

## Flathead Tribe seeks solution

ARLEE, Mont. (AP) — Suggestions ranged from creation of an amusement park to an outright ban on alcohol as dozens of Flathead Indian Reservation residents gathered to brainstorm ways of preventing more children from dying of alcohol-related deaths.

The meeting was prompted by the February deaths of sixth-graders Frankie Nicolai III and Justin Benoist.

The two 11-year-old friends died in a snowy field after drinking large quantities of vodka.

Three months earlier, Justin's 14-year-old brother Tyler was drunk when he died of smoke inhalation in a burning trailer.

"We have to do something more than just talk," said Louise Stasso, who organized the meeting that drew about 75 people to the Arlee senior Center. "We have to take action."

LeRoy Obennick of Hot Springs said alcohol took three of his children.

He said he would like to see the substance banned on the reservation, even if it renders worthless his beer license for which he's been offered \$50,000.

"I don't need \$50,000," Obennick said. "I need to see my grandchildren and my great-grandchildren grow up alcohol-free."

Other hard-line suggestions included a system to track purchases of alcohol so they could be traced when liquor winds up in underage hands.

SuSan Dowdall of Polson drew applause when she spoke of intervening more to get children out of dysfunctional homes.

"If kids are in a home where drinking is going to happen, we need to go get them and bring them to a safer place," she said. "We need to let our families know we love them. We need to let our kids know we love them."

The meeting also turned to ways to keep youths busy, such

as mentoring sessions or programs to help the elderly. A community center might help, but Delbert Depuis said it would have to be more than a building and would need the constant presence of caring adults.

Not all the ideas were grown-up.

Older members of the audience spent a few minutes listening to, and sometimes smiling at, a list of ideas compiled by Arlee schoolchildren.

The list included an amusement park, a swimming pool, concerts, a stricter curfew, a running track, a game room, an ice skating rink and drug and alcohol education.

## Lawsuit claims county excludes Indians in hiring

LINCOLN, Neb. (AP) — The American Indian tribes in Nebraska have filed a complaint with the U.S. Equal Employment Opportunity Commission claiming that Thurston County routinely excludes tribal members from local government jobs.

The Omaha and Winnebago tribes are asking the federal commission to force the county to quit alleged discriminatory hiring practices and award the tribes compensation for damages caused by those practices.

But county officials deny any job discrimination exists.

Thurston County Assessor Vivian Hartwig said when she recently advertised to fill an open position in her office last fall, she got four applicants. None were American Indian.

"I would have been willing to accept any individual with the qualifications for the job," she said.

The tribes note that in a county where American Indians make up 52 percent of the population, none of the county's 46 employees are tribal members.

"Our tribal members should have an equal opportunity to apply for jobs at that level," said Danelle Smith, assistant general counsel for the Winnebago Tribe. "It's really a constricted hiring environment."

The tribes say the county often fails to advertise open positions, instead finding applicants through word-of-mouth, and when it does, it neglects potential tribal applicants by not

advertising in either of the county's two tribal newspapers.

A hostile county work environment has also scared potential Native job applicants from applying for jobs, the tribes allege.

Teri Lamplot of the Thurston County Board of Commissioners said she has not seen the kind of employment discrimination alleged by the tribes.

"That very same rumor has been circulated before," she said of the complaint. "They kind of have to apply first."

She said she rarely sees tribal members applying for county jobs, even though the county routinely advertises open positions in the Pender Times. Hartwig suggested tribal members simply weren't interested in applying for jobs in Pender — about 20 miles from the nearest tribal community — for jobs that pay \$8 an hour or less.

Darren Wolfe, spokesman for the Omaha Tribe, said it has become easy for the county to neglect Indians in its hiring practices, because tribal members have not exercised their political power.

About 400 of some 1,000 eligible Omaha tribal members are not registered to vote, Wolfe said. In Winnebago, only 441 of 817 eligible tribal members are registered to vote, Smith said.

He noted that is changing, explaining that the Winnebago and Omaha tribes recently began efforts to get eligible tribal members registered to vote.

## Enrollments disputed as profits soar

TEMECULA, Calif. (AP) — Hundreds of American Indians are fighting for their place on tribal rolls at a time when membership can mean instant wealth for those who belong to casino-owning tribes.

Nearly one-fifth of the 61 tribes that have gambling compacts with California are fractured by membership disputes.

Many of those who have been kicked out of tribes in California say the motive is greed — an attempt by tribal leaders to reduce membership so they can keep more casino profits for themselves and other favored members.

"The perception is the tribes are not acting like Indians. They're acting like sheikdoms and cutting out anyone they don't like," said Patrick Romero Guillory, a tribal attorney representing members who were removed from the rolls of the Santa Rosa Rancheria in Fresno and himself an Opelousa Indian from Louisiana.

Tribes in other states, including Arizona, Nevada, Oklahoma and Minnesota, also have struggled with enrollment disputes. The common factor is distribution of money.

