

FSIN calls for inquiry

Regina Leader Post

DON MILLS, Ont. — Aboriginal leaders say they will be watching to ensure a proper investigation is conducted into the fatal shooting of a northern Saskatchewan band member by an RCMP officer on Tuesday.

When it's over, the chief and council of the Clearwater River Dene First Nation say they'll decide whether "any further action, including legal action or a public inquest is required in this matter and in defence of the life and safety of members of the (band)," reserve officials announced Thursday in a news release.

Meanwhile, Federation of Saskatchewan Indian Nations (FSIN) Chief Lawrence Joseph called for a public inquiry into the use of force by police in the province, noting eight aboriginal people have been shot or injured by officers in the past 10 months, five of them fatally.

"We have to ask, 'What about our security and our safety?' when these situations are occurring with such frequency," Joseph said.

A 38-year-old man, identified by relatives as Harry Haineault, died Tuesday night after two members of the La Loche RCMP detachment went to a home on the nearby reserve to execute three arrest warrants. According to RCMP, one of the officers gave chase when the subject fled the house, and during a subsequent struggle the officer fired one fatal shot.

RCMP officials have said the deceased was facing 15 criminal charges, but refused to give more details of the allegations against him. They have also refused to say whether he was armed at the time of the incident.

The Clearwater River Dene chief and council "will take whatever steps are necessary to ensure that all relevant facts about this incident come to light," said the statement issued by the band Thursday.

"We will take steps to determine if excessive force was used, under the circumstances, and if all proper procedures and safeguards were followed by the RCMP."

Supt. Randy Beck, acting commander of the RCMP in Saskatchewan, said Wednesday he intends to speak with the deputy minister of Corrections, Public Safety and Policing, as well as Joseph and the leaders of municipal police forces, about the root causes of what he called a "real increase in the number of challenges to authority" in the province.

Joseph said the FSIN is willing to work with all levels of government in search of preventive measures to make aboriginal communities safer for both the residents and law enforcement.

"Everybody needs to be part of the plan. Police can't do everything. We need to find solutions that will address alcohol and drug dependency, high rates of unemployment, health epidemics, the list goes on and on."

Joseph acknowledged the risk officers face on duty -- and the fatalities they have also suffered.

"Mentally police are in a tough situation especially in light of Mayerthorpe and Spiritwood," he said, referring to incidents in which Alberta and Saskatchewan RCMP officers were gunned down by suspects in recent years.

"But I still question the use of lethal force. Last spring RCMP employed a SWAT team to peacefully end an armed stand-off in the town of Indian Head. There are examples of where lethal force is not the only option."

Corrections, Public Safety and Policing Minister Darryl Hickie could not be reached for comment Thursday. Spokesperson Judy Orthner said the deputy minister will meet with Beck, Joseph and municipal police officials to discuss the issue as a partner in policing, though no details have been finalized.

"It's important for all of the players involved in policing to be involved in finding solutions to what may be becoming an important issue affecting policing in Saskatchewan," she said.

Tribal members spoke at Abramoff's sentencing

By Patricia Ecker
Mt. Pleasant Morning Sun

MT. PLEASANT, Mich. — Several council members, including Chief Fred Cantu Jr., flew to the U.S. capital to speak in court on Thursday about how Abramoff had victimized the Saginaw Chippewas.

But former council member Delores Jackson also made her way to Washington in a van without air conditioning to give her testimony. Jackson lost her seat on the council after going public with her support of Abramoff, and continues to say Abramoff did

nothing wrong.

"We paid him to do a job, and he did it," Jackson said. "I just told the truth."

A federal judge sentenced Abramoff to four additional years in prison. "Councilman Bernie Sprague testified on behalf of the Tribe," Joe Sowmick, spokesman for the Tribe, said.

Sprague testified that Abramoff defrauded the Tribe out of millions of dollars, and he urged the judge to impose a harsh sentence, according to a report in the New York Times.

Sowmick said the Tribe reached an agreement with

Greenburg Traurig, the lobbying firm that Abramoff worked for, as did other Tribes across the country who were clients of the former lobbyist.

But Jackson argues that Abramoff, not the Tribe, was the victim. She said the lobbyist ran into the presidential ambitions of Sen. John McCain, the Republican presidential nominee.

