

New indictment  
in AIM  
slaying days  
after dismissed

SIoux FALLS, S.D. (AP) — A new federal indictment has been handed up against a Canadian man who was days from being tried in the 1975 slaying of a fellow American Indian Movement member when a judge threw out the original charges.

Federal prosecutors said Tuesday that the new indictment by a jury in Rapid City addresses the concerns that prompted the dismissal of the earlier charges against John Graham in the slaying of fellow Canadian Annie Mae Aquash in 1975 on the Pine Ridge Indian Reservation.

Graham had been set to stand trial this week, but a judge on Friday threw out the original indictment because it didn't show that either Graham or Aquash belonged to a federally recognized American Indian tribe. Tribal status gives the federal government jurisdiction in the case.

Graham is from the Tsimshian Tribe in the Yukon and fought his return to South Dakota in Vancouver, British Columbia, for more than four years. He was extradited in December after the Supreme Court of Canada refused to review his case.

Aquash, a member of Mi'kmaq Tribe of Nova Scotia, was killed by a gunshot wound to the head near Wamblee. The 30-year-old was among the Indian militants who occupied the village of Wounded Knee in a 71-day standoff with federal authorities in 1973 that included an exchange of gunfire with agents who surrounded the village.

The new indictment combines Graham's case with that of another defendant, Richard Marshall, who was charged in August.

U.S. Attorney Marty Jackley said Tuesday the new indictment charges Graham and Marshall with three alternative counts of first-degree murder and aiding and abetting Aquash's killing, and alleges that both men, like the victim, are Indian.

Another AIM member, Arlo Looking Cloud, was convicted in 2004 of killing Aquash and sentenced to a mandatory life prison term. He is a Lakota who was living homeless in Denver.

Witnesses at Looking Cloud's trial said he, Graham and another AIM member, Theda Clarke, drove Aquash from Denver in late 1975 and that Graham shot Aquash in the Badlands as she begged for her life.

Graham has denied killing Aquash but acknowledges being in the car. Clarke, who lives in a nursing home in western Nebraska, has not been charged.

Some speculated Aquash was killed by AIM members because she knew some of them were government spies, while others said she was executed because she herself was an informant. Federal authorities have said Aquash was not an informant and they had nothing to do with her death.

The judge scheduled the trial for Graham and Marshall in February in Rapid City.

Tribal chair quits to avoid removal

By Suzanne Jacobson  
Payson Roundup

PAYSON, Ariz. — Tonto Apache Tribal Chairman Jeri DeCola has resigned under pressure of a slim majority of the tribal council for allegedly "gross misconduct," but may run to fill her own seat in the next month.

DeCola said three members of the five-member tribal council demanded her resignation after security cameras at the casino showed she had several glasses of wine while socializing with friends.

The council majority termed her drinking constituted "gross misconduct," which therefore made her subject to removal.

If the council had removed her it would have prevented her from holding tribal office again.

Other tribal council members did not return calls seeking comment.

After DeCola's Sept. 30 resignation, enough voting members of the tribe signed a petition to require the council to reconsider its action. DeCola said supporters got more signatures than they needed to force the reconsideration.

In her letter of resignation, DeCola wrote, "I maintain my steadfast belief that I have done nothing to violate our Constitution or diminish the office of Chairwoman. However, it is clear that three of five Tribal Council Members wish to see me removed. As clearly stated in our Constitution, I may not run for Tribal Council for a period of 10 years if I am formally removed from office. It would break my heart to know that I could not contribute to the betterment of our people as an elected official for such a long time."

DeCola said in her letter of resignation that she had not done anything to merit the censure.

"I can assure you, and you know in your hearts that the events triggering your request were unusual circumstances. This was the time of the year when my most precious gift from God, my daughter, was so suddenly taken from me only a couple of years ago. While I take full responsibility for my actions, know that these events were in my heart and my mind, and revealed to me that I have not dealt with my loss in the most appropriate manner. Just like you, I am human, and despite my intentions, I am not perfect."

She said she did not know when the tribal council would take up the petition seeking her reinstatement. She said she also did not know when the 130-member tribe would hold a special election for her replacement. She said she had not decided whether to run for her job again.

The incident is just the latest twist in a story stretching back for several years, which has sometimes pitted family members against one another. DeCola regained the position as tribal leader in June after an eight-year legal battle.

In 1986, DeCola became the first woman elected to the tribal council chair.

