

## Tribes’ high-stakes games illegal but won’t be gone soon

By John Holland  
South Florida Sun-Sentinel

FLORIDA — Federal law is simple: Indian tribes can’t offer games like blackjack and slot machines unless they reach a contract with the state. Trying to stop the Seminole Tribe from doing just that is a bit more complicated, federal, state and tribe representatives said Monday.

Now that the Florida Supreme Court won’t reconsider its July ruling voiding Gov. Charlie Crist’s gaming compact with the Seminoles, the federal government could step in at any time and shut down the high-stakes games known as Class III, lawyers said.

But with the tribe pouring at least \$100 million per year into state coffers and no clear guidelines on what to do next, don’t look for the action to stop any time soon, all sides said.

“I agree the tribe could not conduct the games indefinitely without reaching a valid compact or without the Interior Department invoking procedures,” Seminole attorney Barry Richard said Monday, referring to a federal provision that forces a state to allow gaming. “But right now, the tribe has every legal right to continue, and stopping would mean a loss of money to the state and a loss of jobs that would never come back.”

Last year, Crist approved a compact that gave the Seminole Tribe the right to offer slot machines at its seven casinos, as well as blackjack and table games that are illegal everywhere else in the state. In exchange, the tribe promised to pay the state at least \$100 million annually.

Legislators said Crist had no authority to act on his own, and the state’s highest court agreed, voiding the compact in July and finalizing the action on Thursday.

But before the ruling, the Interior Department approved the compact over the objections of state Attorney General Bill McCollum, who filed an unsuccessful court challenge to block approval.

In court papers, Interior lawyers acknowledged the Seminoles could not legally operate the high-stakes games if the state Supreme Court ruled against Crist and voided the deal. But the agency approved the compact anyway by publishing it in the federal register, saying the approval isn’t necessarily binding.

“Any unlawful Class III gaming under an invalid compact is a violation of federal law,” Interior Department lawyers wrote. “In fact and law, the notice in the federal register does not authorize illegal gaming and will not buttress a void compact if the governor has no authority.”

Now that the compact has been voided and the governor rebuked, the Interior Department said it has no authority to stop the process.

“Since the casino is already established, we don’t have any enforcement authority over the tribe,” Interior Department spokeswoman Nedra Darling said Monday. “It is the responsibility of the National Indian Gaming Commission.”

A spokesman for the commission did not return phone calls seeking comment.

The state Legislature could still vote to approve Crist’s compact next year, but that seems unlikely, lawmakers have said.

Lawyers and state officials on Monday expressed frustration that the federal government can argue the games are illegal, but still do nothing to stop them. Because the Seminoles are sovereign, the state has no jurisdiction over their land or actions.

“The situation is very uncertain because there’s no obvious road map on what happens next,” said attorney Carlos Muniz, who worked on House Speaker Marco Rubio’s successful Supreme Court challenge. “We have a situation where everyone admits there’s no valid compact. But there’s no blueprint on how to unwind the clock and get back to where we were before the governor reached the agreement.”

# Tribe reburys 300 ancestors at village site

By Lynda V. Mapes  
Seattle Times

PORT ANGELES, Wash. — With prayer and song, Lower Elwha tribal members at daybreak Monday began reburying the remains of more than 300 ancestors unearthed during a state construction project on the Port Angeles waterfront.

Tribal members had waited five years to return their ancestors’ remains to sacred ground, inadvertently disturbed when the state Department of Transportation sited a large construction project atop Tse-whit-zen, one of the largest and oldest Indian villages in Washington, including an extensive burial ground.

After spending more than \$70 million, the state walked away from its construction of the dry-dock site in December 2004 at the request of the tribe.

The state went on to build components needed to repair the Hood Canal Bridge at an existing dry dock in Tacoma.

Now, as their ancestors’ bones are returned to their burial ground, perhaps healing can finally begin, tribal members said Monday.

“It’s really hard to express our emotions at this point in time. We are still in mourning,” said Lower Elwha Tribal Chairwoman Frances Charles.

“But it is good to see some of the smiles come back to our community members knowing the heaviness is lifted off.”

### Mass grave prepared

A full moon was setting in the west, and dawn painted the sky tangerine as gravediggers began moving cedar boxes holding the remains into a mass grave prepared at the site.

It was near the same place on the site where, during the state’s construction project, workers in 2003 had disturbed what appeared to be a hastily prepared grave that may have been used when a smallpox epidemic swept through the village.

Portions of the village date back 2,700 years.

The skeletal remains were stored in handmade cedar boxes in a World War II-era bunker on the reservation until they could be reburied.

With the sound of a single hand bell, soft song and prayer, pallbearers laid the boxes containing their ancestors’ remains side by side, facing east to the rising sun.

A cloud of seagulls lifted from the Strait of Juan de Fuca and a doe and fawn picked their way across the site while diggers worked. The morning air was so still, burning candles held by spiritual workers did not flicker.

As Port Angeles awoke, the industrial waterfront soon rumbled to life. Log loaders growled next door as the neighboring pulp mill chuffed with steam.

### Longhouse to be built?

The tribe’s sacred ground was returned as part of a settlement agreement with the

state in 2006. It is intended to remain a cemetery. The tribe hopes that one day a longhouse and museum will be built nearby.

Preparation for the reburial got under way Saturday, with prayers, songs and a gathering of spiritual workers, many of them traveling from Canada to help.

Work continued at the bunker into Sunday night, with tribal members organizing the boxes to ensure that the remains would be reburied as much as possible as they had originally been found, with families and couples reburied together.

