

## BIA executive takes authority in UKB land appeal

By Clifton Adcock  
Tulsa World

TULSA, Okla. — The acting head of the Bureau of Indian Affairs will decide whether the United Keetoowah Band of Cherokee Indians can obtain trust status for a parcel of land.

The United Keetoowah Band, which has about 13,000 citizens and was chartered in 1950, is a federally recognized tribe without a land base in trust status.

Its headquarters is in Tahlequah, also the capital of the Cherokee Nation — a situation that often puts the two tribes at odds.

George T. Skibine, the acting BIA deputy assistant secretary for policy and economic development, wrote in a Sept. 4 letter to the agency’s office of hearing and appeals that he would decide on an appeal filed by the Keetoowahs in a trust case.

When land is brought into trust status by the federal government, it puts that land under the authority of a tribal government and makes it, for the most part, not subject to state laws.

That’s a status that the Keetoowahs have sought for years. The 76-acre parcel the tribe wants to put into trust status is in Tahlequah — and in the jurisdictional boundaries of the Cherokee Nation. It includes a community center and dance grounds.

The Keetoowahs’ application has been batted back and forth since 2006 between the BIA’s Muskogee Eastern District Office and Washington headquarters and the Interior Board of Indian Appeals.

The application was most recently denied by the BIA’s Muskogee office’s director, Jeanette Hanna, last month after then-Assistant Secretary Carl Artman ordered her to withdraw the 2006 decision and reconsider it after the bureau’s associate solicitor made a strong case for the tribe to obtain land in trust.

Hanna wrote in the most recent denial, “Jurisdictional problems and potential conflicts of land use would arise between the Keetoowahs and the Cherokee Nation concerning jurisdiction over the property held in trust for the Keetoowahs and located within the treaty boundaries of the Cherokee Nation.”

The Keetoowahs again appealed the decision to the Interior Board of Indian Appeals, but Skibine’s letter pulled the appeal from the appeals board and put the decision squarely on him.

United Keetoowah Band Chief George Wickliffe said, “The leadership of the United Keetoowah Band has every confidence in the merits of our application to have the 76-acre parcel taken in trust by the Department of the Interior, and of the integrity and fairness of Mr. Skibine.

“We understand that while nothing comes easy to the UKB, we have confidence in our place in history, in ourselves and in the appeal process ahead,” he said.

“It’s only right that 58 years later, after federal recognition, we get absolute sovereignty like other tribes. It will mean everything to us and our people — job creation, economic development, education, everything that tribes do.”

Cherokee Nation spokesman Mike Miller said, however, that this case is not different than others involving proposed trust status for Keetoowah land.

“The UKB has tried and tried and tried again through the courts and BIA,” he said, “and the answers have always been the same for about 170 years, that the Cherokee Nation is the only tribe that has jurisdiction in the treaty boundaries, and we don’t anticipate any change.”

## Seneca Golf Course: Land probe touches falls

By Mark Scheer  
Niagara Gazette

NIAGARA FALLS, N.Y. — FBI agents investigating a land deal in the Town of Lewiston also paid a visit last week to an attorney in the City of Niagara Falls.

Mark Gabriele, a lawyer with the firm Harris Beach who serves as legal counsel to the Niagara County Industrial Development Agency, confirmed Thursday that investigators looking into the property sale for the Seneca Gaming Corp.’s Hickory Stick Golf Course met with him at his Main Street office where he answered questions and turned over documents related to the transaction in question.

Gabriele said federal agents were interested in a consulting agreement he prepared on behalf of Tero Consulting, a business operated by disbarred Lewiston attorney Tim Toohey who was one of the party’s involved in the sale of the golf course property.

Gabriele said he drafted the agreement in June of 2005 while he was a partner in his former law firm Berrigan, Perlman & Gabriele.

“It has nothing to do with the IDA,” he said. “It has nothing to do with Harris Beach.”

