

## Everglades reservoir puts sugar deal at risk, judge told

By Curtis Morgan

MIAMI — For decades, environmental groups have pushed to speed up Everglades restoration but on Tuesday they urged a federal judge in Miami not to step in and force the state to resume work on a key project halted in May.

The reason for the change in tune: Paying for a \$700 million reservoir the size of Boca Raton could threaten state financing of a deal they consider even bigger for the Everglades -- the proposed \$1.75 billion buyout of U.S. Sugar.

In a split with the Miccosukee Tribe, which had asked Chief U.S. District Judge Federico Moreno to order construction restarted on the stalled reservoir, lawyers for several of the state's biggest conservation groups argued the wait was worth it to secure a "monumental" purchase of 187,000 acres of sugar fields.

"It really is a new ball game," said Thom Rumberger, an attorney for Audubon of Florida.

"This is an opportunity to do some serious restoration. For that not to happen would really be a crime."

Dexter Lehtinen, the tribe's attorney, called the land buy the latest state "excuse" to delay deadlines for cleaning up pollution damaging the Everglades.

He argued the deal could push back the reservoir and other projects to restore the flow of clean water back 15 years or more.

"Delay is the enemy of the Everglades," Lehtinen said. "The Everglades is dead 15 years from now."

Moreno, who oversees cleanup efforts under a 20-year-old lawsuit that forced Florida to reduce pollution flowing in the Everglades, took no action and gave no indication of when or how he might rule on the tribe's motion.

But the judge peppered both sides with questions about how far his own authority extended under a legal settlement called a consent decree and how his decisions might conflict with a handful of other federal Everglades lawsuits.

"Can you throw out the consent decree by yourself because something else better comes along?" asked Moreno, who three years ago found the state in violation of the agreement after two high pollution readings.

Last month, another federal judge tossed out part of Florida's controversial 2003 overhaul of Everglades pollution laws, saying the U.S. Environmental Protection Agency turned a blind eye to "radical" water quality changes that pushed cleanup deadlines back a decade to 2016.

In another federal suit in West Palm Beach, three environmental groups argued the state has not given proper assurances the water will be used for environmental purposes.

Kirk Burns, an attorney for the district, said the risk that federal permits could be revoked in that case was the primary reason the district halted the reservoir.

The state's surprise bid to buy U.S. Sugar added still more complications, Burns said.

If the deal goes through -- a tentative deadline is Nov. 30 but Burns predicted it might take four or five months -- the existing reservoir site might be reconfigured as a pollution cleanup marsh and another reservoir built in vacated sugar fields to the northwest.

Burns, echoed by attorneys for the state and environmental groups, told the judge that forcing the district to spend \$300 million on the next phase of the reservoir would waste taxpayer's money and potentially jeopardize the plan to secure bonds to buy sugar lands.

"Our ability to close that deal would be impaired," he said.

## Native press lacks access to presidential campaigns

By Rob Capriccioso  
Indian Country Today

WASHINGTON — Looking for a Native journalist to ask a hard-hitting question on, say, tribal sovereignty issues as part of Sen. Barack Obama's or Sen. John McCain's traveling press corps? You're bound to be disappointed.

Looking for the campaigns to fill the gap in access? You're probably going to have some concerns, too.

As in years past, the press corps covering the respective presidential campaigns in 2008 lacks diversity, especially when it comes to Native reporters. There is a handful of black, Hispanic and Asian journalists who are connected to the elite group, but, for the most part, the reporters covering the two men running for the most powerful job in the world are white. Not a single known Native journalist sits on the traveling crew that covers the presidential candidates day in and day out.

"There's just not a lot of diversity in general in that particular landscape," said Mark Trahan, editorial page editor of the Seattle Post-

Intelligencer. He is a member of the Shoshone-Bannock Tribe. "It's been a problem for ages."

Victor Morena, a longtime journalist focused on Native issues, said, too, that adding reporters focused on Indian issues to mainstream political beats wouldn't pigeonhole the journalists as only being able to ask about developments in Indian country.

"They would be able to ask questions about a broad range of issues that are pertinent in the presidential race - whether they be economic, foreign or domestic policy," said Morena, who will be covering both the Democratic and Republican conventions for Reznnet News.

"What would happen is that [a Native-focused individual] could bring up other issues as well as part of the overall coverage, and some of these issues could be mainstreamed. If you're able to talk about how economic policy affects people on the rez, depth is given to the campaign coverage.

"It's not about having someone there who's only going to be asking questions about Native issues or in the

context of Native issues. But having the person there can almost automatically infuse some wider issues into the national campaign coverage."

The decisions on who will become part of the traveling press corps are made by large mainstream media outlets, like The New York Times and The Washington Post, that have long dominated the news terrain in the U.S. Leaders with the Native American Journalists Association have long pointed out that such outlets have traditionally hired very few Native staffers; the organization has also released data suggesting that mainstream coverage of Indian issues is often biased.

Both candidates have expressed desires to reach crucial racial and ethnic voting blocs, like American Indian voters, so the lack of diversity in the press covering them every day has seemingly been a driving factor in compelling the campaigns to directly reach out to such voters.

