

## Yakama tribe considers licensing farmworkers

YAKIMA, Wash. (AP) — A member of the Yakama Nation is working to create a tribal guest-worker program that would require licenses or permits for foreign workers and nontribal citizens working on reservation lands.

The tribal council recently approved the program, Schaptakay Labor Works LLC, which is incorporated under the tribe. Former tribal Councilman Wendell Hannigan now plans to talk to growers in hopes of getting their cooperation.

Yakama land has many orchards, hop fields and vineyards that lure a large migrant work force each year. But tribal leaders have no way of knowing who is coming onto the 1.2 million-acre reservation, whether they are in the U.S. legally and how long they plan to stay.

Hannigan said concerns about crime on the reservation and a growing number of undocumented workers in the area prompted him to consider such a program. He says he's not trying to hamper the farming industry, but wants to help create a legal and stable work force on the reservation.

"Hopefully, the community would embrace that effort," he told the Yakima Herald-Republic for a story Tuesday.

Agriculture officials are giving a mixed response to the effort, which may be the first of its kind in Indian country.

Dan Fazio, director of employer services with the state Farm Bureau, said he's interested in the plan.

But Mike Gempfer of the Washington Growers League isn't convinced that a tribe could obtain authority in immigration issues, a responsibility that largely belongs to the federal government.

"I think we would need to see what the position of the United States government was before we would be willing to take the next step," he said.

Yakama leaders did not return several phone calls seeking comment on the issue.

Because tribes receive federal benefits and tribal members are U.S. citizens, they are not viewed as sovereign nations when it comes to immigration law, said federal Immigration and Customs Enforcement spokeswoman Lorie Dankers in Seattle.

Dankers said the Yakamas probably would not have the authority to enforce U.S. immigration laws, but she declined to elaborate, saying she would need to do more research with federal attorneys at ICE.

More than 150 years ago, the Yakamas ceded more than 10 million acres of their traditional lands to the federal government in exchange for exclusive use of their reservation and retaining hunting, fishing and food-gathering rights in the ceded territory.

However, federal laws removed much of the reservation land from the tribe. Today, the Yakama reservation is a checkerboard of tribal and nontribal ownership. Some farmers have their own privately owned land, while others lease land from the tribe.

The Yakamas may be the first tribe to consider a guest-worker program, said Matthew Fletcher, director of the Indigenous Law and Policy Center at Michigan State University.

Non-Indians outnumber tribal members on many reservations, but few other tribes have the large influx of migrant workers that the Yakamas do, he said.

"I don't think it's a big problem (in Indian Country) yet, but you're seeing a lot of tribes buying resorts in rural areas, and resorts depend on a migrant work force," he said.

## Danny's gone, helped O'odham culture live on

By Tom Beal  
Arizona Daily Star

ARIZONA — Danny Lopez, noted Tohono O'odham storyteller, was born beneath a mesquite tree in the Tohono O'odham village of Gu Oidak (Big Field).

As a boy, he helped his family water the fields by damming the arroyos as monsoon season approached.

As a young man, he moved to Tucson to work in the mines.

As an adult, he pursued his education and moved home to learn and teach his culture to a new generation.

As he lay dying in St. Mary's Hospital, his wife, Florence, held her cell phone to his ear as his students at Tohono O'odham Community College sang songs to him in the traditional tongue he had taught them.

Lopez died early Tuesday of stomach cancer. He was 71. Lopez was a teacher, singer and storyteller who inspired his students with his own lifelong quest for knowledge.

Friend and colleague Ofelia Zepeda said Lopez, who held a master's degree in linguistics from Prescott College, was enrolled this semester in a linguistics course at the University of Arizona.

He continued to attend the UA's summer linguistics insti-

tute even as his eyesight deteriorated, said Zepeda, a noted poet and compiler of an O'odham dictionary, who is a Regents professor of linguistics at the UA.

It was part of his method of teaching, said friend Tristan Reader, co-director of Tohono O'odham Community Action.

"He felt it was one of the greatest things you can teach, that learning lasts through your life. It was his way of teaching. He didn't talk about the values . . . he lived them," said Reader.

Ethnohistorian Bunny Fontana devoted a chapter of his 1981 book, "Of Earth and Little Rain," to Danny Lopez. He called him an "exemplar of O'odham Himdag (the O'odham way of life)."

"He embodies all of those wonderful qualities that make up a traditional O'odham person," said Fontana.