"He was a scapegoat," Jackson said. McCain's Senate Indian Affairs Committee investigated Abramoff, and Sprague provided documents and powerful testimony before the committee.

Jackson accused Sprague of colluding with McCain.

"I don't know why Bernie would lie to a Senate investigation," Jackson said.

"I did my own research when I was on council," Jackson said. "He did the work he said he would do."

"He got us \$3 million for schools," Jackson said. That money, however, came through a federal program designed to assist poor Tribes with schools run by Bureau of Indian Affairs; the Cantu administration gave the money back.

Jackson said Abramoff

helped the Tribe fund Andahwod Senior Center, the Behavioral Health Department and road projects. Abramoff's defenders pointed to nearly \$20 million in federal aid to the Tribe and local governments that they credit to Abramoff's lobbying work.

"They destroyed a man's career because he went against them," Jackson said. "I showed the council the proof."

Federal prosecutors recommended leniency because Abramoff cooperated in his own corruption case against lawmakers and former Bush administration officials.

He currently is serving a six-year term on unrelated charges and the new sentence will be served after that is complete.

Jackson points to a book by self-described liberal Boston investigative journalist Gary S. Chafetz, to be released next week, called "The Perfect Villain: John McCain and the Demonization of Lobbyist Jack Abramoff."

The book charges that Abramoff was a victim of "a Shakespearean tragedy of deceit, betrayal and political vendetta in which the true villains are presidential aspirant John McCain, the Washington Post newspaper and the U.S. Department of Justice, all of whom participated in the rail-roading of an innocent man," according to pre-release publicity materials posted on Amazon.com.

"I am angry that John McCain has used our Tribe to further his own agenda," Jackson said.

"I apologized for our Tribe," Jackson said to Abramoff. "After the hearing, his son and wife came up to me and hugged me."

Jackson and several other Tribal members have started an online petition to free Abramoff at www.original-sagchip39.org.

Sprague and Jackson were the top two vote-getters for an open seat on Tribal Council during a special election in July. Sprague won the seat by 11 votes over Jackson.



Associated Press

Delores Jackson, left, a former member of the Saginaw Chippewa Tribal Council of Mt. Pleasant, Mich., stands with Gary Sprague, center and Charles Hudak, right, outside the U.S. District Court in Washington following the sentencing of convicted lobbyist Jack Abramoff, Thursday. The Saginaw Chippewa tribe was an Abramoff client. Abramoff, the once powerful lobbyist at the heart of a far-reaching political corruption scandal, was sentenced to four years in prison by a judge who said the case had shattered the public's confidence in government.

Yakama Nation is suing state

By Mark Morey
Yakima Herald-Republic

YAKIMA, Wash. — The Yakama Nation and several cigarette retailers and distributors on the reservation have sued the state of Washington over cigarette taxes, the latest move in a long-running dispute over treaty rights.

The lawsuit, which seeks to block the state from taking what the tribal plaintiffs see as illegal enforcement action, was unsealed Thursday in U.S. District Court in Yakima.

Officials representing the Yakama Nation and attorneys for the state Department of Revenue and the Liquor Control Board are expected to hold a telephone conference with a federal judge this morning.

The judge will consider the Yakama Nation's request for a temporary restraining order against the state regarding enforcement of the state's tobacco tax.

The lawsuit stems from the state's decision in July to drop a tobacco compact with the

Yakama Nation. State officials attributed their decision to persistent violations in untaxed sales and difficulties in resolving differences over the terms of the compact.

The compact was intended to stop state enforcement raids on contraband cigarettes while allowing a way for the tribe to collect most of the tax revenue that would be paid if customers purchased their smokes off the reservation. The tribe retained the money for its own programs.

The majority of retailers statewide must collect \$20.25 per carton; the compact brought in \$16.20 and had been expected to increase by less than \$2.

The 9th Circuit Court of Appeals has ruled that the Yakama Nation's Treaty of 1855 bars the state from infringing on tribal commerce by seizing loads of untaxed cigarettes headed for the reservation. But state and tribal officials continue to struggle over sales to non-Indian customers and how those sales should be

monitored.

The state has long argued that tribes' failure to collect the state tax creates an unfair price advantage for off-reservation retailers.

The lawsuit counters that the tribe shouldn't have to collect the tax for the state and that the state has overstepped its bounds in threatening action against several tribal retailers and distributors if they don't comply with state tax regulations.

