

RESERVATION REPORT

A Monthly Media Letter Regarding American Indian Policies
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THIS ISSUE BEGINS RESERVATION REPORT'S FIFTH YEAR

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POMBO MAY INVADE NY; McCAIN SEEKS TO TOUGHEN NIGC GAMING REGS – Perhaps for “better or worse” or “richer or poorer” powerful leaders in the U.S. Congress are on a veritable “warpath” to effect some changes in Indian policies or how states deal with certain difficult aspects of them and how better to protect the gambling public when they patronize the wildly proliferating Indian casinos around the nation.

At a session of his Indian Affairs Committee, where he is chairman, Senator John McCain (R-AZ) said he wanted his constituents protected and fairly treated when they take their chances with slots or roulette or whatever is their game of choice in Indian casinos where U.S. laws and the Constitution do not prevail. To afford protection, at least partially, he wants to give the National Indian Gaming Commission (NIGC) the unmistakable authority to regulate and monitor ALL Indian casino gambling operations and equipment, not just the less risky games.

Representative Richard W. Pombo (R-CA), as chairman of the House Committee on Resources, said that he may intervene to effect resolution of the long steaming dispute over land claims between New York State and its tribes. The Committee has some oversight responsibilities with respect to the Department of Interior, the Department's Bureau of Indian Affairs and tribal relations with state and federal authorities.

Pombo declared: “These land claims have gone on too long, clouding property owners' title and leaving Indian tribes without just resolution. Some New York officials have failed to address these important issues...” Rep. Pombo's actions on behalf of California's gaming tribes and his involvement with, and personal interest in, New York's Oneida and Shinnecock tribes leads to substantial concerns about his legislative objectivity in resolving the New York land claims issue. **(Continued on Page 2)**

NY'S UPSTATE CITIZENS FOR EQUALITY CIVIC GROUP DISPUTES POMBO – In a lengthy statement countering some of Congressman Pombo's assertions, Chairman Richard E. Talcott of the Cayuga-Seneca Chapter of the principal organization opposing New York's Indian land claims, declared:

“The only reason the New York land claims lasted 25 years in the courts is because one judge held them up using intimidation techniques to try and force a plea bargain before finally issuing a final judgment allowing his incorrect rulings to be appealed and reversed in their entirety.” **(Continued on Page 10)**

BUSH JUSTICE DEPARTMENT STILL QUESTIONING AKAKA'S HAWAII BILL

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**BIG GROWTH IN HAWAIIAN NATIVE POPULATION MEANS GROWTH
IN BURDEN FOR U.S. TAXPAYERS**

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POMBO MAY INVADE NEW YORK (Continued from Page 1) ... For thirty years and in numerous court appearances, Indian tribal leaders, New York officials and property owners have fought “tooth and nail” over land Indians say was theirs as far back as 1790. The real difficulty is that “Indian lands” were simply territories of what became New York State on which a given tribe now says its forebears, by force of arms or verbal and peace-pipe agreements with other tribes, exercised a kind of primitive “eminent domain” on which to roam and hunt.

New York Governor George Pataki’s numerous initiatives to commit the State and nation’s taxpayers to pay off the tribes with huge cash settlements or gambling casino licenses and locations, in such resort areas as the Catskill Mountains, have repeatedly collapsed for a lack of public and legislative consensus. (Contact: Press Secretary Jennifer Zuccarelli, House Resources Committee 202-206-9019 or Cell 202-812-1728.)

Senator McCain responded to Indian arguments that any extension of NIGC regulations would be a violation of tribal sovereignty, which should make Indian gambling immune from federal interference. He declared that while he personally accepts the reality of tribal sovereignty when it comes to matters dealing with Indians and Indian affairs on their reservations, Indian gambling activities cater to, and are run by, a largely non-Indian public and that public must be protected.

“To assert tribal sovereignty over an operation that does not involve Indians but non-Indians, to me is not a valid enough argument because I have an obligation under the Constitution to all our citizens.”