"He was born under a mesquite tree in Big Field. He once pointed out the space, and I thought to myself: 'Most of us are born in a hospital or whatnot, but you talk about attachment to the earth, there it was.'"

Fontana visited Lopez in the hospital shortly before his death as he received a call from his students at the community college. Florence Lopez, Danny's wife, held up her cell phone so he could hear.

"They'd been practicing this song for two days. They wanted to sing a traditional song in O'odham to Danny. It went on for five minutes or more, and there was this angelic expression on Danny's face."

Lopez "could have run entire schools, he was such a competent educator," said naturalist and author Gary Paul Nabhan, a friend and sometime collaborator.

Instead, after he got his master's, he went back to teaching first- and second-graders because, "He thought if this language is going to keep among our people, we have to make sure the kids are comfortable with it.

"He cared so deeply about his culture and its traditions."

When he first met him, said Nabhan, Lopez was a dedicated student of his culture, interviewing elders and learning stories, songs and dances from the "great people" in the community who are considered important because of their knowledge of the culture.

Years ago, said Nabhan, he encouraged Lopez to write his own songs. "He said to me, 'The people that composed these songs aren't around anymore. You can't just pick it up. You have to dream your songs.'"

"He immersed himself so

much in that tradition that he did become a singer and composer. . . . He became the 'great people,' " Nabhan said.

"He was a pretty extraordinary, wonderful, great guy," said fellow storyteller Jim Griffith.

Lopez formed a children's dance troupe that performed regularly at the San Xavier Festival, said Griffith. "His kids would always dance and he'd give a little talk."

Griffith said Lopez would tell the audience that O'odham culture had been devastated, their language was disappearing, their land was mostly occupied, and then say, "But we're very happy to have you here and we hope you enjoy the dance and the music."

There was no rancor in it, no bitterness at all in the man, Griffith said.

"He was a man who moved into Tucson, worked for the mine and apparently woke up one morning to realize he was in the process of losing something terribly important, and devoted the rest of his life to making sure that as little as possible of those important things disappeared.

"He worked very hard to make sure the kids, especially, had a chance to know who they are."

Lopez taught in the O'odham primary and middle

schools and also at the community college level.

In addition, he had many students in the community.

Ronald Geronimo said he first approached Lopez when he wanted to enhance his knowledge of his culture.

"He said, 'Come back the next day' and he had a group of singers in his house. I read books and other things, but I realized that to really know, you have to live it. You can't just read it."

Geronimo, who is finishing up his master's thesis on Native American linguistics at the UA, is taking over one of Lopez's courses at the community college and plans to return when his studies are done "to pass on the knowledge I've gained and whatever I've learned and to try to keep the culture part of people's lives."

A viewing will be held at the San Xavier Elderly Center on Saturday from 5 to 9 p.m.

A wake and funeral will be held in the village of Gu Oidak, beginning with a 5 p.m. Mass Sunday. The funeral is scheduled for dawn on Monday.

Danny is survived by Florence, his wife of 46 years; his three children, Monica, Michael and Mark Lopez, all of Gu Oidak; eight grandchildren; and four great-grandchildren.

## Tobacco tax-case figure freed

TULSA, Okla. (AP) — A tobacco wholesaler has been released on bond in connection with allegations that he masterminded a \$25 million scheme to defraud Oklahoma and its Indian tribes out of tax revenues.

Gary Lester Hall, 66, was released Friday on a \$100,000 recognizance bond, said Dan Monnat, Hall's attorney in Wichita, Kan.

Hall and seven other people were charged Wednesday in a 43-count indictment in U.S. District Court in Kansas.

They are accused of conspiracy to divert cigarettes, money laundering, mail fraud, wire fraud (cigarette orders), wire fraud (money transfer), interstate transportation in aid of racketeering, and violation of the Contraband Cigarette Trafficking Act.

Monnat said Hall looks forward to clearing his name in court.

"Gary Hall is a well-respected businessman and philanthropist from southeast Kansas, and he insists he is innocent, and he welcomes a jury trial that will establish that fact," Monnat said.

The arrests and indictments come three years after the Tulsa World began investigating the methods and delivery route used by Hall's companies to ship low-tax cigarettes to Tulsa-area smoke shops licensed by the Creek, Osage and Cherokee nations.

Since 2005, the World has purchased low-tax cigarettes at about 20 smoke shops that should be selling cigarettes with a 77-cent or 86-cent tax stamp.

The investigation showed how low-tax cigarettes sold along the Oklahoma border by Indian smoke shops were being shipped into the Tulsa area, a high-tax zone.

