribal wishes even supersede those of birth parents. In the 1989 case, *Mississippi Choctaw Indian Band v. Holyfield*, an unmarried man and woman who were enrolled members of the tribe gave birth to twins 200 miles from the tribal reservation. After their parents consented to release the children for adoption, they were adopted by the Holyfield family, who were non-Indian. The Choctaw challenged the adoption, but the Mississippi Supreme Court ruled that the adoption was legal because the twins had never been physically present on the reservation and because they were “voluntarily surrendered” by their parents, who went to some efforts to see that they were born outside the reservation and promptly arranged for their adoption. But on appeal, the U.S. Supreme Court ruled that Congress could not have intended to allow “individual Indian parents to defeat the ICWA’s jurisdictional scheme simply by giving birth . . . off the reservation.”

The 2005 GAO report, requested by Rep. Tom DeLay (R-Texas), studied ICWA outcomes but was inconclusive. The agency was able to gather data on Indian children in only five states, and child welfare agencies responding to GAO surveys often answered only half the questions. Also, researchers interviewed tribes, child welfare officials, and adoption professionals, but no adoptive or foster parents.

The report did not reflect the claims of ICWA critics that the law has so mushroomed in supremacy that social-services agencies cede authority to tribal governments even when doing so will place children in harm’s way.

In 2004, for example, Emilio Rodriguez, 3, and his brother Jose, 4, were beaten so severely that doctors say Jose will probably never walk or talk again. Both boys are of Mexican and Indian descent, and they had been living in a safe and stable Palmdale, Calif., home with their paternal grandmother. But using ICWA, the Ute Indian Tribe pushed to have them moved to the home of their maternal grandmother on the tribal reservation in Utah. On Aug. 30, 2004, three weeks after the Rodriguez kids moved in with her, the grandmother blackened Emilio’s eyes and beat Jose into a coma. According to U.S. District Court records, the grandmother had a lengthy history of alcoholism and had already been convicted twice of child endangerment before social services, cleaving to the letter of ICWA instead of children’s best interests, placed the boys in her home.

CAICW asserts that ICWA elevates tribal heritage above any other sort of heritage. For example, if a tribe

requires one-sixteenth blood quantum for membership and intervenes in an adoption case, the child's Indian ancestry is said to trump his majority heritage, even if the child is fifteen-sixteenths Hispanic.

But NICWA director Cross said the law's reach isn't based on race. ICWA governs "a political status . . . it's an issue of citizenship," Mr. Cross said. A member of the Seneca Nation of Indians, Mr. Cross told WORLD that Native American children are always better off with a tribal family. Even an itinerant placement plan, he said, in which a child moved from tribal home to tribal home—a few months with a distant aunt, several weeks with a cousin, another few months with another relative, even if those relatives were strangers—would be "superior" to placement in a nontribal home, even if the child had already bonded with foster parents for a year and was established in school.

Lisa Morris and her husband, Roland, co-founded CAICW before he died of cancer in 2004. Mr. Morris was a member of the Minnesota Tribe of Leech Lake Indians. After watching many Indian children treated poorly under ICWA, the Morrises began to speak out. But they found it difficult to penetrate the bubble of institutionalized Native Americanism.

In 1997, for example, the Senate Indian Affairs Committee held hearings to consider amending ICWA. "We asked Sen. [Max] Baucus if we could testify," Mrs. Morris said. "He said no, they had everyone they needed to testify."

Those who did testify included tribal leadership, tribal lawyers, social-services employees, and people working in the adoption industry. "You didn't see non-Indian foster parents and adoptive parents," Mrs. Morris said. "You didn't see Indian children who have grown up in white homes. You don't see people like our family who have moved off the reservation and made a different life. No one is asking why they made that choice."

Despite the legal hurdles, Chris and Anthony officially became Moores in 2002. This year, the Moores added a daughter to their family, Ashley, who is part Hispanic and also a descendant of the Lumbee tribe. At 14 and charmingly frank, Ashley had bounced around the foster-care system for seven years after being abused by her mother. She now says the whole concept of race as a basis for adoption is "crazy." After Ashley's grandfather objected to the Moores' adopting her because of their skin color, she even made a running joke of it: "Now I tell my parents, you can't help me with my homework because you're white."