Obama, for instance, recently announced plans to open a campaign office on the Navajo Nation in Shiprock, N.M. And McCain has met

with tribal leaders nationwide as he's canvassed the country. Talk has also come from both campaigns about creating positions for high-level White House Native advisers.

Still, Trahan said that these kinds of developments, while positive, end up producing "episodic" coverage of events where Indian issues are focused on briefly and then the conversation quickly moves on, as if Indians aren't still part of the larger campaign picture.

"There are a lot of avenues where Native issues come up, but it would be a lot better if they could be part of the mainstream," Trahan said. He added that members of the Native press end up having to work much harder to get access to the campaigns, largely because campaigns in past years have not seen Indian voters being a big enough voting bloc to affect election outcomes.

According to some Native journalists, the efforts to reach out to new and swing voters who happen to be Native might be especially urgent for Obama, since he has made a commitment to turn states that traditionally vote Republican

into Democratic footholds.

"If you're talking about winning over battleground states like Arizona, Michigan, New Mexico, Washington - where a lot of Native voters could help turn the tide - I definitely think it behooves Obama to pay attention to Native issues," Morena said. He noted, too, that some in Indian country already have positive feelings toward McCain because of his leadership background as the former head of the Senate Indian Affairs Committee.

Both campaigns have made attempts this year to designate staffers who are solely devoted to reaching out to and answering questions from members of minority media outlets and communities. Still, even as the general election quickly approaches, media liaisons specific to the Native press are yet to be hired.

Corey Ealons, a former communications director and deputy chief of staff for Alabama Rep. Artur Davis, was brought on by the Obama campaign in late July to serve as communications director for black media. He ends up talking to minority members beyond the black press.

## Teen accuses deputies of racist comments while being detained

By Michelle DeArmond  
Riverside Press-Enterprise

RIVERSIDE, Calif.— The Riverside County Sheriff's Department confirmed Thursday it is investigating allegations of racial harassment by some of its deputies against a teenager from an Inland tribe.

Michael Malone, 19, accused deputies of pointing a Taser at him and making racist remarks during a recent encounter in the Temecula area.

Malone, who identified himself as a member of the Torres-Martinez Desert Cahuilla Indians, said he believes the deputies detained him because he's American Indian.

It's unclear why deputies stopped Malone.

The deputies said, "Yee-haw, boys, we caught us an Injun," Malone recounted during a meeting of tribal leaders this week in San Jacinto.

Malone said the deputies indicated they thought he was a member of the Soboba Band of Luiseño Indians, which has been locked in a dispute with the Sheriff's Department.

Three members of that tribe died in shootouts with deputies in May.

Malone was not immediately available for comment Thursday.

The Sheriff's Department began investigating Malone's accusations as soon as it heard of them, Sgt. Dennis Gutierrez said Thursday.

The Temecula Police Department, staffed by contracted sheriff's deputies, and the Sheriff's Department's internal investigations unit are looking into the allegations, he said.

"It's in the public. We have to do something about it," Gutierrez said. "We take great pride in our department, and that is our report card."

The department will have an update within 30 days on the status of the investigation, Gutierrez said.

Discipline of deputies can include a verbal reprimand, written reprimand, time off or termination, he said.

## Democratic candidate



Associated Press

Arizona 1st Congressional District Democratic candidate Mary Kim Titla smiles at supporters as she attends the Payson Rodeo Parade Saturday, in Payson, Ariz.

## Senecas lobby against proposed cigarette tax

ALBANY, N.Y. — Days before the New York Legislature will try to stem growing budget deficits, leaders of the Seneca Nation pressed Governor Paterson's office to veto a bill that would require collecting millions of dollars in taxes on cigarettes now sold tax-free by tribes.

Nothing was resolved yesterday, spokesmen for the tribe and Mr. Paterson said.

Although Indians may sell goods to other Indians free of sales taxes, most Indian sales are to non-Indians. Tribes argue that treaties dating to the 19th century allow them to avoid state government sales taxes. But state officials going back to the 1980s have argued sales to non-Indians are taxable and the money should be collected.

In the balance hangs at

least \$400 million in annual revenue. On Tuesday, the Legislature will return to Albany at Mr. Paterson's call for an emergency economic session to deal with a proposal by the Democratic governor to cut \$600 million in spending to help stave off a \$6.4 billion deficit projected for the 2009-2010 fiscal year. New revenue, such as the cigarette tax collection, could head off at least some

cuts that are strongly opposed by the powerful public worker unions and the Working Families Party.

"We continue to ask New York state to honor its treaties," the chairman of the Seneca Nation's Legislative Council, Richard Nephew, said. He said the taxes would cut into sales, which in turn would hurt the tribe's employment of 5,000 people and other economic benefits

it spins off in western New York.

"The state still comes out ahead," Seneca Counsel Robert Odawi Porter said. "It just doesn't go into the Albany trough."

The tax bill, passed by the Senate and Assembly, has yet to be sent to Mr. Paterson. When it is, and that could happen Tuesday, the governor will have 10 days to sign or veto the measure.