

Tribes divided over expanding gambling legislation

TOPEKA, Kan. (AP)—Just because one Indian tribe says it's planning to sue the state over legislation allowing expanded gambling doesn't mean all of them oppose it.

The Prairie Band Potawatomi, which operates one of four tribal casinos in northeast Kansas, claims the legislation is unconstitutional. Gov. Kathleen Sebelius plans to sign the legislation putting Kansas in a unique position of having state-run casinos, unlike the 11 other states with commercial casinos.

But the Sac and Fox and Kickapoo tribes, which also operate tribal casinos, are partners for a bid to operate the casino allowed in Wyandotte County,

said Fredia Perkins, Sac and Fox tribal chairwoman.

"We aren't going to sue. In fact, we asked the Potawatomi to join us a long time ago in the Kansas City project," she said.

The Sac and Fox and Kickapoo jointly purchased some 80 acres in western Wyandotte County four years ago, which many see as an ideal location because it's located near Kansas Speedway and a growing commercial area.

"Just like any good business, because of the growing demands of our people, we have to look for ways to expand our aid to our people," Perkins said.

The Kansas Constitution allows a "state-owned and oper-

ated" lottery, and the state Supreme Court has said "lottery" is defined broadly enough to cover other gambling, including slot machines and casinos.

But opponents argue the constitution requires the state not only to own the casinos and slots at tracks, but to manage them directly, rather than delegating management to a private company, as the legislation envisions.

The Potawatomi, operating a resort casino north of Topeka on its reservation, says that's why it will challenge the law once it's enacted.

When plans for the lawsuit were announced last week, tribal chairwoman Tracy Stanhoff said she didn't know when it

would be filed or who else might join the tribe.

She said then that commercial casinos "will severely impact" the tribe's casino, which accounts for about 1,000 jobs.

But Sebelius says a legal challenge is expected and believes it will pass a court challenge.

Like the other tribes with casinos on their reservations, the Sac and Fox and Kickapoo come under the authority of the National Indian Gaming Commission in Washington.

Commission spokesman Shawn Penseau said nothing prevents tribes from getting into the gambling business off their land while still operating casinos on their reservations.

"They can engage in gaming activities outside their land but it has to be something that is allowed by the state," he said.

Leon Campbell, chairman of the Iowa Tribe of Kansas and Nebraska, declined to be interviewed and referred questions to former Wichita Mayor Bob Knight, who has been representing the tribe. Knight didn't respond to a message left on his answering machine.

At one time, the Iowa Tribe wanted to build a casino in suburban Wichita but decided to look for other locations when the Sedgwick County Commission put off a vote on the project.

Twenty-eight states have Indian gambling—23 with casinos

and five with games such as bingo.

Aside from allowing a resort casino in Wyandotte County, the legislation also allows one each in the Dodge City area, southeast and south-central Kansas. The state would get 22 percent of the revenues, and operators would have to commit to a minimum \$225 million investment plus a non-refundable upfront fee of \$25 million.

Also dog and horse tracks in Kansas City, Frontenac and Wichita would divide 2,200 slots, with an additional 600 slots once the state signed contracts with casino managers. The state would get 40 percent of the slots revenues.

Ohio residents sentenced in American Indian looting case

BOWLING GREEN, Ky. (AP)—Six Ohio residents were sentenced to probation after pleading guilty to looting an American Indian archaeological site in western Kentucky, a federal prosecutor official said Wednesday.

Daniel Fisher, 41, and Thomas J. Luecke, 40, of Cincinnati; Richard Kirk, 56, of Stout; Joseph M. Mercurio, 44, and Tanya C. Mercurio, 43, of Manchester; and David Whiting, 47, of Bellefontaine, were sentenced Monday by Judge Thomas B. Russell in federal

court, U.S. Attorney David L. Huber said in a statement.

All pleaded guilty to looting a site at Barren River Lake, admitting that on Dec. 5, 2005, they entered federal land to dig for relics, including Early Woodlands ceramics that date back roughly to 1500 to 300 B.C., Huber said.

