

BIA keeps PD
surges on Pine
Ridge, Standing
Rock reservations

PINE RIDGE RESERVATION — The Bureau of Indian Affairs is sending extra officers to the Standing Rock and Pine Ridge Indian reservations beyond the previously set deadlines of the surges, but the long-term plan for Pine Ridge has not been decided, said the agency's director.

Pat Ragsdale said he's still evaluating whether to allow the Oglala Sioux Tribe to keep its police department or have BIA take over law enforcement on the Pine Ridge reservation.

Instead of allowing the BIA to enforce law on the reservation, the tribe receives money from the federal government to operate its own police department.

During fiscal year 2008, the BIA provided \$9.4 million to fund all justice-related programs on the reservation, which included \$3.3 for law enforcement services under its contract with the tribe.

The BIA is reviewing the department's policies, procedures and standards and is checking personnel records and complaints of excessive force. Once complete, it will be included in a report to the tribe.

About 30 tribal officers resigned or were relieved of duty after an Aug. 12 confrontation between some tribal executive board members and the police department.

The BIA sent officers from around the country to help the remaining officers with law enforcement for a month.

Two months later, 20-25 officers from BIA and other agencies are still rotating in as the agency evaluates the police department's future, Ragsdale said.

"We are still assessing their capability and are in the process of reviewing their reapplication to continue the program," he said.

It's too soon to say when a decision will be made, Ragsdale said.

Oglala Sioux Tribe Police Chief Joe Herman and President John Yellow Bird Steele did not return calls seeking comment.

Pine Ridge is one of the nation's largest reservations. It has an unemployment rate around 80 percent, routinely has among the highest poverty rates in the country, along with rampant drug, alcohol, physical and sexual abuse problems.

On Standing Rock, which straddles North Dakota and South Dakota, the BIA sent in extra officers in June. Arrests shot up to 700 in the first month and dropped to 300 in the second month. All indications are that the boost is quelling crime.

The surge in officers was set to expire in October, but Ragsdale said it will continue, and that the BIA, which handles law enforcement on the reservation, is trying to recruit additional permanent officers.

Sen. John Thune, R-S.D., said Congress likely won't take up funding for legislation to increase law enforcement on reservations this year, but it's likely to pass next year because of the need and bipartisan support.

The economic situation is a concern, but the financial constraints likely will limit new programs, not those already with congressional support.

"I think these things that have already been voted on are priorities," he said.

Rep. Stephanie Herseth Sandlin, D-S.D., who met with Pine Ridge tribal and police officials in September, said she supports the short-term boost in officers but believes a long-term plan is needed for Indian Country.

"Where there is tribal support to continue or expand the officer surge, we must increase the number of BIA officers nationwide, rather than just shifting already existing patrol officers, investigators, and other personnel from one reservation to another," she said in an e-mailed statement.

Judge: Reservation crimes a problem

By Stan Bindell
For the Independent

POLACCA, Ariz. — The acting chief judge on the Hopi Reservation has linked drugs and the lack of job opportunity to crime on the reservation.

Judge Delfred Leslie offered his observations while talking to a current events class at Hopi High. He told the students that 95 percent of the 4,000 annual crimes on the Hopi Reservation are tied to drugs or alcohol.

Judge Leslie said domestic violence is increasing on the reservation.

"I think it's because of the attitudes we have," he said. "Parents have a great deal of problems controlling their kids. I see children controlling their parents. I see that a lot."

Judge Leslie said some youth threaten suicide if they don't get their way.

"The family structure is dissolving. It's not what it should be or what Hopi's purport it should be," he said.

Judge Leslie said the courts can only be part of the solution and the problem will not be solved while there are so many dysfunctional families.

"I've been in the villages and heard parents use expletives to their little ones," he said. "It begins at home. Some of the parents are dealing drugs right in front of their children."

Judge Leslie asked when someone takes a drink if they are they thinking about their family, their clan, their village, their tribe.

"No," one student shouted

out.

Judge Leslie said the drug and alcohol problems aren't just on Hopi, but throughout America.

Kyi David, a senior, said many teenagers turn to selling drugs because there are no other job opportunities on the Hopi Reservation.