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THE BUFFALO NEWS

Casino promises - still waiting

Three years after it opened, the Seneca-Niagara Casino hasn't sparked the new development state and local leaders promised

First of two parts

By PHIL FAIRBANKS

News Staff Reporter

4/16/2006



Dennis C. Enser/Buffalo News

Aging neighborhoods exist in the shadow of the Niagara Falls casino, which hasn't sparked the renewal that state leaders promised when it first opened.

When casino gambling arrived in Western New York, state and local leaders promised new hotels, restaurants, shopping centers and thousands of non-casino jobs.

It's a promise never kept.

The Seneca Gaming Corp., after three years of operation, rakes in nearly \$500 million a year, two-thirds from its Niagara Falls casino, and turns a weekly operating profit of \$2.7 million.

But outside the casino walls, the economics are murky, with a mix of good - more than 3,000 people

are employed at Seneca Niagara Casino - and bad - the glaring lack of development and job growth around the complex.

Niagara Falls' experiment with casino gambling - and the model it provides Buffalo - resembles Atlantic City more than Las Vegas.

A Buffalo News analysis of government records and casino documents, as well as interviews with 35 developers, local officials and business owners, found:

- Most of the \$306 million spent at the Seneca Niagara casino comes from local wallets - an estimated \$177 million last year.
- The promise of spin-off development, new hotels, restaurants and stores, remains unfulfilled. One reason is competition from the Senecas. They took in \$58 million in food, beverage and entertainment sales at their two casinos last year.
- Sales and bed tax revenues collected by the City of Niagara Falls have remained flat in the three years since the casino opened. Property tax collections are up, but largely because of annual increases in the tax rate.



Monday:
Dealing with the human costs of gambling.

- Property values around the casino have increased but not because of new development. The increases are driven by speculators.

Seneca Niagara, of course, is more than a casino. It's also 26 acres of shops and restaurants.

And since late December, it is home to one of the city's newest landmarks - a world-class, 26-story hotel that single-handedly altered the image of Niagara Falls and created a new tourism market - the well-heeled gambler.

Still, the casino created cash for the city and state, and jobs:

- More than 3,050 people work at the casino complex, earning an average of \$28,000 a year with \$8,400 in fringe benefits.

- The casino, through its spending and its employees' spending, may be responsible for another 1,000 local jobs, notably vendors serving the casino.
- The city received \$9.8 million in slot machine revenue from the Senecas in 2003 and is waiting for another \$24 million from the past two years. The state, by comparison, took in \$100 million over the same three-year period.

Spending siphoned off

One thing is certain. The casino's impact is huge.

In 2005, Seneca Gaming - with its casino in Niagara Falls and a smaller one in Salamanca - tallied \$498 million in revenue. That's nearly double the annual revenues of large local employers such as Wilson Greatbatch and Computer Task Group.

The company also made money. Its two casinos reported an operating profit last year of \$144 million, or \$2.7 million a week.



Not all casino money comes from the local economy, but most of it does. That's the rub.

A 2005 study by the state estimated the local share of the Seneca Niagara's annual revenues at about 58 percent. The authors of the study, the Center for Governmental Research in Rochester, think the same trend continues. If it does, that would put the two-county spending at Seneca Niagara at about \$177 million.

Some is money that would have otherwise gone to casinos in Ontario. But most - about \$101 million using the Rochester study's formula - is money previously spent in other ways, including other forms of entertainment, culture and recreation.

Yes, there are now world-class dining and accommodations in Niagara Falls. But it's all within the tax-free Seneca territory.

The casino is now a casino resort. In addition to the 614-room hotel, there are six restaurants, a 443-seat

theater and retail shops. As a rule, its 6 million visitors a year stay within the resort.

“As far as we can tell, they drive to the casino and then drive back,” said Kent Gardner, director of the Rochester study.

Retail operations at the two Seneca casinos rang up \$58 million in sales last year, all tax free.

“It’s the intent of the casino to hold onto its visitors, and this casino does a good job of that,” Gardner said. “When people get hungry, they don’t want them hitting the streets.”

So what about the new hotels, restaurants and shopping centers Gov. George Pataki and others promised when he signed the law authorizing casino gambling?

“Thousands of additional jobs will be created outside of the casino walls as investors build new hotels, restaurants, shopping centers and businesses,” Charles Gargano, Pataki’s top economic development aide, predicted then.

An overstated promise?

Or a benefit still to come?

Four years after Gargano made that pledge, there are no new hotels and no major restaurants. And certainly no new shopping centers.