Just recently, the National Labor Relations Board reversed a policy of 30 years by which the NLRB had exercised a hands-off policy regarding any intervention in Indian-owned and managed businesses. The Labor Board decided: “As tribal businesses prosper, they become significant employers of non-Indians and serious competitors with non-Indian businesses. When Indian tribes participate in the national economy in commercial enterprises, when they employ substantial numbers of non-Indians, and when their businesses cater to non-Indian clients and customers, the tribes affect interstate commerce in a significant way.” Therefore, NLRB decided it would monitor labor issues that arise in Indian-owned businesses including casino operations, and would intervene whenever necessary.

Mark Van Norman, NIGC’s executive director, testified to the Senate Indian Affairs Committee that the Indian “sovereignty” issue has already been compromised. “There already has been some inroad on Indian sovereignty by requiring tribes to work with states through the tribal-state compact process” if tribes want to up the level of their gambling activity.

McCain added: “Issues of tribal sovereignty not only entail activities on Indian lands that are conducted by Indians. Ninety-nine percent of the patrons of these Indian gaming activities are non-Indians. So we have an obligation to non-Indians as well as Indians to make sure that these gaming activities are honest, straightforward and adequately regulated.”

**IS INDIAN CASINO GAMBLING BUBBLE DEFLATING?
SEE PAGE 6**

**NEWSPAPERS FILE LAWSUIT AGAINST
PASSAMAQUODDY TRIBE
SEE PAGE 7**

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NATIONAL ARCHIVES' INDIAN DOCUMENTS TURN UP IN TRASH BIN! – In a Justice Department filing with the Court overseeing Indian claims of missing funds due tribes from the Bureau of Indian Affairs, it was disclosed recently that some of the possible evidence had been retrieved from a trash bin and wastebasket at the National Archives where such documentation should be stored.

The Associated Press reported: “The discovery came to light on Sept. 1, when Archives staff noticed federal records in one of the trash bins behind the National Archives Building near the Capitol. They notified the Archives' inspector general, Paul Brachfeld, whose staff recovered the documents.

“They found at least a portion of the documents were Bureau of Indian Affairs (BIA) records dating to the 1950s, according to Jason Baron of the Archives' Office of General Counsel, in a letter last week to an Interior Department official.

“Brachfeld's office began investigating, and ‘what appear to be Indian records were discovered in a waste basket in the stack areas at Main Archives,’ Baron wrote. Taken together, the two dumping incidents ‘may be intentional acts aimed at unlawfully removing or disposing of permanent records from the Interior Department,’ he wrote.”

Since 1994, at the bidding of Congress, and since 1996, thanks to a lawsuit by Blackfeet Indian representative Elouise Cobell a federal court has been wrestling with the Interior Department’s handling (or mishandling) of some 260,000 trust accounts of monies due individual Indians. Though Interior Secretaries Bruce Babbitt (of the Clinton Administration) and Gale Norton (currently) have been held responsible and in contempt of the Court, the fact remains that allegedly missing funds have been primarily handled by Indian staff personnel at the BIA.

EMBARRASSED BY PUBLICITY, MORE TRIBES MAY SHARE WITH MEMBERS -

America’s casino-owning tribal leaders have been fully aware, since enactment in 1988 of the Indian Gaming Regulatory Act, that the measure granting tribes the right to have federal licenses for conducting gambling for the public in and around reservations also provided for sharing revenue profits with tribal members on a per capita basis.

But despite the fact Indian casinos are approaching the 300-mark and last year reached a revenue total of \$19 billion, only slightly more than one-quarter of the tribes so blessed have bothered to meet the per capita distribution recommended.

A few tribes with relatively small memberships and hugely successful gaming operations such as the Santa Ynez Band of Chumash with a monthly per member payout of \$30 thousand, reward their members quite handsomely. But most tribes have been inclined to use their bounty for Washington lobbyists, contributions to political candidates or development of new businesses and public works construction. Now, while more tribal councils respond to demands for per capita payouts, many tribal leaders believe their use of gaming profits for other things is wiser than handing out big sums every 30 days to members unused to such windfalls.