In Minnesota, for example, the Shakopee Mdewakanton Dakota are fighting over profits from their Mystic Lake casino, which generates payments to individual tribal members of up to \$1 million a year.

In Oklahoma, the membership status of black Seminole Indians is at issue. The Seminole tribe won a \$56 million judgment to be divided among members for lands it lost in Florida nearly 200 years ago.

But roughly three-quarters of the disputes identified by The Associated Press involve California tribes, the legacy of what experts said were divisive and

inconsistent federal policies that disproportionately affected tribes in the Golden State.

At least 1,160 people in 14 California tribes are fighting over tribal status, according to an Associated Press review of court documents and interviews with tribal leaders, attorneys and former tribal members.

Gambling has made the stakes for membership higher than ever. California has more gambling tribes than any other state, and the industry brings in an estimated \$5 billion a year. Casino wealth has transformed tribes that, in many cases, were impoverished just a decade ago.

Members of many casino-owning tribes receive checks for tens of thousands of dollars annually.

The membership disputes fall into two categories. In some cases, families have been kicked out of tribes by other members who challenged their eligibility. In other cases, people say they were wrongfully excluded from tribal rolls years ago and are being refused when they seek to return.

In at least one case, involving the Cold Springs Rancheria near Fresno, the tribe doesn't have a casino. But ejected members say they lost about \$9,000 per person in annual payments made by California's gambling tribes to those without casinos.

The enrollment disputes present a particularly sticky situation in California because the state's tribes don't have their own courts, a holdover from a federal policy that targeted California.

As sovereign nations, tribes reserve the right to determine their membership, leaving little outside legal recourse for those who feel they've been wronged.

John Gomez Jr. and about

130 members of his extended family are plaintiffs in one of the few disputes in court.

His attorneys are experimenting with a little-used state law that allows tribal members to sue each other as individuals in state court.

The family, which was ejected March 17, makes up about 13 percent of the Pechanga Band of Luiseno Mission Indians in Temecula, where members receive annual casino revenue payments of up to \$120,000 each.

Gomez Jr. doesn't live on the reservation. At a recent family meeting at his spacious house in an upscale Temecula cul-de-sac, Jaguars and high-end SUVs filled the driveway.

The tribe's enrollment committee says Gomez's grandmother moved off the reservation and cut her ties with the tribe in the 1920s.

But Gomez said his grandmother, Manuela Miranda, was forced to leave when she was married off at age 13 but never forgot her Pechanga heritage.

Tribal Chairman Mark Macarro and Councilman Russell "Butch" Murphy both declined comment.

In an earlier printed statement, however, Macarro said Gomez's claims were "wholly without merit" and that the tribe had the right to determine its own membership under tribal sovereignty.

"This is an issue to them of money, and for us it's not about money."

This is who we are, this is what we've known," said John Gomez Sr., Gomez's father and one of the plaintiffs in his son's lawsuit.

"How do you not become Pechanga? How do I tell my grandson that he used to be an Indian and he's not anymore?"

A hearing in state court is scheduled for April 19 to challenge the family's ejection.

The same law is being used by 76 family members who were kicked out in January by the Redding Rancheria, a tribe of about 200 in California's northern Central Valley between Sacramento and the Oregon border.

Members receive about \$3,000 per year in casino revenue, according to those ejected.

The tribe rejected arguments that DNA tests showed more than a 99 percent probability the family was descended from one of the rancheria's original 16 members. The DNA was examined by an expert hired by the tribe, and both sides were presented to tribal members for a vote.

Family members exhumed the bodies of two ancestors to obtain the DNA.

## Dock fees will help float plan to manage Lake Coeur d'Alene

COEUR D'ALENE, Idaho (AP) — Despite opposition from a landowners' group, the Coeur d'Alene Tribe will continue charging dock fees on Lake Coeur d'Alene to help pay for the tribe's lake management plan, Tribal Chairman Ernie Stensgar said.

"We are pursuing the vision of our ancestors: To protect and preserve the natural resources in our area," Stensgar said in one of his strongest statements to date about challenges to the tribe's authority to levy fees for docks and encroachments onto the southern third of the lake.

"It's time for all residents,

permanent or seasonal, to work with the tribe to ensure long-lasting water quality, fish and wildlife habitat and general environmental health in the region," Stensgar said.

In 1998, a federal judge affirmed the tribe's ownership of the southern third of the lake, and the ruling was upheld by the U.S. Supreme Court.

The tribe has committed revenue from fishing licenses and encroachment fees, projected at \$65,000 annually, to water quality, fish and wildlife programs on the lake and its drainages. The tribe spends about \$2 million to manage the resources, Stensgar said.

The North Idaho Citizens Alliance questions the tribe's jurisdiction.

Angie Morrow, president of the landowner group, said, "We have nothing against Native Americans, but we have a problem with laws and regulations that aren't equal for all people. The United States government is our government and who we follow."

Morrow, who owns waterfront property near Harrison, said property values have declined, residents are resistant to the annual dock fees and the tribe doesn't have jurisdiction over private citizens.

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