

Owners sue to keep County from collecting property tax

By Christian Hill
The Olympian

OLYMPIA, Wash. — The following are estimated property taxes for tax year 2009 that CTGW LLC, the owner of Great Wolf Lodge, would have to pay, according to the assessor’s office. The assessment is calculated using 100 percent of the improvements on the property, but not the property itself, because it’s Indian trust land exempt from all taxes. The assessor’s office estimated the value of the improvements at \$82,066,200.

- Washington state, \$164,545
- Thurston County general fund, \$88,906
- Thurston County roads, \$94,359
- Medic One, \$23,785
- Port of Olympia, \$12,463
- Timberline Library, \$28,026
- Rochester School District, \$243,949
- Thurston County Fire Protection District No. 1, \$104,929 (includes regular and excess levies)
- Cemetery District No. 1, \$3,428
- Thurston Public Utility District, \$620

CTGW LLC has not paid \$94,295 in taxes on the improvements for the current tax year. The assessment was based on 30 percent completion of the 49 percent nontribal ownership. The resort still was under construction at the time of this assessment. The assessed value of the improvements at the time was \$10,115,000. The unpaid taxes now exceed \$100,000 because of penalties for nonpayment.

The state Department of Revenue ruled in August that the resort, located in south Thurston County, was exempt from property taxes because it is partly owned by the tribe.

But 49 percent of the improvements on the property are owned by a nontribal corporation, and that was the basis Thurston County assessor Patricia Costello used to assess the property.

Last week, a federal judge agreed to hear the case but declined to stop the assessment while the lawsuit proceeds, an early victory for the county in what promises to be lengthy litigation that could have ramifications across the state and, possibly, the nation.

The outcome of the dispute is important for at least two reasons:

- Millions of dollars in tax revenue would flow to the state and county over the next two decades to pay for roads, teachers and social services if the county prevails. The revenue could ease the property tax burden on other taxpayers and bring additional revenue to cash-strapped Thurston County, which will weigh layoffs and program cuts to close a projected \$4.3 million budget shortfall. If the resort’s owners were forced to pay property taxes, the estimated bill for 2009 would be more than \$760,000. “This is a lot of money that is going to be a tax shift to other property owners,” Costello said.
- The ruling could have a significant effect on the feasibility of other joint projects between tribes and nontribal companies as they look beyond casinos to generate revenue and jobs. For instance, the Nisqually Indian Tribe, which wants to develop commercial land it owns in Hawks Prairie, is following the case closely.

“If the property tax can be imposed, it’s going ... to make agreements of this sort less likely,” said Erik Jensen, a professor at Case Western Reserve University in Cleveland who studies and writes about tax issues involving tribes. “If something is going to be taxed that otherwise wouldn’t be taxed, people are less likely to do it. That means, in this context, outside investors are going to be less interested in investing in Indian Country, and that’s to the good of nobody.”

Tribe passes resolution to ban abortion

Susanne Nadeau
Grand Forks Herald

GRAND FORKS, N.D. — The resolution is frustrating for some tribal members, who say the law was passed illegally.

“It was unconstitutionally considered,” said tribal member Andy Laverdure, who has acted as watchdog to tribal resolutions where he believes the tribe’s laws have been flouted. “It is my understanding this was considered behind closed doors. Closed-door considerations of resolutions are allowed in personnel matters and contract issues; they have privacy issues to them.

“For all other considerations, tribal council meetings are open to the public and held in a public accessible place. This was not. We had no published agenda, no three-day notice. It’s a clear violation of the tribal constitution.”

Once a tribal resolution is passed by the tribal council, it becomes law. It usually needs a stamp of approval through the local office of the Bureau of Indian Affairs.

“(The abortion resolution) hasn’t come to our office. We haven’t gotten a signed copy of it,” said Harlene Davis, with Turtle Mountain Agency tribal operations. “If it requires bureau approval, it’s supposed to come within 10 days.”

The resolution to ban abortion on the tribe’s lands was adopted by four of eight tribal council members Sept. 17. Tribal Chairman David “Doc” Brien, who proposed the resolution, did not vote. The chairman votes only in the case of a tie.