As vice-chair in 1999, DeCola resigned after fellow councilors discovered a year-old DUI conviction.

Councilors alleged that DeCola committed fraud by not disclosing the conviction. A clause in the tribe's constitution bars candidates who have committed certain offenses. Moreover, the prosecution maintained that DeCola committed fraud by cashing paychecks she would not have collected had she disclosed her conviction. DeCola said at the time, that she disclosed the conviction to the Tribal

Gaming Office as required, according to previous reports.

In 2002, the first-ever tribal jury convicted DeCola of fraud. The convictions prevented her from running again for tribal council and cost DeCola her state gaming license. Subsequently, DeCola lost her job at the Mazatzal Casino where she had been the general manager-in-training, according to previous reports.

DeCola fought to clear her name until 2007 when a tribal appeals court dismissed the conviction saying the prosecution was vindictive, unlawful and prejudiced.

In a June interview, DeCola said she felt vindicated, adding that her faith carried her through, and the tribulations helped her develop a deep sense of compassion.

She told the tale of Solomon, who "didn't ask for health nor riches, but the wisdom to lead the people."

In her Sept. 30 letter of resignation she wrote, "I firmly believe our people elected me to the Tribal Chairwoman because they have faith in my leadership. I have every intention of living up to their expectations and continuing to serve this tribe as a Tribal Council member."

Warming up



Courtesy Photo

Cadet Zachary Youvella in the prone position before beginning the competition.

Hopi ROTC  
places third

By Tasha LaBahe  
Special to the Independent

TEMPE, Ariz. — On Oct. 4, five Hopi cadets competed in the Marcos De Niza Rifle Meet in Tempe, while four more other cadets observed. They departed around 12:30 p.m. from Hopi High School on Oct. 3 and arrived at 6 p.m.

The cadets who went were Cadet 1st Lt. Angelo Dixon, Cadet Capt. Tasha LaBahe, Cadet 2nd Lt. Dominique Halwood, Cadet Pvt. Zachary Youvella, Cadet Capt. Carrie Jones, Cadet Pvt. Kachina Jenkins, Cadet Pvt. Lashawnae Yazzie, Cadet 2nd Lt. Samantha Manyows, and Cadet Pvt. Joseph Nashonhoya. Upon arrival the cadets settled into their rooms and soon after enjoyed a fine meal.

The next morning the cadets started their competi-

tion at 7:30 and finished by 8:30. The schools that competed in the meet were Buena, Dysart, Flowing Wells, Globe, Marcos De Niza, Ray, Tuba City, and Hopi. In the over all shooting positions, Hopi took third with a score of 915.

"The meet went pretty, but the shooters could've done better," co-captain Angelo Dixon said.

When the cadets were done shooting they packed their gear and headed back home once again. Although Hopi placed third in the competition they kept their spirits high and decided to use this competition to better themselves. With a bit more practices and commitment the team will be able to get better scores in their upcoming competitions.

Their next competition will be on Saturday at the Caesar Chavez Invitational Marksmanship Meet.

Charlestown vies to argue tribal land case before Supreme Court

By Katie Mulvaney  
Providence Journal

PROVIDENCE, R.I. — It may come down to drawing straws after all, at least according to one of the lawyers challenging the federal government's right to take 31 acres into trust for the Narragansett Indian tribe.

The U.S. Supreme Court yesterday denied requests that more than one lawyer be allowed to represent the state's interests in oral arguments before the nation's highest court on Nov. 3.

That decision leaves it to the Town of Charlestown, the attorney general's office and Governor Carcieri to sort out who will get the half-hour of arguing time, according to Joseph S. Larisa Jr., Charlestown's assistant solicitor on Indian affairs.

"On our side, one person will have to be chosen," Larisa said, adding "The time to name that person is now. We have twenty-five days left."

For nearly a decade, the state and

town have been joined in opposing the U.S. Department of Interior's authority to hold the land in Charlestown in trust for the Narragansetts.

Trust status frees the property from most state and local laws, placing it under tribal and federal control. State and local officials fear it would enable the tribe to build a casino or some other venture outside of state oversight.

In February, the Supreme Court agreed to hear the state and town's appeal of a lower court ruling allowing the federal government to hold the land in trust.

Following that decision, Carcieri's office, Attorney General Patrick C. Lynch's office and Charlestown filed separate briefs in the case and have since sparred about who should argue the case.