To help spur development, Pataki formed the USA Niagara Development Corp. and offered another promise, a pledge to turn downtown Niagara Falls into Times Square.

“We’re still at the beginning of the beginning,” said Christopher Schoepflin, president of USA Niagara. “The true impact of the casino is still in its infancy.”

So far, development around the casino consists of an \$18 million conference center, a \$22 million upgrade in an existing hotel, a \$7 million renovation of the historic United Office Building and a largely cosmetic makeover of downtown’s Third Street.

There are plans for more. But right now, they’re just plans.

Niagara Falls Redevelopment, a private partnership buying property east of the casino, unveiled an \$800 million redevelopment strategy last year but has yet to build anything downtown.

“We view the casino as a positive,” company Vice President Roger Trevino said. “It gives us a 24-hour-a-day, 365-day-a-year economy, which was not present before.”

Trevino thinks the casino eventually will create niche markets that will lead to private development outside the casino resort.

The question remains, when?

Eating our own

In tourism circles, people talk about “cannibalism.” The theory is that a community has only so much money to spend, so a new attraction might eat away at an existing one.

And that’s the fear with Seneca Niagara and, even more so, with a new casino in downtown Buffalo.

Will a Buffalo casino take away from Chippewa Street or Elmwood and Hertel avenues?

Will it eat away at the Buffalo Sabres or Shea’s Performing Arts Center?

“I don’t see it complementing downtown, I see it competing,” said local developer Paul Ciminelli. “Economically, it’s a bad deal.”

Tourism officials say there’s no concrete evidence of “cannibalism” in the Falls, but restaurant owners disagree.

By now, many in the Falls know the story of Macri’s Palace, the Pine Avenue institution that shut its doors last June and moved to Wheatfield. Owner Gary Macri was public in his criticism of the casino’s competitive advantages, most notably free drinks and tax-free food, and a policy that allows smoking. “There seems to be an unlevel playing field,” said Dominic Colucci, owner of the Como Restaurant, another Falls institution. “It’s been very detrimental to the smaller restaurants and bars around town. People only have so much money to spend.”

The other 800-pound gorilla is the Seneca Niagara Hotel, the city’s first world-class luxury inn. It contains a spa, salon and enough meeting space to accommodate banquets, trade shows and conventions of up to 2,200. And believe it or not, competitor David Fleck wishes there were five Seneca hotels.

Fleck owns the Howard Johnson Hotel on Main Street and, while disappointed with the lack of new restaurants downtown, he’s ecstatic about the growth in his own business, especially during the slow winter months.

“There’s enough for everyone,” said Fleck. At the Falls’ larger attractions, venues like Maid of the Mist and Cave of the Winds, the Seneca Niagara casino is welcome, but viewed with skepticism.

Sure, ticket sales at the Maid of the Mist jumped 6 percent last year, but no one at the company sees a link to Seneca Niagara.

“There’s been no spike at all in our business because of the casino,” said Tim Ruddy, vice president of marketing. “But it’s one more element, and the more reasons you give people to come here, the better.”

One of the tradeoffs a city hopes for when it hosts casino gambling is more tax revenue.

The hope is that it may come in the form of higher property tax collections because of nearby development and growth. Or maybe increased sales or bed tax revenue because of more people spending money on hotels, restaurants and stores.

None of that happened in the Falls.

No new development

In 2000, three years before the casino opened, the city collected \$22.2 million in property taxes, \$12.5 million in sales taxes and \$1.3 million in bed taxes.

Six years later, three years after the casino opened, the city's tax collections are virtually flat.

Sales tax and bed tax collections still hover at about \$12.3 million and \$1.2 million a year.

The city also raised tax rates each year, which helps account for a \$4 million increase in property tax collections.

The reason, of course, is the lack of a new tax base, although speculation has fueled an increase in some values downtown.

In short, no new development, no new tax revenue.

"We all thought there would be more interaction with the casino," Mayor Vince Anello said. "I have to say, the spin-off impact hasn't been great."

Should the city and state have known better?

The state's own consultant issued a separate study on the idea of a casino in Rochester and warned of the perils associated with casinos that have their own restaurants and hotels.

"We've seen only a minor impact on tourism," said David Rosenwasser, president of the Niagara Tourism & Convention Corp. "Long term, I think the casino will help. Short term, people took some hits."

The one benefit casino supporters can legitimately crow about is jobs. Seneca Niagara is flush with opportunities.