Tribal councilman Ted Henry, the only councilman who could be reached by telephone, declined discussing the resolution, deferring to Brien to answer any questions. Brien did not return requests for an interview. Henry was one of the four councilmen who signed the resolution.

The tribe’s headquarters provided a copy of the resolution to the Herald.

It reads “that absolutely under no circumstances will abortions be performed and allowed within any private or public facility within the boundaries of the Turtle Mountain Indian Reservation and other lands under the jurisdiction of the tribe.”

The reasons behind the ban are listed in the resolution: “the greater majority of enrolled members of the Turtle Mountain Band of Chippewa Indians are Christians,” “the Governing Body faithfully believes that life is sacred and begins at the moment of conception between a man and a woman and life to (sic) protected at all levels affirming natural law and reasoning;” and they say “pro-life is a universal issue of common sense, moral righteousness for the common good of life.”

Davis said that if the resolution is presented to the BIA office, it may infringe on civil rights, but added that they would have to check it against existing federal law.

Current law restricts federal funding to go toward abortions, unless a woman’s life is in danger.

“It wasn’t in, in the time we were supposed to get it — we can decline it just based on that,” she said of the resolution.

Most resolutions that come across

her desk deal with contracting issues or items that pertain to trust land, Davis said. She was not sure if the resolution banning abortion was one that would need bureau approval.

“If it doesn’t, if it’s law or not, I’m not sure,” she said. “The first time I saw this, it was in the (local newspaper). What if someone is found guilty? There’s no fines, no conditions. And then, they’re guilty of ... what?”

Belcourt, N.D., is the only town within the reservation’s boundaries. Trenton, N.D., exists on tribal trust lands and would also be subject to the resolution.

There’s only one hospital and clinic in Belcourt: the Quentin N. Burdick Memorial Health Facility, which is run by Indian Health Services (IHS).

“In recent years, no abortions of any kind have been performed” there, said Ray Grandbois, associate area director of IHS in Aberdeen, S.D., in an e-mail.

He added that their office has not received a tribal resolution from Turtle Mountain related to abortions.

IHS is governed by federal law, according to Grandbois.

He wrote “in general, as an agency of the Federal government, the Indian Health Service is required to follow Federal statutes and regulations. Federally operated facilities are not subject to tribal resolutions. But the Indian Health Service has a government-to-government relationship with Tribal governments and our policy is to do what we can to accommodate tribal council resolutions whenever possible consistent with Federal law and other specific agency policies that might apply.”

When asked if the tribal resolution would have an impact on services at the IHS facility in Belcourt, Grandbois replied, via e-mail: “I am not in a position to answer hypothetical questions, because to do so might be misleading.”

Laverdure said his main concern about the resolution is the manner in which it was adopted by the tribal council.

“If someone wants to propose or suggest a resolution of this type, it’s got to be done in open session. It needs to be transparent, on the council’s meeting agenda, so anybody who may want to discuss the issue can do so,” he said.

He questioned how often resolutions are passed behind closed doors.

“Is this an isolated incident, or has it been done before?” Laverdure said. “My main concern is that our constitution is followed because it’s our law.”

Laverdure also questioned the legality of the resolution.

“It goes directly against Roe v. Wade and impacts the Violence Against Women Act,” he said. “I also have a bit of concern that it’s a resolution that’s religion-based. It’s more or less forcing a religious preference on tribal members. That’s really difficult to talk about, we do have a large Christian population, but we also have other people on our reservation that have different beliefs.”

The Turtle Mountain reservation is located in the center of North Dakota, near the Canadian Border. The reservation’s northwest border is about 15 miles southwest of the International Peace Garden.

New Quechan resort, casino hires managers

By James Gilbert
Yuma Sun

YUMA, Ariz. — According to a notice recently sent to casino employees, the new Quechan Resort and Paradise Casino will be under some new management.

The notice, a copy of which was provided to The Sun, indicated the Quechan Tribal Council has hired five new key managers to oversee the two venues.

Those hired, according to the notice were:

- Marty Gross, chief executive officer, was selected to run the tribe’s casino properties. Gross has experience running casinos in Las Vegas, Reno and other locations.
- William McFerson will serve as the executive director of hotel operations. McFerson has more than 20 years of experience in the hotel industry and was most recently employed by the Colusa Casino Resort.
- Dale Jager, who the notice indicates is an award-winning professional, will serve as executive director of food and beverage.
- David Julian, who has over 23 years in gaming experience, was hired as the new marketing director.
- William King, who has over 30 years of experience, is the new director of slot operations.