Low-tax cigarettes bear a 6-cent tax stamp and by law can be sold only along the Oklahoma border by smoke shops in competition with low-tax states. The Tulsa tax rate is \$1.03 per pack.

Cherokee-affiliated stores have stopped selling low-tax cigarettes in the Tulsa area in recent months after an arbitration ruling deemed such sales to be improper.

## Work the machines



Robert S. Cross/Tulsa World

In this file photo from June 14, 2005, customers at the Cherokee Casino in Catoosa, Okla., work the electronic gaming machines. The nearly \$2.5 billion casino industry is going strong in the state, despite an economic downturn in the rest of the country.

## Ute invoke Old West treaty to hunt game

By Nancy Lofholm  
The Denver Post

DENVER, — Thanks to a 134-year-old treaty and some modern-day cooperation, Southern Ute tribal members will again be hunting on prime big-game range across southwest Colorado.

The tribe has decided to exercise rights granted in the 1874 Brunot Agreement, a change that doesn't please all hunters.

"It's not right what the white men did to the Indians long ago," said Jim Bryce, a Delta hunter and outfitter. "But I think today they should have to obey the same laws as everybody else."

Under the Brunot treaty, Ute tribes turned over 3.7 million acres to the federal government for mining but retained the right to hunt, fish and gather there, "so long as the game lasts and the Indians are at peace with the white people."

That treaty was broken almost before the ink was dry. Utes were harassed when they tried to hunt off their reservation on Brunot lands. Moreover, they have never

been paid the \$25,000 per year guaranteed in the treaty for use of the land.

The treaty was tested in court in the 1970s by both the Ute Mountain Ute and Southern Ute. The Ute Mountain Utes occupy a 597,000-acre reservation in the southwest corner of the state. The Southern Utes live on 681,000 acres south and east of Durango.

Members of both tribes were ticketed for hunting out of season on Brunot lands but won lawsuits affirming that right.

Since that time, a small number of Ute Mountain Utes have been hunting on Brunot lands — mainly in the Nucla area — under their own rules. However, the Southern Utes opted not to exercise their rights, until now.

"This is as much about protecting treaty rights and the tribe's sovereign authority as it is about accessing game animals," said Steve Whiteman, wildlife director for the Southern Ute Tribe.

"This is not going to be chaos," Whiteman added. "There are not going to be Indians running through your backyards with guns."

The Southern Utes, who intend to start hunting the area next year, developed a model tribal game-management program and a cooperative agreement with the Colorado Division of Wildlife. But the Southern Ute hunting plan has drawn more attention — and controversy — than the Ute Mountain Ute hunting because it includes taking rare-game species.

The Southern Ute will have a chance at obtaining coveted moose, bighorn and mountain goat licenses. The rare-game right has ruffled other hunters' feathers.

They have been grumbling to the Division of Wildlife because the tribe will get 5 percent of the state's sparse licenses for rare species that do not exist on the reservation.

Others are more understanding. "There's always emotions when it comes to things like this," said Nucla bow hunter Francis Series. "I realize we're living in the 21st century and things have changed, but we still need to honor some of our treaty commitments. Hunting is a privilege for all of us."

## Wichita man gets no prison in immigration case

WICHITA, Kan. (AP) — A Wichita man who helped process membership applications for what prosecutors contend is a fake tribe that defrauded thousands of illegal immigrants with promises of U.S. citizenship was spared prison time at his sentencing Tuesday.

Britton Bergman was sentenced to six months in a halfway house, followed by six months of home detention.

He received a total of two years of probation.

Bergman was the seventh defendant to be sentenced in the case involving the Kaweah Indian Nation. Prosecutors contend the group falsely claimed that tribal membership conferred U.S. citizenship and other benefits, such as Social Security cards.

Bergman pleaded guilty in July to encouraging illegal immigrants to reside in the

United States.

Prosecutors told the judge in court papers that Bergman's ongoing assistance in its case against Malcolm Webber, the self-proclaimed grand chief of the Kaweah Indian Nation, warranted consideration.

Bergman, who says he is a quarter Cherokee, joined the Kaweah Indian Nation in 2002. He said in an interview before Tuesday's sentencing

hearing that he did not know about the fraud.

"I was schemed, just like everybody was," Bergman said.

He said he helped with the applications at the urging of a friend, Debra Flynn, the tribe's so-called secretary of state, who paid him for his work. Flynn was sentenced earlier this month to a year and a day in prison for encouraging illegal immigrants to live in the U.S.