At last count, 3,052 people worked at the casino. The Senecas' payroll is upwards of \$85 million, and a full-time employee earns an average of \$28,000 a year with \$8,400 in benefits.

"They're probably the second-largest employer in Niagara County," said Schoepflin, of USA Niagara. On top of that, the casino and its employees spend money that creates even more local jobs. Again, a state consultant estimates that number at about 1,000, many of them with the 600 vendors and companies that do business with the casino.

"Our employees live in every area of the region and feed money back into the local economy," Seneca President Barry E. Snyder Sr. said in a statement last week.

The question is: How many of those 3,000 jobs are new jobs, given the large amount of local money spent at Seneca Niagara?

Even casino supporters concede that some replaced jobs that disappeared when local residents started spending at Seneca Niagara instead of the local bar or restaurant.

In a study for the state, a consultant estimated 600 of the casino's 2,100 jobs replaced lost jobs.

If that trend is true today, 2,200 of the casino's jobs are newly created jobs. Critics think the number is much

lower.

The other boon to the city is the growth in its share of the casino's slot machine take.

In 2003, the city's share was \$9.8 million. In 2005, it's expected to be \$13 million.

Not a bad sum, unless you compare it to what the state gets. In just three years, Albany took in three times as much as the city, or about \$100 million.

One thing is certain. Seneca Niagara generates a lot of cash. As Snyder said last week, the casino is one of the region's leading "economic engines."

The question remains, where will it take us?



A background of the Six Nations protest
Posted: April 20, 2006
by: Shannon Burns / Today correspondent

CALEDONIA, Ontario - On Feb. 28, residents of the Six Nations Reserve set up camp at the Douglas Creek subdivision and since then have been joined by Natives from across Canada, growing into a crowd of more than 400 at times, before the raid, and now numbering a thousand or more people. The issue, however, goes much deeper than a single parcel of land but dives deep into the issue of Native rights, land claims, jurisdiction and governance.

The subdivision rests on a portion of land known by Six Nations members as the Haldimand tract, nearly 988,000 acres (400,000 hectares) given to the Natives by the British Crown for their loyalty during the American Revolution.

Recently published reports indicate that portions of the tract were sold to non-Natives during the 1800s, however painstaking research by the Six Nations reveals that the traditional councils never intended to sell, but only to lease the land. Whether the land was bought and sold legally is the question, which the Canadian government has not addressed.

In 1999, Six Nations filed claim to the lands on both sides of the Grand River, but private landowners who bought the pieces in recent history have continued to live on and develop the land.

Fifteen years ago two brothers, Don and John Henning, owners of Henco Industries, purchased the land where they have been developing the subdivision. Roughly 10 homes are being constructed, with plans for 600 eventually. No construction has taken place since the protest began on Feb. 28 and no immediate solution has been found.

"We're dealing with a very concerning and volatile situation so we need to be flexible in how we solve this situation," said Indian Affairs representative Bob Howsam.

An Ontario court ordered the protesters to abandon the site, but instead, on March 2, the day the injunction went into effect, dozens of women at the site linked arms in preparation for a police invasion. The police did not come that day and the land reclamation, as the protesters call it, continued.

"We plan to maintain the site until we get what we want," said Jeff Hawk, a protester, days before the raid on April 20. "First and foremost, we want the title. Nobody else is going to develop here."

Aside from angry passing of words, the demonstrators had remained calm. The strategic decision by the

protesters to allow no weapons in the camp site has been noted by many who otherwise would question the occupation.

“We are there peacefully,” Dawn Smith, a leader of the Six Nations Land Claims Awareness Group, had said. “We are there unarmed and it will remain that way. We will not break the order of peace. It will not be us to bring in arms. That will be the [Ontario Provincial Police] or [Royal Canadian Mounted Police] who come in with their mandated weapons that they carry. We will have no weapons.”

Caledonia residents, who have been affected in many ways by the protest, from lost trade work to traffic delays, held a protest in early April. Approximately 500 gathered in the town to discuss events and what could be done to end the protest.

However, the issue is complex.

While Henco Industries bought its land in what appeared to be a fair deal, the Six Nations demonstrators claim that the land was never for sale and should be returned to its rightful owners - the Six Nations territory.

Further complicating the situation is the uncertainty of jurisdiction. Six Nations is often divided by an elected council and a traditional one. The two parties have had conflicting accounts of the history of their land and Dave General, the band council chief, was threatened with impeachment after he failed to support the reclamation. People at Six Nations expressed a variety of opinion on whether the land was rightfully given back to non-Natives when a highway was to be built through the tract. The land issue has given way to the issue of the police attack upon the encampment, which has largely angered community residents.

