

Kaweah leader's trial starts

CALIFORNIA (AP) — When federal agents raided the Wichita offices of the Kaweah Indian Nation, Malcolm Webber told the arresting officer that he had not committed fraud and was confused how he could be arrested on “sovereign soil,” court documents show.

Now almost a year later, Webber— also known as Grand Chief Thunderbird IV -- is poised to wage a legal battle in federal court as he defends himself against charges that he and his so-called tribe defrauded immigrants by claiming that tribal membership conferred U.S. citizenship. Trial begins today against Webber.

Prosecutors filed a motion Monday to dismiss charges against the tribe, leaving today's trial to focus on Webber alone.

His defense attorney, Kurt Kerns, told the federal judge last week that the defense will argue that Webber believed -- based on his research, whether right or wrong -- that what he did was legal.

In hopes of bolstering his argument that his client had no criminal intent, Kerns said he plans to introduce as evidence two books that he contends gave Webber the idea to sell tribal memberships to immigrants.

Webber, 70, of Bel Aire, is charged with two counts of harboring illegal immigrants, two counts of possession of false documents with intent to defraud the United States, two counts of conspiracy with intent to defraud the United States, one count of mail fraud and a count seeking criminal forfeiture.

Last year, federal prosecutors charged the tribe and 11 people in a 17-count indictment. Charges have since been dismissed against two defendants, one man remains a fugitive and seven others will have pleaded guilty to various reduced charges before trial.

On Monday, Victor Orellana, 45, a Guatemalan native and legal U.S. resident who lives in Long Beach, Calif., pleaded guilty to failing to notify authorities of a crime.

Assistant U.S. Attorney Brent Anderson told the court that police seized \$12,700 in cash from his home after finding a line of Spanish-speaking people lined up outside his California home waiting to buy tribal memberships for \$600 each.

Orellana told the Associated Press before his plea hearing that he had been convinced the tribe's claims were true after coming to Wichita and seeing armed Kaweah tribal police driving official-looking vehicles.

Last Friday, U.S. District Judge Wesley Brown dismissed charges against Hector Nolasco Pena, 51, a citizen of Honduras who lives in Oklahoma City. The government told the judge in its motion that the charges against him were separate from the Webber case, and that it is “highly likely” to seek his re-indictment.

The government plans to call 14 witnesses to testify, including two pastors, three co-defendants and several government officials, according to court documents. Kerns told the judge the defense intends to call four witnesses, including Webber.

Prosecutors contend the Kaweah Indian Nation defrauded legal and illegal immigrants across the nation by claiming tribal membership conferred U.S. citizenship and would allow immigrants to obtain other documents and benefits, such as Social Security cards. Prosecutors claim the tribe is fake. But even if it were real, tribal membership would not make someone a U.S. citizen.

But based on the defense's proposed jury instructions, Kerns appears ready to raise the issue at trial that the Kaweahs are a tribe, albeit one not recognized by the federal government, and that Webber may be an Indian.

Bill introduced to re-establish Delaware tribe

Bartlesville Examiner-Enterprise

BARTLESVILLE, Okla. — U.S. Representative John Sullivan has introduced a bill in Congress that seeks to provide a monetary settlement to the Bartlesville-based Delaware Tribe of Indians and would, in the eyes of tribal officials, help reestablish the tribe's federal status.

In a long-running dispute with the Cherokee Nation based in Tahlequah, the Delaware seek to restore the federal recognition granted to the tribe then subsequently stripped through a series of court decisions culminating in 2004.

The Cherokees have maintained that the tribe has jurisdiction and control over federal money via a long-standing treaty with the U.S. government.

Sullivan's bill, filed on Friday as Congress recessed for a summer break, would “provide for the settlement of claims arising from the use and distribution of judgment funds previously awarded and provided to the Delaware Tribe of Indians, the Delaware Nation, the Kansas Delaware Tribe of Indians, Incorporated, and the Delawares of

Idaho, Incorporated, to correct underpayment of certain funds, to provide for the settlement of accounting claims arising from, and otherwise achieve the requirements of, certain litigation, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned,” according to the Congressional record.

According to a joint statement issued Monday, the legislation is the result of cooperative efforts among Sullivan's office, the Delaware Tribe and the Cherokee Nation.

“After three years of working with the Delaware tribe, the Cherokee Nation, and the U.S. Department of the Interior, I am pleased to introduce legislation which will help restore the rightful federal recognition of the Delaware Tribe,” Sullivan said in a statement. “In addition, my legislation also incorporates mechanisms for the Delaware Tribe and the Cherokee Nation to resolve their economic and

jurisdictional issues in North Eastern Oklahoma amicably. I applaud the cooperation of these two tribes in reaching this historic agreement.”

According to tribal officials, the Delaware were previously recognized by the federal government throughout the 20 century until it was terminated by the Department of the Interior in 1979.