The notice stated the reason the new management was brought in was to improve service to the resort’s customers and to ensure the casino continued being successful.

The notice also specifically cited rumors saying the new managers were not brought in to terminate employees.

However, at least two managers have since been fired — Barrett DeFay, who was the casino’s marketing director, and Ira Kaits, who was previously the food and beverage director.

Hopi ROTC



Associated Press

A photo of the Hopi Marksmanship Team in standing position following from the left to right is: Cadet 1st Lt. Angelo Dixon, Cadet Carrie Jones, Cadet 2nd Lt. Dominique Halwood and Cadet Capt. Tasha LaBahe.

Hopi Battalion takes third place again

By Ty LaBahe
For the Independent

HOPI — It seems as though the Hopi Battalion never seems to catch a breath.

On October 11, the top four marksmanship members competed in the Caesar Chavez Invitational Rifle Meet, after a one-mile march in the Native American Connections Parade. The top four shooters consisted of Cadet Co-Captain 1st Lieutenant Angelo Dixon, Cadet Captain Tasha LaBahe, Cadet Sergeant

Carrie Jones, and Cadet 2nd Lieutenant Dominique Halwood.

They competed against 15 other Junior Reserve Officers Training Corps (JROTC) Marksmanship teams. When they finished shooting in all three positions; Prone (lying down), Standing, and Kneeling, they waited for a few more minutes to get their results back. When they received their results they found out they’ve received 3rd place and one member make it to the top eight relay shoot off. The cadet who made it to the

relay was Cadet LaBahe with an overall score of 953. The team also received Runner-Up in Prone position of the 15 Marksmanship Teams there.

By the time the marksmanship members were done with their rifle meet all the cadets were tired and ready to call it a day. Although the cadets didn’t get the results they expected, they were still able to head home with their heads held high. They will use this competition as a stepping stone to their next competition in the Tuba City Rifle Meet.

Defendant wants 1 count dismissed in AIM slaying

PINE RIDGE — John Graham and Richard Marshall pleaded not guilty to charges they committed or aided and abetted the first-degree murder of Aquash, a fellow AIM member, on Pine Ridge Indian Reservation.

They are scheduled to stand trial at Rapid City starting Feb. 24 — 33 years to the day after her body was found.

Graham, a member of the Tsimshian Tribe in the Yukon, was to stand trial Oct. 6 but the judge threw out the indictment because grand jurors didn’t previously consider whether Graham or Aquash, both Canadians, belonged to a federally recognized American Indian tribe.

Graham fought his return to South Dako-

ta from British Columbia for more than four years. He was extradited in December.

Marshall, a Lakota from South Dakota, was indicted in August, five years after Graham and another Lakota AIM member originally from South Dakota, Arlo Looking Cloud, were initially charged.

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

Witnesses at his trial said he, Graham and another AIM member, Theda Clarke, drove Aquash from Denver in late 1975 and Aquash 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.

In court documents, prosecutors accuse Marshall of providing the handgun used to kill Aquash.

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

His lawyer, John Murphy, filed a motion to dismiss the third count against Graham that alleges jurisdiction over him based on his aiding and abetting Looking Cloud, Clarke and Marshall, all Indians.

Murphy argued the court doesn’t have jurisdiction because Graham and Aquash were Canadian citizens and affiliated with Canadian tribes when she was killed and the law requires them to be members of a tribe recognized by the U.S. government.

Federal prosecutors have said

because Looking Cloud, Clarke and Marshall are legally Indians, the government has jurisdiction.

Murphy disagreed.

“Defendants who are affiliated with Indian groups not recognized by the United States government are not Indian for criminal jurisdiction purposes,” he wrote.

Alternatively, Murphy argued that the third count does not state an offense because it doesn’t establish that Graham is an Indian.

Aquash, a member of Mi’kmaq Tribe of Nova Scotia, was killed by a gunshot wound to the head near Wanblee. Her family exhumed her body in 2004 and returned it to Canada, where she was buried in her native Nova Scotia.