

‘Mini-surge’ to aid tribe

Faith Bremner
Sioux Falls Argus Leader

WASHINGTON — The Bureau of Indian Affairs is assigning additional police officers to crack down on juvenile and drug-related crime on the Standing Rock Sioux Reservation, South Dakota Sen. John Thune said Wednesday.

Thune, a Republican, has been prodding the BIA for months to beef up police protection on the reservation, which stretches for 100 miles along the South Dakota and North Dakota border. The agency employs nine officers to patrol the reservation’s 12 communities. The reservation once had 20 BIA police officers.

The agency’s response is “Operation Dakota Peacekeeper,” Thune said.

“We’ve seen reported incidents of violent crime on the Standing Rock Reservation rise to six times the national average,” Thune said. “The additional BIA law enforcement personnel and community policing practices that are implemented by Dakota Peacekeeper will help make reservation communities safer and give tribal leaders and members a stake in the safety of the reservation.”

Thune did not know how many additional officers would be provided but, according to his office, the “mini-surge” would bring in BIA agents from across the country. In addition to working with local law enforcement agencies, the reinforcements would work with the Federal Bureau of Investigation and stay as long as needed to stabilize the reservation.

“I hope Standing Rock can become a model for developing plans to help the other (South Dakota) tribes,” Thune said. “This is something we’ve been working for some time.”

U.S. Attorney Marty Jackley said Operation Dakota Peacekeeper is a step forward.

“I think it is a positive step in the right direction, and now it’s our job in law enforcement to properly utilize those resources and improve public safety for the Standing Rock communities,” Jackley said. He added that the U.S. attorney’s office has made a commitment to prosecute cases it receives from law enforcement on the reservations.

The tribal council recently paid to install metal detectors in the reservation schools and plans to hire two resource officers to supplement the one who works in the schools. Last year, 400 juvenile crimes on the reservation were not prosecuted because of the lack of law enforcement personnel.

The BIA’s new detention center in Lower Brule only houses men because the agency has not received the money it needs to fully staff the center. The state’s two tribal juvenile detention centers often are full, and when they have room, tribal police often don’t transport prisoners there because manpower is scarce.

The initiative is part of the Interior Department’s Safe Indian Communities program, said Nedra Darling, a spokeswoman in the BIA’s Washington office. The agency received \$23.7 million for the nationwide program this year and is requesting another \$26.6 million for next year.

President Bush is asking Congress to boost spending on tribal law enforcement programs by less than 1 percent next year and to slash spending on tribal courts nationwide by 16 percent.

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Greektown’s cash quest approved

Nathan Hurst
The Detroit News

DETROIT — Michigan Gaming Control Board members today will get their chance to weigh in on \$51.3 million in emergency financing for Greektown Casino that won approval of a U.S. bankruptcy judge.

Greektown Casino will use \$44.9 million of the loan to pay the past-due bills of contractors building its expanded gaming floor and 400-room resort-style hotel, and \$6.4 million to pay fees owed to its primary lender. Greektown attorneys told U.S. Bankruptcy Court Judge Walter Shapero that without the money the \$332 million permanent casino-hotel project would grind to a halt.

Shapero on Wednesday approved the emergency financing on the condition that interested parties, including the gaming board, sign off on the loan package. Greektown spokesman Roger Martin confirmed Wednesday that all of the signatures required for the financing’s approval had been obtained.

Also good news for the

casino was the judge’s order that contractors and subcontractors provide written promises to stay on the job until the project is completed.

They also must remove any liens they have placed on the casino for nonpayment of bills.

In a statement, Charles Moore of Conway MacKenzie & Dunleavy, a financial consulting firm working on Greektown Casino’s reorganization, called court approval of the financing “very good news for all parties.”

“As we have said, entering Chapter 11, Greektown Casino is a healthy, profitable business that needs time to address its liquidity issue.

“In a matter of days, we will close on the debtor-in-possession financing, and Greektown Casino will be well on its way to becoming a more viable business through the completion of the permanent casino and hotel complex.”

The Gaming Control Board will discuss the casino’s emergency financing today at a special hearing. Calls to gaming board members Wednesday weren’t returned.

Greektown filed for Chapter 11 bankruptcy reorganization last week, saying it will continue operations while it refinances millions of dollars in loans needed to finish the casino-hotel project.

The casino stressed that its day-to-day operations remain profitable.

Still, after the bankruptcy filing, several contractors and subcontractors had walked away from the job, as fears grew that Greektown would never be able to pay the past-due bills for the construction crews’ work. In arguing for the emergency financing, lawyers for Greektown told Shapero that more construction companies were threatening to abandon the project if financing wasn’t in place by Friday.

Ronald Rose, an attorney representing the Jenkins/Skan-ska Ventures LLC partnership, the general contractor for the Greektown project, said laborers were “still taking a risk” by working this week without the emergency financing in place. The loan will be used to pay contractors for their work in March, April and May.

The funding is expected to

be in place as early as Friday, according to a lawyer representing Merrill Lynch, Greektown’s primary banking institution. The bank mandated the Chapter 11 bankruptcy filing as part of its plan to help Greektown fund the remainder of the construction project.

Delays and cost overruns have pushed the price tag of the Greektown complex, located in the historic neighborhood bearing its name, to \$332 million, up from an original estimate of \$225 million.

Each month the new complex isn’t open costs Greektown millions more in wagering taxes paid to the city and state, based on a formula that reduces the casinos’ tax rate once they get their permanent operations and hotels open.

Finishing the expansion is a necessity, casino management said, to compete with Detroit’s other two casinos, which have already completed their permanent facilities, and to take advantage of the tax rollback.