Larisa — who accused Lynch of seeking "face time before the court" — had been seeking 15 minutes of arguing time, but following yesterday's ruling said he alone should argue the state's case based on his "experience

and knowledge of the case." As former Gov. Lincoln Almond's chief of staff, Larisa has been involved since the case was launched.

Carcieri and Lynch had asked that the state's arguments be split between former U.S. Solicitor General Theodore B. Olson and an unnamed lawyer from the attorney general's office.

The governor hired Olson shortly after the Supreme Court agreed to hear the appeal. Olson has argued more than 50 cases before the high court, including the one that settled the 2000 presidential election in George W. Bush's favor.

Supreme Court rules allot each side a half-hour for oral argument and specify that only one lawyer on each side will be heard, unless the court rules otherwise.

According to a guide on practicing before the Supreme Court, the court normally will not designate who should argue when parties can't agree. The clerk's office advises counsel that

if they cannot agree, the matter should be resolved by drawing lots — a suggestion that generally seems to produce agreement.

Deputy Attorney General Gerald J. Coyne said yesterday that he hoped the parties could reach an agreement short of a game of chance.

"The presentation of oral argument to the United States Supreme Court is a matter of far too great significance to decide by resorting to a coin-flip or a drawing of straws," Coyne said. "As a lawyer, I understand the desire to appear before the Supreme Court. However, it's time to put aside individual ego and make a decision based upon what is in the best interests of the case, and of [the] people of Rhode Island. As public officials, we recognize that there needs to be a consensus on this matter very soon."

Larisa said he contacted Carcieri's office and that staff indicated they wanted Olson to argue the case. Amy Kempe, spokeswoman for Carcieri, did not return a phone call yesterday.

Foxwoods Casino asks  
for layoff volunteers

By Dustin Racioppi  
Norwich Bulletin

MASHANTUCKET, Conn. — With one week left until 6 percent of Foxwoods Resort Casino and MGM Grand's work force is to be laid off, Foxwoods has offered employees the option to take a voluntary separation package from the gaming giant.

Eligible employees who request the separation have until Monday to notify their employers, and their last day will be Oct. 18.

Tribe spokesman Lori Potter said all employees on the chop-

ping block — voluntary or not — will receive the same benefits: two weeks of pay for each full year of service and medical benefits up to 26 weeks.

Additionally, Eastern CT Workforce Investment Board Executive Director John Beauregard said the board will apply for federal funding to help assist out-of-work employees in the transition with training, creating resumes and counseling.

"The whole point is to try and get the work force re-employed as soon as possible so they don't have any major losses for them-

selves or their family," he said. "We really need to keep these workers here because when the economy does improve, we've dealt with labor issues in the past."

Potter said she didn't know how many of the approximate 700 employees who will be laid off have opted for the program, but Jewett City resident Robert Cowie isn't one of them.

"I'm just waiting for them to do it," Cowie, a cook, said. "It really sucks, but there's nothing you can do about it. You just roll with the punches."

Florida's casinos flourishing

By Ted Jackovics  
Tampa Tribune

TAMPA — Florida's gambling industry remains strong despite the national economic crisis, Jim Allen, chief executive of gaming operations for the Seminole Tribe of Florida, said.

"The Florida gaming market has been showing double-digit growth all year," Allen said this week at a Florida Gaming Summit in Hollywood, Fla. "We're the only investment-grade gaming company left. We will survive because we have focused on quality."

Allen's comments at the annual event at the Seminole Hard

Rock Hotel & Casino in South Florida come as the nation's weakening economy slices into revenue in major gambling markets, including Las Vegas.

"These days, it's a lot more fun to gamble at a casino than to gamble on Wall Street," Seminole Tribe spokesman Gary Bitner said.

Nevada could be headed for its worst year in gambling revenue declines, with a 6.6 percent decrease through July, the state Gaming Control Board reported. In July, Nevada reported \$997.3 million in gambling revenue, 13 percent lower than a year ago. Foxwoods Resort Casino in Connecticut laid off 700 of 11,000

employees last week.

The Seminole Tribe does not release financial details. Gambling revenue from Florida tribal facilities, including the Seminole Hard Rock Hotel & Casino in Tampa, was \$1.6 billion in 2007, a recent Gaming Industry Report by industry researcher Alan Meister said.

People are interested in the variety of products the Hard Rock offers, Allen said.

"It's not just a casino," he said. "We are in the entertainment business. Year-to-date, the restaurant side of the business is growing ... during the most challenging economy that the restaurant business has ever seen."