**Archives of the RESERVATION REPORT together with information
on many other matters of public interest are available on the web at
WWW.THECOMMUNITYFORUM.COM**

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Analysis - as vote nears on Senator Akaka's S. 247

BUSH JUSTICE DEPARTMENT WORRIES: (1) OVER HAWAIIAN PROPOSAL FOR TRIBAL SEPARATISM, (2) RISING GROWTH OF HAWAIIAN POPULATION AND (3) LIKELY RISE IN TAX LOAD

By October 1, 2005, the U.S. Senate still had not granted an “up or down” vote on Native Hawaiian demands for creation of an independent, race-based tribal state solely for any American with a “drop of Hawaiian blood.” The proposed “native tribal state” would occupy claimed “native” lands within the 50th State – a sizeable percentage of island acreage. Natives would have a status similar to, but possibly even greater than that accorded mainland America’s reservation-assigned Indian tribes.

The “native Hawaiian” state envisaged would be immune from the U.S. legal and law enforcement-court systems and, presumably, like Indian counterparts, exempt from federal taxes on such things as gasoline and cigarettes.

As far as we know, no one in Congress has expressed any particular concern that the highly controversial legislation that enjoys such bi-partisan support from nearly all elected Hawaiian officials, contains a time bomb for U.S. taxpayers that may never stop exploding. We didn’t know it either until the *Honolulu Advertiser* published a report on a special population study by the research division of Kamehameha Schools, September 27, 2005.

The study reports that by 2050, “the number of Native Hawaiians living in the U.S. will more than double” from a current figure beyond 400-thousand to a 2050 total of nearly one million. In Hawaii alone, the “native” total will rise from its 2000 level of one quarter million people to well over half a million by mid-century.

Everyone most certainly knows, on Capitol Hill, at the White House and throughout the Hawaiian Islands that “independent” state status, under the terms of S.247 (and its House equivalent, H.R. 309), in NO way relieves the taxpayers of the U.S.A. from continuing, in perpetuity, all the existing public works programs, education programs, healthcare and welfare benefits regularly benefiting Hawaii’s “natives,” ever since Statehood was overwhelmingly approved by all Hawaiians back on June 27, 1959.

As a memory exercise or for the benefit of those not old enough to have known, the following quotation that leads off a recent, critically biased, American Friends Committee analysis of the Hawaiian situation today is worth reading:

“What a scene there was in Hawai`i - Statehood Day 1959! Celebration swept through these islands on news of our joining the union of States of the U.S.A. Communities lit bon fires, neighborhoods held impromptu dances, cars blared their horns and people walked the streets with broad grins and greetings, seeing themselves as full-fledged Americans. Hawai`i Democrats and Republicans, the two political parties, were together in the quest for Hawaiian Statehood. Hawai`i’s media were in full support as well. Opposition voices were silent.”

What has transpired since is admittedly saddening as every possible grievance and an unhealthy expansion of demagoguery (on both sides of the argument) has exacerbated the debate over the U.S. role at the end of the 19th Century versus a disputed, and often distorted, account of a Hawaiian Kingdom’s status and legitimacy at the time.

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HAWAIIAN TRIBAL SEPARATISM TO INCREASE TAX BURDEN

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Facts and myths have been blended over recent years into legends. When statehood was achieved, many in native ranks may have had every right to assume that claimed disparities in jobs, titles and income between themselves and the predominantly white business and political establishment that had endured Pearl Harbor, and helped to restore the island’s private sector economy following World War Two, would be resolved.

Through the 1960s and ‘70s, neither the Anglo nor Native free enterprisers and entrepreneurs emerged, after Hawaii achieved statehood, as the most significant players when Hawaii became one of the Pacific region’s greatest tourism attractions. Rather, that role was taken over by the prolific, ambitious and aggressive Asian population, some of them from longtime Hawaiian Chinese families, but most of them of Japanese descent. They grabbed island opportunity and ran with it.

Hawaii’s Japanese soon introduced or gained control, and rapidly expanded, most of the major Honolulu beachfront hotels, restaurants and entertainment attractions. Japanese hoteliers had a grip on the job market and often demanded more experience and sophistication from workers than many Native Hawaiians had been trained to provide.

