

Navajo slush fund cases overwhelm tribal courts

FLAGSTAFF, Ariz. (AP) — Dozens of criminal cases against former and current Navajo Nation lawmakers have overwhelmed the tribal court system to the extent that defendants must pay for jury trials themselves, if that's what they request, and the prosecutor has been asked to consider turning over cases to the federal government.

Nearly 260 complaints were filed with the Window Rock District Court last October, charging 78 people in the alleged misuse of the Tribal Council's discretionary fund. Some of the defendants still haven't been arraigned, and many of those who have want jury trials.

It's a demand that the tribal court system cannot meet. None of the tribe's 10 district courts that manage 51,000 civil and criminal cases have set aside funds for jurors in their budgets. Jury trials aren't common in tribal court in any event, with only eight being held on the reservation since 2007.

"In normal circumstances, the courts are expected to guard against the impairment of the defense. In this instance, the justice system itself is impaired by the flood of cases and the en masse jury demands," the tribe's Supreme Court wrote in a recent decision. "It is apparent that no workable solution is yet in place."

The lack of resources in tribal courts is a common complaint in Indian Country that includes funding and staffing shortages, and limited capacity to conduct jury trials.

The Navajo Supreme Court ruling came out nine days ahead of a U.S. Government Accountability Office study that looks at how the primary federal agencies tasked with supporting tribal justice systems worked together. The GAO released its findings Thursday.

The Interior and Justice departments have made public safety in tribal communities a priority, but the GAO said they've focused more on deten-

tion programs than tribal courts. Justice officials told the U.S. Senate Indian Affairs Committee in October 2009 that they would better coordinate with Interior officials to support tribal courts, but plans hadn't come to fruition a year later, the GAO reported.

The U.S. Bureau of Indian Affairs, which commissioned a review of 90 tribal court systems in 2005, also has not shared its assessment with justice officials. The GAO said greater cooperation between Justice and Interior departments could minimize duplication of efforts in trying to aid tribal justice.

The BIA reported that both agencies provided funding to a single tribe to purchase hardware and software for a case management system but didn't consult one another. And then the tribe never used the system because it didn't have money for training.

"Sharing information about training and technical assistance

could help ensure that BIA and DOJ avoid such situations," the GAO said.

The office urged the involved federal agencies to develop ways to share information. The BIA said it plans to send a liaison to the Justice Department's Office of Tribal Justice to better collaborate.

The GAO interviewed judges, prosecutors, law enforcement and court administrators from tribes in Arizona, New Mexico, North Dakota and South Dakota and focused on criminal law. Officials from the 12 tribes, including the Navajo Nation, expressed concern about limited sentencing authority, lack of jails, encroachment upon judicial independence from tribal officials and not having enough resources for day-to-day court operations.

Each of their court systems are partially or fully funded by the federal government.

All of the tribes were upset with the federal government for declining to prosecute half of

all cases referred from reservations and said that it signals to victims and criminals that justice doesn't exist in Indian Country.

Tribes often rely on the federal government to prosecute cases because of limited sentencing ability, few jail spaces and overburdened court systems. Both the BIA under Interior and the FBI under DOJ are charged with investigating major crimes on Indian reservations and with referring the cases to federal prosecutors.

The GAO said the results of the 12-tribe study are not a generalization of the hundreds of federally recognized tribes, but provide useful perspectives about challenges they face in resolving crimes.

The Navajo Nation Supreme Court said tribal court resources were already scarce before the criminal charges were filed against current and former lawmakers. A defense attorney for two dozen of those charged asked the high court to take

control of the slow-moving cases.

The justices rejected David Jordan's allegations that the special prosecutor and the judge overseeing the cases engaged in ex parte communication that violated his clients' rights. Jordan declined to comment on the decision.

The high court sent the matter back to the lower courts and ordered them to try defendants together who share conspiracy charges and have them fund their own jury trials or accept bench trials. Individual defendants would have to pay \$2,500 or co-defendants could share a cost of \$15,000.

The court further urged the prosecutor in the case to seek the federal government's help if the cases cannot be resolved through plea bargains, settlements or tribal courts within a reasonable amount of time. The complaints alleged that the defendants took a combined \$1.9 million in tribal funding meant to aid Navajos in need.

Tribes plan major casino expansions

TOPPENISH, Wash. (AP) — The Yakama Nation plans to break ground in May on a \$90 million casino expansion that will add a six-story hotel, conference facilities and a spa on its central Washington reservation.

Across the Columbia River, the Confederated Tribes of the Umatilla Indian Reservation are plugging away on a \$67 million project of their own. The expansion includes more casino space, a Cineplex and high-rise hotel amid the wheat fields and cattle ranches of northeast Oregon.

For the first time, revenue at Indian casinos declined across the country in 2009, thanks in large part to the economic downturn, but that isn't preventing tribes from expanding their gambling operations in big ways.

Dozens of new casinos and expansion projects have been completed in the past two years nationally, and dozens more are planned, according to the latest Indian Gaming Industry Report.

"The economy will improve at some point, construction costs are down, and tribes are trying to prepare for the future," analyst Alan Meister said. "When things turn around, you don't want to have to start from scratch. You want to be able to hit the ground running."

