

Former tribal chief takes over casino

By Lee Logan
Tulsa World

TULSA, Okla. — The Seneca-Cayuga tribe was thrown into an uproar Thursday after its former chief attempted to take over the tribe's casino.

Second Chief Katie Birdsong, who won her position in a disputed election in June, called the day's events a "hostile takeover" by former-Chief Paul Spicer.

Spicer's attorney, Thomas Hayde, said Birdsong and other members of the business council were illegally sworn in. He pointed to a tribal court order signed Wednesday saying Spicer should remain chief.

"Their response to the court has been to ignore it, disobey all of its orders," he said. "For them to say that following the rule of law and going through an orderly process and the court is a hostile act, it speaks for itself."

Birdsong said the court order is not valid because the tribal court system, created last August, was abolished June 7.

Scott Edwards, one of the tribe's attorneys, noted that Karl Jones, the judge who signed the order, is one of Spicer's former lawyers. He also said the Bank of Oklahoma, the tribe's principal bank, is ignoring the court order.

Edwards said Spicer is still contesting the election but that Thursday's tension has subsided.

"He's not running around with an order and trying to take over casinos anymore," Edwards said.

Birdsong said Spicer went to the casino about 1 p.m., ordered the general manager out and said he was taking over. She said Spicer was at the casino about three hours. Spicer had also attempted to take over the tribe's tobacco store but was turned away by security, she said.

Birdsong noted that representatives from the U.S. Attorney's Office are scheduled to tour tribal facilities at 10 a.m. Friday.

"I think his motive is that he's very nervous and he is trying to cover himself," she said of Spicer, claiming that he has improperly handled the tribe's casino funds.

Even though much of the drama has ended, Birdsong said many tribe members were worried about what Spicer might do. "Sometimes he's a hot-head," she said.

The tribe is now waiting for Jeannette Hanna, a regional director for the U.S. Bureau of Indian Affairs, to formally recognize the tribe's new government.

"We're the government because we won the election," Birdsong said. "We're proceeding as the government of the tribe."

In March, Spicer announced that he was resigning from his position as chief. He then endorsed a candidate in the race. That candidate lost to LeRoy Howard, who has since taken over as chief.

Senecas ccused of 'flouting' judge's order

Buffalo News

BUFFALO, N.Y. — An attorney for the anti-casino group that won a judgment in federal court this week against the Seneca Nation casino in downtown Buffalo accused the Senecas on Thursday of "flouting the judge's orders."

"One thing we are not going to stand for is business as usual," said Cornelius

D. Murray, counsel for the anti-casino group, Citizens for a Better Buffalo. "We are going back to court."

Murray had set a 5 p. m. Thursday deadline to hear from the U. S. Attorney's office about whether it would take action to force the National Indian Gaming Commission to enforce U. S. District Judge William Skretny's decision.

High court: Crist overstepped on casino deal

By Marc Caputo, Even Benn
and Amy Driscoll
The Miami Herald

MIAMI — The Florida Supreme Court ruled Thursday that Gov. Charlie Crist overstepped his authority when he unilaterally allowed the Seminole Tribe to exclusively offer baccarat and blackjack at their casinos.

But the games will go on, at least for now, while the tribe mulls its options during the heavy-betting July 4 weekend.

The big loser: The state budget, which will be denied hundreds of millions in future gambling revenues that Crist had negotiated for Florida in return for allowing the table games.

The big winner: Florida House Speaker Marco Rubio, an anti-gambling West Miami Republican who filed suit in November, saying Crist needed the Legislature's approval of the deal he struck with the tribe.

The ruling ducked the question of whether the governor can unilaterally negotiate any similar agreement. But the justices all agreed that this deal was bad because Crist unlawfully tried to legalize illegal gambling without a vote in the Legislature.

"What is legal in Florida is legal on tribal lands, and what is illegal in Florida is illegal there," Justice Raoul Cantero wrote in the majority opinion that struck down the deal,

known as a compact.

"The governor does not have the constitutional authority to bind the state to a gaming compact that clearly departs from the state's public policy by legalizing types of gaming that are illegal everywhere else in the state," the opinion said.