Judge Leslie agreed with him repeating that he doesn't have the answers.

"Jobs are hard to come by," he said.

Judge Leslie stated that in the past week 19 cases came before him and only four of those had jobs while two others had job interviews. He asked them what they did over the weekend and most said "drink." He said that a couple of those four lost their jobs because they were locked up

and the two with job interviews also couldn't go because they were behind bars.

"Then they blame the courts or me when they lose their job. When a person starts drinking they have the rational of a child," he said.

Judge Leslie said the economy is bad on Hopi and throughout America. He added that he has empathy for those without jobs, but added that they often haven't gone anywhere to get job training. He knew one man who lived in Dilcon and had a job in Cedar City, Utah. He has to stay in Cedar City during the week and come home on weekends.

"He was away from his family, but he had a job," he said.

David said on the Hopi Reservation there is a lack of

cars and transportation. The judge urges people to go off the reservation to get trained and then come back to start businesses.

"On the positive side there are a lot of Hopis going to college," he said. "Go off to college and it will pay off later."

Judge Leslie told the students how he attended Phoenix Indian High School and sometimes he wouldn't see his parents for nine months. He recalled that he was labeled as a troublemaker because he always asked questions about why students were expelled so quickly.

After Leslie served in the Air Force, he returned and was part of a lawsuit that closed Phoenix Indian School down because of violations of students' rights.

Leslie has worked for the courts for more than 30 years and now overlooks a staff of 23.

"We need to make sure that the court runs well," he said.

The Hopi Court handles criminal and civil cases. He noted that he has no supervisory capacity over Hopi Police as several people in the past year came to him complaining that police use excessive force. He said anyone with complaints about the police can telephone Chief Alphonse Sakeva at 738-2236 or Special Agent Selhongva McDonald based in Phoenix. He added that those with complaints can also contact an attorney to see if a civil rights complaint should be filed. He said several of the complaints this year dealt with police use of tasers.

The Hopi Court is currently handling three homicide cases as well as some cases dealing with sex crimes against children.

"These cases are tough. I thought I would get used to it, but I don't. It bothers me," he said.

Judge Leslie told the students he hopes that he doesn't see them in court unless they are visiting.



Stan Bindell/For the Independent

Judge Delfred Leslie speaks to currents events class at Hopi High.

Casino sets Indian-only job fair

By Tony Thornton
Oklahoman

CATOOSA, Okla. — Seeking work that pays at least \$2.45 above the federal minimum wage? One of the Cherokee Nation's expanding casinos may hold just the job for you.

Just one thing: Whites, blacks, Asians and most other races need not apply. Not yet, anyway.

The tribe's business arm is hosting a job fair next month for American Indians only, hoping to fill 1,000 casino jobs. Leftover jobs will be opened to non-Indian applicants.

Normally, a race-specific job fair would violate the Civil Rights Act of 1964.

However, tribes are exempt from that landmark law's hiring provisions, said Dianna Johnston, an attorney for the U.S. Equal Employment Opportunity Commission.

No other race has such an exception.

Citizenship preferred Mike Miller, spokesman for the Cherokee Nation, said the tribe isn't offering preference based on race but on tribal citizenship.

"There are some jobs that you just want citizens of your own country doing," Miller said.

He said non-Indians hold many of the

tribe's 7,000 total jobs.

However, Miller said, "If we have a qualified Cherokee applicant, we want to give that person an opportunity."

"We don't care what an applicant looks like. We care that they're a citizen of a (tribal) nation. That's a huge difference. People need to get past some old ideas about what an Indian tribe is. An Indian tribe is a government made up of citizens. ... just as the United States is."

Why they're exempt Johnston said there are two reasons Congress exempted tribal employers from the Civil Rights Act's prohibition on preferential treatment:

ÆSovereignty: Tribes are considered sovereign governments.

ÆUnemployment: American Indians traditionally have a high unemployment rate.

Tribes' exemption from the Civil Rights Act refers to jobs on reservations.

However, unlike other states with large Indian populations, Oklahoma no longer has reservations.

Johnson said the EEOC has interpreted the exemption to be extended to any land in Oklahoma that has been placed in federal trust for a tribe's benefit.