While some would say that most Indians agree on the history of land-grabs and that the divisions are not as deep as they seem, others point out that the issue is not just about a questionable parcel of land.

“It’s not all that simple,” said Aboriginal Affairs Minister David Ramsay. “We’re talking about a multitude of parties here. There are not just two sides to this. That’s why this is so complex.”

Jurisdictional issues also arise in deciding who should speak on behalf of the owners of the land. Many believe that the Canadian government cannot be held accountable for actions of the British Crown.

While meetings had been taking place between various leaders and officials, provincial leaders argued that an end to the protest was not in sight as the OPP executed its raid. However, the ill-conceived and fruitless attack appears to have energized the Native community and its activists on the emotional issue of land rights.

“The people are committed to wanting the land back and are willing to stay as long as they have to,” said Janie Jamieson, a spokesman at the site.

Photos released out of Canada involving the protest the above article references.





Canadian natives vow to press land protest

Railroad wins injunction against related blockade

Saturday, April 22, 2006; Posted: 6:54 a.m. EDT (10:54 GMT)

CALEDONIA, Ontario (Reuters) -- Demonstrators at a native Indian blockade in southwestern Ontario vowed on Friday to resist further attempts to remove them from a housing construction site in a land-claims dispute that has raised painful memories of earlier confrontations that turned fatal.

At a related demonstration in eastern Ontario, Canadian National Railway officials won a court order Friday to end a protest that has stalled freight and passenger traffic on a busy line between Toronto and Montreal.

Indian leaders were attempting ease tensions at the demonstration in the small town of Caledonia, about 100 kilometers (60 miles) southwest of Toronto, a day after police made an unsuccessful attempt to remove demonstrators.

"We can't stand down. We can't roll over, or we'd be betraying the unity of our people," said Neecha, an Ojibwa who had come from Sioux Lookout in northern Ontario to support demonstrators in Caledonia.

Protesters, most from the nearby Six Nations reserve, say the housing site is on land stolen from the Six Nations Confederacy in 1841. The land was part of a large parcel granted to the Confederacy in the 1780s for supporting the British Crown during the American Revolution.

Some of the estimated 200 demonstrators had their faces covered, and young men patrolled on ATVs. Officers of the Ontario Provincial Police kept their distance from the blockade, but could be seen throughout the small rural town.

"Our perimeter is secure, and we hope for a peaceful resolution," OPP Sgt. Dave Rektor said.

Ontario Premier Dalton McGuinty called for a peaceful end to the dispute, but said people must obey the law.

A metal barrier, a pile of rubble and a bonfire blocked a road into-acre) construction site, but the mood appeared somewhat calmer than Thursday, when protesters burned tires and tipped over a van after fighting with police.

The protest began in February, but tensions flared Thursday with an early-morning police raid that resulted in the arrest of 16 people and minor injuries on both sides.

The standoff has reawakened memories of a 1995 dispute at Ontario's Ipperwash Provincial Park, when police opened fire on native protesters, killing one. In 1990 a Quebec provincial police officer was killed at a similar protest in Oka, near Montreal.

Provincial and federal officials were reportedly meeting with representatives of the Six Nations on Friday in an attempt to resolve the dispute, but details of the talks were not immediately available.

Many of the demonstrators are believed to be from outside Caledonia's local native community, and the Metis Nation issued a statement saying traditional leaders of the Six Nations had asked other people to stay away while talks were under way.

The Six Nations Confederacy, also known as the Iroquois Confederacy, is made up of the Mohawk, Oneida, Onondaga, Cayuga, Seneca and Tuscarora peoples.

The Caledonia blockade spurred a sympathy protest near Marysville, Ontario, where Mohawk demonstrators blocked CN Rail's main line between Toronto and Montreal, disrupting freight and passenger service.

CN Rail obtained a court injunction Friday to end the protest that has forced it to park 20 freight trains and caused Via Rail to use buses to transport passengers on one of the service's busiest routes.

CN said it still wanted a peaceful end to the rail dispute, but "it will take all measures open to it under the law to protect its right to operate its rail service without obstruction or hindrance."

It is not known when the blockage will be cleared, and Via Rail said it had suspended further passenger bookings to Ottawa and Montreal on Friday and through the weekend.