Shapero ruled Tuesday that Greektown could continue to pay those wagering taxes to the state of Michigan and city

of Detroit, which together receive about \$250,000 a day from Greektown alone. Lawyers for Detroit said those taxes are critical for the city to pay its employees and for essential services.

Greektown also faces the possibility of having to pay up to \$40,000 a day in fines if it doesn’t finish its permanent complex by an October deadline. Documents filed with the bankruptcy court show the completion date of the hotel has been pushed back to January.

It remains unclear if city officials will enforce the fines.

Future to be discussed

Denise Tolliver, a spokeswoman for Mayor Kwame Kilpatrick, said the mayor has plans to meet with Greektown management to discuss Greektown’s future sometime within the next few weeks.

Greektown, already with \$314.5 million in outstanding loans, is seeking a total of \$150 million in bankruptcy financing, which includes the \$51.3 million in emergency financing, from Merrill Lynch.

The other part of the financing will come before the court at a later date.

Quick end to lawsuit

By John Holland
South Florida Sun-Sentinel

The Isle Casino & Racing of Pompano Park wants a federal court to stop the Seminole Tribe from offering blackjack games later this month, but did not include the tribe in its lawsuit.

Attorneys for Pompano Park argue in a lawsuit filed this week that a deal negotiated last year between the tribe and Gov. Charlie Crist is illegal and gives the tribe gaming options that are outlawed everywhere else in the state. The deal, called a compact, allows the Seminoles to offer blackjack, baccarat, Las Vegas-style slots and high-stakes poker in exchange for a guaranteed minimum payment of \$100 million per year.

Broward County race-track casinos are allowed to offer only slot machines and lower-stakes poker. Pompano Park argues in court papers that Crist had no right to give the Seminoles such a competitive advantage.

The lawsuit filed Tuesday in Tallahassee federal court names as defendants Crist and U.S. Secretary of the Interior Dirk Kempthorne, in his capacity as head of the federal department that oversees Indian tribes.

But it doesn’t include the Seminole Tribe. Because Indian tribes are sovereign, they cannot be sued without their permission.

Seminole attorney Barry Richard said without the tribe, the lawsuit is doomed.

“This will greatly affect the tribe, so we have to be included,” Richard said Wednesday. “And we’re not going to get involved, so a judge won’t be able to let this go forward.” Jill Haynes, spokeswoman for Pompano Park’s parent company, the Isle of Capri Casinos, said Wednesday the Seminoles “didn’t make the law” and aren’t the target of the court action.

“Our position is that banked card games [blackjack and baccarat] are illegal in the state of Florida and the tribe shouldn’t have any special treatment,” Haynes said. “A judge will have to decide.”

Sterling Ivey, a spokesman for Crist, said the governor is reviewing his options.

Rendezvous days



Associated Press

Zo Peterson, 9, exits a tepee that was built at Ponderosa Elementary’s Rendezvous Days held Wednesday, in Post Falls, Idaho. Students toured and participated in various stations featuring archery, cast iron cooking, forestry, cavalry and artillery, Native American living and were given a ride on a horse and buggy.

Feds want dismissal of Cherokee County lawsuit involving casino

By Roger McKinney
Joplin Globe

COLUMBUS, Kan. — A lawyer for the federal government has filed a motion to dismiss Cherokee County’s lawsuit against the U.S. Department of the Interior stemming from the Quapaw Tribe’s new casino.

David Cooper, the attorney representing Cherokee County on gambling issues, said no hearing has been set on the government motion.

The county’s lawsuit, filed in February in U.S. District Court in the District of Columbia, alleges that Interior Secretary Dirk Kempthorne conveyed the interests of what is known as the Meh-No-Bah Allotment to the tribe in trust without conducting an environmental review of the tribe’s casino development under the National Environmental Policy Act. The allotment is the location of the tribe’s \$301 million casino and hotel, just off Interstate 44.

Cooper’s expenses are charged to the county, and the county is reimbursed by Penn National Gaming.

Penn National is planning a competing casino near the tribe’s Downstream Casino Resort, which is scheduled to open July 5.

The court filing by the county also included a request for a preliminary injunction to stop the construction on the project.

The dismissal motion was filed May 28 by Amy Tryon, a trial attorney with the U.S. Justice Department’s Environment and Natural Resources Division.

“The complaint should be dismissed because plaintiff lacks standing to challenge the transfer of the Meh-No-Bah Allotment,” reads a document filed in support of the motion.

The argument also states that the county has suffered no injury as a result of the transfer of the land to the tribe under the Indian Land Consolidation Act.

“The United States did not endorse, authorize, allow or cause any construction for the proposed casino,” the document reads. “The tribe has engaged in construction activities on its own — activities which, to date, involve no violation of law of which the United States is

aware.”

The document also states that the land transfer didn’t require documentation under the National Environmental Policy Act, as alleged in the lawsuit.

“In any event, even if plaintiff were correct that the ILCA transfer authorized the tribe to build a casino, plaintiff’s NEPA claim would be moot because the casino is virtually complete,” the document reads.

The court filing also states that the federal government has no power to halt construction on the casino.

“This injunctive relief is unavailable because the United States is not engaging in any construction on the property; the Quapaw Tribe is doing so,” the document states. “Therefore, if the court were going to enjoin construction activities on the Meh-No-Bah Allotment, it would have to enjoin the tribe, not the United States. However, the Quapaw Tribe is not a party to this case and cannot be enjoined by the plaintiff because it has sovereign immunity from suit.”