Gabriele said he arranged to meet with FBI agents after a representative from the bureau contacted his office by telephone. Gabriele said he has been assured that he is not a focus of the probe and his involvement was based solely on his being able to provide information that was of interest to investigators.

“They wanted some of the details regarding the drafting of the agreement,” Gabriele said.

Construction is underway on the \$25 million Hickory Stick Golf Course which will be located on 251 acres of property near the Robert Moses Parkway in Lewiston. Seneca Gaming officials expect the project to be completed by the end of the

year with an opening to the public sometime in 2009.

Town officials originally considered developing the land in question as part of a plan for a municipal golf course and residential development. That idea was later scrapped in favor of a proposal from Lewiston attorney Mike Dowd and his company, Old Creek Development. In March of 2006, the Seneca Gaming Corp. purchased the proposed golf course site from Old Creek.

Dowd’s attorney, Rodney Personius, confirmed Wednesday that FBI agents executed a search warrant at his client’s Lewiston law office last week. Personius said federal investigators took a number of documents from the office that were related to the property transaction. He indicated that he was not aware of any wrongdoing on Dowd’s part.

“We intend to continue to be cooperative with the investigation,” Personius said.

Members of the Seneca

Gaming Corp.’s Board of Directors are now pressuring one of their own to step down in light of the investigation.

Joseph Sedita, the attorney for Seneca Gaming Corp. Vice Chairman Bergeal Mitchell III, confirmed that his client was asked by the board to resign last week and has instead offered to take an unpaid leave of absence. Sedita said his client did not want to resign from his position as he believes it would be interpreted as “some sort of admission of impropriety.” Sedita said it was not yet clear what, if anything, federal authorities want from his client.

“What we are waiting for is for them to tell us what it is all about,” Sedita said.

Phil Pantano, spokesperson for the Seneca Gaming Corp., declined comment on the situation. In a statement, the Gaming Corp. confirmed that its Board of Directors unanimously supported a request for Mitchell’s resignation and

will “continue to pursue all appropriate avenues in order to protect the company.”

“Seneca Gaming Corporation is cooperating with the investigating authorities involved so we can get to the bottom of this situation,” Pantano said.

Maureen Dempsey, a spokesperson for the FBI’s office in Buffalo, said she could not confirm or deny that an investigation into the golf course land transaction is underway.

Lewiston Town Supervisor Fred Newlin said much of what he knows about the FBI’s interest in the property has come from media reports. He added that his office has not been contacted by law enforcement about the case.

“I’m surprised and I hope everything was above board,” he said. “It’s a good project. I hope this doesn’t foul things up. But, if the FBI is able to address corruption in Niagara County, it’s a good thing.”

## Circle Cinema to honor actor Will Sampson

By Michael Smith  
Tulsa World

TULSA, Okla. — The Circle Cinema adds to its Walk of Fame this Friday with a medallion outside the theater honoring the late actor and Okmulgee native Will Sampson.

A star of film (the iconic Chief Bromden in “One Flew Over the Cuckoo’s Nest”) and TV (recurring parts in multiple series) and even the local stage (the 1984 Tulsa production of “Black Elk Speaks” that also starred David Carradine), Sampson was a member of the Creek Indian tribe. He died in 1987 at age 53.

The Circle will pay tribute to the performer at 6:45 p.m. Friday at the theater at 10 S. Lewis Ave.

The ceremony is to be attended by members of Sampson’s family as well as state Sen. Brian Bingman and Muscogee (Creek) Nation Second Chief Alfred L. Berryhill, presiding over the event as Sampson joins other Oklahoma actors celebrated by the historic theater.

The 6-foot, 5-inch Sampson broke out as an actor in “Cuckoo’s Nest” by playing Chief Bromden, the enormous, near-catatonic Indian in the asylum whom everyone believes to be deaf and mute. He would appear in two dozen other film and TV projects, including “The Outlaw Josey Wales,” “The White Buffalo,” “Orca,” multiple episodes of TV’s “Vegas” and “Poltergeist II: The Other Side.”