The department rescinded that decision in 1996 and the tribe was again recognized until 2004 when a Tenth Circuit Court decision ended the federal recognition.

The U.S. Solicitor General stated to the U.S. Supreme Court that the Tenth Circuit decision to end status of the tribe resulted in the need for Congress to pass legislation restoring the Delaware Tribe's full standing with the federal government.

In response to Sullivan's' legislation, Delaware Chief Jerry Douglas issued a statement Monday on behalf of the tribe, tribal council and the tribal trust board.

“We are pleased and appreciative of the spirit of cooperation between the two tribes, Delawares and Cherokees, which has enabled us to arrive at a

point that legislation to restore our federal recognition has been reached. Chief Smith and Congressman John Sullivan have been instrumental in assisting with the mechanics of getting our legislation drafted and introduced before Congress,” said Douglas. “I certainly don't want to minimize the cooperation and assistance from the members of the Cherokee Nation tribal council. We are looking forward to working with members of Congress and particularly the Oklahoma delegation in getting this bill moved through both houses.”

Principal Chief Chad Smith of the Cherokee Nation pointed to the bill's potential to reach a compromise that would satisfy both tribes.

“We thank Congressman Sullivan for working with both the Cherokee Nation and the Delawares to bring forward a bill that will preserve Cherokee Nation sovereignty while still allowing the Delawares to re-organize their tribal government,” said Smith. “I especially want to thank Chief Douglas for his efforts on behalf of his people and his hard work to make sure that this bill is introduced.”

Powwow dancer



Associated Press

Rocky Boy's Indian Reservation Powwow dancer Bill Torcotte of Chinook, Mont., competes in the Men's Golden Age division in his regalia on Friday, Aug. 1, for the 45th powwow celebration.

Harrah's cheating ring thwarted

Jon Ostendorff
Asheville Citizens-Times

CHEROKEE, N.C. — An electronic card game dealer and 11 gamblers are suspects in a cheating ring that allegedly stole \$286,000 from Harrah's Cherokee Casino, tribal gaming and police officials said Tuesday.

Police have made no arrests, but investigators questioned the 26-year-old card dealer, identified as a tribe member and Cherokee resident, said Cherokee Indian Police Department Chief Ben Reed.

The chief said the FBI has been contacted.

Arrests are likely after authorities decide whether the FBI or Cherokee police will handle the case, Reed said.

A two-week internal investigation broke up the ring, said Patrick Lambert, executive director of the Cherokee Tribal Gaming Commission, which regulates gambling operations at the casino. Police took over the case last week, he said.

The casino offers digital blackjack and a digital game based on baccarat. Cheating in the traditional sense is impossible because the card games are all electronic, with a dealer who pushes a button to “deal” cards that show up on small screens in front of each player at the table.

The cheating ring operated with the dealer paying off players for wins that never occurred, Lambert said. The players then took their chips to the counter and received cash. The dealer got a kickback, he said.

The ring operated for about three weeks.

“We will be pushing for full prosecution of all those involved in this theft,” Lambert said in a statement. “We want to assure the public that this scheme never put any patrons or the public in danger and this amounted to a system where a single employee had decided to help a group of players cheat at the table games.”

Lambert said computer programs, which match money paid at the cashier counter with winnings on the gambling floor, first alerted casino officials to the problem.

He declined to discuss how casino officials identified the dealer. No other employees are suspected, he said.

Oklahoma Music Hall of Fame names new inductees

Oklahoman

MUSKOGEE, Okla. — Country songwriter Chick Rains, Red Dirt music pioneer Bob Childers and the singers of the Wichita & Affiliated Tribes will be inducted into the Oklahoma Music Hall of Fame this fall.

The induction ceremony and concert will be Oct. 8 at

the Muskogee Civic Center.

Childers will be inducted to the hall of fame posthumously.

Also honored will be the prolific Cherokee National Youth Choir, which will receive the Governor's Award, and alt-pop hitmakers The All-American Rejects, which will receive the Rising Star Award.

“I think it just again shows

the world how diverse Oklahoma is, not only in its people but in its music,” Executive Director Beth Seim said.

Oklahoma country music singer Wade Hayes, who took two of Rains' songs to No. 1, will perform the songwriter's work at the concert.

Members of Oklahoma band the Red Dirt Rangers will play Childers' songs with

backing from Tom Skinner and the Science Project.

The Cherokee National Youth Choir will perform under the direction of Mary Kay Henderson. The All-American Rejects will close the show.

If you go

VIP tickets cost \$150 and

include VIP parking, buffet reception and VIP seating on the arena floor.

Gallery tickets range from \$19 to \$39.

Tickets go on sale Aug. 25 and can be purchased by phone at (918) 687-0800 or at the Oklahoma Music Hall of Fame and Museum, 401 S Third in Muskogee.