“These last couple days I have been crying a lot. We feel their pain, of being taken out of the ground. They are disturbed, not resting,” said tribal member Arlene Wheeler. “Putting them back is going to bring a lot of peace, and a lot of healing, just knowing they are at rest again.”

Carmen Watson Charles had worked alongside other tribal members during the dry-dock project, pulling the bones from the path of construction.

“We all bleed, we all have red blood, emotions and feelings, it’s learning that everyone’s different and yet the same,” she said. “Unity and respect for one another — that’s what I hope is learned from this.”

### Back again today

As the sun rose higher, work quickened so people could leave the burying grounds by noon, in keeping with spiritual teaching.

After smoothing the earth over more than 100 cedar boxes, tribal members left a green cedar wreath behind to mark the fresh grave for their loved ones, decorated with roses woven from cedar bark and tiny, carved cedar canoe paddles.

They would be back again at dawn today, with more than 200 boxes yet to be buried.

“It is going to be a challenge for the forgiveness within ourselves, there is so much hurt and anger,” Charles said. “But we know we need to keep looking forward, and not in the past.”

## Dorm death



Associated press

Analisa Valencia, a University of Arizona freshman student last year, speaks during Galareka Harrison’s trial in Tucson, on Tuesday. Harrison, 19, is charged with first-degree murder in the slaying of roommate and fellow Navajo Nation member Mia Henderson, who authorities said was stabbed as she slept in the women’s dorm room last year.

## Standoff ends without escapee

CBC News

CANADA — RCMP surrounded the apartment building after receiving a tip that Daniel Richard Wolfe was inside.

A daylong standoff at an apartment complex on the Opaskwayak Cree Nation near The Pas, Man., has ended without the capture of the escapee from a Saskatchewan jail who police believed might be inside.

RCMP received a tip around 11:30 a.m. CT Sunday that Daniel Richard Wolfe was inside an apartment in a 20-unit building on McGillivray Boulevard on the First Nation, 600 kilometres northwest of Winnipeg.

Wolfe, 32, is one of six men who escaped from the Regina Provincial Correctional Centre on Aug. 24.

RCMP emergency response teams from Manitoba and Saskatchewan searched the building Monday morning with “negative results,” RCMP said in a news release.

Dozens of tenants forced out

Heavily armed RCMP officers surrounded the apartment complex Sunday afternoon,

and 18 of the building’s 20 units were evacuated. About 65 tenants were taken to a bus waiting nearby and spent the night either with friends or family or at local hotels.

They were allowed to return to their homes late Monday morning.

“I was cooking something for my son and I look outside there and there’s six cops driving by, and I went to my back door and they were going to ... the other side [of the complex],” building resident Shauntel Head told CBC News.

“I seen a cop holding a shotgun, and I thought I would be in danger. I felt scared, because I’m four months pregnant.”

Eileen Personius, who lives across the street from the apartment complex, said she’s never seen so many police officers at one time.

“A lot of them, cars and trucks and then policemen with their shotguns, and then they started clearing ... units out,” she said.

As the incident continued through the night, more officers arrived and lights were shone on a specific part of the apartment building.

Police began calling into the building over a loudspeaker, asking whoever was inside to call a phone number or indicate they were inside by flicking the lights on and off, Personius said.

2 escapees still missing  
Wolfe, who is from The Pas, Man., is charged with two counts of first-degree murder and three counts of attempted murder in a violent home invasion in Fort Qu’Appelle, Sask., in 2007.

Ryan John Agecutay has been at large since his Aug. 24 escape from the Regina jail. (RCMP)

He and another man, Ryan John Agecutay, 25, are the only escapees who have so far eluded capture.

Police have described the two as armed and dangerous. Anyone with information on their whereabouts is asked to call the RCMP or local Crime Stoppers.

The province of Saskatchewan has set up a contact line to gather information on what led up to the escape. Callers will not be required to identify themselves. The phone number is 1-866-999-4644 and will operate until Sept. 26.

## Viejas names new tribal gaming commissioner

Viejas Band

SAN DIEGO — The Viejas Band of Kumeyaay Indians today announced the appointment of Tracy Burris as Tribal Gaming Commissioner.

Burris, a member of the Chickasaw Nation of Oklahoma, most recently was Treasurer of the National Indian Gaming Association (NIGA). Prior to that, he served as Vice Chairman and then Chairman of the Oklahoma Indian Gaming Association (OIGA) and Chairman of the Chickasaw Gaming Commission. Burris is a board member for the National Tribal Gaming Commissioners/Regulators Association and is a gaming advisor to the State of Oklahoma Indian Affairs Commission.

Viejas Tribal Chairman Bobby L. Barrett stated: “We are very proud to have Mr. Burris assume this critical leadership position. He has the experience, expertise and energy that will help Viejas build upon its reputation as a national leader in tribal gaming regulation.”

Burris will serve as chief administrator of the Viejas Tribal Government Gaming

Commission, which has 52 full-time regulatory staff members and a multi-million dollar annual budget to oversee the surveillance, inspection, auditing and licensing departments, as well as compliance officers at the Viejas Casino. Located east of San Diego, Viejas Casino has thousands of slot machines, more than 80 table games, a poker room, bingo and off-track wagering.

“I am truly honored to be selected for this position,” said Burris. “The Viejas Tribal Gaming Commission is one of the most respected in the nation and Viejas Casino is among the most successful in California. I am dedicated to continuing the Tribe’s commitment to protecting the integrity of the casino through effective regulation and oversight.”

Burris has also worked on the floor and in management at a class II facility in Red Rock, Oklahoma and worked in tribal programs for his Chickasaw Nation. He has a Bachelor’s degree from Oklahoma State University.

About the Viejas Band of Kumeyaay Indians