Sampson, who was also known for his oil painting abilities, is buried in Hitchita’s Grave Creek Cemetery southeast of Okmulgee.

## Man prisoned for sexual contact with 4-year-old

RAPID CITY, S.D. (AP) — A Pine Ridge man will serve more than 11 years in federal prison for having sexual contact with a 4-year-old girl.

According to court documents, 20-year-old Pleaz Hawkins was indicted for aggravated sexual abuse but pleaded guilty to the contact charge.

Prosecutors say it happened between September and December on the Pine Ridge Indian Reservation.

## Ancient mounds



Associated Press

Tourists walk toward Monk’s Mound at Cahokia Mounds State Historic Site in Cahokia, Ill., Aug. 2. The site is a popular spot for visitors.

## Ruling on Comanche-Sill dispute coming soon

OKLAHOMA CITY (AP) — Attorneys for a Lawton-based Indian tribe want a federal judge to permanently stop construction of a proposed new warehouse at Fort Sill Army Post they say is being built on sacred land near the Medicine Bluffs peaks.

“Medicine Bluffs exists not only as a unique crescent of four peaks listed on the National Register of Historic Places, but also as a sacred church for Comanche people,” attorneys for the Comanche Nation wrote in a closing brief filed late Wednesday.

Military officials planned to build a new warehouse to serve as the post’s Training Service Center about one-third of a mile from Medicine Bluffs as part of an expansion with the Base Closure and Realignment commission in 2005.

However, U.S. District Judge Timothy D. DeGiusti granted a temporary restraining order Aug. 19 to stop construction, just days after the lawsuit was filed on behalf of the Comanche Nation and one of its members, Jimmy Arterberry, Jr.

The tribe now is seeking a preliminary injunction to stop construction. Closing briefs for both sides were filed Wednesday, and DeGiusti could issue a decision in a matter of days.

Bob Troester, a spokesman for the U.S. Attorney’s office in Oklahoma City, which represents the government, said he couldn’t comment

while the case was pending.

In its filing, the government contends the Comanche Nation was informed about the plans and never raised an objection until “... the backhoe shovel is literally poised above the ground.

“Plaintiffs knew that the construction was proceeding and could have brought this action ten months ago,” Assistant U.S. Attorney Tom Major wrote in his closing argument filed Wednesday.

Major also stressed the importance of the new training facility in the military’s mission of preparing soldiers and the significant economic impact Fort Sill has to the southwest Oklahoma region.

“The United States is now at war,” Major wrote. “Training is the top priority of the Army. It is the cornerstone of combat readiness. Training is what Fort Sill does. With BRAC and the new missions and responsibilities that Fort Sill will assume, as many as 56,000 soldiers, sailors and Marines may be involved during any given year in the Army fulfilling its training obligations.”

Comanche Nation Chairman Wallace Coffey could not be reached for comment Thursday, but has previously said the tribe was not consulted about the warehouse construction activities near Medicine Bluffs and adamantly opposes any construction there.

In its filing, the tribe claims the

warehouse location is on sacred ground.

“Only at the warehouse site can traditional Comanches have a complete religious connection with the Bluffs from the traditional approach or — on special occasions — prepare for ascension of the Bluffs for special rituals.

“If defendants had asked the Nation or traditional Comanche religious leaders, they would have learned that Comanches use the warehouse site to gather plants for use in ceremonies, that the traditional approach to the peaks is from the south, and that the Comanches consider the warehouse property to be part of the Medicine Bluffs sacred site.”

One of the attorneys representing the tribe, William R. Norman, said in a statement he is hopeful the judge will side with the tribe and order a halt to construction.

“Following three days of intense testimony and a visit to the sacred Medicine Bluffs site with the judge and representatives of the United States, the Comanche Nation remains hopeful that the Court will turn its temporary restraining order against further Army warehouse construction at the site into a preliminary injunction, thus preserving the traditional religious and cultural importance of the sight for tribal members adversely affected by the construction activity.”