There is irony in the fact that the U.S. Senators from Hawaii who have for five years led the charge for granting Hawaii’s natives a separate, independent, tribal recognition and status, are both of Asian extraction. Senator Akaka has Hawaiian as well as Chinese blood in his veins. Senator Daniel Inouye is of Japanese descent.

While there is every indication that S.247 has the votes needed for passage and while the House earlier approved the essence of the legislation, growing numbers of scholars, attorneys and thoughtful political commentators are urging the Bush Administration to re-assess the constitutionality of a proposed act that suggests sundering the multicultural and multiracial society Americans, traditionally, have so cherished with a divisive, possibly secessionist, race-based form of apartheid.

The Akaka Bill, as it is now better known, also throws a troubling spotlight on the increasingly contentious Federal Indian Policy that has been further distorted by the wild proliferation of Indian gambling casinos across the American landscape. Whether S.247 and H.R.309 become the law of the land or not, litigation in federal courts over ethnic and tribal issues are likely to become a significant growth industry for American lawyers and lawmakers for years to come.

Some who are now aggrieved by the well-funded demands of “native” populations in Hawaii and on Indian reservations, and through their lobbyists and attorneys on Capitol Hill and in state legislative corridors, may hearken to this quotation from the author of “The Last of the Mohicans” – James Fenimore Cooper: “The minority of a country is never known to agree except in its efforts to reduce and oppress the majority.”

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WSJ REPORT SUGGESTS INDIAN CASINO BUBBLE MAY BE BURSTING – *Wall Street Journal* reporters Peter Sanders and John R. Emshwiller front-paged word September 27th that there are now so many Indian gambling casinos and lesser gaming facilities in certain areas such as California, Michigan, and South Carolina that they are beginning to threaten each other's financial health. In fact, some tribes around the country are laying off employees in their casinos, reducing service in their hotels, closing down some facilities and looking for new outside managers to help ward off possible bankruptcy. This is happening right now, we have been advised, in New Mexico.

The article focused especially on Palm Springs because that is where the small (35 adult members) Cabazon Tribe first fought and won a Supreme Court determination in 1987 that opened the floodgates to allow Indians to have gambling facilities on their reservations whether or not states in which they were situated permitted such gaming activities. Several other tribes have since established their casinos in the Palm Springs neighborhood, forcing Cabazon to sharply trim its hopes for growth and stability. The Journal writers write that across the country the Indian gaming bubble may pop.

OKLAHOMA TRIBES REPORT SEVERE DROP IN GAMBLING REVENUES -

At the outset of 2005, Oklahoma State Treasurer Scott Meacham predicted 18 Oklahoma Indian tribes with gambling compacts with the state, under which more advanced gaming is permitted in exchange for a percentage of profits to the State, might be providing annual revenues to Oklahoma this year in excess of \$40-million. The returns in August, reflecting a troubling monthly decline may now lead Meacham to adjust his projections sharply downward to an estimate of \$12-million.

Meacham reports many of the tribes have delayed installing much of the authorized new gambling equipment and where machines have been ordered, vendors have been slow to deliver. Tribes pay the State for card games and compacted electronic gambling machines. But the amount sent to the State Treasury in August was nearly \$200,000 less than was sent in July, suggesting Oklahomans may not be quite as enthusiastic about new wagering opportunities at Indian facilities as the tribes, and the State, hoped they would be. Meacham and tribal leaders hope more machines will soon be in place and that gaming activity shows a steady increase over coming months. Otherwise, some serious budget trimming will be called for, sooner than later.

CIRCUIT COURT TERMINATES SHAWNEE'S KANSAS RESERVATION – Since the Shawnee Tribe has now moved to Oklahoma, its claim to a former reservation in Kansas has no further validity according to the Tenth Circuit Court of Appeals. The Shawnee are part of Oklahoma's Cherokee family of tribes.

The Shawnee had lingering hope that they might retain title to the reservation site in Kansas for future off-(Oklahoma) reservation development including a casino resort license.