Crow leaders
see off primary
challengers

The Billings Gazette

BILLINGS, Mont. — The Crow Tribe administration swept the tribe's primary election Saturday, bringing in nearly 50 percent of all the votes.

In unofficial results, Chairman Carl Venne earned 1,687 votes and will challenge Coolidge Jefferson, Sr., who received 535 votes. Vice-chairman Cedric Black Eagle brought in 1,714 votes and will take on challenger Adrian Bird, Sr., who received 582 votes. Secretary Scott Russell received 1,766

votes and will challenge Burdick Two Leggings, who brought in 1,053 votes. Vice-secretary Darrin Old Coyote earned 1,769 votes and his opponent, Melva Gaye Iron, brought in 938 votes.

The field of challengers was large for most all the offices.

In the race for chairman, eight challengers were on the ballot, and in the vice-chairman there were four. There were four challengers in each of the secretary and vice-secretary races. The top two vote getters advance to the general election Nov. 1.

Indian gaming law changed casino industry

By Tony Batt
The Morning News

WASHINGTON — The gaming industry changed irrevocably when President Reagan signed the Indian Gaming Regulatory Act on Oct. 17, 1988.

Twenty years later, tribal casinos earn more money than those in Las Vegas and Atlantic City combined.

"I believe the expectation of almost every lawmaker then was that the future of Indian gaming was going to be in high stakes bingo," said Phil Hogen, chairman of the National Indian Gaming Commission.

Instead, about 90 percent of the \$26 billion in Indian gaming revenue last year came from casinos. By comparison, Nevada casinos collected \$12.8 billion and New Jersey casinos collected \$4.9 billion.

The Indian gaming industry employs more than 700,000 workers -- more than half of them are not Indians.

Frank Fahrenkopf, president of the American Gaming Association, said

the law changed the landscape of the casino industry.

"I don't think anyone ever thought the result would be as dramatic as it has been," Fahrenkopf said.

Senate Majority Leader Harry Reid of Nevada, who played a key role in drafting the legislation, said the objective was to protect Nevada casinos from competition.

"Just the opposite has occurred," Reid said.

Northern Nevada has borne the brunt of an explosion of tribal casinos in California. Especially during winter, casinos in Carson City, Lake Tahoe and Reno see business plummet as customers from the once-fruitful market of Sacramento stay home to play the slot machines and card tables offered by tribes.

On the other hand, some mainstream gaming companies like Harrahs and Boyd Gaming Corp. have entered into lucrative management contracts with tribes.

Despite their success, Indian gaming officials still regard the legislation

as a violation of tribal sovereignty.

"What other business in America has a federal law that tells it what it has to do?" said Ernie Stevens Jr., chairman of the National Indian Gaming Association.

Tribes gained the upper hand in 1987 when the U.S. Supreme Court ruled in California v. Cabazon Band of Mission Indians that federally recognized tribes could operate gambling businesses without state regulation.

Fearful of being unable to control gambling within their borders, states turned to Congress for help and the result was the 1988 regulatory act.

In addition to Reid, one of the primary architects of the legislation was Sen. John McCain of Arizona, this year's Republican presidential nominee.

The Senate passed the bill by voice vote on Sept. 15, 1988, and 12 days later, the House approved it 323-84.

"It's one of the ugliest pieces of legislation there is. That old saying about

legislation being like making sausage fits it," said Kevin Washburn, a law professor at the University of Arizona who served as general counsel of the National Indian Gaming Commission from 2000 to 2002.

For example, the law sought to encourage negotiations between tribes and states to establish regulations for Indian gaming.

But that has not happened. After giving the tribes a major victory with the Cabazon decision in 1987, the Supreme Court ruled in Seminole Tribe v. Florida in 1996 that tribes could not sue states that refused to negotiate gaming compacts.

"The drafters just blew it. They should have caught that when they wrote the bill," Washburn said.

Stevens said every piece of legislation proposed by tribes now includes a provision attempting to "fix" the Seminole decision.

The law also hampers tribes by limiting management contracts with mainstream casino partners to seven years, Washburn said.