Crist, on vacation, wasn't available for comment and his spokeswoman didn't return calls on the matter, saying in an email that Crist's office is "currently reviewing" the ruling.

Rubio hailed the decision as a "victory for our constitutional system of checks and balances." He told The Miami Herald that Crist should entirely scrap talk of table games with the tribe and figure a way to allow the Seminoles to have Las Vegas-style slot machines at its seven casino properties throughout the state. In return, the tribe would give the state a cut of its slot-machine money.

Rubio said the Legislature would have to sign off on the deal because it would allow for the slot machines outside of Miami-Dade and Broward counties, the only two areas where they're permitted right now.

"You can expect the anti-gambling Legislature to strike the best deal for Florida, which is a fair tax rate," Rubio said. "The Florida House is just not going to legalize baccarat and blackjack."

George LeMieux, the former Crist staff chief who negotiated the compact, said neither Rubio nor the high court understood the nature of the negotiations, which took place amid the "murky" and "contradictory" backdrop of conflicting state, federal and tribal laws. He said he believes the justices erred because federal Indian gaming law can supercede state gaming laws.

"It's easy to sit in the Legislature and criticize this. But what the Legislature didn't do this year is take up two bills to ratify the compact or change its terms," LeMieux said.

He added that the U.S. Department of Interior, which nominally oversees Indian gaming, had told the state that the tribe had a right to Las Vegas-style slot machines at all its casinos because negotiations with the state had broken down for so many years.

In order for the state to regulate the games and some cut of the revenues, LeMieux said, Crist had to offer the Seminoles something more: table games.

"We had to offer them something to get something," LeMieux said. "Now the tribe will get its slot machines everywhere it wants and the state will lose hundreds of millions, if not billions, of dollars. The Seminoles will have their cake and eat it too."

Meantime, Seminole spokesman Gary Bitner said

the games will continue at the Hard Rock casino near Hollywood while the tribe determines its next step.

"The tribe is studying the decision and plans no immediate changes, and strongly believes it was operating with a federally approved compact agreement by adding the games it added," Bitner said.

The Legislature's top gambling expert, Cooper City Sen. Steve Geller, agreed that the tribe would likely keep its popular table games while the ruling is appealed. A federal court order would probably be needed to halt the games, he said. The U.S. Department of the Interior has jurisdiction over Indian gambling.

Gambling competitors of the tribe welcomed the ruling.

"I'm happy. I just wish it'd come a little sooner," said Dan Adkins, who runs the Mardi Gras Racetrack and Gaming Center in Hallandale Beach, one of three state-regulated casinos in Broward County. "The real question is, what happens now? The responsible thing to do would be to call a special session of the Legislature and deal with it."

The Broward casino operators say they are struggling with a 50 percent state tax on revenues, especially when compared with the tribe, which pays no state tax.

Crist likely has four basic choices: appeal, negotiate a new compact for Las Vegas-style slots only, ask the anti-

gambling Legislature to sign off on the deal -- a tough sell from his fellow Republicans -- or walk away from the compact and leave the matter in the hands of the Interior Department.

Attorney General Bill McCollum, a Republican like Crist and Rubio, is evaluating his options, according to a spokeswoman. McCollum had called the compact "a very questionable act" and unsuccessfully asked a federal court to block the agreement until the Supreme Court ruled.

Though some are pushing for a special lawmaking session to resolve the matter, it appears unlikely during an election year. Cist and Rubio, who have clashed on a handful of other high-profile issues like taxes, aren't likely to agree. Just the day before the ruling, Rubio bashed Crist's Lottery department for joining the mega-jackpot Powerball game. Rubio said the new game would help balance the budget on the backs of the poor and elderly, who tend to play lottery games.

The Seminole gambling agreement has had a long and troubled history spanning 16 years and the terms of four governors. When it was finally signed in November, the compact allowed the tribe to offer Las Vegas-style slot machines, blackjack, baccarat and other table games at its seven Florida casinos in exchange for payment to the state.

Worker injured at casino project

CATOOSA, Okla. (AP) — A construction worker who fell about 20 feet from a tower at the Cherokee Nation Casino Resort has been released from the hospital.

