

## Prosecutors: Marshall supplied 1975 S.D. murder gun

RAPID CIT Y, S.D. (AP) — Richard Marshall and John Graham pleaded not guilty Friday in Rapid City to a new indictment charging them with committing or aiding and abetting the first-degree murder of Aquash when all three were active with the American Indian Movement.

Marshall was indicted in August, five years after Graham and another AIM member, Arlo Looking Cloud, were initially charged.

Looking Cloud was convicted in 2004 for his role in Aquash’s murder and sentenced to a mandatory life prison term.

Witnesses at his 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.

Clarke, who lives in a nursing home in western Nebraska, has not been charged.

Graham has denied killing Aquash but acknowledges being in the car from Denver.

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

In a new filing, U.S. Attorney Marty Jackley and Assistant U.S. Attorney Bob Mandel gave each man 10 days to provide notice of an alibi defense, including where they were and who they were with when Aquash was believed to be killed on Dec. 12, 1975.

Marshall was at his house in Allen when he gave Graham, Looking Cloud and Clarke the revolver and shells used to kill Aquash, they wrote. The prosecutors also wrote that the meeting included an exchange of the “baggage note” -- correspondence supposedly to Marshall from other AIM members that referred to Aquash.

Jackley and Mandel repeat the allegation in the alibi notice for Graham and include a section accusing him of shooting Aquash, which they have previously alleged and to which witnesses at Looking Cloud’s trial testified.

The pathologist who did a second autopsy on Aquash’s body concluded she died of a single gunshot wound to the head.

Graham was to stand trial last week but a judge threw out the original indictment because it didn’t show that grand jurors considered whether either he or Aquash belonged to a federally recognized American Indian tribe, which the law requires.

Graham is from the Tsimshian Tribe in the Yukon and fought his return to South Dakota in 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 buried at an Oglala cemetery but her family exhumed the body in 2004 and reburied it in Canada.

Marshall, a Lakota from South Dakota, was indicted in August and was scheduled to be tried separately but his case has since been joined with Graham’s. The judge has asked for input whether lawyers could be ready for trial by Dec. 9.

Aquash, 30, was among the Indian militants who occupied the village of Wounded Knee in a 71-day standoff with federal authorities in 1973 that included exchanges of gunfire with agents who surrounded the village.

# Casino copes with slots slowdown

By Ron Bartizek  
Wilkes-Barre Times Leader

WILKES-BARRE, Pa. — Gambling industry veterans say that for the first time they’re on the losing side in an economic slowdown that is hurting casino business nationwide.

Gamblers filled the new Mohegan Sun at Pocono Downs casino on its opening day. Economic conditions and an erratic stock market have meant the casino’s 2,500 slot machines haven’t been as busy as expected.

Gambling revenue on the Las Vegas Strip fell by 7 percent in August to the lowest monthly total in more than two years. That followed a 15 percent drop in July. Atlantic City casinos have struggled all year in the face of both strapped customers and new competition in Pennsylvania.

Mohegan Sun at Pocono Downs has not escaped the slump in business; despite having twice as many slot machines in service, wagers declined by nearly 7 percent the week of Sept. 29-Oct. 5 compared to the same week a year ago.

“It’s discretionary dollars, we’re going to feel it,” acknowledged Downs chief executive Robert “Bobby” Soper.

“What we’re noticing is while our volumes (of people) are still fairly good,” they are risking “substantially less,” which he sees as a direct indicator of slack economic conditions.

The local casino is reflecting a trend that also has hit its parent facility, the Mohegan Sun in Connecticut, where a \$735 million expansion has been halted

for at least a year. Nearby competitor Foxwoods is laying off 700 employees – 6 percent of its workforce – and on Tuesday fired its chief executive.

On Wednesday, Split Rock Lodge, Kidder Township, Carbon County, asked the state Gaming Control Board to remove its application for one of two available licenses that allow vacation resorts to install up to 500 slot machines.

The financial benefit of gaming at Split Rock would have been “very marginal,” the resort said in a press release, and the company needs to be “both prudent and cautious.”

That describes Soper’s approach to the challenges facing Mohegan Sun at Pocono Downs as patrons watch their investment portfolios shrink and anticipate sharply higher heating bills.

“We’ll focus on the things we can control, such as limiting expenses and maintaining guest service,” he said. “When all is said and done you just weather the storm.”

On the revenue side, the local casino runs the “tightest” slots among Pennsylvania’s seven casinos, retaining about 9 percent of wagers compared to a statewide average of 7.5 percent during the fiscal year that started July 1.

The weakness began in the spring: “I think everybody felt a little pinch earlier this year,” Soper said. An expected spike in business that followed the July 17 opening of a \$208 million permanent casino withered by September, when wagering increased by less than 10 percent compared to 2007. The new casino holds nearly 2,500 slot machines; 1,200 were oper-

ating last year in the temporary facility.