The Yakamas announced their expansion plans earlier this month amid the dings and buzzers of slot machines in their existing Legends Casino.

The tribe's general membership approved the expansion March 8, tribal council chairman Harry Smiskin said. The project will enable the tribe to convert existing gambling space into a 29,000-square-foot events center to offer more entertainment and, in turn, draw crowds.

"In order for Legends Casino to remain competitive, we have to grow with the market," he said. "The expansion is something we all look forward to very much and is something we know will be beneficial to the tribe."

Smiskin said the tribe hopes to add 150-200 jobs once the development is complete in 18 months.

For the Umatilla tribes, the expansion marks a new effort to draw a younger crowd to the casino already frequented by gray-haired slot-lovers. The tribe lures visitors with a casino, small hotel, RV park, golf course and museum, and the expansion will add 20,000 square feet of gambling space, a four-screen movie theater and a 10-story hotel.

"We wanted to build a beacon to draw people here, and

the only way to do that was to go up," said Gary George, chief executive officer of the Umatillas' Wildhorse Resort and Casino.

The tribe estimates 60 percent of its visitors come from the local area and within a 70-mile radius. The goal of the expansion is to become a regional destination resort appealing to residents within 200 miles of the casino, George said.

Some 237 Indian tribes across the country operate casinos in 28 states. Tribes use the revenue for education, economic development, health care, police and fire protection, housing and cultural and charitable works.

In 2009, revenue fell for the first time at Indian casinos across the country, declining 1 percent from a year earlier, according to the report.

However, commercial gaming overall has been hurt by the recession, while Indian gaming has been able to withstand some of the economic downturns in recent years, Meister said. Even though there was a decline, it was only 1 percent, and the projection for Indian gaming is positive overall.

George acknowledged that some tribes have experienced

financial difficulties because they overextended and overbuilt their casinos. That has not been the case with the Umatillas and their Wildhorse Resort and Casino, he said.

"We're very leery of reinvesting without clear thought of where we're going and how we get there," he said. "Revenues have been flat in the last few years, but in this economy, banks would say flat is the new up."

Smiskin also called the economy a "definite concern."

"When people don't have disposable income anymore, that's one of the things that gets cut," he said. "But with all the demographics and marketing analysis, we feel a strategy of this nature will add income to the Yakama Nation."

Besides, he said, with the Umatillas already expanding their casino and marketing to consumers in the Yakamas' territory, his tribe has to send a message across the river: "We're not horsing around."

American Indian leaders urge business expansion

LAS VEGAS (AP) — American Indian tribal leaders are urging other tribes to go beyond gambling and tobacco when it comes to generating revenue for their economies.

President Robert Porter of the Seneca Nation of Indians told tribal government leaders and entrepreneurs in Las Vegas on Tuesday that his tribe in New York state has three casinos and sells plenty of cigarettes.

But he says that's too narrow

to ensure the tribe's future.

Porter says tribes should work with the United States government to try to get more freedom over their land and money.

Chairman Robert Martin of the Morongo Band of Mission Indians says tribes must be willing to consider various kinds of investments.

The Morongo Band has a casino in southern California, but also owns a 36-hole golf course and other businesses.

Gov signs bill to keep UND Fighting Sioux nickname

BISMARCK, N.D. (AP) — North Dakota Gov. Jack Dalrymple signed legislation that requires the University of North Dakota to keep its Fighting Sioux nickname.

The signing was reported last week in the House journal, which is the official record of the business of the North Da-

kota House.

The governor's office made no public announcement of the signing.

The NCAA considers UND's Fighting Sioux nickname to be hostile to American Indians, and it will impose sanctions on the university if it's kept.

Birthday wishes...

Happy birthday to Justice Allan, April 19. Love, with all my heart, Dad.

Happy belated birthday to Nana, Diane Frank-Felix. Love, Myrna & Family.

Happy belated birthday to Diane, with much love - Lillian & Family.

I would like to wish a happy birthday to my wife Carol Ann Lawrence on March 24, from her husband. I love you so much—I wish you many more to come. Love, Daniel.

Mom, We wish you a happy birthday. We love you and want to thank you for all you've done for us. Love, Ty-Maureen-Curtis and Grandson Ikiaka.

Blessed birthday wishes to Socorro Cuevas, "This is the day which the Lord has made; Let us rejoice and be glad in it." (Psalm 118:24, NASB). We love you always, Monica, Cody, Keanu and Lil Kody.

Happy Birthday Hector; from Monica, Cody & Boys. Love you!

Happy Birthday, Hector! May you have a good day! Love, Mike, Cecilia, Malia, Yesenia, Ava and Ushnum.

Happy birthday to everyone with a birthday this month! From the Spilyay.

Treaty, Salmon Talk at Lodge

There will be a talk from 7-9:30 p.m. this Wednesday, March 23 at High Lookee Lodge.

The talk will be about the Treaty, salmon, traditions, and about our vanishing culture. All are welcome.

Presented by Terry Courtney.

VOLUNTEERS NEEDED Seeking community members to be school crossing guards, training provided. Contact Ashley @ 553-2204

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