TO RECIPIENT EDITORS, COLUMNISTS & TALK SHOW HOSTS: *Reservation Report* is a monthly news alert service regarding U.S. federal Indian policies and reservation matters affecting the lives and welfare of Indian and non-Indian residents and businesses, situated on or near reservations. The RESERVATION REPORT coordinating editor is John Fulton Lewis of Reedville, VA. E-mail: nccomm@crosslink.net

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TWO MAINE NEWSPAPERS SUE TRIBE FOR CONCEALING INFORMATION – The *Bangor Daily News* and the twice-weekly *Quoddy Tides* in Eastport, filed a joint lawsuit to force the Passamaquoddy Indian Tribe to abide by the access provisions of the Maine Freedom of Information Act. The newspapers were searching for records regarding the Tribe's effort to win approval for construction and operation of a liquefied natural gas (LNG) plant on the tribe's reservation land at Pleasant Point, ME.

The suit alleges that in seeking to introduce an LNG plant in Washington County, ME, the tribe takes on the status of a municipality – a role that greatly exceeds internal tribal affairs which might otherwise be off-limits to public scrutiny. The newspapers are particularly interested in examining the tribe's agreements with an Oklahoma-based backer of the LNG plan: Quoddy Bay, LLC. The press was also denied access to tribal meetings re: LNG.

The two papers have been covering the highly contentious LNG campaign for the past 15 months but repeatedly, Bangor reporter Diana Graettinger and Tides reporter Marie Holmes, have been barred from attendance at major tribal discussions on the project. Access to records has also been frustrated ever since the tribe announced its intention to pursue building the facility on the Maine coast.

Press endeavors to meet with Quoddy Bay LLC representatives, Donald and Brian Smith (father and son respectively), Jim Mitchell and W. Stuart Price have also been blocked. The Smiths are Oklahoma entrepreneurs and Price is an OK State oil developer and Democratic political figure whose wife is the niece of former U.S. Senate leader George Mitchell of Maine. Jim Mitchell is a Maine government lobbyist and a cousin of the present Maine Governor, John Baldacci.

The secrecy policy regarding the plan has stirred great public concern. This is an area heavily dependent on the lobster fishery as well as other marine activities.

An LNG plant might affect the entire region of Maine and nearby New Brunswick, Canada. The public is especially concerned about the environmental impact of such a plant operation and the tankers that would be entering coastal waters with the gas in liquefied form for Passamaquoddy conversion to a gaseous state for the regional or national pipeline distribution that would then be facilitated.

The tribe contends the project would provide scores of construction jobs initially, and steady, long-term operations and maintenance careers for some tribal members when the plant is completed. The tribe also points to the increased U.S. demand for energy fuels and LNG is recognized as one of the cleanest.

Responding to letters requesting access from Quoddy Tides' Holmes and Publisher Edward French and the Daily News' Graettinger, tribal Governor Melvin Francis wrote: "As you are aware, we do not allow non-tribal members into our meetings and will not begin to do so. This is a long-standing tradition in our community."

The newspaper suit seeks not only access to tribal records but a court decree that all meetings of the tribe dealing with the LNG project shall be open to the news media.

As Maine resident and Reservation Report reader, Steve McCormick - now retired but a Washington-based Vice President for News for the Mutual Radio Network several decades ago - observed in an advisory to the Report: "This lawsuit proposes an interesting new angle. Who has the right-to-know what a tribe discusses? With a proposed LNG big bucks project in the mix, there's much at stake for Maine citizens other than just the Passamaquoddy members." A court will now have to decide the matter.

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COURT DECREE: ARAPAHO MAY RUN CASINO GAMES WITHOUT COMPACT -

The Northern Arapaho has become the first Indian tribe ever granted federal approval to offer Las Vegas-style Class III gambling without signing a tribal-state compact.

On grounds that Wyoming state officials did not negotiate in good faith, the tribe requested court action for an upgrade that would permit full casino gaming. The Tenth U.S. Circuit Court of Appeals said there should be no further hindrance to the Arapaho's plans to build a ten million dollar, 44,000-square foot casino complex where roulette, slot machines, blackjack tables and, possibly, other more sophisticated gambling games, not allowed by the tribe's previous Class II bingo license, are to be offered.