Financial turmoil that hit the headlines late in September, including a 778-point drop in the Dow Jones industrial average on Sept. 29, had a more immediate effect.

“I think that was alarming to a lot of people,” Soper said. There may have been a direct effect on some gamblers’ bank accounts, but “it was also psychological.”

Soper said the slowdown has not affected employment or ongoing projects, such as a new banquet hall that will open later this month in space formerly occupied by the temporary casino’s food court. “We’re moving forward with that,” he said. “We’re going to make other improvements there that will expose our property more and will pay dividends” when the economy turns around.

The new casino includes several restaurants, clubs and retail shops that help cushion the effect of weakness in gambling.

“The more well-rounded a property is the more avenues it has to attract customers,” said Joe Weinert, senior vice president of industry consultant Spectrum Gaming Group.

The Mohegans operate the buffet, a sushi restaurant, two bars and a logo merchandise shop in the Downs casino; they collect rent from the other 10 eating places and three retail stores. Unlike gambling revenues, which are taxed at 55 percent, other income is subject to normal business rates.

Weinert said that Pennsylvania’s young casinos are still in a growth

mode, but “we predict that growth is going to slow. The casino industry will follow the larger economic picture.”

A deeper slump could affect homeowners if tax receipts slip; gambling taxes contributed to approximately \$170 per household in property tax relief this year. Right now the portion of the gambling tax dedicated to property tax relief is holding up and at \$969.5 million is 3.3 percent ahead of projections made in April, said spokeswoman Susan Hooper of the Governor’s Budget Office.

One Downs restaurant has responded to diners’ thinner wallets with a new menu item.

“We’re doing great,” said Jeffrey Metz, president of the Metz Group, which operates a Ruth’s Chris Steak House in the Mohegan Sun at Pocono Downs casino.

But, “because economy is tough I created a value menu. It’s all about value right now.”

When it opened, the restaurant advertised a two meals for \$89 special. Now, a salad, entre and side dish go for \$35.95.

Metz said many of his customers are not gamblers but come for a high-end dining experience at the chain with locations mostly in metropolitan areas.

As he adjusts to a new economic reality, Soper is looking on the bright side. “From our standpoint there is a silver lining;” potentially competitive casino projects are sidelined by a lack of capital for expansion.

“The downside is we opened in a poor market condition. The upside is when the market eventually improves we’ll be ready to go.”

## Little foot



Associated Press

Odalis Uentillie, 2, of the Navajo Nation in Tempe, steps to the beat of the live drummers Saturday at the 2008 Rio Grande Powwow at New Mexico State University in Las Cruces.

## Two bulls meet in Oglala president race

SOUTH DAKOTA (AP) — Actor and activist Russell Means was the top vote getter in the Oglala Sioux Tribe’s primary election for tribal president.

He’ll be on the November 4 general election ballot against state Sen. Theresa Two

Bulls, who finished second.

Incumbent president John Yellow Bird Steele was third and Gerald Big Crow finished a distant fourth in the primary.

Means has run for tribal president before but has never won.

## Man charged with stealing from Fort Randall Casino

SIOUX FALLS, S.D. (AP) — Federal grand jurors in Sioux Falls have indicted a Lake Andes man on a charge he stole from the Fort Randall Casino as an employee.

Aaron Abdo pleaded not guilty to the theft charge that carries a maximum punishment of 5 years in prison.

According to the indictment, he took less than \$1,000 from the casino between August 2007 and February.

The casino owned by the Yankton Sioux Tribe is located near the Missouri River at Pickstown.

## US gov. asked to shut down casino

By Mary Ellen Klas  
Miami Herald

TALLAHASSEE, Fla. — Attorney General Bill McCollum Tuesday renewed his call for the federal government to shut down the Las Vegas-style card games and slot machines operating at the Seminoles’ Hard Rock Casino near Hollywood.

Responding to a request for information from the National Indian Gaming Commission, McCollum said that because the Florida Supreme Court ruled that Gov. Charlie Crist did not have the authority to allow the tribe to operate card games when he signed the gaming compact last year, the Seminoles’ games are illegal and should be shut down.

“The tribe has brazenly continued its illegal Class III gaming based on its belief that there will be no meaningful federal enforcement actions,” McCollum concluded in a three-page letter to NIGC acting general counsel Penny Coleman.

A tribe representative could not be reached for comment.

Last November, the governor entered into a 25-year agreement with the tribe that allowed it to offer Class III slot machines and the exclusive right to blackjack and other banked card games in Florida, in exchange for at least \$100 million to the state each year.

The NIGC enforces federal Indian gaming law, but has never ordered a tribe to stop gambling when it would be a violation of a compact. Coleman told McCollum in an Oct. 3 letter that the commission was “still studying the Florida Supreme Court decision and the matter remains under consideration.”

Coleman noted that the court “did not order any party to take specific action and did not specifically declare the previously executed Tribal-State Compact invalid.”