Senate panel told of meth 'crisis' in Indian Country

By NOELLE STRAUB

Missoulian D.C. Bureau

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WASHINGTON - Federal officials and tribal leaders testified at a congressional hearing Wednesday that the methamphetamine problem in Indian Country urgently requires increased funding for prevention and treatment programs and more law enforcement coordination.

"The situation can be described in a single word: crisis," said Robert McSwain, deputy director of the federal Indian Health Service, at the Senate Committee on Indian Affairs hearing.

Methamphetamine has contributed to the high rate of violent crime in Indian Country, devastated Native families and strained resources of tribal law enforcement, health and social services programs, said Matthew Mead, the U.S. attorney for the District of Wyoming.

Sen. Craig Thomas, R-Wyo., who sits on the Indian Affairs Committee, asked Mead and the other witnesses what the special obstacles are to dealing with meth on reservations.

"Indian Country is unique because of, and this is not an exhaustive list, the size of the reservation, wide dispersal of residents, limited numbers of law enforcement officers and the distinctive heritage and culture of the Native Americans," Mead said.

Mead said 80 percent of meth consumed in this country comes from "super labs" that are capable of producing at least 10 pounds of meth within a production cycle, and are run by Mexican traffickers in that country or in California. The other 20 percent is made in small labs in the United States, often by meth abusers.

Gangs have begun to infiltrate Native lands, Mead said, with some Mexican criminals marrying American Indian women in order to gain a foothold on reservations.

On Indian lands, Mead said, there are fewer than two law enforcement officers per 1,000 residents, compared with a range of 3.9 to 6.6 officers per 1,000 residents in non-tribal lands.

He also noted that the difficulty of bringing in outside undercover agents for stings on tight-knit reservations. He said families come under great pressure not to cooperate with officers.

Although not a member of the committee, Sen. Conrad Burns, R-Mont., attended the hearing. He said the meth problem is compounded in Indian Country by a number of factors, including poverty.

"One need only look at the Billings area to see this problem," Burns said. "The median household income for families on reservations near Billings is around \$14,000 a year. (That) affects families' ability to provide nutrition, health care and housing for their children."

Burns said the number of addicts seeking treatment exceeds the capacity of treatment facilities and that there are no treatment centers on Montana reservations.

“In order to receive help, Montana’s Indian youth are taken out of the communities that they know and are placed in facilities dominated by non-tribal members,” he said.

Law enforcement efforts have been “fractured,” and a lack of resources has also affected the spread of meth in Indian Country, Burns added.

Mead cited two recent Wyoming cases that show how federal, state, local and tribal law enforcement can work together. Last year saw a crackdown on the Goodman drug trafficking organization, a family-run crime organization on the Wind River Indian Reservation.

The organization served 20 to 50 drug customers a day and distributed at least 1 pound of meth per month on the reservation, Mead said, but 22 of the 25 federal defendants now have been convicted.

Mead also cited the breakup of a Mexican drug trafficking organization and the successful prosecution last year of its leader, Jesus Martin Sagaste-Cruz.

Ivan Posey, chairman of the Eastern Shoshone Business Council, missed the hearing because of airline problems, but submitted written testimony.

Posey called for education, additional treatment facilities and funding for prevention and social services programs, including foster care.

“What is needed in Indian Country are residential treatment facilities that address chemical dependency in sometimes a cultural and traditional manner,” he said. “Eighty percent of all residents in the Rock Springs, Wyo., treatment facility are from Fremont County, where we reside. This facility is 2.5 hours away from our home.”

He said four homicides in 2004 involved meth use on the Wind River Reservation. He also cited 284 drug-related misdemeanors in 2004 and 99 in 2005.

Indian Affairs Vice Chairman Sen. Byron Dorgan, D-N.D., said he and Chairman John McCain, R-Ariz., would introduce an amendment to make tribal governments eligible for grants under the Patriot Act for anti-meth programs.

Kathleen Wesley-Kitcheyan, chairwoman of the San Carlos Apache Tribe of Arizona, talked about her reluctance to testify, saying it felt like airing her family’s dirty laundry.

But she felt compelled after learning that 64 of the 256 babies born to tribal members in 2004 were addicted to meth, and that the number increased in 2005, she said.

She also cited cases of a 9-year-old boy using meth, a mother on meth who stabbed her baby to death, and meth-related suicides among the approximately 13,000 tribal members.