The tribe's present gaming center is south of Riverton and its casino will be named after the Arapaho Wind River Indian Reservation. Once the Appeals Court made its finding of the State's bad faith negotiating, federal authority vested in the Bureau of Indian Affairs at the Department of Interior took over the processing of the Arapaho request.

Northern Arapaho representatives estimate the present annual profit from bingo of approximately two million dollars will, upon completion of the casino, rise to twenty or twenty-five million.

Wyoming officials, some environmental groups and civic groups are strongly opposed to the expansion of Wind River area gambling and may consider further litigation in the matter.

OREGON GOV. URGED TO BAN CASINO CASH FOR KATRINA CHECKS -

Lane County Commissioner Pete Sorenson wrote the following letter to Governor Ted Kulongoski. <http://www.uspact.org/OR-050915-Sorenson.jpg>

September 15, 2005
Governor Ted Kulongoski
State of Oregon
900 Court Street NE
Salem, OR 97301-4047
Dear Governor Kulongoski:

Some of the victims of Hurricane Katrina may be relocating to Oregon and benefiting from the generosity and hospitality of our citizens. More will probably come. Many of the victims will be recipients of federal disaster relief.

In order to protect the integrity of the disaster relief effort and to help prevent theft of disaster benefits, I would urge you, as Governor of Oregon, to direct all Oregon lottery and video poker outlets to immediately institute procedures to refuse to cash federal disaster relief checks or allow the use of federally issued debit cards issued as part of relief efforts. I believe that requesting the same restrictions from all Oregon Tribal casinos would also be in order.

If our internal control standards do not currently contain procedures to facilitate the denial of these checks, I would hope your office would draft appropriate procedures for immediate review and adoption by the Oregon Lottery Commission. I believe these procedures should be implemented immediately.

Sincerely,
Pete Sorenson
Lane County Commissioner

cc: Mr. Dale Penn, Director, Oregon Lottery
Public Service Building / 125 East 8th Avenue / Eugene, OR 97401 / 541-682-4203

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ALL-AMERICAN PATRIOTS UPHOLD BASICS IN 9/11 MEMORIAL PLANS –

Thanks to *The Wall Street Journal's* gifted writer and editorial features editor, Tunku Varadarajan, we are privileged to know of, and celebrate, the recent, inspiring success of the families and friends of the victims of the 9/11 terrorism disaster in 2001. Varadarajan wrote on October 1 – 2 in the new *Weekend Journal*: “Rage renders some people incoherent and others blind. It causes some to flare up – fiercely, but briefly – and then to burn out. In others, it does no more than instill sadness, and paralysis. Yet, in Debra Burlingame – the 51-year-old sister of Charles F. “Chic” Burlingame, the pilot of the plane that was crashed into the Pentagon by terrorists – rage has fueled eloquence, an impressively mulish obstinacy, and an almost eerie moral clarity.”

It was she who led the citizen revolt of the past summer, “Take Back the Memorial Movement.” It was she who, upon seeing what an organization of planners, called the International Freedom Center, planned to build “in memory of” those who were killed in airliner crashes into New York’s World Trade Center twin-towers, the Pentagon and on a farm field in Pennsylvania, exercised cool courage in rallying thousands to join in saying a determined “NO!” New York Governor George Pataki was so swamped with the public outcry against the Freedom Center plans that he has now publicly canceled any further consideration of such a Center. Thus Victory has been achieved. .

What stirred her ire and that of many others was an announced plan by an organization called the International Freedom Center whose planning brain trust of ultra-liberal elitists seemed hopelessly insensitive to the remorse and serious concerns of those whose loved ones died in the terrorist attacks that fateful day. Mrs. Burlingame, in early June, responded to the Freedom Center plan with a powerful Op-Ed commentary in the *Journal*, entitled “The Great Ground Zero Heist” deploring the Center’s intentions.

Endorsed editorially by the *New York Times*, the “Freedom” group had decided to build an “educational” center at Ground Zero, which, writes Varadarajan, would be “focused more squarely on such matters as (alleged) Native American genocide and the Jim Crow South than on the victims and perpetrators of 9/11.” This, needless to say, “was pure anathema, proof not merely of leftist muddleheadedness but also of an elitist contempt for popular feeling.”