Heidi Irvin, an assistant attorney general who represents the Department of Revenue, declined to comment on the case. The lawsuit includes a 25-page complaint and numerous exhibits, mostly declarations from tobacco retailers and distributors.

"We just started getting the papers this afternoon and haven't had a chance to read through them," Irvin said Thursday.

The plaintiffs' Spokane attorneys, Theresa L. Keyes and J. Michael Keyes, could not be reached for comment.

3 vie to argue land case before nation's high court

By Katie Mulvaney
Providence Journal

PROVIDENCE, R.I. — The fate of 31 acres in Charlestown owned by the Narragansett Indian tribe will be argued before the U.S. Supreme Court in November, but first a nasty local dispute must be resolved: Who should represent Rhode Island's interests before the nation's highest court?

At play is whether the privilege should go to the attorney general's office, a high-powered lawyer hired by Governor Carcieri, Charlestown's assistant solicitor on Indian affairs or a combination therein?

The Supreme Court is scheduled to hear arguments Nov. 3 on the state's challenge of a federal appeals court ruling that the U.S. Department of Interior can hold the land in trust for the Narragansetts.

Trust status frees the prop-

erty from most state and local laws, placing it under tribal and federal control. State and local officials fear it would open the site up to a casino or some other venture outside of state oversight.

From the state's perspective, Rhode Island's arguments should be left to Theodore B. Olson, former U.S. solicitor general, and an as-yet-unnamed lawyer from the attorney general's office.

Governor Carcieri hired Olson shortly after the Supreme Court agreed to hear the state's appeal in February. Olson, who has appeared before the Supreme Court more than 40 times, won the case that settled the 2000 election in favor of George W. Bush.

In Charlestown's view, Joseph S. Larisa Jr. should be given equal time. Larisa, chief of staff for former Gov. Lincoln Almond, has been involved in the case since its inception a decade ago.

Oglala Tribe must pay contractor \$1.2 million

Sioux Falls Argus leader

SIOUX FALLS, S.D. — State court can decide a dispute between an American Indian tribe and a private contractor when the tribe gives up its rights, a federal appeals court ruled Friday in a case that could affect how companies do business with tribes.

In a nutshell, the three-judge panel concluded the Oglala Sioux Tribe waived immunity, then claimed immunity when it couldn't resolve its differences with a contractor.

The 8th Circuit U.S. Court of Appeals sent back to dis-

trict court in South Dakota the legal dispute between the Oglala Sioux Tribe and C&W Enterprises, Inc., which had appealed.

The case began in 2002 when C&W signed four separate contracts with the tribe for various Pine Ridge Indian Reservation road construction projects that were funded by the Bureau of Indian Affairs.

Three included language that waived the tribe's sovereign immunity. They also required any claims to go to a tribal mediation panel and then to federal court if they couldn't be resolved. The fourth contract required tribal

court to resolve any disputes.

Disputes arose over C&W's performance and went through six courts and arbitrators from August 2005 to September 2007, when U.S. District Judge Karen Schreier concluded that state court didn't have jurisdiction to enforce the arbitration award of \$1.2 million to C&W, according to the appeal.

That's the ruling C&W appealed.

In its decision, the 8th Circuit concluded that though tribes usually are sovereign from contract lawsuits in state court, the Oglala Sioux Tribe clearly gave up that

immunity in three of the four contracts. In the fourth, it effectively gave up immunity by actively taking part in arbitration, the appeals judges ruled.

Because of that finding and arbitration rules that give the state jurisdiction, the \$1.2 million state court judgment will be valid against the tribe, they concluded.

Though C&W is an American Indian-owned business, the result will apply to anyone doing business with a tribe, said Sioux Falls attorney Russ Janklow, who represents C&W.

"I think the decision is good news for Indian tribes

and good news for companies that want to do business with them. It will encourage economic development on the reservations, because companies will now have more assurance that the tribe's word is good and its contracts will be enforced according to their terms. That's good news for everybody," he said.

The tribe's lawyer, Peter Capossela of Walterville, Ore., disagreed.

"I'm concerned that the ruling will be a disincentive for economic development in Indian Country," he said.

"The tribes have a tough row to hoe legally and this reflects that."