Once on the federal land, the defendants used rakes and digging implements to disturb the surface of the ground, creating holes and displacing archaeological sediment in violation of the federal Archaeological Resources Protection Act, Huber

said.

Kirk and Whiting were sentenced to two years of probation. Kirk was ordered to serve six months of home incarceration as part of his probation.

Joseph Mercurio was sentenced to two years' probation and four months in home detention. Tanya Mercurio was sentenced to two years' probation.

Fisher and Luecke were each sentenced to two years' probation and six months in home detention.

Interior approves Jenas casino plan

COLFAX, La. (AP)—After several years of rebuffs, the Jena Band of Choctaws has received federal approval to open a somewhat scaled-down tribal casino in southern Grant Parish, the tribe's chief says.

Earlier this month, the Interior Department approved a 63-acre initial reservation for the tribe, Chief Christine Norris said. That will allow the Jenas to build a casino that includes slot machines and poker tables, said Julie Wilkerson, the tribe's attorney.

The casino, considered a Class II gambling hall under federal regulations, could open in less than two years, Norris said.

Three other tribes operate Class III casinos under compacts with the state on traditional reservations. Those full-blown casinos offer blackjack, slot machines and other games.

The Jena tribe has been trying to get state and federal approval for a reservation since the state recognized it as a tribe in 1995.

Gov. Mike Foster approved a compact with the Jenas in 2002 to build a casino in Calcasieu Parish, but the Interior Department rejected it. Another move to build a casino in far northwestern Louisiana stalled at the end of Foster's second term.

Gov. Kathleen Blanco has refused to negotiate with the

tribe, saying she does not want to expand gambling in Louisiana.

Wilkerson said the governor's approval is not needed to open a Class II casino. Plans call for the casino to be located in the community of Creola, about 12 miles north of Alexandria.

Norris said the tribe includes 254 members, which she described as generally poorer, less educated and less healthy than average residents of Louisiana.

Profits from the casino will be used for education, health care and, perhaps, direct payments to tribal members.

Tribe uses hand-held computer to fight illness

CHEROKEE, N.C. (AP)—Health officials with the Cherokee Indian tribe are using hand-held computers designed for terrorism investigations to track asthma, a growing condition among tribe members.

Residents in 54 houses were surveyed this week by Cherokee Indian Hospital workers who used the devices to record information about mold, water drainage, smoking and pets inside the homes. The data will be used in a report due out in May. A federal grant of \$30,000 is paying for the study.

The computers, on loan from state officials, usually would be used to track injuries during a terrorist attack.

"It is a really a cool technology," hospital spokeswoman Jody Adams said. "My hope is they will

find more uses for it. It will tell us what things in the community, and in that home, that we need to go back and look for."

Asthma has become a serious concern in the tribe with about a third of its 9,000 members suffering from the condition. Asthma is a greater problem in western North Carolina, and officials suspect air pollution may be to blame. Older homes also could be adding to the problem, they said.

Betty Maney lives in a 30-year-old house with her three asthmatic granddaughters. Her home was built on a concrete slab with land sloping toward the foundation. Maney said she has complained about the problems and hopes the survey helps.

"I'd like to see some sort of action taken on it," Maney said.

Blackfeet to return management of detention center to BIA

GREAT FALLS, Mont. (AP)—The Blackfeet Tribal Business Council is proposing to return management of its juvenile detention center to the Bureau of Indian Affairs, which the tribe says is underfunding the facility.

"That means it will be their responsibility," said Rodney Gervais, a tribal councilman.

"And they'll have to pay a lot more for it," added Councilman Edwin Little Plume.

Pending before the business council is a resolution to dissolve a contract with the Bureau of Indian Affairs for the tribe to provide juvenile detention services at the White Buffalo Center.

"The Blackfeet Tribe has determined that due to the tribe's

continuing financial crisis and the BIA's minimal funding ... it is now in the best interest of the tribe to retrocede said contract immediately," the resolution states.

Tribal Councilman Ronald Kittson said the BIA pays about \$250,000 a year to run the White Buffalo Center, but that the overall annual budget is about \$950,000.

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