The Freedom Center’s idea of a memorial for 9/11 victims was to feature exhibits and “documentation” explaining the poverty and prejudice that forces people, such as al Qaida represents, to engage in “freedom-seeking” terrorist acts. Wrote Debra Burlingame: “Rather than a respectful tribute to our individual and collective loss, (we) will get a slanted history lesson, a didactic lecture on the meaning of liberty in a post 9/11 world...(and) a heaping foreign policy discussion over the greater meaning of Abu Ghraib and what it portends for the country and the rest of the world.”

She made special reference in her comments to quoted remarks by several Freedom Center luminaries who had proudly proclaimed their intention of having the Center used to criticize U.S. military activities and the nation’s foreign policies under President George W. Bush. Now she hopes Ground Zero will eventually honor all the 9/11 victims, **some of whom may have been descendants of Native American Indians and many of whom were indeed black.**

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NY'S UPSTATE CITIZENS FOR EQUALITY – (Continued from Page 1) – “The New York land claims no longer have no end in sight -- they are basically all dead. The ruling on the Sherrill case in March by the United States Supreme Court against the Oneida land claim, followed by the ruling on the Cayuga claim June 28th by the U.S. 2nd Circuit Court of Appeals, have made this emphatically clear....The tribes are now excruciatingly desperate in their attempts to circumvent the judicial process primarily for the purpose of setting up casinos within a few hours drive of New York City.

“The Oneida claim includes the New York Oneida Indian Tribe, the Oneida Tribe of Indians of Wisconsin, the Stockbridge Munsee Community of Wisconsin, and two other tribes. The Cayuga claim includes the New York Cayuga Tribe and the Seneca-Cayuga Tribe of Oklahoma.

“Oddly enough, four of these very same tribes that lost their land claims, or precedent to lose them, and corresponding off-reservation casino deals in close proximity to New York City, with the New York Mohawk tribe in the same boat, all testified at the Oversight Hearing on Status of Settling Recognized Tribes' Land Claims in the State of New York July 14th.

“The...Upstate Citizens for Equality, Inc. (UCE) has three chapters, with close to 11,000 members, which have had numerous demonstrations, rallies, and repeatedly written, petitioned, lobbied, and picketed our elected representative's offices to emphasize fighting these frivolous claims in the courts and NOT agree to any plea bargain settlement. We did so because our New York officials have made numerous offers of casinos, tens of thousands of acres of land including private property owned by farmers who did not want to sell, and millions of dollars. The tribes refused these offers and wanted more. One can hardly even insinuate that our “New York officials failed to address these important issues ...”, as Congressman Pombo has stated.

“The tribes that testified already have lands and casinos, so we're sure they can afford to garner the attention of Mr. Pombo. But to state in a press release that “all parties testified” is another “oversight”. The only others to testify were the BIA Acting Principal Deputy Assistant Secretary, who works for the tribes, and the Committee on Native American Affairs and Gaming.... Neither landowner's groups, of which there are many, or the state, or counties with land claims against them were represented.

“An appeal to the U.S. Supreme Court has just been filed in Dalton v. Pataki to clarify if the federal government can override a state constitution that prohibits casinos. If we win this, most of the land claims will likely disappear anyway....UCE won our lawsuit declaring the New York Oneida casino to be unconstitutional three years ago. It's not in Indian Country and there is no compact....

“As for Pombo's warning (that)...the Committee (is) ready to move forward with legislation settling the ‘non-existent’ claims, with or without the help of New York politicians in Albany and DC., it would likely violate the 10th Amendment and the Takings Clause of the Fifth Amendment. Get ready for more lawsuits....

“For Congress to undue what has taken us decades to accomplish by finally bringing matters to a close would be borderline terrorism from within. In any lawsuit there is always a loser. The system works. We were the defendants and finally have favorable rulings by the courts. Don't allow the plaintiff losers to sway the logic of Congress and use congressional, well intentioned, efforts to try and undo what has already been settled.”