The steelworker, whose name has not been released, suffered some cuts and bruises after falling Thursday from the 16th floor to the 14th floor of the hotel that's being constructed, said Brenda Leach of Green Country Steel Erectors in Salina, where the man worked.

"He's fine other than a few stitches and he's a little banged-up," Leach said. "It's not every day you have something like that happen."

The worker was flown to St. John Medical Center after falling Thursday morning, said Amanda Clinton, a spokeswoman for the Cherokee Nation.

The tribe is building a 19-story hotel as part of a \$125 million expansion of the casino and resort.

Buying land



Associated Press

Spirit Lake Nation Tribal Vice Chairwoman Shelly Luger, left, and Joanne Smith, tribal realty agent, stand on the first tract of land that the tribe bought back from non-Indians in the 1970s that is now a housing development, July 9.

Apparent hate crime reported at church camp

By David Cole
Lewiston Tribune

IDAHO — A pickup truck sped through the remote Talmaks Presbyterian Camp of the Nez Perce Tribe early Sunday, endangering campers, and the occupants were yelling obscenities and racial slurs, according to a sheriff's report.

The full-size truck - mostly red with possibly some silver or white - had four occupants, described as "cowboys" by witnesses. The driver made two high-speed trips around the road that circles the camp, witnesses told Lewis County sheriff's deputies.

From June 27 through July 11 at Talmaks, the tribe is conducting its annual camp meeting. This is the 111th year of the meeting.

The campground is dotted with numerous cabins, but also has dozens of tents and teepees during the camp

meeting. Some of the tents and structures are only a few feet from the narrow gravel loop road. Witnesses estimated the truck was roaring down the road at about 40 mph, while the posted speed limit is 15 mph.

No injuries were reported, and sheriff's deputies who responded were unable to locate the truck.

"According to our elders, this is the first modern-day incident like this," said Dave Penney, a member of the camp police force. "I believe it was a hate crime."

Penney, 59, of Lapwai, said he's submitting a report to the tribal police department, which he said will pass it along to the proper authorities.

"I want to make sure this incident is properly investigated," Penney said. "I don't want anybody to say it didn't happen. It was a dangerous situation."

He said kids and other campers are frequently on the loop road, including at night, walking or riding bikes.

His nephew, Aaron Penney of Lenore, another camp police member, witnessed the incident. He got in his vehicle and pursued the truck for 20 to 30 minutes, he said. He wasn't able to catch the fleeing truck because of the narrow roads and poor visibility from dust.

Aaron Penney said the occupants of the truck took down two directional signs that guide drivers to the camp. They also pulled up a street sign. The signs were later recovered.

Another witness was Jeff Guillory, who said he heard some of the racial slurs hurled from the speeding truck. Guillory is the diversity education director for the division of student affairs, equity and diversity at Washington State University.

Kansas law professor named Fletcher Fellow

Diverse Issues in
Higher Education

LAWRENCE, Kan. — A University of Kansas law professor has joined a distinguished handful of scholars, writers and artists who have been named Fletcher Fellows.

Stacy L. Leeds, professor of law and director of KU's Tribal Law and Government Center, is among four academics in the country to receive the honor this year. The Fletcher Fellowship program, a charitable initiative created in 2004 and named for Alphonse Fletcher Sr., commemorates the 50th anniversary of Brown v. Board. This year's selection committee chose the four recipients from a pool of more than 80 applicants.

"Receiving the fellowship is a tremendous honor, and I am humbled by the generosity of the Fletcher Foundation," Leeds said. "The fellowship

will support research and scholarship on tribal sovereignty and the unique legal history of freedmen citizenship within the Cherokee Nation."

The award comes with a \$50,000 stipend for work that contributes to improving racial equality in American society and furthers the broad social goals of the U.S. Supreme Court's landmark decision in Brown v. Board of Education.

Leeds joined the KU law faculty in 2003 after serving as assistant professor and director of the Northern Plains Indian Law Center at the University of North Dakota School of Law. Her law teaching career began at the University of Wisconsin School of Law, where she received her LL.M. as a William H. Hastie Fellow. She earned her bachelor's degree from Washington University in St. Louis and her law degree from the University of Tulsa.